Stuart Leibiger

Stuart Leibiger is Associate Professor and Chair of the History Department at La Salle University. He is the author of Founding Friendship: George Washington, James Madison and the Creation of the American Republic (1999). Leibiger has worked on the editorial staffs of the Papers of George Washington and the Papers of Thomas Jefferson and is a former Organization of American Historians Distinguished Lecturer.

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A COMPANION TO
JAMES MADISON AND
JAMES MONROE

Edited by

Stuart Leibiger
For Jennifer, Ethan, and Laura,
    My domestic team
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Catherine Allgor is a professor of history at the University of California at Riverside and a University of California Presidential Chair. She is the author of *Parlor Politics: In Which the Ladies of Washington Help Build a City and a Government* (2000) and *A Perfect Union: Dolley Madison and the Creation of the American Nation* (2006). She is currently researching coverture and the Founding.

Jeff Broadwater is a professor of history at Barton College in Wilson, North Carolina, where he was the Jefferson-Pilot Faculty Member of the Year in 2006–2007. He is also a past president of the North Carolina Association of Historians. His book *George Mason, Forgotten Founder* (2006) received the Richard Slatten Award from the Virginia Historical Society. His most recent book, *James Madison: A Son of Virginia and a Founder of the Nation*, was published by the University of North Carolina Press in 2012.


Meghan C. Budinger, formerly the curator of the James Monroe Museum and Memorial Library at the University of Mary Washington in Fredericksburg, Virginia, has curated a number of exhibitions related to James Monroe and his era, including *Our Face to the World: The Clothing of James and Elizabeth Monroe*, which highlighted historical costume used throughout the Monroes’ lives. She is a frequent guest lecturer on the subject of Monroe and his life, and has taught in the University of Mary Washington’s Department of Historic Preservation. She is currently the curator at the George Washington Foundation, also in Fredericksburg.

Christopher Burkett is an assistant professor of political science at Ashland University, and author of several online lesson plans on the American Founding and the 1787 Constitutional Convention.
for the National Endowment for the Humanities EDSITEment project.

Aaron N. Coleman is an assistant professor of history at Kentucky Christian University. He earned a PhD in American history from the University of Kentucky. He has published in the *Journal of the Early Republic* and is currently researching the reintegration of the loyalists and the constitutional settlement of the American Revolution. He is a 2001 graduate of Cumberland College (now the University of the Cumberlands). He lives in Paintsville, Kentucky, with his wife and two children.

William M. Ferraro earned a PhD in American civilization from Brown University and is an associate professor and associate editor with *The Papers of George Washington* at the University of Virginia. He previously worked with *The Salmon P. Chase Papers* at Claremont Graduate School and *The Papers of Ulysses S. Grant* at Southern Illinois University Carbondale. His research interests include these historical figures and John Sherman, William Tecumseh Sherman, and James Monroe.

Alan Gibson is a professor of political science at California State University, Chico. He is the author of numerous articles on James Madison and the American Founding as well as *Interpreting the Founding: Guide to the Enduring Debates Over the Origins and Foundations of the American Republic* (2006) and *Understanding the Founding: The Crucial Questions* (2007). Gibson has held fellowships at the James Madison Program in American Ideals and Institutions, Princeton University, the Social Philosophy and Policy Center at Bowling Green State University, and the International Center for Jefferson Studies in Charlottesville, Virginia.

Kevin R. C. Gutzman is a professor of history at Western Connecticut State University. He is the author of *James Madison and the Making of America* (2012), *Virginia’s American Revolution: From Dominion to Republic, 1776–1840* (2007), two other books, and hundreds of articles and reviews. He is also a featured expert in the documentary film *John Marshall: Citizen, Statesman, Jurist*.

