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Book Notes #121

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By Jefferson Scholar-in-Residence
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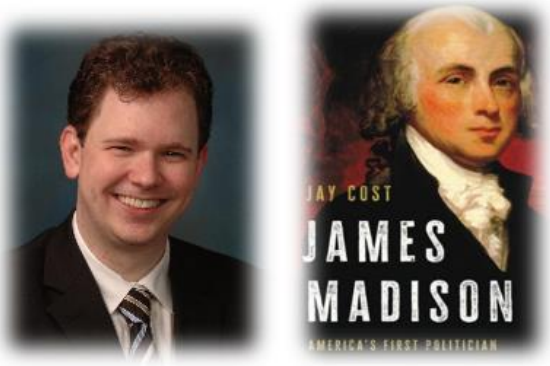
James Madison: America's First Politician

Global Summit 2022 & Book Notes

Over the course of the Global Summit, we'll be reprising some classic ***Book Notes*** and offering commentary on several speaker's books. In the past two weeks, we examined Fiona Hill and Clifford Gaddy's: ***Mr. Putin: Operative in the Kremlin*** and Hill's ***There Is Nothing For You Here***. Hill will present at the Global Summit at 7 p.m. Friday at Gannon University's Highmark Event Center, 620 Peach St.

Today, we'll consider Jay Cost's ***James Madison: America's First Politician***. Cost will speak at 7:30 p.m. Monday, Nov. 7 at the Jefferson Educational Society, 3207 State St. On Dec. 8, we'll look into John Dickerson's ***The Hardest Job In the World: The American Presidency***.

– Andy Roth



Jay Cost. ***James Madison: America's First Politician*** (New York: Basic Books, 2021).

What is the "soul" of American politics?

That is neither a wisecrack nor an invitation to snicker in denigration that coupling soul and American politics in the same sentence reaches new heights (depths?) of oxymoronic absurdity.

But American politics has a soul. At the moment it is a bit battered – perhaps more than a bit. It has been battered before and America survived. Sometimes just barely, but it survived.

What is that soul? It is the art of compromise. Or phrased more positively, it is the art of finding the common ground – the common good – amid competing interests. If Ben Franklin was its folk prophet, remarking that a politician like a good carpenter needed "to take a bit from this side and a bit from the other" to make a good joint, then James Madison was its first philosopher.

Madison, the designer of the Constitution and the nation's fourth American president, believed founding a government "whose purpose was to find equitable common ground" was not enough. It also required leaders who saw seeking the common good "to be their personal mission." To do that, compromises would need to be made, competing interests reconciled, and no group favored over another. Fairness and equity, not favoritism, are "the bedrock of justice upon which all government should be founded." [1]

It's a tall order.

Americans have violated it as often as they've honored it, but that does not invalidate its legitimacy. In the end, it is what *America*, as most people understand the word, means. But there are those who disagree. There are those who think that only their view, their opinion, their reality is the real *America*. It is the flashpoint between ***The American Tapestry Project's*** two main competing threads. On the one hand, the essentialist story sees America as a

white, Christian, patriarchal society. It implicitly rejects the need to compromise. From its adherents' vantage point, America has become all it will ever become. The story is over, frozen in place. No need to compromise with other viewpoints. From the essentialist perspective, its "America – love it or leave it."

On the other hand, the protean point of view is quintessentially Madisonian. It sees America in a continuous state of becoming as it seeks to perfect its experiment in self-government, as it seeks to expand the inclusiveness of the "We" in America's founding documents. In that spirit, its advocates "trim a bit from this side and a bit from the other" in order to reach the common good. In Madison's spirit of fairness and equity, as they include new members in the inclusive "We," they concede a bit of their own privilege that all might prosper.

American politics is all about the meaning of America and the contest between those two story threads.

Helping us to understand that simple truth – well, in practice, as the history of American politics illustrates, it's really not that simple – is the focus of Jay Cost's ***James Madison: America's First Politician***. At 7:30 p.m. on Monday, Nov. 7, Cost will be speaking at Global Summit 2022 at the Jefferson Educational Society, 3207 State St.

