Chapter 11

Madison and the Constitution

Balancing Vice with Vice

THE HIGHER THE STAKES, THE MORE THE REVOLUTIONARY GENERATION tended to turn for wisdom to the Romans and Greeks. American classicism crested during the 1780s, as Americans pondered the future shape of their government. Yet by the end of the Constitutional Convention, the tide had begun to turn against such faith in ancient wisdom. And by the time of the state meetings to decide whether to ratify the proposed Constitution, the current was running out hard.

For the framers of the Constitution, Enlightenment thinkers—who again were intensely focused on the problems of ancient Greek and Roman government—stood just behind the classical authors. Foremost among that group was Montesquieu, who accounted for some 60 percent of references made to Enlightenment writers by American political commentators of the 1780s. One reason for the Frenchman's ubiquity is that both sides, Federalists and anti-Federalists, would find in his works passages to support their positions.

But the outcome of all this would be surprisingly unclassical: a Constitutional Convention that would devise what one historian calls "a new basis of republican government, a way of achieving a viable self-government that did not require virtue as its base." There would be no mention of "virtue" in the new foundational

document that emerged. In a way, the drafters used classical thought to escape its influence.

Designing Men

THEY BEGAN GATHERING IN PHILADELPHIA IN MAY 1787. MADISON WAS the first to arrive. Even now, we tend to see the Constitution through his eyes and words. He was aware that he was present at the creation of a new government. In his research, he had been struck by the lack of records of how the governments of ancient states were established, and thus seized the opportunity to leave behind a thorough accounting. He decided, he wrote,

> *to preserve as far as I could an exact account of what might pass in the Convention whilst executing its trust, with the magnitude of which I was duly impressed, as I was with the gratification promised to future curiosity by an authentic exhibition of the objects, the opinions & the reasonings from which the new System of Govt. was to receive its peculiar structure & organization. Nor was I unaware of the value of such a contribution to the fund of materials for the History of a Constitution on which would be Staked the happiness of a people great even in its infancy, and possibly the cause of liberty throughout the world.*

But there was a bit more to it. As Richard Brookhiser, one of Madison's more perceptive biographers, observes, "Madison was not only serving the muse of history." Madison also was a consummate politician, which means he was adept at wielding power and so understood that "information is power."

In addition, Madison's account is not entirely reliable. The historian Mary Sarah Bilder demonstrated in an intricate 2015 study that Madison fiddled with his notes on the Constitution all his life, combining some speeches, revising others, and omitting some of his comments that would be politically embarrassing if

revealed, such as his desire in 1787 to constrain the powers of the states.

The conventioneers settled in and began their deliberations by considering an extraordinary series of fundamental questions: Should the presidency be one person or several? Should each state have one vote in the Senate? Should state governments be abolished? Perhaps most of all, how could a representative system be devised that did not allow the large states too much power, yet still embodied the will of all the people?

Early on, on May 29, 1787, the Virginia delegation offered a plan that addressed many of these questions. Madison had played a large role in conceiving and drafting it. Instead of the existing one-house Congress making up the entire federal government, they proposed a two-house national legislature, with the lower elected "by the people." The new central government would have a separate "National Executive" and a "National Judiciary," the latter consisting of "one or more supreme tribunals." Less successfully, the plan also proposed giving Congress the power to veto state laws (a pet proposal of Madison's) and creating a "Council of revision" peopled by officials from the executive and judiciary that would review all new laws before they were enacted.

In their deliberations, the delegates had three basic points of reference: how the existing states worked; how the British system worked; and what precedents other republics offered—some recently in Europe, such as the Dutch, and some from the ancient world, with some of those examples from Rome but most from ancient Greece. And so the classical allusions soon began to fly. Pierce Butler of South Carolina worried about excessive executive power, asking, "Why might not a Cataline or a Cromwell arise in this Country as well as in others?" The next day he reminded his colleagues to keep in mind that their product had to be acceptable to the people: "We must follow the example of Solon who gave the Athenians not the best Government he could devise; but the best they would receive." Butler was alluding to a comment reported by Plutarch in his *Life of Solon*, an Athenian lawgiver of the sixth century BC.

James Wilson, a Scottish-born lawyer from Philadelphia, warned against having a multi-headed presidency: "Three will contend among themselves till one becomes the master of his colleagues. In the triumvirates of Rome first Caesar, then Augustus, are witnesses to this truth. The Kings of Sparta, & the Consuls of Rome prove also the factious consequences of dividing the Executive Magistracy." But it was James Madison who would delve deepest into the classical world—and also would begin to explore how to move beyond its limitations.

