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978-1-107-12160-7 - James Madison and Constitutional Imperfection

Jeremy D. Bailey

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I

The Madison Problem

“We must refer to the monitory reflection that no government of human device and human administration can be perfect; that that which is least imperfect is the best government.”

James Madison, 1833¹

This book attempts to answer a question that arose during my examination of Thomas Jefferson’s transformation of executive power. That question is this: Given James Madison’s critique of Jefferson’s proposals for frequent appeals to the people, why did Madison collaborate with Jefferson to bring about and institutionalize a version of those frequent appeals? Put another way, if we assume that Jefferson’s Revolution of 1800 was actually a revolution, why did Madison go along with it?²

In answering this question, this book introduces and attempts to answer a second question. Specifically, what was Madison’s solution to the problem of constitutional imperfection? By constitutional imperfection I mean the gaps that necessarily arise because no constitution can anticipate every contingency and opportunity, and I mean the flaws that derive from the errors of the founders. Constitutions are doomed to have both, so, as a result, those who live under one must determine whether their own constitution has a doctrine with respect to the problem of constitutional imperfection. That doctrine will have to first determine the extent of the imperfection as well as provide a remedy. The remedy might be formal amendment, judicial interpretation, legislative deliberation, executive discretion, appeals to the people, or some combination of any of these. I believe studying Madison with an eye to the problem of

¹ Madison to unknown, 1833, Hunt 9: 528.

² Jeremy D. Bailey, *Thomas Jefferson and Executive Power* (New York: Cambridge University Press, 2007).

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constitutional imperfection will liberate his thought from what can be called Madisonian constitutionalism. By examining Madison's political thought and practice unburdened by the assumptions of Madisonian constitutionalism, this book seeks to offer a fresher and more accurate account of Madison himself.

Madisonian Constitutionalism

Studies of American constitutionalism often rely on one of two well-known dichotomies. The first is the famous contest between Jefferson and Alexander Hamilton, between a strict construction of the Constitution with an emphasis on consent and a broad construction of the Constitution with an emphasis on sovereignty. The second dichotomy pits Jefferson against Madison. Under Jeffersonian constitutionalism, institutions should represent and embody the will of the people, and constitutional change should be frequent because each generation has the right to give its consent to its fundamental laws. Under Madisonian constitutionalism, institutions should mediate the will of the people, and constitutional change should be relatively infrequent because people need a constitution they can "venerate" and tinkering with it every generation would undermine this requirement of government.³

There is much to be said for these dichotomies. The first one helps us classify and understand the way ideas and partisan politics have interacted throughout American politics.⁴ The second one is perhaps less well worn, but equally important. In particular, it is useful in distinguishing a republic from a democracy, and perhaps in separating presidential from parliamentary regimes, as well as those in which there is a tradition of strong judicial review from those where there is not.⁵ Unsurprisingly, this literature overlaps with the increasing calls for a new Constitution. For example, in a recent book recommending a new constitutional convention, Sanford Levinson urges readers to reject Madison and embrace Jefferson.⁶ In his view, the problem is that where there had once been a healthy debate between Jeffersonians and Madisonians, victories over totalitarianism abroad and Jim Crow at home have allowed twentieth-century Jeffersonians to join the Madisonians "in support of the Constitution in all respects." This is a mistake, in Levinson's view, because Madison's victory over Jefferson stands in the way of fixing important structural defects in the

³ See also Michael P. Zuckert, *The Natural Rights Republic: Studies in the Foundation of the American Political Tradition* (South Bend, IN: University of Notre Dame Press, 1996), 232–43.

⁴ A good example is Franklin D. Roosevelt's recommendation to employ Hamiltonian means to achieve Jeffersonian ends.

⁵ Robert A. Dahl, *How Democratic Is the American Constitution?* Second Edition (New Haven, CT: Yale University Press, 2003).

⁶ Sanford Levinson, *Our Undemocratic Constitution: Where the Constitution Goes Wrong (And How We the People Can Correct It)* (Oxford: Oxford University Press, 2006). See also Barber's discussion of the corrosive effects of Madisonian constitutionalism in Sotirios A. Barber, *Constitutional Failure* (Lawrence: University Press of Kansas, 2014).

