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**Our Divisive Times: What Would Madison Say?**

**by**

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Perhaps the story is apocryphal, but nonetheless it is a good one. At the close of the Constitutional Convention of 1787, anxious Philadelphians reportedly gathered outside Independence Hall after the proceedings ended in order to learn what had been produced behind closed doors. A Mrs. Powel asked Benjamin Franklin, “Well, Doctor, what have we got, a republic or a monarchy?” Without any hesitation whatsoever, Franklin responded, “A republic, if you can keep it.”

With our politics roiling, our citizenry angry and deeply divided, and the rule of law – the fabric that binds our country together – all too often stretched and strained, I’ve been thinking: What would Madison say regarding our current state of affairs?

What can we glean today from this foremost Founder – the “Father of our Constitution” – the person credited with doing more than any other in drafting our constitutional framework?

In this brief piece, I aim to provide some guidance regarding Madison’s thinking. Given his understanding of human nature, I suggest Madison would not be surprised by the persistent

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divisiveness, or the harsh rhetoric that often characterizes civic discourse among today's "factionalized" populace. He was witness to much of the same ill-temper during the nation's early years. While Madison might not be surprised, this does not mean he would be pleased. But I submit that, all in all, he would not be unduly glum about America's future – that is, about the prospects for keeping the Republic that Franklin told Mrs. Powell the Founders had bequeathed.

Here's why.

In Federalist No. 51, Madison asked: "But what is government itself but the greatest of all reflections on human nature?" Madison supplied one answer to this famous rhetorical question immediately after asking it:

"If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself."

In Federalist No. 10, Madison already had written darkly about the "ambition" of men, their "mutual animosities" and "unfriendly passions," and, indeed, their propensity "to vex and oppress each other." He recognized that both individuals and interests – or "factions" as he put – naturally would seek to gain the upper hand by aggrandizing their power. And relevant to an election year, Madison referred to "unworthy candidates" who practice "the vicious arts by which elections are too often carried."

So Madison set about to devise a government that would take into account this understanding of human nature. To counteract the effects of faction and preserve popular government, he conceived a system of separate and diffused powers, a federalist system in which "ambition" would counteract "ambition." Or, as he put it in Federalist No. 51, a plan "of supplying by opposite and rival interests, the defect of better motives. . . ."

But Madison understood that even though he and his Constitution-making colleagues had framed a government designed to provide the best opportunity for free institutions to survive the machinations of ambitious men, and even unworthy electoral candidates, democracy's survival ultimately depends on something more than the structural design laid out in a paper document. It depends as much on a shared understanding between our leaders and citizens that there are certain lines in our politics that should not be crossed, or else people will lose respect for the rule of law that undergirds the institutions created by the paper document.

Given Madison's understanding of human nature's dark side, what basis is there to hope that prudential lines in our politics will not be crossed and the rule of law respected, especially in times when passions run especially high? Madison rested his hopes on what he perceived to be a duality in our natures – the existence of a noble side capable of rising above the dark side. Thus, after Madison wrote about unfriendly passions and unbridled ambitions, he wrote in Federalist No. 55:

“[S]o there are other qualities in human nature which justify a certain portion of esteem and confidence. Republican government presupposes the existence of these qualities in a higher degree than any other form. Were the pictures which have been drawn by the political jealousy of some among us faithful likenesses of the human character, the inference would be that there is not sufficient virtue among men for self-government. . . .”

Along with the diffusion of powers built into the Constitution’s structure, it was this trust in what is sometimes called “republican virtue” (note the small r) upon which Madison rested his hopes. Back home in Virginia urging ratification of the proposed Constitution, he again emphasized republican virtue:

“I go on this great republican principle: that the people will have virtue and intelligence to select men of virtue and intelligence. . . . If . . . not, we are in a wretched situation. No theoretical checks, no form of government, can render us secure. To suppose that any form of government will secure liberty or happiness without virtue in the people is a chimerical idea.”

Especially this year, when the divisions among our citizenry appear ever deeper, and the rhetoric of our political discourse ever more heated, it’s worth taking time to reflect on Benjamin Franklin’s admonition: “A Republic, if you can keep it.” To keep it, as citizens, we must demand that our leaders act with honesty, prudence, responsibility, and respect for the rule of law – in other words, with republican virtue.

And we must demand as much of ourselves as well.

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