Madison's Central Role

AT THIRTY-SIX YEARS OLD, MADISON WAS RELATIVELY YOUNG. HE WAS not an impressive speaker. Short and frail, standing not much higher than five feet and weighing not much more than a hundred pounds, he was not physically imposing. He was not even a notable writer—there are few memorable phrases from his pen that we remember today. But he was knowledgeable. Through his studies he arrived in Philadelphia as what one biographer calls "the best-informed man in America on the principles of government."

Madison offered several comments in the first days of the convention and then, on June 6, delivered a major speech. The purpose of a national government, he began, was not just to deal with foreign powers and settle interstate disputes, but also to ensure "the security of private rights, and the steady dispensation of Justice." And that led directly to the question of how to balance competing interests. "In Greece & Rome the rich & poor, the creditors & debtors, as well as the patricians & plebeians alternately oppressed each other with equal unmercifulness." The solution, he concluded, was to go against the views of Montesquieu and create a large national republic: "The only remedy is to enlarge the sphere, & thereby divide the community into so great a number of interests & parties." He did not quite say so

here, but he was portraying faction not as a problem but as a solution—or as the software industry phrase puts it nowadays, not a bug but a feature. The next day, in arguing for a relatively small Senate, he cited the example of the Roman tribunes, who "lost their influence and power, in proportion as their number was augmented."

Madison led the charge for a much stronger national system of government. On June 19, he argued that weakness at the core had been the fatal flaw of the Amphictyonic League, opening the way for intervention first by the rulers of Persia, and then, fatally, by Philip of Macedon. He returned to the point two days later, stating that "all the examples of other confederacies prove the greater tendency in such systems to anarchy than to tyranny."

The big states would not conspire together to gang up on the smaller ones, he maintained, because it is the nature of power to compete. "Carthage & Rome tore one another to pieces instead of uniting their forces to devour the weaker nations of the Earth. . . . Among the principal members of antient and Modern confederacies, we find the same effect from the same cause. The contintions, not the Coalitions of Sparta, Athens & Thebes, proved fatal to the small members of the Amphyctionic Confederacy."

Madison had the ear of the conventioneers. "Every Person seems to acknowledge his greatness," recalled one delegate, Georgia's William Pierce (attended William & Mary). He continued:

> *He blends together the profound politician, with the Scholar. In the management of every great question he evidently took the lead in the Convention, and tho' he cannot be called an Orator, he is a most agreeable, eloquent, and convincing Speaker. From a spirit of industry and application which he possesses in a most eminent degree, he always comes forward the best informed Man on any point in debate. . . . He is easy and unreserved among his acquaintance, and has a most agreeable style of conversation.*

Madison especially impressed them with his research, Pierce noted: "Mr. Maddison in a very able and ingenious Speech ran

through the whole Scheme of the Government,—point out all the beauties and defects of ancient Republics; compared their situation with ours." The young Virginian was steering the convention toward a new government that would be very different from the diffuse state of the nation under the Articles of Confederation. It was an extraordinary achievement for Madison.

Getting Amphictyonic

THE HISTORY OF THE AMPHICTYONIC LEAGUE, OR COUNCIL, THAT MADISON referenced is obscure stuff to us, but it was not in early America, so it has continued relevance today. One reason that in the United States of the twenty-first century the 580,000 people of Wyoming are represented by two senators, the same number as the 40 million citizens of California, is because of the example of this league, which was a series of confederations of cities formed early in Greek history. The league's member states had equal voting rights without regard to size or power.

Modern scholars in fact describe the league as several organizations developed over the course of time for the purpose of enabling several cities to worship a god or place. But the Revolutionary generation tended to refer to it as one specific entity, as it were an ancient version of, say, NATO. The Amphictyonic League was a familiar subject to them, cited often as a possible model for restructuring the government of the colonies. One historian, reviewing the early American record, moaned that the Amphictyonic Council was "a parallel used almost *ad nauseam* during the colonial period, . . . commended as a force for interstate good will." For example, Samuel Johnson (Yale, 1714), the Tory president of King's College (later Columbia) in New York, had worried in 1760 that the colonists were drifting toward republicanism, which was seen by some as akin to mob rule. He suggested that the trend could be curtailed by reorganizing the colonies as a league or association under the direct control of a

viceroy appointed by the king. This new configuration would resemble the Amphictyonic Council, he explained.

At the convention, delegates from smaller states repeatedly emphasized that the Amphictyonic structure gave equal numbers of votes to all members, big or small. "In the Amphictyonic confederation of the Grecian cities, each city, however different in wealth, strength and other circumstances, sent the same number of deputies, and had an equal voice in every thing," admonished Luther Martin (Princeton, 1766), the attorney general of Maryland. At the convention he delivered a three-hour address on this subject that exhausted some of his listeners, as well as Martin himself, who had to wait until the next day to deliver his conclusion. He cited that old warhorse of a textbook, Rollin's *Ancient History*.