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Constitution. Levinson goes on to compare the newly converted Madisonian to the “battered wife who continues to profess the ‘essential goodness’ of her abusive husband.”⁷

In addition to providing a convenient historical framework for would-be constitutional reformers, the distinction between Jefferson and Madison has served as a useful measure of constitutional change across governments. In his study of what he calls the state constitutional tradition, John Dinan concludes that even though Madison might have won the contest with respect to the U.S. Constitution, Jefferson clearly scored many victories at the level of the state constitutions.⁸ Likewise, in their *The Endurance of National Constitutions*, Elkins, Ginsburg, and Melton collected data on every national constitution since 1787 to determine what it is that makes a constitution last over time. Their argument is framed in terms of Jefferson versus Madison, and they find that both visions of constitutional life win: the average length of endurance for a constitution just happens to be Jefferson’s nineteen years, yet constitutions seem to “improve” with age.⁹

In addition to offering a handy formula for social scientists who aim to classify democratic regimes, the difference between Jefferson and Madison is especially important for ongoing scholarship in political theory, as political theorists and intellectual historians have returned to considering what it is that constitutes any particular people. This literature is rapidly expanding, but what animates it is the difficulty in determining the moment at which, to borrow the formulation of the Declaration, “one people” becomes dissolvable from “another.” Or as Brian Steele put it in his groundbreaking study of Jefferson and American nationhood, the problem is that “two peoples cannot become two overnight.”¹⁰

The importance of the idea of Madisonian constitutionalism can also be seen in the renewed scholarly attention to “constitutional identity” and “constitutional maintenance.” For example, Walter F. Murphy quotes from Madison’s *Federalist* No. 49 to reveal a distinction between “constitutionalists” and “democrats”: constitutionalists are “more pessimistic about human nature than are democrats” and, unlike democrats, “they are concerned, sometimes obsessed with humanity’s propensity to act selfishly and abuse power.”¹¹ Further, Murphy appeals to Madison several times to distinguish constitutional

⁷ Ibid., 20.

⁸ John J. Dinan, *The American State Constitutional Tradition* (Lawrence: University Press of Kansas, 2009).

⁹ Zachary Elkins, Tom Ginsburg, and James Melton, *The Endurance of National Constitutions* (Cambridge: Cambridge University Press, 2009).

¹⁰ Brian Steele, *Thomas Jefferson and American Nationhood* (New York: Cambridge University Press, 2012), 12. See also Jason Frank, *Constituent Moments: Enacting the People in Postrevolutionary America* (Durham, NC: Duke University Press, 2010).

¹¹ Walter F. Murphy, *Constitutional Democracy: Creating and Maintaining a Just Political Order* (Baltimore: Johns Hopkins University Press, 2009), 8.

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maintenance from mere constitutional change, especially constitutional change “run amok.”¹² Similarly, Gary Jeffrey Jacobsohn points to Madison, who, “like Burke, calculated the benefits of consistency in terms of winning over the ‘prejudices of the community’.”

Implicit in Madison’s calculation is the idea that a constitution, however clear and reasonable in its articulation of rules and principles, can only succeed in translating word into deed (and thereby establish a discernible identity) if fundamental continuity in basic law and actual constitutional practice are seen as two sides of the same coin.¹³

Jacobsohn’s invocation of Madison, however, is not a complete endorsement. Madisonian and Burkean consistency is important as it serves as a kind of a capital to help constitutional theorists navigate the inevitable challenges of what Jacobsohn calls constitutional disharmony, but for Jacobsohn, this consistency is insufficient as a solution because sometimes “it is innovation that is in fact required.” Like Murphy, Jacobsohn sees this innovation as required by the universal claims made by natural law, which inevitably force serious constitutional theorists to look abroad to solve constitutional difficulties at home. “Constitutional imperfection is, then, the setting within which constitutional interpretation, especially as it looks outward, takes places.”¹⁴

From these accounts, we can see that the dichotomy between Madison and Jefferson still plays a role in the way political scientists and constitutional theorists think about constitutional design. This book, however, argues that this dichotomy is flawed or at least under-examined. Specifically, it argues that our notion of Madisonian constitutionalism has stood in the way of examining Madison’s political thought and practice on its own terms.¹⁵ In particular, it ignores the inconvenient fact that Madison spent the vast majority of his life helping Jefferson bring about changes that inevitably made the United States and its Constitution more Jeffersonian. If Madisonian constitutionalism is what scholars say it is, did Madison believe it?