Mary Hackett has edited *The Papers of James Madison: Secretary of State Series* since 1988. In 1996 volume 2 of the series received the Arthur S. Link Prize from the Society of Historians of American Foreign Relations. In 2006 she received the Lyman H. Butterfield Award for recent contributions in the areas of documentary publication, teaching, and service from the Association for Documentary Editing.

Peter Daniel Haworth is the editor of *ANAMNESIS, A Journal for the Study of Tradition, Place, and ‘Things Divine’*, and the founder of the Ciceronian Society. He earned a PhD in government from Georgetown University in 2008. He specializes in American political thought and constitutional law, especially the American Founding, federalism, the separation of powers, the war powers, confederations, and American exceptionalism.

Stuart Leibiger is an associate professor and History Department chair at La Salle University. He is the author of *Founding Friendship: George Washington, James Madison, and the Creation of the American Republic* (1999, 2001, 2006). He has written numerous articles on the Founders for historical magazines and journals, and has been a historical consultant for television documentaries and museums. He has worked on the editorial staffs of *The Papers of George*


David B. Mattern is a research professor and senior associate editor of The Papers of James Madison at the University of Virginia. He is the lead editor of five volumes of The Papers of James Madison, co-editor, with Holly Shulman, of The Selected Letters of Dolley Payne Madison (2003), and author of Benjamin Lincoln and the American Revolution (1995).


Sandra Moats is an associate professor of history at the University of Wisconsin–Parkside. She is the author of Celebrating the Republic: Presidential Ceremony and Popular Sovereignty, from Washington to Monroe (2010). She is currently working on a book entitled The Origins of American Neutrality, from the French Revolution to the Monroe Doctrine.

Jeffry H. Morrison is an associate professor of government at Regent University and a faculty member of the James Madison Memorial Fellowship Foundation in Washington, D.C. He has also taught at Princeton University, the United States Air Force Academy, and in the departments of government and history at Georgetown University, where he earned a PhD. He is the co-editor or author of numerous articles and four books on early American history and politics, including The Political Philosophy of George Washington (2009), and John Witherspoon and the Founding of the American Republic (2005, 2007).

Paul Douglas Newman is a professor of early American history at the University of Pittsburgh at Johnstown. He is the author of Fries’s Rebellion: The Enduring Struggle for the American Revolution (2004), and co-editor of Pennsylvania History: Essays and Documents (2010). He has written a number of articles and served on the editorial staff of Pennsylvania History: A Journal of Mid-Atlantic Studies for 11 years, five as editor.

David A. Nichols is an associate professor of history at Indiana State University, and the author of Red Gentlemen & White Savages: Indians, Federalists, and the Search for Order on the American Frontier (2008). He is currently finishing The Engines of Diplomacy, a study of the U.S. government’s Indian trading-house program.

Mackubin Thomas Owens is a professor of national security affairs at the Naval War College and editor of Orbis, the quarterly journal of the Foreign Policy Research Institute (FPRI). He has written extensively on U.S. security issues and the Founding period. He is

**Brook Poston** is a teaching fellow and PhD candidate at Texas Christian University under the direction of Dr. Gene Allen Smith. He is finishing his dissertation, titled *James Monroe and Republican Legacy.* He has a journal article on Madison and Monroe’s split and reconciliation during the election of 1808 under peer review. He earned a law degree from the University of Kansas.

**Daniel Preston** is the editor of *The Papers of James Monroe* at the University of Mary Washington. He has taught at the University of Maryland and Virginia Wesleyan College as well as at the University of Mary Washington. In addition to the Monroe Papers, Preston is co-editor of the Daniel Chester French Papers. He has received grants from the National Endowment for the Humanities, has held a Mellon Fellowship at the Virginia Historical Society, and received a David Bruce Fellowship at Keele University in Staffordshire, England.

**Jack N. Rakove** is the William Robertson Coe Professor of History and American Studies and professor of political science at Stanford University, where he has taught since 1980. He is a member of the American Philosophical Society, the American Academy of Arts and Sciences, and past president of the Society for the History of the Early American Republic.

