

# **Making the Best out of Imperfect Humans The Case for American Institutions**

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## **Abstract**

The rise of democratic socialism, as expressed by figures such as Bernie Sanders and Alexandria Ocasio-Cortez, excites the younger generations, who hail Scandinavia as the models of the ideal society and chide the United States for the failure of our government to provide the perceived basic needs of everyone in our country. This movement not only questions the necessity, usefulness, and morality of capitalism, but also the wisdom of our system of government that they believe hinders the ability of political leaders to effect the kind of change that they seek. In this paper, I will argue that Madisonianism and capitalism both need to be defended because they recognize the limitations of man's capacity to be virtuous and administer justice on his own volition, and therefore force certain virtuous behaviors through competition and pitting these vices against each other. The ruthless nature of capitalism, in particular, has used the ambition and greed of people to make life better for most of mankind, through innovation, division of labor, and honest trade. The American system of democratic capitalism may be flawed, but its success depends on a realistic understanding of human nature that democratic socialists try to transcend in misguided utopian schemes that are either unrealistic (such as Rawlsianism) or downright dangerous. Recognizing that default nature of man's existence is "nasty, brutish, and short," it is incumbent upon us to promote and defend the systems of governance and economics that bring out the best that mankind has to offer, especially when the people abandon or forget the moral codes of a common faith.

## **Introduction**

On June 26, 2018, an earthquake shook the political world. That evening, New York Congressman and Speaker-in-Waiting Joe Crowley lost a primary challenge to a completely unknown bartender who was not yet 30-years-7676old. A mirror image of Dave Brat's upset of Eric Cantor in 2014, Alexandria Ocasio-Cortez's (AOC) victory represented a rebellion by the ideological wing of her party against a party establishment that they believed to be too out of touch with the base on key issues. As far as the issues were concerned, Cantor lost largely

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because of his attempts to make immigration reform happen, and Crowley lost because he was seen as a milquetoast establishment Democrat who had not built up the kind of progressive credentials the base voters of his district demanded. Overnight, AOC became a political sensation and soon emerged as the face of a new insurgency within the Democratic Party, marked by an ideological commitment to “democratic socialism,” with its foundational roots in intellectual Marxism and the intersectional ideologies it has spurred.

Especially in the age of Donald Trump, who himself has challenged classical liberal<sup>2</sup> orthodoxy in both the political and economic spheres, progressives have sensed a unique opening to challenge the ideological underpinnings of our political and economic systems. In the economic realm, these progressives assert that capitalism has not done enough to better the lives of the average individual in the United States. America’s health care system, for example, may produce state-of-the-art medical procedures, therapies, and new medicines every year, but is still failing the average American who cannot afford the premiums that insurance companies demand or the out-of-pocket expenses charged by the health care industry. America may be the richest nation in the history of the world, but, they contend, the gap between the richest Americans and the poorest Americans is an unjustifiably massive gulf that should be rectified through higher income and wealth taxation. They may not envision a communist revolution, a la the Bolsheviks or Khmer Rouge, but rather a transition toward a Scandinavian system of social democracy in which, they believe, many of these injustices are not present, and everyone is more equal. Ideally, these changes would affect both the economic system, and the political system that they believe to be both archaic and inhibitory of the kind of change they seek.

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<sup>2</sup> I do not mean “liberal” in the sense of FDR and American progressives. I am referring to the classical liberalism of figures like Hayek, Friedman, and other philosophers whose theories are at the core of American conservatism.

In this paper, I make the case that capitalism and our constitutional system are worth defending from these advances. Although perhaps counterintuitive, the best defense for these institutions rests in the knowledge that neither economics nor politics can create an ideal existence for mankind, and therefore, we must find the best way to channel the worst impulses of human nature into something positive. Capitalism and Madisonianism both achieve this goal. Capitalism functions as the result of honest trade of value for value in a world of scarce resources, honing the use of every person's skills to build an inventory of resources accessible to all, and redirecting mankind's vices of greed and selfishness toward ends that lift others up, as well. The economics of capitalism do not rest upon an assumption of altruistic participants, but make the best use of our bad impulses to benefit all. Madisonianism works in similar fashion, by pitting ambitious demagogues against each other, forcing them to compromise and abandon tyrannical impulses if they wish to rule.<sup>3</sup> Contra democracy, in which the will of the majority (or at least the mob) is might, Madisonianism inserts anti-democratic elements into the political system that check the dangers of pure democracy and attempts to foster as much civic virtue as one can reasonably expect. Both systems, therefore, foster the most positive environments for human existence that one can expect without requiring bloodshed, theocracy, or dictatorships, and are worth defending against the idealism of "democratic socialism" that is currently very popular within the United States.

