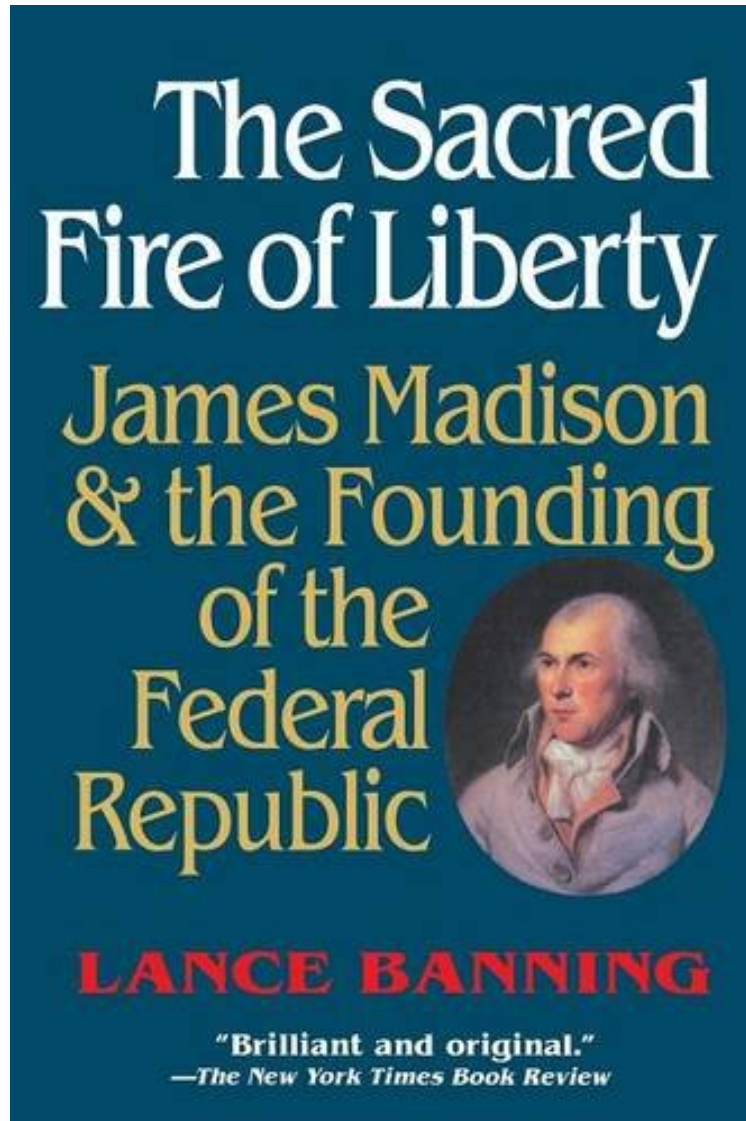


The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic

Lance Banning

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Federal Republic | File size: 66.Mb

Lance Banning : The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic before purchasing it in order to gage whether or not it would be worth my time, and all praised The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic:

30 of 31 people found the following review helpful. Lance Banning and the hermeneutics of generosity By greg