**James H. Read** is a professor of political science at the College of St. Benedict and St. John’s University of Minnesota, and has been visiting professor of political science at University of California–Davis. His books include *Power versus Liberty: Madison, Hamilton, Wilson, and Jefferson* (2000) and *Majority Rule versus Consensus: The Political Thought of John C. Calhoun* (2009).

**Carey Roberts** earned his PhD in American History from the University of South Carolina in 1999. He has written and lectured widely on several areas of early American finance, federalism, and southern intellectual history. Currently he is associate professor of history at Arkansas Technical University.

**Arthur Scherr** teaches history at New York University. He has written numerous works on the political culture and foreign policy of the Early Republic, especially on James Monroe and Thomas Jefferson. His articles on Monroe have appeared in numerous scholarly journals, such as *Mid-America, The Historian, Southern Studies,* and *Midwest Quarterly.* He has devoted himself to rehabilitating the reputation of Monroe and to increasing interest in the fifth president among scholars and the general public.

**Michael Schwarz** is an assistant professor of history and a fellow of the Ashbrook Center for Public Affairs at Ashland University. He has published essays on Founding-era politics and diplomacy, and he is currently revising his doctoral dissertation on Thomas Jefferson and U.S. relations with Great Britain after the American Revolution. He lives in Ashland, Ohio, with his wife and 13-year-old beagle.

**Garrett Ward Sheldon** is The John Morton Beatty Professor of Political Science at The University of Virginia’s College at Wise. He is the author of 10 books on political theory, and on early American thought and religion, including *The
Political Philosophy of James Madison (2001). He has lectured at Oxford, Princeton, Moscow University, and the University of Vienna, Austria, and received the Outstanding Faculty in Virginia Award, the highest honor given academics in the Commonwealth.

David J. Siemers is a professor and chair of the Political Science Department at the University of Wisconsin–Oshkosh. Siemers specializes in the presidency and American political thought. He is the author of Ratifying the Republic: Anti-Federalists and Federalists in Constitutional Time (2002) and Presidents and Political Thought (2009).


J.C.A. Stagg was educated at the University of Canterbury in Christchurch, New Zealand, and at Princeton University. He is currently professor of history and editor-in-chief of The Papers of James Madison at the University of Virginia. In 2012 he published The War of 1812: Conflict for a Continent.

Adam Tate is associate professor of history at Clayton State University in Morrow, Georgia. He studied American history at the University of Alabama where he earned an MA and PhD. He researches and writes on American intellectual history. In 2005 he published Conservatism and Southern Intellectuals, 1789–1861.

Michael Zuckert is Nancy Reeves Dreux Professor of Political Science at the University of Notre Dame. He has written extensively on American political thought and is the founding editor of the journal American Political Thought.
This book, three years in the making, would not have been possible without seemingly endless hours of assistance from countless individuals. While it would be impossible for me to recognize the many people who contributed in one way or another, I would like to recognize those who helped the most.

I would like to thank my editor, Peter Coveney, as well as Galen Young, Allison Medoff, Sarah Dancy, Tom Bates, and the production and marketing staffs of Wiley-Blackwell. Copy-editor Claire Creffield went through the manuscript with a fine-toothed comb, ensuring uniformity of style throughout, and catching numerous errors and omissions. The Leaves and Grants Committee of La Salle University provided me with a year off from teaching to complete this project. La Salle History Department Secretary Lauren De Angelis assisted with the index and a variety of details. I would especially like to thank the 31 authors who found the time in their busy careers to contribute top-notch, state-of-the-field chapters to this volume. They completed their tasks in timely fashion and invariably put up with my edits and my badgering for drafts with good cheer. The countless librarians and archivists who helped all of the contributors deserve to be acknowledged as well. Finally, I would like to thank the members of my “domestic team” – Jennifer, Ethan, and Laura Leibiger – for providing love, support, diversion, and respite.
James Madison and James Monroe left a huge imprint on the Early American Republic. One or both of them served the public for 49 of the nation’s first 50 years of existence, from 1776 to 1825. Only during the year 1798 did neither man hold a state or federal office. Both served in the Virginia legislature, the Virginia Executive Council, the Confederation Congress, the U.S. Congress, and as secretary of state. Their combined service culminated with 16 consecutive years in which they occupied the office of the president of the United States, 1809–1825.

