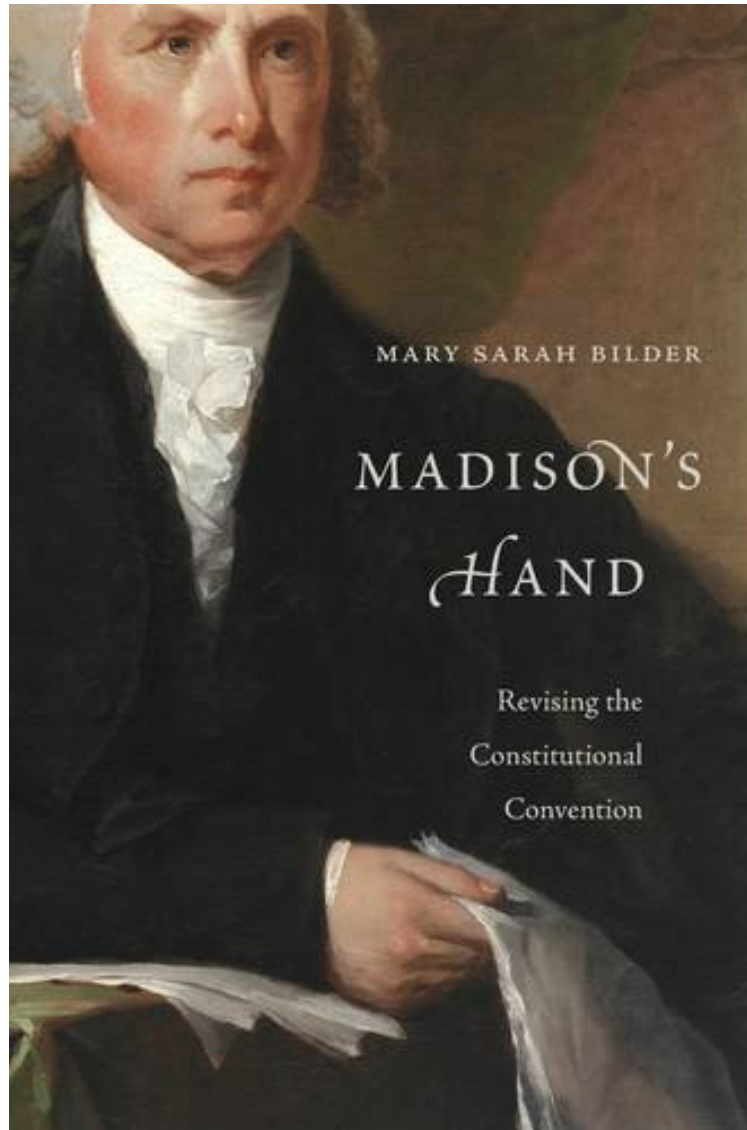


[Download free pdf] Madisons Hand: Revising the Constitutional Convention

Madisons Hand: Revising the Constitutional Convention

Mary Sarah Bilder

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Mary Sarah Bilder : Madisons Hand: Revising the Constitutional Convention before purchasing it in order to gage whether or not it would be worth my time, and all praised Madisons Hand: Revising the Constitutional Convention:

9 of 9 people found the following review helpful. Originalists: Please Take Notice By Ronald H. Clark This is a book of remarkable scholarship, reflecting intensive research and writing over a period of several years. The focus of the book are the notes taken by James Madison during the 1787 Constitutional Convention. These notes have become important