### **Theoretical Background of Democratic Socialism**

To start, it seems useful to parse out exactly what we understand when we use the term "democratic socialism." The first word of this term, "democratic," implies that this philosophy places great emphasis on the supposed "will of the people," and rests on the assumption that if

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<sup>3</sup> See Federalist 10, as well as Federalist 51.

everyone in a body politic was able to participate in the political process, a majority of them would support economic policies that ostensibly benefit themselves. Politics is never understood in strictly unidimensional manners (i.e. people voting solely in accordance with the politics of their pocketbooks), but in accordance with general Marxist theories, the underlying assumption is that the less wealthy masses have the capability of flexing a great deal of political muscle if they could only become conscious of their positions and vote accordingly. In accordance with Intellectual Marxism, however, supporters of democratic socialism contend that other institutions in our society, such as churches and the media, distract the masses with irrelevant issues or circulate and reinforce dominant ideologies among the masses that swindle them into supporting capitalism and other institutional structures they believe to be oppressive.<sup>4</sup> These challenges aside, democratic socialists believe that they have, or will soon have, the numbers necessary to effect change through the ballot box and the legislative process.

Consequently, this means that democratic socialists are officially not interested in the kind of violent uprisings the world witnessed in the 20<sup>th</sup> century, starting with the Soviet Union. *The Communist Manifesto* may call for the “dictatorship of the Proletariat,” but democratic socialists aim to achieve their ends through peaceful means—by winning elections and changing hearts and minds. One could certainly argue that the peaceful means they utilize are still aiming for a form of ideological totalitarianism through stifling of dissent, boycotts, and public shaming of supporters of the traditional systems, but neither Alexandria Ocasio-Cortez nor Bernie Sanders is likely to spark a blood-soaked revolution that ends with a dictator. Their stated commitment to basic democratic norms separates them from the likes of Vladimir Lenin,

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<sup>4</sup> These dominant ideologies may be reinforcing traditional gender roles, racial power structures, class relations, and so on. Stuart Hall (1973) believed that all media messages were encoded with messages that reinforced these dominant ideologies, even if the encoder was unaware of the deeper meaning of his works.

Maximilien Robespierre, Ho Chi Minh, Pol Pot, and the other revolutionaries of the past who took up a similar cause.

The “socialist” portion of the term obviously refers to the kind of economic system that they seek to implement; a system with capitalistic elements, but fairer outcomes, as far as the distribution of resources is concerned. This system is not Marxist, per se, in that Marx envisioned a society in which questions of distribution would not make sense to ask. Marx’s end game was a society in which no one owns anything, and that is not what AOC and Bernie have in mind. What they do have in mind is a system of distribution more akin to the “just society” described by John Rawls in his classic, *A Theory of Justice*. The most just society, in Rawls’ understanding, was one in which the powerful crafted a political and economic system that benefited the most vulnerable groups of society. His argument held that if one’s lot in life is essentially determined by chance (you are born into the right zip code, with a good set of parents, have the resources you need to survive, and so on...), then the political and economic systems of society should be set up so that those who lose this lottery of chance can, nonetheless, be provided with the systemic support they need to live a life of liberty. The logic is intuitive, even if the hypothetical is utopian: humans should construct social contracts that counteract the unfair disadvantages facing those who were not born into privilege by blindly and fairly allocating societal resources for everyone, such that “no one is able to design principles to favor his particular condition, [and] the principles of justice are the result of a fair agreement or bargain.”<sup>5</sup> That is a better approximation of the vision of economic justice pushed by people like AOC than the violent revolutions Marx wanted.

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<sup>5</sup> Rawls, John. 1999. *A Theory of Justice: Revised Edition* (Cambridge, MA: Harvard University Press).