taylorLance Banning passed away on Jan. 31 of this year. When I learned this I decided to change the focus of my review a little. First, what do I mean by the hermeneutics of generosity? By hermeneutics I mean a scheme or method of interpretation. An intellectual biographer who uses a hermeneutics of generosity starts off with certain assumptions. Everything people do they do for reasons. From the point of view of the biographical subject they are always good reasons. If you believe your subject to be a person of exacting moral standards and exceptional intelligence, then you assume that everything they have done can be back up by compelling arguments that have been long considered. This style of hermeneutics is obvious in two ways in Banning's work. Obviously, in the way he approaches Madison. But the first thing I want to talk about is the way Banning reacts to other scholars. His notes are extraordinary. Banning read everyone who had written on Madison and located his interpretations in relation to that of others. He not only carefully explains the differences between his interpretations and those of others (e.g., Martin Diamond, Gordon Woods, Paul Rahe and Jennifer Nedelsky among others) but he also points out the strengths of their alternatives. This was a man who knew how to listen to his sources and not just to one up them. But it is really in regard to James Madison that Banning's approach shines through in all its humanity. Banning believes that there is a standard version of Madison's intellectual biography that is largely wrong. That standard version is based on the biographies of Irving Brant and Ralph Ketcham and the intellectual histories of Gordon Woods and Martin Diamond. In the standard version, James Madison (JM) started off as a strong nationalist in the early 1780s. He was part of the movement at that time to modify the Articles or to change them completely. JM's method of constitutional interpretation at that time is usually considered to have been expansive or willing to loosely construe the document so as to justify non-explicit central government powers (e.g., Morris' national bank). JM's nationalistic period continued all the way through his work at the Constitutional Convention, the writing of *The Federalist* and his first year in the new Congress. However, when Hamilton's economic programs began to unfold during the second and third terms of Congress, JM began to backpedal on his nationalism and his expansive constructionism. By the mid-1790s, JM is usually seen as a strict constructionist and a states rights theorist who would remain so all his life. Thus the standard version gives us two Madisons, who can only be connected by various versions of the Madison as practical or conniving politician who changed his stripes due to the political winds of the moment. Banning will have none of this. He believes the standard version misrepresents all aspects of JM's career. Banning believes that if we take JM's writings throughout his life seriously, then he clearly see a very consistent thinker whose whole career is centered around the dynamic problem of how to ground government on the people without being exposed to the inconveniences or "excesses" of democratic rule. I will limit my discussion of Banning's revisionism (his term) to his interpretation of two aspects of JM's career that are essential to his argument. The first is JM's career in the Continental Congress of the early 1780s. The democratic excesses were showing up in the Confederation period in the behavior of the states. Banning shows that in the early 1780s that JM was indeed a nationalist but a qualified one. JM read the national scene from the point of view of Virginia and from his understanding of revolutionary politics. Any national measure that wasn't good for Virginia was unlikely to be favored by JM. As for the Confederation, the problem was the weakness of the federal Union. If the structural flaws of the Articles could be amended, the misbehavior of the states could be controlled. Thus, at this point in his career, Madison was not part of the movement that wanted to jettison the Articles. He merely wanted to amend them to make implicit powers explicit. That point is very important. Banning argues forcefully from JM's writings that even at this point, JM was a strict constructionist. So the standard version is wrong in two ways about the early Madison. The other central moment in Banning's revision is the aftermath of the Constitutional Convention, especially, the writing of *The Federalist*. This is usually seen as one of the strongest arguments for the standard view. It is well known that Madison expressed dismay after the Convention about the prospects for the longevity of the new government should it be ratified. He was upset that his suggestion for a national veto of the laws of the individual states had not been written into the finished document. He also was dismayed that the representation in the Senate was equal for each state. He thought this repeated a fundamental flaw in the Articles. And yet, within two months, JM was well into writing *The Federalist* where he explicitly agreed with both of these decisions by the Convention. Most readers, including myself, find this to be a little disingenuous on Madison's part. But for Banning, this was indicative of JM having changed his mind. According to Banning, during the course of reflecting on the work of the Convention and of writing *The Federalist*, JM must have realized that his opponents in the Convention had compelling reasons for doing what they did and he therefore changed his mind. Banning states that anyone who has written out a long argument is familiar with changing their mind during the course of the writing. Fair enough. But this brings me to the two main issues that I had with Banning's whole thesis. As proof that JM accepted the counterarguments against his idea of a national government veto, Banning claims that JM never tried to push that idea again after his writing of *The Federalist*. In this, I think he can be shown to be, at least, partially wrong. When JM first introduced his Bill of Rights proposal to the first Congress, his fifth Amendment stated "No state shall violate the equal rights of conscious, or the freedom of the press, or the trial by jury in criminal cases." It seems to me to be arguable that JM was trying to get through as much of a national veto as he thought possible. The theoretician was trimming his sails to the political winds. This is not a bad thing. Most any reasonable reformer will take what they can get. But it speaks to one of the central tensions in JM's thought and Banning's revisionism. JM obviously believed that any government, to be