A former Republican who became an Independent after the Republican Party's nomination of Donald Trump for President in 2016, Cost is the Gerald R. Ford Nonresident Senior Fellow at the American Enterprise Institute and a fellow at the Center for Faith and Freedom at Grove City College. A graduate of the University of Virginia and the University of Chicago, Cost has written for the National Review, the Weekly Standard, and is a contributing editorial writer to the Pittsburgh Post-Gazette. He has taught at Robert Morris University, Grove City College, and lectured at the University of Chicago. Cost has written several books, including ***The Price of Greatness: James Madison, Alexander Hamilton, and the Creation of American Oligarchy*** and ***A Republic No More: Big Government and the Rise of Political Corruption.***

Upon seeing Cost's most recent two books, one might fairly ask "Do we need yet another book about the Founders?" For at least two reasons, the answer is "yes." First, Americans need to know as much as possible about America's founding, in particular, the philosophical ***and*** political underpinnings of the U.S. Constitution. Regarding "political underpinnings," it is crucial that Americans understand that the Constitution is a political document crafted by partisan politicos who, while seeking common ground, advocated strenously for their own regional interests. Understanding the artfulness of their compromise is important to counter the bogus legal theory of originalism, which treats the

Constitution as if it were inerrant holy scripture and not an organic political document.

The second reason we cannot know too much about the Founders relates to the first. Not only is the Constitution not inerrant holy scripture, the men – and it was all men, white men to be precise – who crafted it were not demigods descended to Earth to reveal inerrant truths. While some were idealists who understood the uniqueness of the opportunity before them, they were also real people subject to all the frailities of real people. They were jealous of one other; they were capable of venalities; they were both selfless and selfish; they were self-interested for both themselves and their region. They cut deals. And yet they managed to craft a document that has stood for 233 years. They had no illusions the document they crafted was perfect. Quite the opposite, as any reading of the anti-Federalist arguments against the Constitution's adoption illustrates. They knew its adoption would be a close run thing (which it was). To the extent they had an "original intent," it was to get a "deal" done and fine tune the flaws later. They knew the document they created had flaws – flaws they hoped either they or their posterity would have both the wit and the resolve to fix.

There is much to discuss in Cost's excellent biography. While it touches on Madison's personal life, it focuses on his political philosophy and its practical application through the art of politics. For a more complete treatment of Madison's life, you'll want to read Ralph Ketcham's ***James Madison: A Biography***. [2] I'll let Cost explore Madison at some depth during Global Summit 2022, but there are three topics I want to preview for you: Madison and slavery, the conflict between Madison and Alexander Hamilton about how government should govern, and what Madison meant by the art of politics in a democratic republic.

Of the many phrases that rankle right-wing apostles of the essentialist American story, none annoys them more than "slavery is America's original sin." Adding to their discomfort, it was none other than Madison who first identified "the African trade" as America's original sin. Commenting on the political turmoil occasioned by the Missouri Compromise of 1820, in a letter to the Marquis de LaFayette in November, 1820, Madison wrote:

> The case opens the wider field, as the Constitutions and laws of the different States are at variance in the civic character given to free people of colour; those of most of the States, not excepting such as have abolished slavery, imposing various disqualifications which degrade them from the rank & rights of white persons. All these perplexities developed more & more, the dreadful fruitfulness of ***the original sin of the African trade.*** (Emphasis added). [3]

If the Founders were "real people" subject to all the frailities of real people, then no "frailty" – too moderate a word – failure more apt – then no "failure" on the Founder's part reveals their human frailty more than their ambiguous attitude toward slavery. To be sure, some opposed it virgorously on moral grounds. Alexander Hamilton and Gouvernor Morris come immediately to mind. Although he once owned and might even have dealt in slaves, Benjamin Franklin's last public act was to petitiion Congress in 1790 to abolish slavery.