Of course, there are non-economic themes to the general vision of democratic socialism, which are rooted in intellectual Marxism, as well. AOC's appeal was not just limited to those who wanted what they believed to be a more equal and fairer distributive system, but also spread to those in her district interested in what is colloquially termed "identity politics;" feminism, racial justice, LGBT issues, and so on. Although each of these theories does not necessarily focus on or require a Rawlsian system of distribution (or a Marxist overthrow of the bourgeoisie), they share the common intellectual root of asking questions about the unequal distribution of power in their specific realms and what the dominant ideologies are in our society that support and maintain these structures. As such, they share the same general outlook that the structures of our society are unjust, support the powerful, cannot be morally justified, and thus need to be overhauled. That is why the Democratic Party's coalition seems so eclectic—feminists, gays, racial minorities, union workers, and intellectuals have little in common on the surface, but their party, particularly its progressive wing, sees all of them as being suppressed by the same powerful figures and interests, and thus as compatriots in an ideological battlefield against capitalists and those adhering to "traditional values." Again, this is not a literal battlefield (or hopefully it will not become one for a very long time), but a battlefield of ideas that they hope to win through democratic means, such as the ballot box.

### **Why Capitalism?**

Defenders of capitalism, therefore, must attempt to address the charges of Rawlsians, Marxists, and other progressives that the system of laissez-faire capitalism is unjust, unfair, and not the best social system that humans can conceive of through reason. Because of the rise of democratic socialism, it appears that the old arguments in defense of capitalism are not as effective as they once were. In spite of the Republican Party's fear-mongering attempts to label

every Democratic candidate for just about any office, especially president, as a “socialist,” the power of that priming<sup>6</sup> seems to have diminished. Particularly for young people, who are less likely than older Americans to regard the Soviet Union, its satellite states, or the communist experiments in Asia as atrocities on par with the horrors of fascist states, like Nazi Germany and Imperial Japan, the term “socialist” does not conjure the kind of horror and revulsion that it would have sparked even a decade ago. Instead of thinking of the horrors inflicted upon the people of Eastern Europe by their oppressors in Moscow, more and more Millennials and Generation Z people now associate the term “socialism” with the kind of egalitarian paradises they believe Scandinavian countries to be. As we continue to move farther away from an era defined by the Berlin Wall, we have witnessed a gradual conceptual separation of “socialism” from *totalitarianism* that has robbed defenders of capitalism of the ability to merely scare people into opposing socialism, especially *democratic* socialism, by associating it with poverty, tyranny, and failure. Consequently, those of us who defend capitalism must do so by emphasizing its positive benefits, as well as its pragmatic superiority to systems that, on the surface at least, seem fairer than the status quo. As such, we must emphasize the general betterment of humanity that the world has experienced in the age of capitalism, especially in the most poverty-stricken areas of the world, and emphasize capitalism’s theoretical supremacy over socialism for not forcing us to resort to either extreme attempts to reorient human nature or resort to impossible hypotheticals. It may be an imperfect system that has unfair outcomes, but it is the best we can do within the parameters of our social contracts.

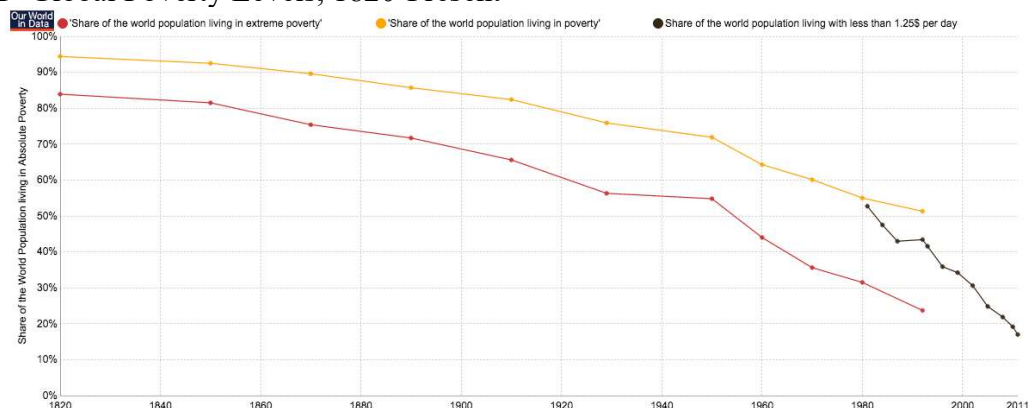
The easiest defense of capitalism is, first and foremost, to compare the material conditions of human existence to past eras. Although extreme poverty has not been completely