When Oliver Ellsworth (Princeton, 1766) of Connecticut advocated giving smaller states equal representation, at least in the Senate, Madison fired back with a double-barreled historical citation: "He reminded Mr. E. of the Lycian confederacy, in which the component members had votes proportioned to their importance, and which Montesquieu recommends as the fittest model for that form of Government."

Madison also argued presciently that the conventioneers were focusing on the wrong question. More than anything, he wanted a strong central government to hold the nation together. Having such a government, he said, "is the great pervading principle that must controul the centrifugal tendency of the States; which, without it, will continually fly out of their proper orbits and destroy the order & harmony of the political System."

He believed that it was regionalism, not differing sizes of states, that most threatened the future of the Union. "The great division of interests in the U. States," he said, according to his notes, "did not lie between the large & small states; It lay between the Northern & Southern." In the long term he was right, unfortunately. But the solutions the conventioneers devised to placate the South and keep it part of the country, especially giving constitutional protections to the institution of slavery, would seven decades later lead the nation to civil war.

Madison and Princeton at the Convention

MADISON'S TIME AT PRINCETON MAY HAVE INFLUENCED HIS BELIEFS. Remember here that the other colleges of Madison's time—Harvard, Yale, and William & Mary—had been regional or even local in their draw of students, while Princeton was administered consciously as a pan-colonial college, with students traveling to it from all the colonies of the American seaboard. At his college, notable also for its encouragement of political discussion, Madison moved among young men of diverse backgrounds, views, and accents, and watched them mix, and perhaps even check and balance one another in their own small, undergraduate ways.

Just as Madison had chosen a nationally minded college, so, too, in his political career he looked to national issues, note historians Stanley Elkins and Eric McKitrick. While a member of the Virginia Governor's Council during the Revolution, he had worked on supplying the Continental Army. When elected to Congress, he served on the committee overseeing the military operations of General Nathanael Greene in the South. "From the day he entered politics," they conclude, "the energies of James Madison were involved in continental rather than state problems. . . . His nationalism was hardly accidental." This continental perspective may have resonated with the eight other delegates at the convention who were Princeton graduates—more than from any other college. This reflected the geographical reach of the college.

For all that, Madison's influence at the convention peaked early, in June. The Virginia delegation's draft proposal dominated the early sessions, and as one of its authors, he engaged in defending it. Also, the early sessions were about broad structure and other fundamental questions, while later ones descended into the lesser issues such as the role of the vice president, and whether it should be the Congress or the Supreme Court that held the authority to impeach the president.

But Madison's classicism, at first so impressive, also may have started to grate on his listeners. In late June, Charles Pinckney of

South Carolina rejected all the analogies being made to ancient history. "The people of this country are not only very different from the inhabitants of any State we are acquainted with in the modern world; but I assert that their situation is distinct from either the people of Greece or Rome, or of any State we are acquainted with among the antients," he griped. For example, he asked, "Can the orders introduced by the institution of Solon, can they be found in the United States? Can the military habits & manners of Sparta be resembled to our habits & manners? Are the distinctions of Patrician & Plebeian known among us?"

Benjamin Franklin a few days later would make a similar remark. "We indeed seem to feel our own want of political wisdom, since we have been running around in search of it. We have gone back to ancient history for models of Government, and examined the different forms of those Republics which having been formed with the seeds of their own dissolution no longer exist."

For whatever reason, Madison would lose on a point he considered key, that of giving Congress the power to veto state laws. "The want of some provision seems to have been mortal to the antient Confederacies, and to be the disease of the modern," he would fret later that year to Thomas Jefferson. He got some of this authority in Article 1, Section 10, of the Constitution, which limits the powers of the individual states, forbidding them to make treaties or issue inflationary paper money, but he would worry after the convention that this was still not enough.

But no one got everything they wanted from the Constitution. When considering the document, it is useful to see it as a kind of peace treaty between the states.

The Blot on the Constitution

CLASSICISM WOULD RECEDE LATER IN THE CONVENTION, BUT IT still would surface on occasion, most notably in the Southern defense of slavery. The delegates spent much time at the convention

discussing that institution, but with no hope of ending it. The delegations from Georgia and South Carolina were emphatic: They would not sign any document that carried a whiff of emancipation.