Some others were staunch defenders of slavery's moral and legal "rightness." Pierce Butler, Thomas Pinckney, Edmund Randolph and any number of other southern grandees whose fortunes rested on, in a perversion of the concept, "human capital," or as they called it, "this specie of property," fought to protect it in the new U.S. Constitution. Still others, to their great shame, sensing its wrongness, never resolved their moral ambiguity. Thomas Jefferson, placing the blame for slavery on George III, railed against it in the original draft of the *Declaration of Independence*. As a result, however, of some combination of innate racism (cf. Jefferson's ***Notes on the State of Viriginia*** [4]) and economic necessity, he never did anything to remove the stain from his or America's legacy. George Washington was the only one of the Founders to free his slaves, but he did so only after his death in so convoluted a fashion as to make it more complicated than it needed to be. As a result, he squandered his chance to make a definitive stand for American freedom. [5]

So, too, James Madison. Madison never freed his slaves, for as Jay Cost says:

> (Madison) never really understood the moral calamity of chattel slavery. He knew, on an intellectual level, that slavery was wrong. But the institution never really pricked his conscience; a slave owner himself, he was never moved to use his vast powers to try to lead the country out of slavery's pernicious grasp. And it was only very late in life that he finally saw the threat that slavery posed to the ideals of liberty and justice that he had sought to instill in the republic. [6]

Madison's failure to act on slavery exhibited itself at the Constitutional Convention. In violation of the spirit of compromise he believed essential to a functioning republic, he sat mostly silent as he watched the southerners carve into the document special privileges for their "specie of property." The infamous "3/5ths clause" to determine Congressional representation, a fugitive slave provision, and the extension of the slave trade to 1808 all violated Madison's sense of how a balanced government worked. He saw that, but, as Cost says, "his inaction came despite his clear understanding that the institution of slavery was incompatible with a free government." [7] Even at the end of his life, in 1834 in his final essay, "Advice to My Country," in which he inveighed against John C. Calhoun and the nullifiers, Madison was silent on slavery. His silence, his ambiguous acceptance of slavery, unsettles, for he knew the threat it posed to his

ideas of liberty and his belief that the people should rule. For as he said long before at the Constitutional Convention, "'Where slavery exists, the republican theory,' or the idea that the people should rule, 'becomes still more fallacious,' for a part of the community is denied all of its rights by another part." [8]

Perhaps America's original sin was not slavery but the Founders' failure to abolish it. Books could be written about that, so I'll offer only two observations. First, the Founders did not have the power to abolish slavery. Had the northerners who were beginning to abhor slavery fought against its inclusion, there would have been no United States of America. The South would not have joined. Maybe that would have been a good thing. Since that didn't happen, we will never know what course history might have taken. Second, some 21st century progressives want to write the Founders out of American history; they want to consign them to some dustbin of history's miscreants. Jefferson's statue has been removed from New York's City Hall, San Francisco tried to remove Washington's name from a school building, and other efforts continue to percolate.

I abhor the "Soviet view" of history as something that can be rewritten to serve the ideological whims of the moment. The real lesson to learn from the Founders' failure over slavery is that flawed people can still create great works. In a previous ***Book Note*** we discussed whether or not a flawed person, I think we were talking about Hemingway and Picasso, can be a great artist. The answer to which is "yes." Similarly, in political philosophy, flawed people can set in motion great ideas and processes that lead to virtues they themselves did not possess. America's Founders, with all their flaws, set in motion, as Abraham Lincoln said, humanity's "last, best hope" – government of the people, by the people, for the people. For that, with all their frailities and failures, they should be, perhaps not admired, but respected in all their humanity.

And they should be thanked.

Two Founders who had different ideas about what "government of the people, by the people, for the people" meant were Madison and Alexander Hamilton. The story is too complicated for a ***Book Note***, but in brief the colleagues who co-wrote, with John Jay, ***The Federalist Papers***, began as ardent nationalists, parted ways over the Bank of the United States and what it implied about who the *people* would be governed were, and concluded in Madison's second term as president with Madison creating a synthesis of their views Cost calls "national republicanism" that defines America to this day.