Recent Work on Madison

Given the stakes, it is perhaps no surprise that there has been a resurgence of interest in Madison’s political thought. While the discussion so far suggests that there is basic unity among political scientists and constitutional theorists about Madisonian constitutionalism, there is in fact less unity among Madison

¹² Ibid., 498–99, 512.

¹³ Gary Jeffrey Jacobsohn, *Constitutional Identity* (Cambridge, MA: Harvard University Press, 2010), 97.

¹⁴ Ibid., 203.

¹⁵ I should acknowledge that there has been very good work revising Madisonian constitutionalism with respect to Madison and judicial review. See, for example, George Thomas, *The Madisonian Constitution* (Baltimore: The Johns Hopkins University Press, 2008), 1–38.

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scholars about the important contours of Madison's thought. In short, Madison scholars are still divided concerning Madison's commitment to democracy and concerning the consistency of his political thought.

Years ago, Charles Beard and Robert Dahl found in Madison's *Federalist* essays an antidemocratic effort to divide and check the landless majority, but these accounts were challenged by Martin Diamond, who emphasized the freedom assumed by *The Federalist's* vision of a "commercial republic" and concluded that Madison was a "friend" to democratic government.¹⁶ Later, in the seminal study of Madison in the 1780s, Lance Banning argued that Madison's efforts to strengthen the national government were consistent with Madison's previous commitment to popular government.¹⁷ For the past two decades, the question of Madison's democratic commitments has remained unsettled. Eminent scholars such as Gary Wills, Isaac Kramnick, and Drew McCoy still find Madison to be suspicious of democracy, and a few, such as Sheldon Wolin and Richard Matthews, even go as far as to conclude that Madison was hostile to it.¹⁸ On the other side, Alan Gibson, Larry Kramer, Robert Martin, and Colleen Sheehan have built on Banning's argument by emphasizing Madison's democratic credentials.¹⁹

The question regarding Madison's commitment to democratic principles has also become entangled with another, namely whether there is "a Madison problem" with respect to Madison's consistency over time.²⁰ Broadly, the problem is that Madison's efforts in the 1790s to form and organize the Republican party seem inconsistent with Madison's efforts in the 1780s to form and ratify the Constitution of 1787.²¹ This problem can be formulated in numerous

¹⁶ Charles A. Beard, *An Economic Interpretation of the Constitution* (New York: The Free Press, 1913); Robert Dahl, *Preface to Democratic Theory* (Chicago: University of Chicago Press, 1956); Martin Diamond, "Democracy and the Federalist: A Reconsideration of the Framers' Intent," *American Political Science Review* 53 (1959): 52–68.

¹⁷ Lance Banning, *The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic* (Ithaca, NY: Cornell University Press, 1995), 250–52.

¹⁸ Gary Wills, *Explaining America: The Federalist* (Garden City, NY: Doubleday, 1991); Drew R. McCoy, *The Last of the Fathers: James Madison and the Republican Legacy* (New York: Cambridge University Press, 1991); Richard K. Matthews, "James Madison's Political Theory: Hostage to Democratic Fortune," *Review of Politics* 67 (2005): 49–67; Sheldon Wolin, "Fugitive Democracy," *Constellations* 1 (1994): 11–25.

¹⁹ As discussed later, scholars within these groupings disagree among themselves about the contours of Madison's democratic theory as well as about the degree to which its form in the 1790s was a departure from that in the 1780s. See Colleen A. Sheehan, *James Madison and the Spirit of Republican Self-Government* (New York: Cambridge University Press, 2009); Alan Gibson, "Veneration and Vigilance: James Madison and Public Opinion, 1785–1800," *Review of Politics* 67 (2005): 5–35; Robert W. Martin, "James Madison and Popular Government: The Neglected Case of the Memorial," *Polity* 42 (2010): 185–209.

²⁰ The phrase comes from Wood's chapter, "Is There a 'James Madison Problem'," in Gordon S. Wood, *Revolutionary Characters: What Made the Founders Different* (New York: Penguin, 2006), 141–72.

²¹ Alan Gibson, "The Madisonian Madison and the Question of Consistency: The Significance and Challenge of Recent Research," *Review of Politics* 64 (2002): 331–38.