Despite their similarly impressive careers, historians and political scientists have treated these two Founders quite differently. Madison has won tremendous attention, especially for his roles as “Father of the Constitution,” and “Father of the Bill of Rights.” His political philosophy has received especially intense scrutiny. In addition to countless monographs, chapters, and articles, Madison has also been the subject of at least half a dozen biographies in the past five decades, with two more (one by Jeff Broadwater and one by Kevin R.C. Gutzman, both contributors to this volume) appearing in 2012. The Papers of James Madison, located at the University of Virginia and employing an editorial staff of eight, has thus far published 33 large letterpress volumes of Madison’s papers in four separate series. To date, all of Madison’s papers up through the year 1805 have been published, as well as substantial portions of his presidential writings, and one volume of his retirement correspondence.

James Monroe, on the other hand, has suffered a surprising degree of scholarly neglect. Only three biographies of Monroe have been published in the past half century. The Papers of James Monroe, located at The University of Mary Washington, with a much smaller editorial staff of two people, and much less public funding, has issued four volumes. As Arthur Scherr points out in his chapter on Monroe’s political philosophy (chapter 20), most Early National specialists are unaware that the fifth president even had a political philosophy.

Prior to the 1980s, Madison was often pictured as something of a flip-flopper, even by sympathetic biographers, one who performed an about-face from being a
leading Federalist-nationalist-loose constructionist in the 1780s, to becoming a Republican-states’ rights-strict constructionist in the 1790s. Scholars emphasized that Madison waffled in other areas as well, including on the Bill of Rights, a national bank, and internal improvements. Overall, Madison was seen as an inconsistent, weak sidekick to Thomas Jefferson, and as a timid, uninspiring, third-rate president and wartime commander-in-chief.

Since the 1980s, Madison’s reputation has enjoyed a remarkable resurgence, facilitated by the appearance of The Papers of James Madison volumes. Leading the way in enhancing our understanding and appreciation of Madison’s thought have been numerous historians and political scientists. In particular Lance Banning, Drew McCoy, and Jack Rakove have elucidated Madison’s thought in its full complexity, analyzed its strengths and weaknesses, and placed it into historical context.

Thanks to this recent scholarship, Madison has emerged not only as a sophisticated, nuanced, and flexible thinker, but as a remarkably consistent one as well. Once Madison’s core beliefs are isolated and understood, his course of action appears remarkably steady. These fundamental beliefs include preserving majority rule, minority rights, and the balance of power between the branches and levels of government. This rehabilitation of Madison, in short, has restored him to center stage as the Father of the Constitution. James Madison’s pre-presidential career was arguably as important as – if not more important than – his presidency. This observation is amazing, considering that Madison served two terms as chief executive and took the nation into its first declared war. Today the Virginian is remembered more as a legislator than as a chief executive, and his pre-White House record is studied more than his presidency. This volume, however, devotes as much attention to Madison’s nineteenth-century career as it does to his eighteenth-century record. Overall, as I argue in chapter 15, Madison emerges as “much more than a brilliant political philosopher. He also stands out as a practical statesman, one as capable of accomplishing great deeds as of thinking profound thoughts.”

