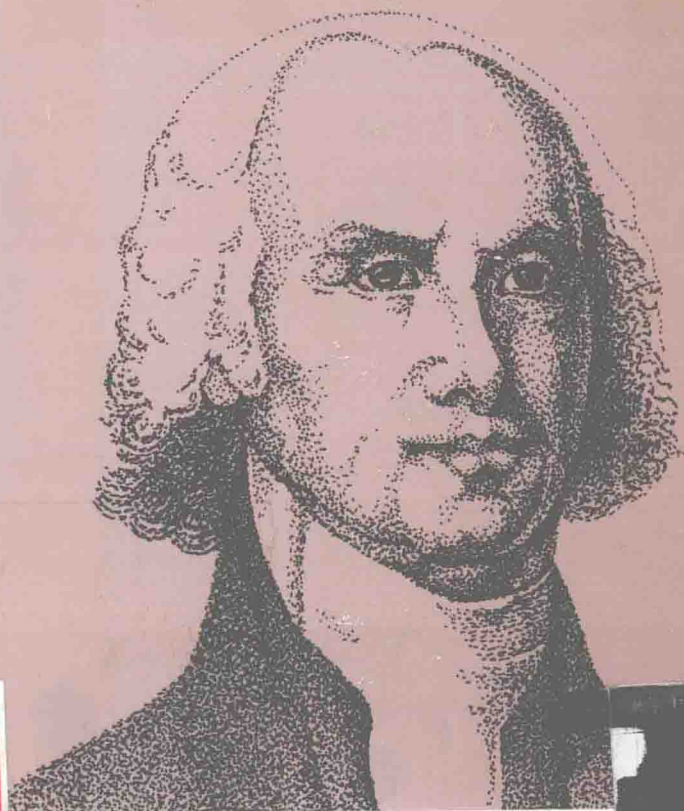


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Jack N. Rakove

James Madison

and the Creation of the American Republic



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Acknowledgment

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Editor's Preface

James Madison left college just as the American Revolution began to stir; he completed his second term as president when the divisive War of 1812 confirmed the nation's independence. Thus, Madison participated in the most critical political developments of the first half-century of the United States.

As a young Princeton graduate, Madison carried into Virginia politics well-formed ideas about the nature of the state and its relation to society, gleaned from wide reading and stimulating courses. The actual experience of forming a government and then getting it to work, however, revealed the shortcomings of book learning. He and other Americans faced immense tasks—uniting a nation that extended over immense distances; and forming a free government that would rule by the consent of the governed. No precedent, ancient or modern, provided a guide.

The personal and national challenge to accomplish these tasks came during Madison's participation in the Constitutional Convention of 1787. There he took the initial steps to translate into reality the general ideas about politics derived from his studies. Madison recognized, at that point, that reality required compromise to bring people of different backgrounds together. He also recognized that the Constitution, as ratified, remained an abstract framework. To make it work required further effort and a process of adaptation that significantly changed the way in which the government functioned. Madison participated actively in those efforts as a member of Congress, as a party leader, and finally as president. In all those roles, he learned to appreciate the distance between theory and reality. Professor Rakove's thoughtful book traces those steps in vivid detail.

Oscar Handlin

Author's Preface

In 1831, not long after his eightieth birthday, James Madison received a letter from a popular New York writer who wanted to know whether the retired statesman would be willing to prepare a sketch of his autobiography. The brief memoir Madison drafted contained no ringing statement of principles that he hoped history would vindicate, no proud recollections of victories won, no poignant reflections on the occasional defeats in a political career of forty years. Madison's sketch provided only a bare outline of his public life. That was the way he wanted it. The biography of a public man, he felt, should be a record of what he had done, not a gossip tale of ambition and desire, disappointment and education. In his own lifetime he took care to preserve his political papers as well as to insure that the details of his private life would remain hidden from prosperity. After his death in 1836, his widow, Dolley Madison, honored his wishes and protected his privacy. It is the public man alone whom we can know with any confidence.