Seeing the inadequacy of the Articles of Confederation to govern the competing interests of the states, both Madison and Hamilton entered the Constitutional Convention seeking to build a strong central government capable of bringing a national perspective to the nascent United States. They would have, if the

politics of the day had permitted it, reduced each state to something akin to a county within a state, i.e. a purely administrative unit. In fact, in his original Virginia Plan, Madison had sought a federal veto over state laws.

Hamilton, for his part, admired the British system of a constitutional monarchy. In fact, he made an intemperate speech at the convention advocating just that position. Neither got what they wanted as the Constitutional Convention bargained away more national power through two major concessions that bedevil 21st century America: the above noted concession to the southern states regarding slavery and the small state concession known as the Connecticut Compromise creating a Senate with equal representation. The latter, in combination with the Electoral College, in effect, disenfranchises large swaths of the people in urban areas and populous states by granting equal power to smaller, less populated states; as, for example, California's 45 million people having two senators as does Wyoming's 500,000.

Still, being pragmatic politicians, Madison and Hamilton took what they could get, argued for the Constitution's adoption, and thought they'd fix it later. It's the "fixing" it later that revealed their philosophical differences. In ***The American Tapestry Project*** I have often commented, "We tell ourselves we are Jeffersonians, but we live in Alexander Hamilton's world." Thomas Jefferson and his close colleague James Madison, envisioned a world of small states peopled by yeoman farmers who owned their own land, answered to no one but themselves, and engaged in public life as part of a commitment to the common good. That is a very concise and perhaps over idealistic summary of their position, but it is fundamentally accurate. Madison and Jefferson saw America as the land of common people united for the common good.

Hamilton saw the same thing, but with several essential differences. He and maybe Robert Morris alone among the Founders understood that the future did not belong to small, independent, yeoman farmers. They saw that the future was the unfolding industrial revolution of manufacturing centers and large urban areas all fueled by the emerging financial industry of bankers, stockholders, and investors. In several reports to Congress, Hamilton outlined that world in great detail. Of the three – Hamilton, Jefferson, and Madison – it was Hamilton who saw the future.

The split between Hamilton and Madison occurred over the federal government's assumption of state debts remaining from the Revolutionary War and the first Bank of the United States. Madison, like Jefferson, saw in Hamilton's framework a world in which bankers and "stock jobbers" as Jefferson called them, would dominate government and society at the expense of the common people. They were philosophically correct and, in the long view, politically incorrect. They were right that in Hamilton's view those who controlled finance and industry would come to dominate the economy and

government, but the people would benefit by what we today might call the "trickle down" theory of economic benefits cascading down from the investing elite.

Madison and Jefferson were not convinced.

The result was years of political fighting over whether or not the new government had the Constitutional power (right?) to regulate the economy through tariffs giving favorable treatment to some industries and not to others, to create banks and other institutions to regulate finance, and, in general, to regulate and guide the internal development of what we would call infrastructure by building canals and roads. Hamilton thought it did. He argued that the "necessary and proper clause" (Article I, Sec. 8 of the Constitution grants to Congress the power to pass into law anything it deems "necessary and proper" to accomplishing the government's aims not previously enumerated in the Constitution) gave the federal government that opening.

Jefferson and Madison disagreed, but they were quick to use it (or more accurately, simply duck the constitutional issue) when they made the Louisiana Purchase doubling the size of the United States. In fact, arguments about the meaning and extent of the "necessary and proper" clause's reach are embedded in almost every argument in American politics. Madison believed any disputes resulting from this should be decided by the people in their state legislatures who would then guide their representatives in the federal government to work the people's will. Hamilton thought the federal government could and should make these determinations.

The argument continues to this day.

But near the end of his second term, Madison had his own "Aha" moment. After the accidentally successful conclusion of the War of 1812, a war that was almost lost because of the federal government's inability to adequately prepare because the Madisonian view limited its development of "internal improvements" – roads, canals, and a functioning military – Madison saw the wisdom of Henry Clay's "American System." Clay's "American System" was warmed over Hamiltonianism. It advocated that the federal government should implement protective tariffs to foster domestic industry, that it should fund internal improvements such as roads and canals, and that is should reinstate the Bank of the United States to help develop the national economy.