sources of information for what the drafters of the document intended to accomplish. Madison was no stenographer; he took rough notes and later transcribed them--but his attention was sometimes selective in what he chose to record. In addition to a valuable introduction, setting the political context for the convention, the book is divided into five sections. In section I, the author discusses legislative diaries and Madison's prior experience in the Confederation Congress with them. Section II describes Madison's techniques for taking his working notes in the convention. In the process, the author follows the development of some key decisions made by the delegates as to procedures and various issues. Madison apparently would translate speakers' remarks into his own terminology; and speeches (including his own) remained a problem. Some of his own positions he omitted from the record. Section III is interesting from several perspectives. We learn that although Madison has been termed "the father of the Constitution," in actuality he lost more battles than he won. He wanted to severely limit state power by imposing a federal "legislative veto" over state laws, as well as a "council of revision" to ensure proper statutes by Congress. He very strongly favored proportional representation by population in both houses of Congress, which would have foreclosed equal state representation in the Senate. He hoped the Senate would play a key role in protecting property (including slaves) from legislative attacks. He lost on these points, and others, but in the process as the author recounts he developed his mature political thought. Eventually, Madison became engrossed in drafting committees and detail work and once again pushed some of his goals (e.g., expansive legislative power) through his editing efforts. As Part IV recounts, due to his growing committee responsibilities, Madison eventually abandoned taking thorough notes, which hampered him later when he tried to write material covering this period. His rough notes proved unsatisfactory for this purpose, and this is one source of probable error in his final notes. In fact, he never published his notes while alive, although he sporadically added and subtracted material depending upon the political demands he faced. He kept them secret, except from Jefferson, and relied upon them--as did Jefferson--in ratification and congressional debates. Part V goes into detail as to how he corrected and revised the notes. I found interesting that Jefferson, who had been in Paris during the convention, initially was not too concerned with the decisions reached in Philadelphia in his political activities upon his return ("the earth belongs to the living"); but when Vice President under Adams he became more conventional in his views. Madison joined Jefferson in using the term "compact" to describe the Constitution in the Kentucky and Virginia resolutions, a position his own secret notes repudiated. Ultimately, due to decades of changes, additions, and subtractions Madison realized that it was impossible to reclaim the original convention and what had transpired there. This book drives home an important lesson about using historical material with the assumption that it is an accurate reflection of the drafters' (or framers' for that matter) intent. Madison's notes have always been, and continue to be, a primary resource for those seeking to resolve present constitutional issues through the aegis of historical documents. Yet the author skillfully demonstrates their substantial shortcomings. In the process, we are thankful to the author for educating us about the convention, explaining how Madison developed his political views, and the strange journey of his notes. Context is everything sometimes, and that certainly is true in constitutional interpretation.

7 of 11 people found the following review helpful. Brilliant and provocative
By A. H. After seeing the rave review in the Wall Street Journal and the recent Washington Post front page, I eagerly read this compelling book. A must for anyone scholars, politicians, or amateurs like myself who wants to understand where our Constitution came from. Highly recommended.

0 of 3 people found the following review helpful. Three Stars
By Joe H. Read this for a US Constitutional History class. Interesting but dry at times. Could've been 100 pages shorter.

James Madison's Notes on the 1787 Constitutional Convention have acquired nearly unquestioned authority as the description of the U.S. Constitution's creation. No document provides a more complete record of the deliberations in Philadelphia or depicts the Convention's charismatic figures, crushing disappointments, and miraculous triumphs with such narrative force. But how reliable is this account? In an unprecedented investigation that draws on digital technologies and traditional textual analysis to trace Madison's composition, Mary Sarah Bilder reveals that Madison revised the Notes to a far greater extent than previously recognized. The Notes began as a diary of the Convention's proceedings. Madison abandoned the project at a critical juncture, however, and left the Notes incomplete. He did not return to finish them until several years later, largely for Thomas Jefferson. By then, Madison's views were influenced by the new government's challenges and Jefferson's political ideas. Madison's evolving vision of republican government, his Virginia allegiances, his openness to constitutional protection for slavery, his fascination with the finer points of political jockeying, and his depictions of Alexander Hamilton and Charles Pinckney shifted during the writing and rewriting of his account. When the Notes were finally published in 1840, the layers of revision were invisible. Madison's version of events quickly assumed an aura of objectivity, and the Notes molded the narrative of the Constitution. *Madison's Hand* offers readers a biography of a document that, over two centuries, developed a life and character all its own.