Even had Madison been more gracious toward the curiosity of later generations, however, our impressions of him might not be very different. For, in truth, it was only in the conduct of public affairs that his deepest traits and interests found expression. Force of personality alone could never have elevated him to the distinguished rank he holds among the founders of the American republic. Of the three men who preceded him as president, Madison lacked the stern but charismatic dignity of Washington, the obstreperous and restless temper of John Adams, and the warmth and charm of his good friend, Thomas Jefferson. Nor did his personality cause him to shine among his contemporaries. He was less bold than Alexander Hamilton, less cosmopolitan than Benjamin Franklin, less ambitious than Robert Morris or James Wilson. Thomas

Paine was a far more effective writer, and Patrick Henry and Richard Henry Lee, his Virginia rivals, far more stirring orators.

Such was the power of his intellect and the creativity of his political thought, however, that Madison has rightly come "to be regarded," the historian Michael Kammen observed, "as the most profound, original, and far-seeing among all his peers." In the task of creating the national republic, he had many partners, but few equals. From his arrival at the Continental Congress in 1780 until his retirement from the presidency in 1817, Madison played a key role in every significant political development: the earliest efforts to amend the Articles of Confederation, the adoption of the Federal Constitution of 1787, the framing of the Bill of Rights, the organization of the first opposition party, and the long diplomatic and military struggle that ended with the War of 1812, America's second war of independence.

In the upsurge of Madisonian scholarship of recent decades, it is still Madison the thinker, rather than Madison the politician or leader, who has commanded attention and applause. His greatest contributions to the new republic, it is often suggested, were more those of the engaged intellectual than those of the creative statesman. Yet, in his own way, he was an extremely adept and skillful leader. If Madison's style of leadership was destined to give way before the mass politics of the nineteenth century, it still served him quite well in the world that the Founding Fathers inhabited. Understanding how Madison and many of his contemporaries combined a deeply principled and intellectual attitude toward politics with the responsibility of conducting the affairs of state is essential to understanding both their remarkable achievements and the limitations of their vision.

Jack N. Rakove

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CHAPTER ONE

Piedmont and Princeton



James Madison was born on March 16, 1751, into the class of landed Virginia planters who expected to govern their colony as a matter of right. His paternal great-great-grandfather, John Maddison, had settled in the colony in the mid-seventeenth century, an early arrival among a wave of immigrants whose families ruled Virginia for the next two centuries. A ship's carpenter of some ambition, John Maddison had managed to pay the costs of transporting a dozen indentured servants to England's first successful colony in North America. By 1653 he was entitled, under Virginia's headright system, to six hundred acres of land, fifty for each immigrant whose passage he had paid. By the time of his death, around 1683, he held another thirteen hundred acres. In the early Chesapeake, where life was (as Thomas Hobbes put it) "nasty, brutish, and short," the first Maddison was one of the lucky winners who laid a foundation for his descendants' prosperity.

His son and grandsons added substantially to the family holdings. Ambrose Madison—John Maddison's grandson—carried his branch of the family into the Virginia piedmont, settling in Orange County after his marriage to Frances Taylor in 1721. Their only son, James, the President's father, was born there in 1723.

Ambrose died in 1732. Though as sole male heir James might have married early, not until September 1749 did he take as his bride Nelly Conway, seventeen years old and the youngest

daughter of a merchant-planter of Caroline County. Their first son and eldest child, James Madison, Jr., was born a year and a half later at the plantation of his maternal grandmother. Ten other children followed until the last was born in 1774, when Nelly was forty-two. Seven of her children lived to adulthood, while Nelly herself survived the rigors of childbirth to reach the ripe age of ninety-seven. The longevity of the Madisons suggests something about the improving living conditions of the provincial society into which James Madison, the favored son of a prominent family, was born.

His parents had both lost their fathers at an early age, and perhaps memories of their grief made them indulgent. James Madison, Sr., was also the wealthiest landowner in Orange County, and his eldest son could rest assured that his own prospects were quite secure. Madison's relations with his parents were both respectful and affectionate. Even when, in his early twenties, he experienced a period of uncertainty about his own purposes in life, there is no record of parental pressure on him. Later, when the Revolution called James to his political vocation, his father provided all the financial support James needed, at a time when the salary of a public official fell far below the required expenses.