James Monroe has not drawn as much scholarly attention as Madison, yet presidential polls consistently rank him as near-great. (In 16 surveys of professional historians taken from 1961 to 2011, he ranks from a high of 7 to a low of 16. The 2010 Siena poll ranks him the seventh greatest president.) Very recent scholarship, especially Robert P. Forbes’s The Missouri Compromise and its Aftermath (2007) and Giles H. Unger’s The Last Founding Father (2009), is finally recognizing Monroe’s contributions. As I began to recruit contributors to this volume, more than one colleague warned me that I would struggle to find authors willing to write on Monroe. Quite to the contrary, I was pleasantly surprised to find that scholars eagerly snapped up the Monroe chapters even more quickly than the Madison ones. This volume gives Monroe’s long and distinguished career the attention it deserves. As Michael J. McManus concludes in his chapter on President Monroe’s domestic policies (chapter 27), the Virginian is “perhaps America’s most underappreciated great president.”

Grounded in the latest scholarship and written by leading Madison/Monroe specialists, each essay in this volume explores a specific theme or episode in the lives of these two statesmen. Nineteen chapters are devoted to Madison, 12 chapters focus on Monroe, and a final historiographical chapter examines both presidents. Most of the chapters trace their lives in chronological progression, although a few thematic chapters are included as well. The thematic essays address each man’s political
philosophies, key friendships and collaborations, and domestic lives. Pivotal issues such as Madison and slavery are also covered. Each chapter synthesizes current scholarship and offers new insights based on original research into primary sources. The chapters can be read individually to learn about a specific time period or topic. Read cover to cover, the book serves as the definitive biography of each Founder for academics, graduate and undergraduate students, and non-specialists alike.
Figure 1.1  U.S. Congressman James Madison by James Sharples, c. 1796–1797. (Courtesy of Independence National Historical Park.)
Chapter One

JAMES MADISON’S POLITICAL THOUGHT: THE IDEAS OF AN ACTING POLITICIAN

Jack N. Rakove

Introduction

James Madison’s stature as America’s greatest political thinker is dominated by the leading role he played in the adoption of the federal Constitution of 1787 and the subsequent amendments that Congress proposed to the states in 1789. On both occasions, his agenda for political action was strongly shaped by his 1787 analysis of the “Vices of the Political System of the U. States,” a title which covered fundamental problems of federal and republican government (PJM, 9:348–57). Madison’s reputation as a political thinker is also tied more directly to the critical essays that he wrote to support his political goals, particularly his 29 contributions to The Federalist during the ratification debates of 1787–1788. Scholars generally regard these essays as the strongest, most original statements of the underlying theory of the Constitution. They represent an American answer to the work of Charles de Secondat, Baron de Montesquieu, with his paradigmatic views of the optimal size of republics and the separation of powers. Madison made Montesquieu, “the celebrated oracle” of eighteenth-century political science, his effective target in Federalist 10 and again in Federalist 47–51. By arguing that an extended, socially diverse national republic could better protect personal liberty and the public good than the small homogeneous polities that Montesquieu idealized, Madison rebutted one of the standard arguments of early modern political theory. Similarly, his discussion of the separation of powers moved away from the rigid division between legislative, executive, and judicial branches that many readers found in Montesquieu, opening the way for a scheme of checks and balances that better accords with the framers’ ideas of a constitutionally balanced government.

Commentary on these essays and Madison’s other contributions to The Federalist sustains a cottage industry of scholarship. Academics often write of “the Madisonian
Constitution,” as if the decisions of 1787 were distinctively his legacy, and they treat *The Federalist* essays as the authoritative exposition of the document’s meaning (Thomas, 2008). Because Madison has attained this status, scholars often focus their attention on the public statements of his ideas, as the mature expression of his thoughts and the sources most likely to influence others. Yet Madison arguably did his most creative thinking, not to convince others, but to shape his own course of political action. He was not, to borrow his own words in *Federalist* 37, merely “an ingenious theorist” conjuring “a constitution planned in his closet or in his imagination.” He did not regard himself as a political philosopher writing in the abstract, but as a political actor who sought to understand how the deliberations and decisions of government reflected deeper patterns of republican politics. “He had a historian’s mind, which was a great intellectual advantage,” the late political theorist Judith Shklar aptly observed. “It enabled him to penetrate to the logic of collective action even when on the surface there seemed to be nothing but random irrationality and partisan wrangling” (Shklar, 1991:6). To understand Madison’s political thought, it is essential not merely to know what he wrote in his various papers, but to see how the questions he pursued emerged from the specific crises he faced.

