

# H-Net Reviews

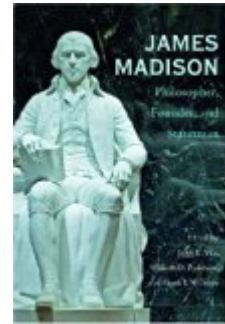
in the Humanities & Social Sciences

John R. Vile, William D. Pederson, Frank J. Williams, eds. *James Madison: Philosopher, Founder, and Statesman*. Athens: Ohio University Press, 2008. xiv + 302 pp. \$55.00 (cloth), ISBN 978-0-8214-1831-4; \$26.95 (paper), ISBN 978-0-8214-1832-1.

Reviewed by Matt Harris

Published on H-Law (January, 2011)

Commissioned by Christopher R. Waldrep



## Reassessing James Madison's Life and Legacy: *Primus Inter Pares?*

The public's fascination with the founding fathers shows no signs of letting up. In the past fifteen years there has been a steady stream of books published on the founding fathers, covering their wartime exploits, their efforts at nation-building, how they treated their slaves, the relationships they had with their wives, and their role in building the new nation. Books on the usual suspects have all been published, to considerable acclaim. Ron Chernow's *Alexander Hamilton*, David Hackett Fischer's *Washington's Crossing*, David McCullough's *John Adams*, and Joseph Ellis's *Founding Brothers* have all either been on bestseller lists and/or won big prizes.[1] James Madison has not fared as well, but he has not been neglected, either. While he has not had the attention in the popular press that the Washingtons or Adamses have enjoyed, he has, nonetheless, been studied by scholars whose work has been published by major university presses. These works, written by historians and political scientists, have explored Madison's views on constitutional theory, the Bill of Rights, and, more recently, his accomplishments in his retirement years.[2]

This book fits with the latter group. It is a collection of fifteen essays presented by political scientists and historians at Louisiana State University Shreveport in 2006. The essays, though not of equal quality, cover Madison the "Philosopher, Founder, and Statesman," which is the subtitle of the book. It is divided into six sections spanning a range of topics including Madison's intellectual influences, Madison's constitutional contributions, Madison

and religious freedom, Madison as president and party leader, and Madison and the Supreme Court. Though some of the essays lack originality and insight, they offer a trenchant insight into why Madison is important "for understanding the American experiment in constitutional government" (p. vii).

John Vile's essay "James Madison and Constitution Paternity" discusses Madison's "credentials as a Founding Father." While he does not grapple with the arguments that Harold Shultz raised long ago in his well-known piece "James Madison: Father of the Constitution?" published in *The Quarterly Journal of the Library of Congress* in 1980, the essay is still useful for its insights comparing Madison's accomplishments to those of the other delegates. Vile notes that Madison never felt comfortable for being called the "father of the Constitution." Vile does not like the title either, and takes to task scholars who have accorded Madison the label without considering that the Constitution was the work, as Madison put it, of "many heads and many hands" (p. 41). Yet, despite his criticism of other scholars for giving Madison too much credit for drafting the Constitution, he praises Madison for taking notes at the Constitutional Convention, writing an important tract on republican government—the Federalist Papers—and for getting the Bill of Rights ratified. Because of these accomplishments, Vile believes that Madison stands out as a "first among equals" when it comes to "constitutional paternity" (p. 52).

Another essay, Alan Gipson's "Inventing the Extended Republic," assesses Federalist Nos. 10 and 51 and argues that they did not play a role in either constructing or ratifying the Constitution. In advancing this claim, his work covers a well-trodden path first advanced by Linda Grant Depauw in her award-winning book, *The Eleventh Pillar: New York State and the Federal Constitution* (1964), in which she argues that the Federalist Papers were too abstract and sophisticated for most New Yorkers to understand. As a result, she explains, Madison's defense of the Constitution did not have much of an impact convincing New Yorkers to ratify the Constitution. Gipson advances a similar point, though he does not cite Depauw in his essay. Drawing on the work of Gordon Wood, Larry Kramer, Jack Rakove, Michael Zuckert, and others, Gipson contends that Madison's views of an "extended republic" did not influence the ratification campaign because delegates believed there were more pressing issues than whether the new republican government could exist in a small geographical area.

Mary Stockwell's essay evaluating the friendship between Madison and Alexander Hamilton is another interesting piece. In "Madison and Hamilton: The End of a Friendship" she discusses how the partisanship strife of the 1790s divided the two men and ended their friendship. Her analysis of their work on the Federalist Papers is particularly interesting, although she does not take into consideration Alpheus Thomas Mason's influential article, "The Federalist—A Split Personality" (1952), wherein he provides a rich analysis of Madison's and Hamilton's collaboration in the Federalist Papers, exploring how they diverged on matters of national power, state sovereignty, and the role of the judiciary.