By his early teens, Madison was acquiring the intellectual earnestness that marked him ever after. Living on an isolated plantation (with younger siblings to look after rather than older ones to pester), he welcomed the opportunity, at age eleven, to attend the school kept by Donald Robertson in neighboring King and Queen County. Schooling of any kind was scarce in Virginia, but Robertson, a University of Edinburgh graduate, kept a school as rigorous as its new pupil was serious. Among other subjects, Madison studied logic, philosophy, mathematics, astronomy, and French (with a Scots burr). He spent five years there, and another two being tutored at the family plantation, Montpelier, by the Reverend Thomas Martin. In 1769, at Martin's recommendation, the Madisons agreed that James would continue his studies at the College of New Jersey (later Princeton University) rather than Virginia's own William and Mary.

Madison, a sickly youth, feared the unhealthy environment of Williamsburg, but his decision to attend the College of New Jersey certainly reflected an awareness that it was a far better institution. A year before Madison matriculated, a prominent Scottish clergyman, John Witherspoon, had been named its new president. Witherspoon had earned a reputation defending orthodox Calvinism against more moderate elements of the Scottish Presbytery, and he was called to Princeton in part to pursue his campaign within the College. In America, however, *John W. H.* he exerted his greatest influence over his scholars (as undergraduates were once called) in philosophy, not religion. Witherspoon remade the college into a major outpost of the Scottish enlightenment, introducing his students to the moral philosophy of Frances Hutcheson, Thomas Reid, and Lord Kames, and the social science of Adam Ferguson, Adam Smith, and David Hume.

Many students leave college with only vague memories of what they have read; over time their notion of what their education meant is reduced to nostalgia for a circle of friends, recollections of a particular teacher whose interests somehow sparked their own, and odd memories of books and authors. Madison retained much more. He was an intense and ambitious student who graduated a year early and then stayed on to pursue further studies. Yet it would be fruitless to examine his education too closely for clues to his later thought. The political views he absorbed in college were commonplace throughout America; it took the experience of revolution to give his academic ideas the focus they needed. The years at Princeton were important in a more general way. They reinforced Madison's intellectual bent and gave him knowledge that he could draw upon as later occasions arose. He never lost the love of books he acquired there, nor his faith, typical of the Enlightenment, in the capacity of reason to deal with human affairs.

Yet a liberal education had one drawback. It left him ill-prepared for the life he faced upon his return to Montpelier. Only in retirement would he grow content to act the part of gentleman farmer. But the routines of planter society held little appeal for a young man of twenty-one, more interested in books

than in crops. Horse racing, too, was something he learned to enjoy only later in life. It is difficult to imagine the earnest graduate of 1771 relishing a good match race and the betting that accompanied it in the same way that many of the younger gentry of Virginia did. His father was still actively managing the family's lands, and since Madison was as yet uninterested in marriage, he had no reason to establish a plantation of his own. In truth, he was at loose ends. On the eve of the Revolution, he was a young man possessed of wealth, education, excellent prospects, and no plans. When his college friend William Bradford wrote to complain that "I leave Nassau Hall [at Princeton] with the same regret that a fond son would feel who parts with an indulgent mother to tempt the dangers of the sea," Madison knew what he meant.

Poor health kept Madison from worrying too much about a vocation. Writing to Bradford in November 1772, he confessed that his "sensations for many months past have intimated to me not to expect a long or healthy life." Though he hoped to recover his health, he felt little inclination "to set about any thing that is difficult in acquiring and useless in possessing after one has exchanged Time for Eternity." His life was probably in far less danger than he believed. But his anxieties were real enough, and they contributed to his striking lack of ambition.