Oddly, it was the same Charles Pinckney who had deplored ancient analogies who a month later invoked them to defend human bondage. "If slavery be wrong, it is justified by the example of all the world. He cited the case of Greece, Rome, & other antient States; . . . In all ages one half mankind had been slaves." Here the founders' reliance on the ancients was at odds with their other great influence, the thinkers of the Enlightenment. Montesquieu and Locke had both questioned slavery, but more in puzzlement than in flat-out denunciation, though Montesquieu came close when he wrote sarcastically that "It is impossible for us to suppose these creatures to be men, because allowing them to be men, a suspicion would follow, that we ourselves are not Christians." In recent years, the historian Holly Brewer has argued that Locke was not as enthusiastic about slavery as had been depicted, and that "as an old man he helped undo some of the wrongs he had helped to create."

They lived with this contradiction, both in the Constitution and in their daily lives. Princeton's John Witherspoon, who had signed the Declaration of Independence and would sit in the New Jersey meeting that gave that state's assent to the Constitution, was a leading advocate of liberty, yet he owned two slaves who labored in the hundreds of acres around his country house, Tusculum. At the same time, he admitted two free blacks to Princeton in the 1770s.

So the convention, which concluded in September 1787, would wind up passing the moral debt of slavery to later generations, who would have to pay in blood.

That said, there was one very powerful part of the Constitution that would resonate through the ages. Its three most essential words stand at the very beginning of the document: "We the people." It is the people, not the states or the federal government, that hold ultimate power. As James Madison would later write, "If we advert to the nature of republican government, we shall find

that the censorial power is in the people over the government, and not in the government over the people." In the following decades, the American people would take this powerful idea that they were in charge and run with it in ways that the conventioneers could hardly have imagined.

A Free Man in Paris

WHILE ALL THIS WAS GOING ON, THOMAS JEFFERSON WAS IN FRANCE, A freer man in Paris than he was in Virginia. His most famous condemnation of slavery was first published privately there: "I tremble for my country when I reflect that God is just: that his justice cannot sleep forever." Jefferson seemed to have a different sense of the world when he was in Paris with the philosophes than he did when he was in rural Virginia, where he expressed views that tended to closely mirror "those of his planter brethren," as one historian phrases it.

Jefferson was surprised to find that the classical authors were not as popular in France as they were in the New World. "No body here reads them," he reported to Madison, with some exaggeration.

Despite that, in Paris he became more steeped in classicism than ever. Having studied the books of the ancients for decades, he now could follow the roads they had built to the ruins they had left. Touring southern France in the spring of 1787, he was entranced by its Roman arches, amphitheaters, and other remains. He was especially taken with the noble lines of a rectangular Roman temple in Nîmes, locally called the Maison Carrée, or "square house," which he had read about in the writings of Palladio, the influential Italian architect. "Here I am, Madam, gazing whole hours at the Maison quarrée, like a lover at his mistress," he wrote to Madame Adrienne Tessé, to whom Jefferson had been introduced by her nephew, the Marquis de Lafayette. "From Lyons to Nismes I have been nourished with the remains of Roman grandeur. They have

always brought you to my mind, because I know your affection for whatever is Roman and noble."

Underneath the light flirtatiousness, this letter contains significant thought that would affect how we think of our official buildings today. Jefferson would base his design of the capitol of Virginia on that shrine in Nîmes. While secretary of state, he would become deeply involved in the neoclassical design of the new capital of Washington, DC. Those acts alone would have earned him a place in history. As Gordon Wood puts it, "Almost single-handedly he became responsible for making America's public buildings resemble Roman temples."

It was at about this time that Jefferson, writing to Madison, drew a sharp and ambivalent portrait of John Adams. Jefferson had watched Adams closely in both Paris and London for months, he noted.

> *He is vain, irritable and a bad calculator of the force and probable effect of the motives which govern men. This is all the ill which can possibly be said of him. He is as disinterested as the being which made him: he is profound in his views: and accurate in his judgment except where knowledge of the world is necessary to form a judgment. He is so amiable, that I pronounce you will love him if ever you become acquainted with him. He would be, as he was, a great man in Congress.*

This clear-eyed assessment may have helped Jefferson maneuver a decade later when Adams became his political foe.

When he first laid eyes on the proposed Constitution, Jefferson was not enthusiastic. "There are very good articles in it: and very bad," he wrote. "I do not know which preponderate." He worried that the new system would suppress the spirit of rebellion. In the same letter, he made his famous assertion: "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. It is it's natural manure."

He disliked that the Constitution allowed the president to be reelected to multiple terms, and so possibly could become chief

executive for life. His other great objection, he told Madison, was the lack of a section explicitly providing and preserving the rights of the people. But, he added, the proposed Constitution could be amended as needed. So, he said, if the people approved it, "I shall concur in it chearfully." However, he later confessed that he did not at first believe that it would become the law of the land, because, he thought, not enough states would ratify it. He was, in his heart, not an advocate of a strong central government, telling one of his former law clerks that "I would rather be exposed to the inconveniencies attending too much liberty than those attending too small a degree of it." This preference would become the fundamental difference between him and Adams, and so between the Jeffersonians and the Federalists.