Madison agreed.

In his State of the Union Address in 1815, as Cost notes, "(Madison) abandoned much of the old Jeffersonian orthodoxy, and instead proposed a series of policy reforms that effectively merged Alexander Hamilton's ambition to invigorate the national economy with his own insistence that the benefits and burdens of

public policy had to be distributred equitably." [9] Thus, at the end of his career, Madison reconciled his vision for America with Hamilton's. In essence, he accepted Hamilton's vison as long as the "benefits and burdens" of that vision were distributed equitably. In the 1790s, Madison thought Hamilton favored the moneyed classes at the expense of the "people," who, being excluded, bore the system's burden.

Why did he shift?

Madison shifted because he was a pragmatist who understood one had to adapt to changing circumstances. Further, he understood, that adpating to changing circumstances meant that one would have to "trim a bit of one's beliefs to match the trimming of the other's beliefs" if an agreement was to be reached.

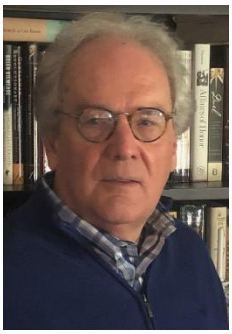
In short, Madison, believed that one needed to compromise and meet, if possible, the other somewhere in the middle. In a sense, Madison's political philosophy was one of radical centrism, what in other ***Book Notes*** I have called "heroic centrism." [10] Madison understood that in any democratic republican system there would be competing philosophies, and competing interests. Reconciling those competing interests was the fundamental problem of government. He thought the answer to that problem was politics, by which he meant, as Cost summarizes, "he would force all factions in society to argue, debate, broker, and compromise with one another until they found a solution that most of them could live with. This would secure justice for all groups and promote the general welfare." [11]

The Madisonian genius was to design the instrument, the U.S. Constitution, that provided the framework within which those arguments and debates could take place without succumbing to violence. For most of the United States' 233-year history, that has held true. To hold true, it requires people with the pragmatism and public spiritedness of James Madison. It also requires people of good will who respect one another and who mutually seek the common good.

Americans have been fortunate. With two or three tragic exceptions, the system has held. We are now in a period when that system is tested because mean spirited people with narrow notions of what America means talk past one another as they each seek their own selfish ends. We are once again at a point in our history where we are looking for a few good, publicly spirited people seeking the common good. It's not pie-in-the-sky balderdash. We're simply looking for a few James Madisons who understand that the system governs best that governs inclusively and equitably.

As you vote this November, keep that in mind.

To learn more about James Madison, join me at 7:30 p.m. Monday, Nov. 7 at the Jefferson Educational Society to hear Jay Cost speak about ***James Madison – America's First Politician.***



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"Jay Cost" from **Conservative Book Club** available here accessed October 31, 2022.
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End Notes

1. Cost, Jay. **James Madison: America's First Politician**. (New York: Basic Books, 2021), p. 6.
2. Cf. Ralph Ketcham. **James Madison: A Biography**. (Charlottesville and London: University of Virginia Press, 1990). Two excellent short biographies of Madison are Jack N. Rakove, **James Madison and the Creation of the American Republic**, 3rd. Edition in The Library of American Biography, Ed. Mark C. Carnes (New York: Pearson Longman, 2007) and Robert Allen Rutland, **James Madison: The Founding Father.** (Columbia, MO and London: University of Missouri Press, 1987).
3. Madison, James. *"From James Madison to Lafayette, 25 November 1820,"* **National Archives: Founders Online** available here accessed April 20, 2021.
4. Jefferson, Thomas. *"Notes on the State of Virginia,"* in **Thomas Jefferson: Writings.** (New York: The Library of America, 1984), pp. 123-325.
5. Cf. ***Book Notes #48*** *"Who Was George Washington"* available here.
6. Cost, cited above, p. 8.
7. Ibid., p. 99.
8. Ibid., p, 396.
9. Ibid., pp. 354-355.
10. Cf. ***Book Notes #s 43 & 44*** *"Heroic Centrism"* available here.

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