One of the more provocative essays is Rodney Grune's "James Madison and Religious Freedom." Grunes argues that "Although the U.S. Supreme Court has accorded Thomas Jefferson a higher profile, no American founder contributed more than James Madison in developing the nation's ideas on freedom of conscience, the free exercise of religion, and the separation of church and state" (p. 105). Such a bold statement will no doubt raise the ire of Jefferson admirers, who believe that Jefferson's metaphor of church and state has placed him in a position of preeminence as the nation's protector of religious liberty. Still, Grunes's daring claim merits considerable attention.

Drawing on Madison's *Memorial and Remonstrance Against Religious Assessments* (1785), as well as his *Detached Memoranda* (before 1832), a more obscure writing,

Grunes posits that Madison's relentless support for "freedom of conscience" and separation of church and state made him a champion of religious liberty, even surpassing the father of religious liberty himself, Thomas Jefferson. Grunes writes that Madison displayed a remarkable consistency throughout his career articulating why it was wrong to privilege one religion over another, or to use taxpayer monies to support religious causes. He laments the fact that Madison's writings have not been as influential as Jefferson's, whose famous metaphor first entered the American lexicon in 1947 when Supreme Court Justice Hugo Black popularized it in his famous opinion in *Everson v. Board of Education*.

Since that time, the "wall of separation" metaphor has become the template against which most justices have evaluated religious liberty cases in the United States. Even so, Grunes writes, Madison has not escaped the notice of the Supreme Court. Justice Wiley Rutledge appended the entire *Memorial and Remonstrance* to his dissenting opinion in *Everson*, while later justices drew upon the *Detached Memoranda* to provide a philosophical justification explaining why school prayer at graduation ceremonies violated liberty of conscience, or how depictions of the Ten Commandments in courtrooms privileged one religious tradition over another. For these reasons, Grunes thinks that the modern Court should give more weight to Madison's phraseology of "perfect separation" and less on Jefferson's separation of church and state (p. 122).

As arresting as Grunes's thesis is, there are several shortcomings that mar his work. First, he gives Jefferson short shrift and does not explain how his writings compare in scope and impact to Madison's. Second, he does not contextualize Madison's *Memorial and Remonstrance* and *Detached Memorandum*, which would have bolstered his claims advancing Madison as a serious religious thinker. There is no discussion, for example, of whom Madison's writings were intended to address, the impact they had, or how his contemporaries regarded the work. Similarly, Grunes provides little discussion on Madison and the free exercise clause, although he spends considerable attention on the establishment clause. Thus, it is not clear what liberty of conscience really means for Madison.

The last third of the essays are not as strong as the first. Essays like "President James Madison's Appointments to the U.S. Supreme Court" by the distinguished political scientist Henry J. Abraham, are short and thus do not provide much clarity on this part of Madison's

career. Other essays, such as “James Madison: Brilliant Theorist, Failed Tactician” by Byron W. Daynes and Mark Hopkins and “The Legislative Messages of the Madison Administration” by Samuel B. Hoff, are generally helpful for providing a quantitative analysis of Madison’s presidential years, providing a number of charts and graphs. The final essay, by James Read, explores “Madison’s Response to Nullification,” which retraces much of the same ground that Drew McCoy covered more than twenty years ago in his *The Last of the Fathers: James Madison and the Republican Legacy* (1989). Echoing McCoy, Read asserts that John C. Calhoun’s attempts to co-opt Madison’s support during the nullification crisis both angered and frustrated the aging statesmen as Calhoun drew upon Madison’s writings to justify nullification.

Despite these criticisms, however, these essays provide a rich and nuanced look at Madison’s life and legacy. In addition, they suggest new lines of inquiry for scholars to pursue. Finally, they force us to grapple with the editors’ claim that Madison was indeed *primus inter pares* among his countrymen with respect to liberty under law,

freedom of conscience, and for “understanding the American experiment in constitutional government” (p. vii).

#### Notes

[1]. Three of these studies have won the Pulitzer Prize: Joseph Ellis, *Founding Brothers* (New York: Alfred Knopf, 2000); David McCullough, *John Adams* (New York: Simon & Schuster, 2001); and David Hackett Fischer, *Washington’s Crossing* (New York: Oxford University Press, 2004). Ron Chernow’s *Alexander Hamilton* (New York: Penguin Press, 2004) won the Yale Book Award and the George Washington Book Prize.

[2]. See, for example, Gary Rosen, *American Compact: James Madison and the Problem of the Founding* (Lawrence: University Press of Kansas, 1999); Richard Labunski, *James Madison and the Struggle for the Bill of Rights* (New York: Oxford University Press, 2006); and Ralph Ketcham, *The Madisons at Montpelier: Reflections on the Founding Couple* (Charlottesville: University of Virginia Press, 2009).

If there is additional discussion of this review, you may access it through the network, at:

<https://networks.h-net.org/h-law>

**Citation:** Matt Harris. Review of Vile, John R.; Pederson, William D.; Williams, Frank J., eds., *James Madison: Philosopher, Founder, and Statesman*. H-Law, H-Net Reviews. January, 2011.

**URL:** <http://www.h-net.org/reviews/showrev.php?id=29312>



This work is licensed under a Creative Commons Attribution-NonCommercial-No Derivative Works 3.0 United States License.