Jefferson's pessimism underscored the task that James Madison and other proponents of the proposed Constitution faced in seeking ratification by the states.

The Federalist Papers Illuminate the New System

EVEN MADISON HIMSELF EMERGED FROM THE CONSTITUTIONAL CONvention somewhat disappointed. He still worried about the lack of a national veto over state laws. Likewise, Alexander Hamilton had wanted a far more aristocratic or monarchical system, with presidents and senators selected for life terms.

Yet unlike Jefferson, both Madison and Hamilton believed that ratifying the proposed Constitution, with all its flaws and compromises, was far more desirable than continuing the government under the Articles of Confederation. And so in the months after the convention, in the fall of 1787, the two threw themselves into campaigning for its passage by state conventions. They talked with each other, they persuaded others, and they wrote dozens of letters in their pro-ratification campaign. During the run-up to the convention, the youngest of our four subjects, Madison,

had reported regularly to the oldest, George Washington, on the preparations for the meeting. Now, in the fall of 1787 and the following spring, the young politician faithfully kept the old general posted on the state of play of ratification in various states, writing to him ten times in the last part of that year and another twenty-one times in the first seven months of 1788.

Most remarkable of all, in just a few months between late October and late March, Madison and Hamilton, with a few contributions from John Jay, produced three dozen persuasive essays, now remembered as the Federalist Papers. (Another several dozen were produced later, for a grand total of eighty-five by August of 1788.) Peter Gay writes of this collection that "it is this document rather than the Declaration of Independence that strikes me as the most characteristic product of the American Enlightenment."

They brought to their task a new postcolonial perspective. Hamilton and Madison, the younger founders, differed from their elders in their relationship to classicism. They knew the ancient texts, but had less faith in the classical values propounded there. Some twenty-three of the eighty-five Federalist Papers quote or reflect classical authorities, and all of them were published under the pen name Publius. There are twice as many references to Greeks as to Romans, mainly because of Madison's interest in the governance of ancient Greek republics.

As early as 1775, Hamilton had mused in a letter that "it is not safe to trust to the virtue of any people." At the Constitutional Convention, he had elaborated on that thought: "We must take man as we find him," he had argued. "A reliance on pure patriotism has been the source of many of our errors." Reading that phrase raises an image of Hamilton and Washington conversing in a military tent on a dark night during the war on the thorny topic of the limits of virtue and patriotism.

In the world of the Federalist Papers, the pillar of "virtue" has fallen. When Madison does write about virtue, it often is not to invoke it but to emphasize that it is a finite resource in humans. For example, in an aside in Federalist 53 he refers to "the period within which human virtue can bear the temptations of power."

He is not saying that humans are wicked and have no virtue, just that virtue alone is insufficient. In other words, "a nation of philosophers is as little to be expected as the philosophical race of kings wished for by Plato."

Making Faction Fix Itself

MADISON PASSED THE WINTER OF 1787—1788 IN NEW YORK CITY, WRITing essays and letters. One can only wonder if he had any social life while there. None such is reflected in his letters, which track the state of the ratification debate in various states and contain almost no small talk, even when engaging in it might have been politically helpful. He appears, as usual, to have been single-minded. Such introversion is especially unusual in someone who was so politically astute.

Madison's most extraordinary contribution would be his debut, Federalist 10, published on November 22, 1787. In it, he attacked the conventional classical republican view that to pursue one's own interest was to violate public spirit. For example, Abigail Adams, in a letter to her friend Mercy Otis Warren, had worried about men in whom "self Interest is more powerfull than publick virtue." "Sordid self-Interest" was "the natural Produce of base Minds," wrote Benjamin Franklin, who by the time of the Constitutional Convention was eighty-two years old, far more than the ages of Hamilton and Madison combined.

No, Madison responded. Do not waste your energies fighting party and faction. They will always be there. "The *causes* of faction cannot be removed," he stated, which means that "relief is only to be sought in the means of controlling its effects." The way to do that is to harness its energies by involving "the spirit of party and faction in the necessary and ordinary operations of government."

In other words, use one man's interest against another's. The more interests that are in play in the political arena, the smaller the chance that one intense passion will prevail. "Extend the sphere,

and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other."

So, he argues, counter to Montesquieu, big is good. The larger the republic, the more such checks will exist. "The extent of the union gives it the most palpable advantage. The influence of factious leaders may kindle a flame within their particular states, but will be unable to spread a general conflagration through the other states." In such "a well constructed union," he argued, there will be a "tendency to break and control the violence of faction."