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ways: the Madison of the 1780s was concerned with empowering the national government, yet the Madison of the 1790s defended the prerogatives of the states; the Madison of the 1780s warned of the dangers of faction, yet the Madison of the 1790s cofounded and organized the nation's first opposition party; and the Madison of the 1780s worried about the dangers of a tyrannical majority, yet the Madison of the 1790s worried about the threat to the disorganized majority constituted by an organized minority. According to Robert Dahl, whereas the Madison of 1787 was motivated by his fear of the majority, "the mature and experienced Madison of 1821 might have done less to check majority rule and more to facilitate it."²²

There are, to be sure, potential solutions to this problem. One possible solution is that one period should be considered an outlier and therefore not part of the real Madison. So it could be, as Gordon Wood argued, that the Madison of the 1780s is the problem, because Madison's actions as secretary of state and president are consistent with the Madison of the 1790s. Or it could be, as Drew McCoy has argued, that the Madison of the 1820s is more like the Madison of the 1780s. A second solution, as Jack Rakove argues, is that the essential point is not that Madison's solution changed, but rather that Madison's perception of the threat to liberty changed. Under this view, and as Rakove puts it, Madison in the 1780s was most concerned about a powerful legislature and thus designed a constitution to check legislative power. But in the 1790s, Madison perceived that the greater threat to liberty came from the executive branch, so he shifted his focus to designing a constitution that checked the president. A third solution is that Madison was more or less consistent over time. So, for example, Banning argues that Madison was never a "nationalist," so the tension between the 1780s and 1790s has been overstated.²³ Colleen Sheehan reads Madison's writings in the 1780s to confirm her argument that Madison believed public opinion was "sovereign" but also something that needed to be shaped by the laws, an argument drawn from her study of Madison's party press essays in the 1790s.²⁴ Alan Gibson disagrees with this solution, but he too finds consistency in Madison's efforts to create what Gibson calls an "impartial" republic.²⁵

These potential solutions are important early steps in understanding Madison, but in my view they all share a common problem. That problem with the existing scholarship on the Madison "problem" is that the period under consideration is frequently too narrow to provide a representative sample of Madison's career. So, for example, Banning and Rakove emphasize the constitution-building period of the 1780s, Sheehan the opposition period of

²² Dahl, *How Democratic?*, 33.

²³ Banning, *Sacred Fire*, 158, 172.

²⁴ Sheehan, *James Madison and the Spirit of Republican Self-Government*.

²⁵ Alan Gibson, "Madison's 'Great Desideratum': Impartial Administration and the Extended Republic," *American Political Thought* 1 (2012): 181–207.

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the 1790s, and McCoy the retirement period of the 1820s and 1830s. With the exception of one or two biographies, the scholarly literature just has not yet connected the dots over the whole course of Madison's career, and it has left some important periods almost completely unexplored.²⁶ As a result, we have very good accounts of Madison in one period or another, but we lack the perspective to place these accounts in the larger context of Madison's political thought and practice throughout his career. The real Madison problem might just be that our scholarship is still in the early stages.

The Problem of Constitutional Imperfection

Madison's records of the Federal Convention of 1787 inform most of our understanding of the Constitution, yet, throughout his life, Madison carefully recorded his doubts about the process and result of that Convention. In his first letter to Jefferson after the Convention, Madison described the Convention as a "miracle" and emphasized difficulties that were "peculiarly embarrassing" and "created more embarrassment." He called the absence of the congressional negative "materially defective."²⁷ Madison repeated some of this language in his important yet understudied *Federalist* No. 37, which was written in January 1788. In 1819, Madison quoted with approval Benjamin Franklin's joke at the expense of the "poor sample" of "human reason" displayed at the Convention of 1787.²⁸ In 1821, he wrote that the deliberations at the Convention operated in too temporary a horizon, and were constrained by extreme negotiating tactics; he also admitted that he would have held different opinions at the Convention had he known then either how the Convention would proceed or how the government would eventually operate under the Constitution.²⁹ In 1823, and to explain the ongoing problems with presidential selection, Madison wrote that the Convention made mistakes at the end because the delegates were tired and hurried.³⁰ In 1831, he recalled that Gouverneur Morris distinguished himself at the Convention for his "rare willingness" to change his mind after discussion.³¹

²⁶ The leading biography is Ralph Ketcham, *James Madison: A Biography* (Charlottesville: University Press of Virginia, 1990). See also Jeff Broadwater, *James Madison: A Son of Virginia & a Founder of a Nation* (Chapel Hill: University of North Carolina Press, 2012); Kevin R. C. Gutzman, *James Madison and the Making of America* (New York: St. Martin's, 2012); Lynn Cheney, *James Madison: A Life Reconsidered* (New York: Viking, 2014).