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<sup>6</sup> See Iyengar and Kinder (1987) for an explanation of the power of political priming.

eradicated, with large swaths of people in sub-Saharan Africa continuing to live under the equivalent of \$2 a day, the global development of capitalism has liberated a large portion of the human race out of abject poverty. As Figure 1 shows, the industrialization of the last 200 years has seen a shift from near-universal poverty to less than 1/5 of humanity living under impoverished conditions. The only way to account for such an astonishing shift in the expected fortunes of anyone living is to attribute it to a shift toward capitalism and free trade, away from the mercantilist and feudal economies of the past, where virtually all gains from economic activity were concentrated in a very select number of hands.

**Figure 1- Global Poverty Levels, 1820-Present<sup>7</sup>**



The decline in poverty appears to be strongest in the era following the Cold War, when the satellite states of the Soviet Union embraced capitalism and attempted to catch up with their wealthy counterparts in Western Europe. This period of relative peace and prosperity has also borne witness to a rise in global free trade, which has brought unprecedented opportunities for the poorest in many parts of the world to earn a living, while also freeing up those in industrialized countries to pursue better jobs and have more access to less-expensive goods. These gains may not be evenly spread out, and challenges still remain to get that number as close

<sup>7</sup> Roser, Max and Esteban Ortiz-Ospina. 2013. "Global Extreme Poverty," *Our World in Data*. <https://ourworldindata.org/extreme-poverty#declining-global-poverty-1820-2010-share-of-people-living-in-extreme-poverty-max-roserref>



to zero as possible, but these improvements should be celebrated and used to defend capitalism against the charges that it only benefits the existing rich and harms the poor.

The theory undergirding all of this is rather simple and straightforward. Humans, at their most basic level, need access to scarce resources. A lonely survivalist hiding in the mountains can probably hunt for the food he needs and build a basic shelter with his own hands. But mere sustenance is not the goal of most of mankind—we want a range of tastes for food, we want a comfortable existence, and we would like a whole range of other goods in our lives (tools, entertainment, and so on) that are less necessary to our basic survival, and thus are unlikely to be made in a solitary existence devoid of trade. As such, we have developed a system where humans trade valuable products for other valuable products, and eventually we specialize in different areas, according to our strengths and weaknesses. Eventually, a monetary system will emerge out of a pure barter system to facilitate an ease of transactions and those who are skilled in their specialty will accumulate more capital and trade more. This system works under an assumption of individual selfishness that is tempered by the norms and laws of trade<sup>8</sup>, including this assumption of self-interest, that remove the incentives for people to cheat each other. It does not require any change in human nature, but rather unleashes the vice of greed for productive ends.

As the people become more economically productive, they seek out newer markets to trade their products, enriching everyone even more. New products can enter a market to add to the rich selections of goods in an area, and in return, the new trading partner can gain access to goods that are new to them. Everyone benefits from more production and economic activity, and

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<sup>8</sup> By this, I mean a mixture of formal laws and agreed-upon principles that form the foundation of long-term business relationships. In game theoretic terms, I am assuming a repeated iteration of interactions between two parties. The incentive to cheat and defraud the other party is far greater if there is no expectation of future interactions between the two parties.

that is true of the global economy just as much as it is from this microeconomic example. The impoverished areas of the world have benefited from the introduction of industry to their areas because the people can now work in a trade that reaps some kind of return on their labor, rather than just working for mere sustenance. They may not get paid as much as workers in industrialized countries, but the change is often an improvement from their alternative state. The corporation's desire to maximize profits by manufacturing products cheaply may be a sordid ethical decision, but it has the benefit of boosting the fortunes of the poorest people across the globe. Moreover, by the Law of Comparative Advantage, those who may have been displaced by the corporation's decision to ship jobs elsewhere have the opportunity to specialize in a different sector of the economy that pays them better than they would have been paid for unskilled factory labor.<sup>9</sup> As such, it is not surprising that we have seen global poverty go down as the world markets have opened up to capitalism and away from colonial mercantilism.