Madison is saying the problem contains its own solution. In the essay's last paragraph, he concludes that "in the extent and proper structure of the union, therefore, we behold a republican remedy for the diseases most incident to republican government."

There is a lot of Hume here and a little Montesquieu, even though one of the purposes of this essay is to attack the Frenchman's notion that large republics were unsustainable. Madison was the most "Scottish" of the first four presidents in his thinking. Indeed, one scholar, Roy Branson, traces Madison's most innovative thinking, about how to accept and use party politics as a form of checks and balances, back to Hume and other Scottish thinkers. In making checks and balances the heart of the American system, Madison also was borrowing a bit from Montesquieu, who wrote that, "Constant experience shows us, that every man invested with power is apt to abuse it. . . . To prevent this abuse, it is necessary from the very nature of things, power should be a check to power."

In his next Federalist contribution, just eight days later, Madison again edged away from classicism. It is time to put aside "a blind veneration for antiquity," he stated, and try something new. What's more, he said, the Americans are ready to do so. They would know how to not let custom and tradition "overrule the suggestions of their own good sense, the knowledge of their own situation, and the lessons of their own experience."

The decline of classicism hung in the Manhattan air that winter. At about the same time, in the same city, Noah Webster (Yale, 1778) wrote an essay calling for Americans to move on from an educational system in which "the minds of youth are perpetually led to the history of Greece or Rome or to Great Britain; boys are constantly repeating the declamations of Demosthenes and Cicero, or debates upon some political question in the British Parliament." Generally, he said, Americans should pay less "attention to the dead languages." He asked, "What advantage does a merchant, a mechanic, a farmer, derive from an acquaintance with the Greek and Roman tongues?" In the new nation, knowledge would be seen not as a good in itself, but as a tool, to be judged by its usefulness, which would become the new American measure of things.

Clams vs. Classicism

MADISON WAS NOT ENTIRELY DONE WITH THE ANCIENT WORLD, HOWever. In Federalist 18, he returned to the subject of the Amphictyonic Council, arguing that its structure exacerbated tensions between member cities. "It happened but too often, according to Plutarch, that the deputies of the strongest cities, awed and corrupted those of the weaker, and that judgment went in favor of the most powerful party." Among other things, this was a reason for giving smaller cities the ability to resist coercion. Athens and Sparta "inflated with the victories and the glory they had acquired, became first rivals, and then enemies." That led to the eventual destruction of Athens, he noted. "Their mutual jealousies, fears, hatreds and injuries, ended in the celebrated Peloponnesian war; which itself ended in the ruin and slavery of the Athenians who had begun it." He warned again of foreign subversion, citing the intervention of Philip of Macedon. "By his intrigues and bribes he won over to his interests the popular leaders of several cities; by their influence and votes, gained admission into the Amphyctionic

council; and by his arts and his arms, made himself master of the confederacy."

The lesson of this history, he concluded, is that "it emphatically illustrates the tendency of federal bodies, rather to anarchy among the members than to tyranny in the head."

Anarchy was on Madison's mind that winter as the individual states were in the process of debating whether to ratify the proposed Constitution. In late January, a member of the Massachusetts convention reported to him that eighteen to twenty members of the ratification meeting there were in fact veterans of Shays' Rebellion against that state's government. In other words, some of the people whom the Constitution was meant to restrain would be sitting in judgment of it. Madison gloomily passed the word to George Washington.

On top of that, one of Madison's sources of political intelligence in Virginia, John Dawson, wrote to warn him that their state would be swayed by the outcome in Massachusetts. "Never perhaps was a state more divided than Virginia is on the new Constitution. Its fate appears to hang in a great measure on the decision of Massachusetts bay. Shoud the convention of that state adjourn without doing any thing decisive, or shoud amendments be proposd, I think, Virginia will go hand in hand with her."

The Massachusetts meeting was the largest of the state conventions, with some 364 delegates jammed into the ground floor of a Boston church and hundreds of spectators crowding the galleries above them. Dozens of newspapers across the United States ran detailed accounts of the debates. Fisher Ames (Harvard, 1774), who would later become a prominent Federalist, delivered his first major speech, warning that, "Faction and enthusiasm are the instruments by which popular governments are destroyed. . . . A democracy is a volcano, which conceals the fiery materials of its own destruction. These will produce an eruption, and carry desolation in their way."

The high-flying oratory of the pro-Constitution side again rubbed the anti-Federalists wrong. Amos Singletary, himself an informally educated miller, worried biblically that:

These lawyers, and men of learning, and moneyed men, that talk so finely, and gloss over matters so smoothly, to make us poor illiterate people swallow down the pill, expect to get into Congress themselves; they expect to be the managers of this Constitution, and get all the power and all the money into their own hands, and then they will swallow up all us little folks . . . just as the whale swallowed up Jonah. This is what I am afraid of.