Broadly speaking, there were three major phases in Madison’s political thinking. The first and arguably the most creative phase began in the mid-1780s, when he assessed lessons drawn from service in the Continental and Confederation Congresses and the Virginia legislature to fashion the agenda of constitutional reform he pursued in 1787. During this period, Madison focused on the problem of legislative misrule within the states, which he traced not only to the parochial qualities of lawmakers, but also to the influence placed on their deliberations by the people themselves. The second major phase in his thinking began in the early 1790s, as Congressman Madison and his close friend and ally Secretary of State Thomas Jefferson moved to oppose the financial and foreign policies of President Washington and Secretary of the Treasury Alexander Hamilton. During these years, Madison thought far more seriously about the nature of executive power than he had done previously. Equally important, he reconsidered the role of public opinion in republican government, moving beyond his fearful views of the 1780s to ask how the public could be mobilized to maintain constitutional norms. This phase of his political thinking culminated with the Republican electoral victories of 1800–1801. Over the next 18 years, Madison played much more the role of statesman than political thinker. After retiring from the presidency in 1817, however, he spent the remaining two decades of his life contemplating the meaning of the American experiments in republicanism and federalism. Though he wrote no published treatise during these years, his papers and other memoranda often discussed the Constitution and the political values it represented.

### Revolutionary Experiences

Already a serious reader, young Madison left the family plantation near Orange, Virginia, in 1769 to attend the College of New Jersey (now Princeton University). Then 18, Madison entered college at a relatively late age, which proved an intellectual advantage. He formed a close relationship with the college’s new president, John Witherspoon, who both invigorated the college’s Presbyterian identity and advanced
the broader learning of Scotland’s great period of Enlightenment. Some observers think that Madison’s views of human nature grew from Calvinist roots at Princeton, but the evidence for this is flimsy, and Madison never wrote directly about his religious convictions (Sheldon, 2001). After he returned to Virginia in 1771, however, he saw religious belief as an absolute natural right, not a liberty to be extended at the discretion of the state.

Madison entered politics as a delegate to Virginia’s Fifth Provincial Convention in the spring of 1776. He secured an amendment to Article XVI of the Virginia Declaration of Rights. As drafted, the article offered religious toleration on behalf of the state; with his amendment, it instead recognized a right to free exercise inherently belonging to the citizens of Virginia. Madison returned to the new legislative assembly in the fall of 1776, where he first met Jefferson. Although defeated for re-election the next spring, Madison was soon appointed to the state executive council. In March 1780 he joined the Virginia delegation to the Continental Congress. He served three and a half years there without a leave before he was term-limited out of Congress under the Articles of Confederation. After returning to Virginia, he represented Orange County in the House of Delegates for three terms (1784–1786).

These two sustained rounds of deliberative politics – first in Congress, then in the Virginia legislature – provided the experience upon which Madison fashioned his critique of American federalism and republicanism. Federal concerns originally dominated his thinking. He formed an unfavorable impression of Congress when he first arrived in March 1780, but over time he came to appreciate the dual difficulties under which it labored (PJM, 2:6). For Congress to act effectively, it first had to attain internal consensus, which proved hard enough with members frequently absent and individual delegates sometimes seeking to hamstring its deliberations. But even after achieving consensus, it still had to persuade the state legislatures to fulfill their obligations to the federal Union, a nearly impossible task because Congress had no influence over state politics. After he returned to Virginia, Madison became a dominant figure in the assembly, where he worked hard to promote pro-federal attitudes. But the longer he served, the more disillusioned he grew over the narrow provincialism of ordinary legislators. Moreover, by 1785 he found the poor quality of republican governance within the states troubling. In his increasingly jaundiced view, legislative demagogues and hacks whose standards of political judgment fell far below the high ideals of republican theory dominated state politics. Not only were they indifferent lawmakers; they were also all too vulnerable to the passions and interests that swirled through state politics. Over time, this “disgust” with the internal government of the states became at least as important a stimulus to Madison’s thinking as his original concern with the weakness of the general government.