His isolation "in an obscure corner" of the land was also irksome. Madison envied his friend Bradford, whose residence in Philadelphia placed him "at the Fountain-Head of Political and Literary Intelligence." While Bradford could return to Princeton for postgraduate study, Madison had to content himself with writing President Witherspoon for guidance about additional reading. And when Bradford mentioned a literary controversy that Witherspoon had sparked, Madison had to confess that a single notice in a Philadelphia newspaper was all he knew of it. "These things seldom reach Virginia," he reported, "and when they do I am out of the way of them."

Bradford was not only better situated than Madison, he was also choosing a profession. In August 1773 Bradford reported that the choices included religion, law, medicine, or commerce.

His own preferences, he noted, were strongly for law, whose only drawback (as always) was that "it is overstocked"; but he was anxious for his friend's opinion.

Madison struck a suitably sober note in response. He advised Bradford to consult his own genius rather than the "comparative Excellence" of the other pursuits. On the whole, he concluded, law seemed the most attractive field: "It is a sort of general Lover that woos all the Muses and Graces." Was its appeal also wooing Madison? After learning that Bradford, having followed his advice, found "but little of that disagreeable dryness I was taught to expect" in reading law, Madison reported that he, too, had "procured" some law books. But his own intentions were modest: "I intend myself to read Law occasionally." For Madison, such knowledge implied no choice of a vocation; it was only a necessary part of an education, leading as it did to an understanding of "the principles & Modes of Government."

Madison's own interest in politics, however, seemed slight. He understood the basic constitutional issues that had been driving Britain and its American colonies apart since the Stamp Act of 1765. And there was no question where his allegiances lay. Most of the students at Princeton believed the colonies should resist Parliament's attempts to tax His Majesty's loyal American subjects; President Witherspoon was himself a vigorous Whig who later signed the Declaration of Independence. Yet Madison's few surviving letters from the early 1770s ignored politics entirely. Even as late as January 1774, after Bradford had sent him a newspaper account of the Boston Tea Party, Madison replied in measured tones, "I wish Boston may conduct matters with as much discretion as they seem to do with boldness." A few further reflections exhausted his interest. "But away with Politicks!" he abruptly declared, reverting to a more familiar role. "Let me address you as a Student and Philosopher & not as a Patriot now." Revolution lay just around the corner, but Madison still preferred the pedantic themes of the schoolboy.

One political subject did arouse his passions in a way that linked the ideals of the scholar with the future concerns of

the politician: religious toleration. Like most of the colonies, Virginia had an established church—the Church of England. By European standards, its powers did not amount to much, nor did the Church command the intense loyalty of the population. Anglicanism, by its very nature, did not demand rigorous observance from its communicants; and Virginians, by their very nature, did not offer it. Equally important was the fact that Virginia was not religiously homogeneous. Large numbers of Presbyterians were settling in the backcountry, many of them Scots-Irish immigrants whose distaste for the Church of England ran as deep as their thirst for the whiskey they contributed to American life. Then, too, enthusiasm and strict Calvinism set a growing number of Baptists well apart from the polite forms and rational beliefs of the Anglicans.

The arrest in a neighboring county of several dissenting Baptists for preaching without a license drew from Madison the strongest political statements he would make before the Revolution. Writing to Bradford, Madison denounced the Anglican "Imps" he blamed for this persecution and then confessed that he no longer had the "patience to hear talk or think of any thing relative to this matter, for I have squabbled and scolded abused and ridiculed so long about it . . . that I am without common patience." Once again, Madison found reason to envy his friend in Pennsylvania, where religious toleration had taken root with the very founding of the Quaker colony a century earlier. How different remained the situation in Virginia. When Madison next wrote his friend in early April 1774, he predicted that the coming session of the Virginia assembly would fail to take appropriate measures in support of private rights of conscience.

In fact, the legislators who met at Williamsburg in May 1774 faced a more serious threat to the liberties of Virginians. They had hardly assembled when they learned that Parliament had approved an act closing the port of Boston until restitution was made for the tea that had been brewed in their harbor the previous December. When the legislators resolved to call a colony-wide day of prayer and fasting on June 1, the day the Boston Port Act would take effect, the royal governor ordered the assembly

dissolved. A rump session of the House of Burgesses met in Raleigh's Tavern a day later and took the first measures that committed the most populous and wealthy of Britain's American provinces to support its "sister colony" of Massachusetts.