Jonathan Smith, a farmer from Berkshire County, in the western part of Massachusetts, which had been the center of Shays' Rebellion, mocked Singletary's qualms. He was resolutely pro-ratification, he said, in part because he had witnessed that insurrection. "I have lived in a part of the country where I have known the worth of a good government by the want of it," he noted pointedly. "It brought on a state of anarchy, and that led to tyranny." Calling himself "a plain man" who got his "living by the plough," Smith pointed across the room at Singletary. "My honorable old daddy there won't think that I expect to be a Congress-man, and swallow up the liberties of the people. I never had any such post, nor do I want one."

One theme of the ratification debates is a sense that the classical context was outmoded, like a suit of clothes a teenager has outgrown. The nation was ready to move on. This impatience is reflected in an exchange between two anti-Federalists. Dr. Samuel Willard launched on a disquisition about "the field of ancient history," discussing "Sparta, Athens and Rome," and especially the Amphictyonic League's ability to resist Xerxes. Benjamin Randall impatiently responded that, "The quoting of ancient history was no more to the purpose than to tell how our forefathers dug clams at Plymouth."

It looked like Massachusetts would vote against the Constitution. In late January, one "anti" delegate predicted that his side would win decisively, with 192 against and only 144 in support. Yet when the Massachusetts convention voted in early February, it narrowly approved the new government, by a vote of 187 to 168.

During this time, in January and February of 1788, Madison

poured out a total of twenty-three essays, an extraordinary rate of production for someone who also was managing the pro-ratification campaign. He began Federalist 38 with a sweeping review of how governments were reformed in ancient Greece and Rome. He derived two lessons from this survey: First, the proposed Constitution improved on those ancient plans of government. Second, that it would be imprudent to turn down the proposed plan unnecessarily.

In Federalist 41, Madison mulled the existence of a standing army, saying it might be necessary but also should be watched most carefully. The lesson in the back of his mind was the ancient one: "the liberties of Rome proved the final victim to her military triumphs."

In Federalist 51, he emphasized again how checks and balances were necessary to offset self-interest. "Ambition must be made to counteract ambition. . . . It may be a reflection on human nature, that such devices should be necessary to controul the abuses of government. But what is government itself but the greatest of all reflections on human nature?" He concluded the thought with one of his more memorable observations: "If men were angels, no government would be necessary."

His last contribution, written at the end of February, has a valedictory air. In arguing that Senates help preserve republics, he returned to his ancient studies, invoking several classical examples. "History informs us of no long lived republic which had not a senate." Then he left for his home in Virginia, where he had been told there was opposition brewing against sending him as a delegate to that state's ratification convention. He had experienced a remarkable twelve months, helping pull together the Constitutional Convention, then participating in it and painstakingly recording its progress, and finally campaigning unceasingly for its ratification.

Hamilton's contributions to the Federalist Papers were less enamored of classicism. This may be in part due to his relative lack of learning—he had started at King's College (Columbia) in 1773, only to see it shuttered when the British occupied New York City

in 1776. Jefferson considered him "half-lettered"—that is, only partially educated. But Hamilton was the fastest of learners and could have made a flashy show of knowledge had he wanted to. It is more likely that he did not share Madison's lingering veneration for antiquity. Hamilton long had been growing impatient with classical analogies and models. In Federalist 6, for example, Daniel Shays was as much on Hamilton's mind as the Greco-Roman world was. He was dismissive of both. Of the latter, he wrote, "Sparta was little better than a well regulated camp; and Rome was never sated of carnage and conquest."

Yet one aspect of classicism still held an appeal to his conspiratorial ways. He would use classical aliases to signal his frame of mind. Tellingly, notes Meyer Reinhold, the pseudonyms that he would employ in the remainder of his life—among them, Phocion, Cicero, Camillus, Pericles—"Were men of heroic virtue" who "were misjudged and persecuted by their people."

Ratification still hung in the balance. The Virginia vote would be crucial. Madison again would carry a big part of the load. "We think here that the situation of your state is critical," Hamilton, in New York, worriedly wrote in late May to Madison in Virginia. He then made it clear that he would pay dearly to have dispatches sent to him with as much speed as possible.

Virginia Finally Meets

THOMAS JEFFERSON HAD LONG SEEN PATRICK HENRY AS A PROBLEM, confiding to Madison in a letter in 1784 partly written in code, that, "While Mr. Henry lives another bad [state] constitution would be formed, and saddled for ever on us. What we have to do I think is devoutly to pray for his death."