From these experiences, Madison began to rethink the dual problems of federalism and republicanism. To make the Articles of Confederation work required legislators in each of the states to develop more informed attitudes about the provincial stake in the collective national interest. Within each of the states, he wanted to see representatives acquire a capacity to deliberate and to appreciate the process of framing legislation. At first glance, these issues seemed to be discrete. But the more Madison thought about them in the mid-1780s, the more he believed that the collective problems of federalism and republicanism could be tied to a common set of causes.
One early expression of Madison’s thinking came in 1785, when a college classmate’s request for advice on a constitution for Kentucky prompted Madison to record his thoughts about the state constitutions written in the mid-1770s. Madison began with a sharp critique of the lack of “wisdom and steadiness” in state legislation. The states sorely needed, he thought, true senates capable of checking impulsive legislation, committees that were technically qualified to draft legislation, or an institution like the joint executive-judicial council of revision in New York, which held a limited negative over legislation. Properly constructing the judiciary posed another concern; indeed, in Madison’s view, the judiciary mattered far more than the executive. Rejecting a popular republican maxim that “Where annual elections end, slavery begins,” Madison thought that three-year terms would not only insulate representatives from impulsive public opinion, but allow lawmakers who ordinarily served only a term or two to learn their business (PJM, 8:350–57).

Yet by 1785–1786, the problem of federalism was becoming far more urgent. Like many supporters of a stronger Union, Madison hoped that the adoption of individual amendments to the Articles would demonstrate that Americans could give Congress additional power without reducing the essential autonomy of the states. But as the revenue and commercial amendments proposed in 1783 and 1784 languished short of unanimous approval, Congress was disparaged as an “imbecile” body. Any further reforms it proposed seemed likely to fail. Overcoming some early misgivings, in January 1786 Madison supported a resolution in the Virginia assembly to invite the other states to attend a convention to discuss giving Congress authority over commerce. Elected a commissioner, Madison prepared for the meeting at Annapolis in September by beginning to rethink basic questions of republican and federal governance.

During this period, working with a “literary cargo” of books that Thomas Jefferson shipped from Paris, Madison began a course of study on the history of “ancient and modern confederacies” (PJM, 8:501). Madison came away from this reading convinced that the recurring flaw in most unions was their failure to accord adequate authority to the central governing institutions. The inherent problem confederations repeatedly faced was not that they encouraged a dangerous flow of power to the center, but rather that member states retained too great a check on how these confederations operated. That diagnosis easily fit the American situation in the 1780s, but the works Madison consulted provided no ready solution to the evils they diagnosed (PJM, 9:4–24).

The sharp sectional division within Congress over the Mississippi River, which Spain had closed to American navigation in 1784, heightened Madison’s concerns about American federalism. Madison found this regional split ominous for another reason, implying as it did that a Union of 13 states could devolve into several regional confederacies. Equally important, it encouraged him to consider a broader problem: whether majorities which had the right to rule in republican governments should do so when their decisions violated the basic public good. In a private letter to James Monroe in October 1786, Madison casually remarked that he had been wondering whether “the interest of the majority is the political standard of right and wrong” (PJM, 9:141). Republican government was premised on the principle of majority rule. But should those majorities retain that power when they pursued policies inimical to the fundamental rights and interests of minorities, whether of states or the people themselves?