

Appendix E

James Madison, not the Father of the Constitution: A Note on the Federalists, *The Federalist*, and Anti-Federalists

To quote Forrest McDonald, “The myth that he [Madison] was the Father of the Constitution is a deeply rooted one.” (See *Novus Ordo Seclorum: The Intellectual Origins of the Constitution* [Lawrence, Kans.: University Press of Kansas, 1985], 205.) The myth of Madison as “the father of the Constitution” is perpetuated in *The Papers of James Madison* and Max Farrand, *The Framing of the Constitution of the United States* (New Haven, 1913), Irving Brant, *James Madison, The Father of the Constitution, 1787-1800* (Indianapolis, 1950), Clinton Rossiter, *1787: The Grand Convention* (New York, 1966), Ralph Ketcham, *James Madison, A Biography* (New York, 1971), William Lee Miller, *The Business of May Next: James Madison and the Founding* (Charlottesville, Va., 1992); Drew McCoy, *The Last of the Fathers: James Madison and the Republican Legacy* (New York, 1989); James Morton Smith, ed., *The Republic of Letters: The Correspondence between Thomas Jefferson and James Madison, 1776-1826* (3 vols., New York, 1995); and Lance Banning, *The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic* (Ithaca, 1995).

The “canonization” of *The Federalist* is described in Daniel Walker Howe, “The Political Psychology of the Federalist,” *William and Mary Quarterly*, 3rd ser., 44 (1987), 485-509. See also Albert Furtwangler, *The Authority of Publius: A Reading of the Federalist Papers* (Ithaca, N. Y., 1984). Its acceptance by scholars is questioned by Rakove, *Original Meanings* (p. 15). For the standard nationalist-Madisonian interpretation of the constitution, see the essays in Leonard W. Levy and Dennis J. Mahoney, eds., *The Framing and Ratification of the Constitution* (New York, 1987) and Charles R. Kesler, ed., *Saving the Revolution: The Federalist Papers and the American Founding* (New York,

1987). See also Max Farrand, *The Framing of the Constitution of the United States* (New Haven, 1913); Charles Warren, *The Making of the Constitution* (Cambridge, Mass., 1928); Catherine Drinker Bowen, *Miracle at Philadelphia* (Boston, 1966); Clinton Rossiter, *1787: The Grand Convention* (New York, 1966); Irving Brant, *James Madison and American Nationalism* (New York, 1968); Elizabeth P. McCaughey, *Government By Choice: Inventing the United States Constitution* (New York, 1987); Garry Wills, *Explaining America: The Federalist* (New York, 1981); Morton White, *Philosophy, The Federalist, and the Constitution* (New York, 1987); William Lee Miller, *The Business of May Next: James Madison and the Founding* (Charlottesville, Va., 1992); William Peters, *A More Perfect Union: The Making of the United States Constitution* (New York, 1987); Stephen L. Schechter, et al, eds., *The Roots of the Republic: American Founding Documents Interpreted* (Madison, Wis., 1990); Bernard Bailyn, ed., *The Debate on the Constitution* (New York, 1993), and Philip Kurland and Ralph Lerner, eds., *The Founders' Constitution* (5 vols., Chicago, 1987); Michael Kammen, "'A Vehicle of Life': The Founders' Intentions and American Perceptions of Their Living Constitution," *Proceedings of the American Philosophical Society*, 131 (1987), 325-340; Kammen, *A Machine That Would Go By Itself: The Constitution in American Culture* (New York, 1986); Roger H. Brown, *Redeeming the Republic: Federalists, Taxation, and the Origins of the Constitution* (Baltimore, 1993); Samuel H. Beer, *To Make a Nation: The Rediscovery of American Federalism* (Cambridge, Mass., 1993); and Bruce Ackerman, *We The People: Foundations* (Cambridge, Mass., 1993). The current editors of *The Papers of James Madison* at the University of Virginia (with whom the author has corresponded) should also be included here along with the major biographers of Madison (Irving Brant, Ralph Ketcham, Robert Rutland, Drew McCoy, and Lance Banning) and historians who have put forth editions of *The Federalist* (like Clinton Rossiter and Roy Fairfield). See also George Carey, *The Federalist: Design for a Constitutional Republic* (Urbana, 1989) and Charles F. Hobson, "The Negative on State Laws: James Madison, the Constitution, and the Crisis of Republican Government," *William and Mary Quarterly*, 3rd ser., 36 (April, 1979), 215-235. "The name of James Madison is inseparably linked with the United States Constitution of 1787." (215.) Additional works are cited in the notes and bibliographies of these works and those of Rakove Koch, Storing, and Lutz above. A survey of articles in *The University of Chicago Law Review* and the *Harvard Law Review* reveals the same bias.

A corrective to this mythical view is Joyce Appleby, "The American Heritage: The Heirs and the Disinherited," *Journal of American History*, 74 (1987), 798-813 and Stanley N. Katz, "The Strange Birth and Unlikely History of Constitutional Equality," *Journal of American History*, 75 (1988), 747-761. See M. E. Bradford, *Original Intentions: On the Making and Ratification of the United States Constitution* (Athens, Ga., 1993). The last work is reviewed by Wood in *Southern Partisan* (3rd Quarter, 1994), 36-40. For one interesting

critique of *The Federalist*, see John Taylor of Caroline, *An Inquiry into the Principles and Policy of the Government of the United States* (Fredericksburg, VA, 1814; New Haven, 1950), 467-468. Criticism of *The Federalist* and of Madison also formed part of John C. Calhoun's political writings. See Ross M. Lence, *Union and Liberty: The Political Philosophy of John C. Calhoun* (Indianapolis, 1992), especially "A Discourse on the Constitution and Government," 81-284. In language reminiscent of 1787-88, Calhoun declared "ours is a democratic, federal government." "It is federal as well as democratic, Federal, on the one hand, in contradistinction to national, and, on the other, to a confederacy." (quotes on pp. 81, 82). For the errors of Madison and *The Federalist*, see pp. 108-116. That Lockean natural rights theory as well as Aristotelian political views were present at the creation of the republic is documented in Charles S. Hyneman and Donald S. Lutz, eds., *American Political Writing During the Founding Era, 1760-1805* (2 vols., Indianapolis, 1983).