legitimate, had to be founded on the people. But he did not trust the people to behave, to not become a "factious" majority willing to strip the rights of some minority. As far as I can read, JM or Banning's version thereof never gives us a definition of what sets off a "factious" majority from a majority pursuing the true interests of the country. This is where Madison the politician enters. I often feel that JM, like Jefferson, was willing to take advantage of political changes and that they were more than willing to alter or bend their philosophies to do so. When they were out of power, it was easy to be consistent theorists. Once in power, it turned out that there were more things to deal with than dreamed of in their philosophies. Unlike Prof. Banning, I am okay with that. I do not feel that Banning succeeds in explaining away this tendency of JM's. I suggest that when you read this book that you keep a copy of the Library of America's edition of Madison's Writings near to hand. It contains most of the papers that JM wrote which Banning uses. Read each one before you read the corresponding section of Banning and see if you always agree with what Banning makes of that particular writing. I did not. Have I learned from the reading of this book? Yes, yes, O my yes. This is an extraordinarily learned book written with a generous and respectful scholastic spirit. Banning has changed much of how I read Madison if not as much as he might have wished. But the real pleasures of this book have to do as much with spending time with Lance Banning's intellect and spirit as those of JM. In fact, perhaps the highest compliment I can pay the author is that I think that James Madison would have found him a kindred spirit. One final note: the Liberty Fund is publishing a volume this summer edited by David Womersley entitled *Liberty and American Experience in the Eighteenth Century*. It will contain what is probably Banning's last publication- an article entitled, "Federalism, Constitutionalism, and Republican Liberty: The First Constructions of the Constitution". I plan to be among the first to read it. Do I have my geek on or what? 1 of 4 people found the following review helpful. Class requirement By Craig A. Taylor It's on the syllabus for a Masters Government class that I'm taking this summer, so it's fine for that purpose. 27 of 30 people found the following review helpful. Madison finally revealed By Kevin Brogan Lance Banning's book is excellent, and long overdue. History has left us a view of Madison that suggested he was Jefferson's lieutenant, an apostate to his nationilistic views in the 1790's, one view even diminished him to a 'trimmer' of ideas. The average person knows little of the Father of the Constituion, and as Jack Rakove stated at Princeton this February passed, we are learning what Madison always knew. Most views of Madison are not the result of individual study and research, many opinions of Madison arise from previous treatments. Banning began with the exchanges of Madison and found the consistency Madison always claimed. The actual history of Madison reveals an enormously capacious, hard working force behind the Constituion, Bill of Rights, The Federalist Papers, 41 years of public service, and the workings and definition of government. Viewed by friend and political foes as, brilliant and 'one adept at committee work and reasoned argument, one who could be depended on to speak and write with precision and force what others could express but vaguely and in part.' Banning has surpassed those before him in Madisonian scholarship, by ardously discovering The Real Madison. The attention to detail is excellent, and the scholarship is not self defending just revealing. As Madison's true nature unfolds the consistency is revealed, from lieutenant to an independent thinker, and finally to the proper position of one the key thinkers behind American government. Being one dependent on scholars for my view of history, and granting then occasionally the keepers of arcanum a merit they do not deserve, it is refreshing to have Lance Banning's contribution not only to Madisonian scholarship, but also to American History. The ongoing efforts by Dave Mattern and the Papers of James Madison have brought enormous information to light in the last few years, and it appears the work of Banning may be the beginning of Madison taking his deserved place in our history and common parlance, a parlance altered by the independent and arduous study this book represents.

James Madison was the finest democratic theorist that the United States has ever produced. His was the pivotal philosophical role in framing the Constitution and establishing the principles on which a wholly new form of government was to be based. Yet this widely informed and profoundly original thinker has been considered by most scholars to be an intellectual pragmatist who reacted variably and inconsistently to the changing circumstances of the Revolution and the Confederation. Lance Banning's powerful and persuasive reexamination of Madison's thought at the critical early and central stages of his career now changes that presumption, and provides a new base from which thinking about Madison and the Founding must start. *The Sacred Fire of Liberty* follows Madison from his appearance on the national stage (in Congress in 1780) through the end of 1792. By the end of this period, he had achieved his mature understanding of the Constitution, and his collision with many of the other Federalists of 1788 had made him a leader of the opposition to the administration of George Washington. Banning convinces the reader, through his meticulous research and deeply contextualized presentation of the shifting issues of the period, that Madison indeed held to consistent principles: he was at once a more committed democrat and a less eager nationalist than usually has been thought. The thinking that had underpinned his actions at the great convention, his numbers of *The Federalist*, and the supposed reversal of positions represented by his joining with Thomas Jefferson to form the first Republican

party had firmed by 1792 into the understandings that would guide the rest of his career.