Madison learned of the crisis even before the burgesses. In April he had left Montpelier to take his brother William north to school, a trip that enabled him to visit Philadelphia. There he witnessed the frantic political activity that followed the first word of the Boston Port Act. By the time Madison returned to Montpelier in late June, the entire continent was in ferment.

For Madison, as for other young men that fateful summer, the rush of public events was about to overtake both the commitments and uncertainties of private life. Had the Revolution not intervened, a mature Madison would probably still have taken a seat in the House of Burgesses and risen to the same position of responsibility that Thomas Jefferson, eight years his senior, already enjoyed. Plantation life could never have satisfied Madison, and his family's status could have given him ready access to office. Yet there was a world of difference between entering a legislature charged with overseeing the parochial concerns of a provincial society or finding oneself thrust into politics in the midst of a revolution. For Madison—as for John Adams, James Wilson, John Jay, and many others—the coming of the Revolution provided opportunities to discover talents they otherwise would never have known existed.

CHAPTER TWO

Politics as a Vocation



The political storm that broke over America in 1774 had been a decade in the making. The American Revolution had many causes, and the mix of concerns that led the colonists to renounce their allegiance to Great Britain varied from place to place and even from one individual to another. Yet at the core of the dispute lay one simple issue: What authority, if any, could the British Parliament justly exercise over America?

This question had first been posed in terms of the right of Parliament to impose taxes on America. In the Revenue Act of 1764, the Stamp Act of 1765, and the Townshend duties of 1767, the British government sought ways to make the colonists shoulder part of the financial burden of maintaining the enormous empire it had acquired with its victory over France in the Seven Years' War (1756–1763). Americans resented these requests because they felt they had already borne their fair share of the war's costs; but more to the point, they argued, such taxes could be imposed only by the free acts of their own assemblies, not by a Parliament in which they were not—nor ever could be—represented.

A debate that began over taxation quickly escalated into a dispute over representation and soon reached even higher levels of constitutional principle. Thoughtful colonists began to question whether they should obey any laws that Parliament enacted—even the Navigation Acts, which had regulated American commerce since the time of John Maddison. By the

early 1770s, radical American spokesmen argued that they owed allegiance not to Parliament but only to the Crown, and even then only if King George III treated his colonial subjects as favorably as he did the residents of Britain.

What was ultimately at dispute in this controversy was the same issue that would preoccupy James Madison in the 1780s. How could a great and expanding empire so divide the powers of government as to secure both the general interests of the whole and the particular rights of its many parts? British leaders asserted that sovereignty—the ultimate right to rule—could not be divided. Together, Parliament and Crown were the supreme governing power, whose decisions the colonists had to obey. Against this view, the Americans struggled to develop a theory of federalism, to distinguish what Parliament could and could not do. When the British insisted that this was an impossibility, Americans were forced to deny that Parliament could rightly claim any authority at all.

Only in 1774 did imperial officials learn just how many colonists supported this conclusion. In response to the Boston Tea Party, the British government decided to make an example of Massachusetts (which has never been an easy place to govern) by closing the port of Boston and radically altering the colony's government. The Coercive Acts of 1774 sought to force the descendants of the Puritans to repent their political sins, while teaching colonists elsewhere the costs of defiance. Instead, masses of Americans began first to assert the rights of resistance and then to calculate the benefits of independence.

When the crisis broke in 1774, James Madison was still one among thousands of Americans whose support of resistance had yet to be converted into actual participation in "the common cause." Back at Montpelier in late June, he again found himself in "possession of my customary enjoyments Solitude and Contemplation." Yet for the first time, his letters to Bradford betrayed a serious interest in politics. Madison wrote as a firm, even militant, Whig. He criticized those who favored avoiding all preparations for war until the British government could consider the petitions it would receive from the Continental Con-