²⁷ Madison to Jefferson, 24 October 1787, *Madison Writings*, 144, 152, and 149.

²⁸ In his 1819 Detached Memoranda, Madison recalled a story that Benjamin Franklin told a story of a man with no sense of smell who, upon observing sailors on a ship debating whether a piece of meat stunk or smelled sweet, concluded that "what you call smelling" is "nothing but fancy & mere prejudice." Madison, "Detached Memoranda," *Madison Writings*, 746.

²⁹ Madison to John Jackson, 28 December 1821, *Madison Papers Retirement*, 2: 441–44.

³⁰ Madison to Hay, 23 August 1823, Hunt 9: 155.

³¹ Madison to Jared Sparks, 8 April 1831, Hunt 9: 447–51.

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These were no doubt the reflections of someone well versed in the complex politics of constitutional controversy. After the Convention and before the rise of parties, Madison served as one of two principal exponents of the document (the *Federalist*), shepherded the first major revision through debate in Congress (the Bill of Rights), and assumed the leading role in the first debate regarding separation of powers (the removal debate of 1789). As Jefferson's sidekick and partisan politician in his own right, Madison tried to resolve imprecision with regard to the bank, the treaty power, presidential selection, the power to incorporate territory, and internal improvements. In Madison's retirement, would-be reformers turned to Madison to learn how to answer constitutional debates brought up by the Missouri Compromise, the Election of 1824, John Quincy Adams's national program, and the nullification crisis. As tirelessly as Madison worked to maintain the Constitution of 1787, he was inconsistent on whether that Constitution was better illuminated by debate in the Federal Convention or debate in the state ratifying conventions. Madison's treatment of constitutional imperfection could be the line connecting his efforts as the "Father of the Constitution" to those as the "last of the Fathers."

To be sure, scholars have long noted that Madison was dissatisfied with particular provisions of the Constitution, and much of the scholarship on the Madison problem has been focused on Madison's theories of constitutional interpretation and change. The difficulty has been that, at first glance, there is no clear unity in Madison's treatment of the problem of constitutional imperfection. There were times when he thought a policy was great policy but absolutely required a constitutional amendment (internal improvements, the national university, and recolonization of slaves). There were times, however, when he thought an amendment might be desirable in the abstract but unnecessary in practice (his first position on the Bill of Rights, and his later opinion on the bank). Similarly, even though he often advised that an amendment to the Constitution should not be proposed during a national controversy, he made calls for the states to begin the amendment process (the Alien and Sedition Acts), drafted amendments (the Louisiana Purchase), and distributed proposed amendments widely (the election controversy of 1824) precisely during moments of national controversy. And yet there were times when he thought a call for an amendment or appeal to the people would undermine the judiciary (Jefferson's 1823 protest message for the Virginia legislature), which he sometimes thought should be the necessary "final arbiter" in constitutional disputes. On another occasion, Madison worried that an error within the Constitution would become permanently attached to the public mind, as the Constitution would shape "opinions and commitments" into "settled obstacles" to much needed reform.³² Finally, there were times when Madison argued eloquently against extra-constitutional appeals to the people, yet there was at least one occasion (the election controversy of 1800) when he advocated just that.

³² Madison to George Hay, 23 August 1823, Hunt, 9: 155.

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One potential solution to this problem could be that Madison's solutions were aimed not only at particular constitutional difficulties but also at what he saw as excesses in the methods advocated to solve them. To the strict constructionist who worried that the Constitution would be made blank by construction, Madison argued that imperfections sometimes have to be settled by deliberation over time and ultimately by judges. To the broad constructionist who grounded his argument on what all sovereign governments must do, Madison argued that the Constitution was a specific compact among the sovereign people and rested on their consent. To the advocate of frequent appeals to the people, Madison argued that constitutions need to be venerated if they are going to endure. Each was a solution that Madison himself embraced at one time or another, yet each, as Madison knew better than any of his contemporaries, carried its own dangers. There is no better example than that of Jefferson.