When Virginians met to consider the proposed national Constitution, former Governor Henry was indeed on the warpath. "I have the highest veneration for these people," he stated, referring to the framers of the Constitution. "But, sir, give me leave to

demand what right they had to say, *We, the people* . . . instead of We, the states?"

Henry went on to portray the proposed Constitution as dangerous. "I see great jeopardy in this new Government. I see none from our present one." The Articles of Confederation had worked admirably, he maintained:

> *Something must be done to preserve your liberty and mine: The Confederation; this same despised Government, merits, in my opinion, the highest encomium: It carried us through a long and dangerous war: It rendered us victorious in that bloody conflict with a powerful nation: It has secured us a territory greater than any European monarch possesses: And shall a Government which has been thus strong and vigorous, be accused of imbecility and abandoned for want of energy? Consider what you are about to do before you part with this Government.*

He then added vaguely that "similar examples are to be found in ancient Greece and ancient Rome: Instances of the people losing their liberty by their carelessness and the ambition of a few."

The next day, Madison fired back. It was not the actions of the few, he contended, but of the many that most threatened the stability of the republic. "On a candid examination of history, we shall find that turbulence, violence and abuse of power, by the majority trampling on the rights of the minority, have produced factions and commotions, which, in republics, have more frequently than any other cause, produced despotism." Madison sparred with Henry for weeks. But it took a toll on him. After one debate, Madison took to his bed for three days, perhaps with one of his epileptic-like seizures. Jefferson would salute Madison's skill in responding to "the fervid declamation of Mr. Henry."

It eventually became clear that Henry, for all his oratorical power, was pushing a losing argument. Zachariah Johnston, a Revolutionary War veteran from the Shenandoah Valley, said on June 25, just before the Virginia convention voted, that "the great and wise State of Massachusetts has taken this step. The great and

wise State of Virginia might safely do the same." The Shenandoah Valley group at the convention was respected, being "mainly composed of men who had seen hard military service, and were devoted to Washington." They would follow their general's lead.

Another venerated figure, George Wythe, Jefferson's old law mentor, had offered a motion to ratify. Virginia finally did so that afternoon, by a very small majority of 89 to 79. It became the tenth state to do so.

The only major question remaining was what New York would do. The Constitution was a fait accompli, and New York would be isolated if it declined. Still, the vote there remained uncertain. On July 4, in Albany, New York, anti-Federalists burned a copy of the Constitution and clashed with a pro-ratification crowd, leaving eighteen wounded and perhaps one dead—the body counts differ. Hamilton reported to Madison that "there has been a disturbance in the City of Albany on the 4th of July which has occasioned bloodshed." The question hung there for Hamilton and Madison: How widespread would violent opposition to the new Constitution be? Could it be undone by mobs?

Ultimately the New York vote was narrowest of all, a very grudging 30 to 27. It became the eleventh state to approve. At this point only North Carolina and Rhode Island remained outside the reconstituted nation. On September 15, 1788, Congress announced that the Constitution had been ratified and set dates for the election of a president. ("Rogue Island" finally would join on May 29, 1790, by a vote of 34 to 32, more than a year after George Washington had become president of the other twelve states.) Ratification had been a near-run thing.

The process was, to a surprising degree, James Madison's achievement. He arguably had done more than Jefferson (or John Adams, for that matter) to create the United States of America. Jefferson had drafted the more affecting Declaration, but Madison played a central role in the more practical Constitution.

It was an extraordinary record for a frail, introverted man without much of a public-speaking voice. That he overcame those obstacles indicates the strength of both his will and his intellect,

as well as his dedication to discerning the lessons of the ancient world for the new United States.

A Slender Reed

TIMES AND GOVERNMENT BOTH HAD CHANGED, BUT NOT ALL THE NATION'S leaders had moved on. George Washington still clung to the concept of having a legislature peopled solely by good men who abhorred partisanship. He still steered by the light of virtue. For him, as for so many in his generation, states one scholar, "Faction was virtue's opposite."

At the end of 1788, Washington wrote from Mount Vernon to a Revolutionary War comrade that "it is my most earnest wish that none but the most disinterested, able and virtuous men may be appointed to either house of Congress: because, I think, the tranquility and happiness of this Country will depend essentially upon that circumstance." This was old think. To George Washington, "party" may still have carried some of the bloody connotations it had when he wrote, thirty-one years earlier, about a war action: "Our party killed one Indian (whose scalp they obtained) and wounded several others."

Washington seems not to have been paying attention, or at least not understanding, how American life had changed since he was a young man. The question for Madison and Hamilton in the coming years would become how to run the government while the old man was still in charge.