[A] superb study of the Constitutional Convention as selectively reflected in Madison's voluminous notes on it. Scholars have been aware that Madison made revisions in the Notes but have not intensively explored them. Bilder has looked closely indeed at the Notes and at his revisions, and the result is this lucid, subtle book. It will be impossible to view

Madison's role at the convention and read his Notes in the same uncomplicated way again. An accessible and brilliant rethinking of a crucial moment in American history. (Robert K. Landers *Wall Street Journal* 2015-10-23) The reliability of Madison's Notes as a credible contemporaneous record of what really transpired in Philadelphia is being challenged as never before in an important new book Bilder, using forensic techniques to date the changes [James Madison] made and historical research to describe what was happening politically when he made them, has made sense of the revisions, which began right after the convention and continued up until his death. And many of them amount to what we would now call spin. (Fred Barbash *Washington Post* 2015-11-18) A major contribution to our understanding of the Constitutional Convention. (Jack N. Rakove, author of *The Annotated U.S. Constitution and Declaration of Independence*) Bilder has written the definitive study of one of the most influential texts in American constitutional history. She demonstrates that Madison's notes on the Philadelphia Convention were never intended to preserve an impartial transcript of debates for posterity. They were designed, rather, to serve the various purposes of their author, which changed dramatically over the decades. The text assumed its final form only when a much older Madison felt it necessary to project the ideological allegiances of Jeffersonian Republicanism backward onto the Convention. We will never read this seminal document the same way again. (Eric Nelson, author of *The Royalist Revolution*) In this eye-opening book, Bilder employs advanced research techniques to revise and correct our understanding of the written record of the Constitutional Convention. Along the way, she offers original and sometimes surprising new interpretations of many of the events and controversies that gave rise to our Constitution. Anyone who wants to understand the Constitution must take this book into account. (Michael McConnell, co-author of *The Constitution of the United States*) Every historian who has ever written about the Constitutional Convention has used James Madison's Notes as a fundamental primary source. And although nearly all are aware of the fact that Madison revised his notes over time, no one has ever attempted a systematic study of the nature of those revisions or of the significant ways in which those changes might have altered our understanding of the Convention. *Madison's Hand* is an exceptionally important piece of work that will have a profound impact on all future work on the Constitutional Convention. (Richard Beeman, author of *Our Lives, Our Fortunes and Our Sacred Honor*) For nearly two centuries, Madison's Notes have been regarded as secular scripture: an inerrant, authoritative, and complete account of the drafting of the Constitution. Bilder reveals them instead as an intricate palimpsest, altered and expanded repeatedly between 1787 and Madison's death in 1836 with each change subtly reflecting the passions of the day rather than a quest for original understanding. What emerges from this important book is a more human Madison, a more complex framing story, a new light on the struggles of the early Republic, and a deeper regard for the complexities and fascinations of American constitutional history. (Garrett Epps, author of *American Epic: Reading the U.S. Constitution*) A kind of biography of Madison's notes Bilder has done the first intensive study of the actual paper on which Madison's notes are written, Madison's handwriting in different parts of the notes, and other aspects of the actual physical artifacts. (Kevin R. C. Gutzman *American Conservative* 2016-05-01) Thoroughly researched and elegantly written. (James Srodes *Washington Times* 2016-07-18) [Bilder's] is a special kind of intellectual biography, concerned with the intimate processes by which Madison formed and reformed his ideas. (Tom Cutterham *in American History* 2016-09-01) The great value of Bilder's project emerges not from its specific conclusions but rather from her interpretative methodology, and how she applies it to illuminate Madison, his Notes, and the Constitution's creation. Her intricate, complex book is as clear as a careful scholar and writer can make it, and her clarity is particularly valuable in her explication of methodological issues. Bilder reminds us that Madison and his colleagues were creating a constitution for a specific polity at a specific time and place. Future scholars may produce readings of the Notes and of their evolution differing from Bilder's, as she concedes in her introduction. In fact, she invites such work. Anyone following in Bilder's footsteps will have to engage with her revolutionary book, as all of us who study the Constitution's origins and the Federal Convention must do. (R. B. Bernstein *New England Quarterly* 2016-12-01) About the Author: Mary Sarah Bilder is Founders Professor of Law and Michael and Helen Lee Distinguished Scholar, Boston College Law School.