The Problem of Jefferson as Possible Solution

If there were one object of study that could provide the most clarity to the political thought and practice of Madison over his entire career, it would be his political alliance with Thomas Jefferson. The two worked together for the first time in 1776 in Williamsburg, where each was a member of the Virginia House of Delegates, and then again in 1779, when Jefferson was governor of Virginia and Madison member of the executive council. Jefferson and Madison turned this relationship into an alliance at least as early as the 1780s, when they collaborated in an ambitious and failed attempt to transform Virginia's legal order by liberalizing punishment, ending slavery, and creating a new system of education. With Jefferson in France, Madison focused on reforming the Articles of Confederation, and that collaboration continued in the form of an extraordinary series of letters that would span six years of their geographical separation and would include their famous exchange about constitutional change. From 1789, the date of Jefferson's return to the United States, to 1826, the year of Jefferson's death, the two collaborated to organize the nation's first political party, get each other elected as president, found the University of Virginia, and, finally, protect each other's legacies. In the final months of his life, Jefferson wrote Madison to ask that Madison "take care of me when dead."

This important collaboration has of course received previous scholarly attention. Adrienne Koch's *Jefferson and Madison: The Great Collaboration* was the first book-length attempt to understand the relationship between the two Virginians, particularly by examination of the intellectual exchange between the two.³³ But it was published in 1950. The more recent *Madison and Jefferson* by Andrew Burstein and Nancy Isenberg is the essential history

³³ Adrienne Koch, *Jefferson and Madison: The Great Collaboration* (Oxford: Oxford University Press, 1950).

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of the relationship. The difference between the two works is evident from the titles. Burstein and Isenberg place Madison first in order to make Madison more equal to Jefferson, elevating Madison from the standard description of a “faithful lieutenant.” Accordingly, Burstein and Isenberg point out the times when Madison disagreed with Jefferson and when Madison was indispensable in guiding Jefferson’s career.³⁴ But, like Koch, much of the disagreement they find is isolated around the ratification of the Constitution, and, unlike Koch, they are less interested in understanding the political thought of each. This book, then, is more like Koch’s in its attentiveness to political ideas, both as a cause and as an effect, but it will focus more closely on the way the relationship helps us understand Madison.

More than a touching and historically significant example of friendship in politics, the problem of Jefferson is essential to understanding Madison’s dealing with the imperfections of the Constitution.³⁵ In prior work, I have argued that Jefferson saw his election in 1800 as an opportunity to transform executive power by democratizing it. That is, as Hamilton noted, Jefferson did not fear an energetic executive per se. Rather, Jefferson feared the energetic executive that he perceived Hamilton was creating, one that relied on expansive interpretations of constitutional authority. Jefferson sought to change this version of executive power to one that would be in his view more accountable and therefore more clearly tied to the majority will by electoral politics and by way of declarations of principle offered by the president. Accordingly, the Twelfth Amendment and the two-term tradition were designed by Jefferson to institutionalize what he called “his” principle, a single term of seven to eight years with the opportunity to remove midway in the term. Likewise, Jefferson changed the Inaugural Address to de-emphasize the formal transfer of power by way of the oath of office, and to reorient it around a declaration of principles, a declaration that would create a “union of sentiment” where it had not previously existed. The presidency, then, was remade to become the institutional path for appeals to the people to happen on a regular basis. Indeed, for Jefferson, the presidency made public opinion possible. If this is a correct rendering of Jefferson, then it is clear that we need to determine Madison’s view of the Revolution of 1800. Did he understand it differently, or did he seek to moderate it? More directly, did Madison believe that the Revolution of 1800 was a revolution?

If this rendering is too focused on Jefferson, the question can be rephrased in a way that arises more directly out of Madison’s political thought. In *Federalist* No. 37, Madison wrote that one of the difficulties faced by the delegates to

³⁴ Andrew Burstein and Nancy Isenberg, *Madison and Jefferson* (New York: Random House, 2010).

³⁵ For a useful comparison of Jefferson’s “political friendship” with Madison to that of his “philosophic friendship” with John Adams, see Jean M. Yarbrough, *American Virtues: Thomas Jefferson in the Character of a Free People* (Lawrence: University Press of Kansas, 1988), 165–82.