

## Constitutional Corner - The Mind of James Madison, Part 1

I had the pleasure of interviewing on my weekly radio show last Friday, author and professor, [Colleen Sheehan of Villanova University](#).<sup>1</sup> Her recent book, "[The Mind of James Madison, The Legacy of Classical Republicanism](#),"<sup>2</sup> deals with Madison's "Notes on Government" project, a little known effort he took in early 1791<sup>3</sup> to put to paper his thoughts on what republican government is all about, at least certain of its features. The podcast of the show is available for download [here](#).<sup>4</sup>

Sheehan's book fills a critical void in understanding the political philosophy that Madison espoused. We can glean some of his ideas from the twenty-nine Federalist essays he contributed to Hamilton's effort to get the New York convention to ratify the Constitution. But these were, by necessity, limited to those connected in some way to features of the Constitution. We know other ideas from the nineteen "[Party Press](#)" essays<sup>5</sup> he sent to collegium Phillip Freneau's fledgling National Gazette newspaper in Philadelphia, most of them based on the "Notes." And we encounter others, as well as his combative style, in the [Pacifcus-Helvidius debate series](#)<sup>6</sup> against friend-turned-political adversary, Alexander Hamilton (Jefferson wrote Madison: "*For god's sake, my dear Sir, take up your pen, select the most striking heresies, and cut [Hamilton] to pieces in the face of the public.*" This, Madison proceeded to do). But these are mostly snippets; until "Notes on Government," Madison had never taken time to sit down and organize his political philosophy in a methodical way, which is understandable given his near-continuous life of public service from 1776 to his election to the First Congress in 1789. This was a busy man.

The "Notes" were never published, indeed, they were never even finished; some chapters, such as "The Influence of Education on Government," remained blank. But they covered some unique ground not addressed elsewhere.

Perhaps the most important chapter in the "Notes," and one to which Sheehan devotes a major portion of her book, dealt with the influence of public opinion on government.

In Federalist 49, Madison stated that "*All governments rest on opinion,*" which Professor Sheehan notes might be a recapitulation by Madison of British philosopher David Hume's

---

<sup>1</sup> <http://www1.villanova.edu/villanova/artsci/psc/facstaff/biodetail.html?mail=colleen.sheehan@villanova.edu>

<sup>2</sup> <https://www.amazon.com/Mind-James-Madison-Classical-Republicanism/dp/1107029473>

<sup>3</sup> Sheehan makes a compelling case that the Notes were mostly written between the adjournment of Congress on March 2, 1791 and the assumption of some extended travel with his friend Jefferson in late April of that year.

<sup>4</sup> <http://www.1180wfyl.com/we-the-people-2017.html>

<sup>5</sup> <http://teachingamericanhistory.org/newsletter/201007-2/>

<sup>6</sup> <http://teachingamericanhistory.org/library/document/the-pacifcus-helvidius-debate/>

*“governors have nothing to support them but opinion.”*<sup>7</sup> Madison describes public opinion as the “real sovereign” in a free government. One new revelation that struck me was Madison’s belief that governments are sometimes bound to obey public opinion, but that they can also influence public opinion. As Madison put it: *“As there are cases where the public opinion must be obeyed by the Government, so there are cases, where, not being fixed, it may be influenced by the Government.”*

In today’s climate of “fake news” -- information designed expressly to skew public opinion -- one wonders to what extent government, if it indeed is shaped by opinion, reflects a true expression of the public? One also wonders to what extent opinion is being shaped by the government itself – and how? Townhall meetings thus take on a new importance; not only do they allow the people to express their opinions to their elected representatives, they also, if used properly, allow the representatives to provide a “reality check” on the unrealistic expectations of their constituents. The American people, many of them at least, have created in their minds a false image of the purpose of government and, more importantly, its capabilities. Townhalls, if attended, can help correct these false and unrealistic expectations. *“Whatever facilitates a general intercourse of sentiments, as good roads, domestic commerce, a free press, and particularly a circulation of newspapers through the entire body of the people, and Representatives going from, and returning among every part of them, is ... favorable to liberty,”* says Madison in an essay drawn from the “Notes.”

Sheehan’s book forms a great resource: it includes a full copy of the “Notes” as well as other related material, such as his famous *“Vices of the Political System of the United States,”* and a letter he wrote Jefferson in France to explain some of the features of the newly drafted Constitution. The Appendix takes up nearly half the book.

During our hour-long interview, Professor Sheehan and I explored other features of the “mind of James Madison” beyond those contained in the “Notes,” such as his view of religion, the church/state question and his personal view of slavery. Madison criticizes the existence of slavery in the “Notes,” noting that where it is condoned in a country or state, this can produce, over time, an aristocracy in which, at least in the example he gives of Virginia, can result in only about a quarter of the population having any real political power. Yes, Madison grew up among slaves, used them as his personal valets throughout his life, and inherited responsibility for Montpelier’s slaves upon the death of his father in 1801. Yet he did not free any of them in his will, as some men at the time did. Why? It is my belief, and the Professor’s, that the financial hardship imposed by Madison’s spendthrift adopted son, John Payne Todd, who found himself more than once in debtor’s prison, kept Madison so financially “off balance” that freeing his slaves would have placed the entire estate, and the well-being of his devoted wife, Dolley, in

---

<sup>7</sup> Madison almost certainly had a copy of Hume’s *Political Discourses*

peril, something he could not bring himself to do. As it was, after Madison's death in 1836, Dolley Madison was still left in severe financial hardship for the remainder of her life, having to sell her husband's papers to Congress just to get by. Paul Jennings, Madison's personal valet in the White House, was purchased and allowed to work for his freedom by none other than Daniel Webster. In his memoirs, Jennings writes of frequently being directed by Webster to drop off food and other goods at Dolley's apartment in Washington.

We also discussed the issue of Free Speech that is being so contested today and how Madison might have viewed the controversy. If public opinion is so inexorably tied to government, anything that inhibits the free exchange of ideas and information can only be a detriment to the ultimate success of that government.

*The Mind of James Madison, The Legacy of Classical Republicanism*, is a great help to understanding this complex Founding Father. It is well worth the read. In future essays we will explore other aspects of "the mind of James Madison." Stay tuned.

"Constitutional Corner" is a project of the Constitution Leadership Initiative, Inc. To unsubscribe from future mailings by Constitution Leadership Initiative, [click here](#).