But what about capitalism against socialism? Why should we not be impressed by the results that capitalism has produced, while also recognizing that perhaps a mixture of socialism and capitalism would be the next step in the progress of mankind? After all, Marx himself thought of history as a series of stages and recognized that capitalism was an improvement over the feudal stage of history, at least in the sense of being a less "antagonistic form of the social process of production."<sup>10</sup> My answer to this question is two-fold, with both answers being conceptually related. First, the move toward government imposition of a more equal distribution of wealth removes, or at least severely hampers, the engine that has driven this economic

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<sup>9</sup> This might be one area where theory is undercut by at least anecdotal accounts of practice, but the assumption of purposeful, selfish behavior would dictate that such individuals would be motivated to improve their circumstances by acquiring new skills to fit a new and better sector of the economy. Pittsburgh, for example, is a city that has overcome the loss of its once-mighty steel industry by developing a world-class healthcare industry that has revitalized the city.

<sup>10</sup> Marx, Karl. 1859. "Preface to *A Contribution to the Critique of Political Economy*." In Tucker, Robert, ed. 1978. *The Marx-Engels Reader*, 2<sup>nd</sup> Edition (New York: W.W. Norton).

success: the profit motive. Especially when the system utilizes the kind of graduated tax rates that socialism requires to have a more equal system of distribution, the incentive to continue to produce anything diminishes, which, in turn curtails economic activity and forces the government to make up the difference with subsidies, both for companies and for the working man who loses his job when the burden of a government's experiments with redistribution falters. Eventually, as the Laffer Curve<sup>11</sup> demonstrates, the government's ability to raise revenues diminishes as tax rates increase, leaving them with less economic activity, more demands for welfare from the general public, and mounting debt as they cannot meet their obligations with less taxable revenue.

My second answer to the question of capitalism against socialism is that it does not require us to change human nature or tinker with unrealistic hypotheticals in order to work. Communism, of course, has historically pursued the harder, more difficult course of changing human nature in order to progress toward the redemptive state of pure communism. Marx's process depends on this state in which the proletariat would "forcibly overthrow all existing social conditions."<sup>12</sup> For instance, Pol Pot's regime was not only marked by an incomprehensible amount of bloodshed<sup>13</sup> during the Khmer Rouge's four year reign of terror in Cambodia, but also by radical attempts to fundamentally change the nature of human life and human relationships by resetting the calendar to Year Zero and pursuing a baffling array of regime-mandated lifestyle changes on those lucky enough not to end up in the Killing Fields.<sup>14</sup> Likewise, George Orwell

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<sup>11</sup> Laffer, Arthur. 2004. "The Laffer Curve: Past, Present, and Future," *The Heritage Foundation*.  
<https://www.heritage.org/taxes/report/the-laffer-curve-past-present-and-future>

<sup>12</sup> Marx, Karl. 1848. *The Communist Manifesto* in Tucker, Robert, ed. 1978. *The Marx-Engels Reader*, 2<sup>nd</sup> Edition (New York: W.W. Norton).

<sup>13</sup> Most accounts estimate that the Khmer Rouge succeeded in killing ¼ of the national population in that four-year span; a regime so efficient at killing it boggles the mind.

<sup>14</sup> Margolin, Jean-Louis. 1999. "Cambodia: The Country of Disconcerting Crimes," in Courtois, Stephane, et al. *The Black Book of Communism: Crimes, Terror, Repression* (Cambridge, MA: Harvard University Press).

imagined this process as constituting torture so severe that it could completely transform one into a drone of the Party.<sup>15</sup> However, it is worth remembering that the kind of socialist revolution that figures like AOC and Bernie Sanders are pursuing explicitly rejects this vision of despotic methods bringing about permanent changes to human nature; they wish, instead, to see socialistic policy changes be effected through democratic means.<sup>16</sup>

Capitalism is still superior, however, to the theory undergirding this softer vision of socialism. Rawls' "veil of ignorance" and the implications of such a decision-making process, as mentioned above, are logically intuitive and normatively appealing, because they do attempt to improve the lot of the worst off in a society under such a social contract, but the purely hypothetical nature of such a contract renders it powerless as a blueprint for a functional society. Rawls attempts to channel the human vice of greed and the instinct for self-protection toward what he believes to be a fair outcome for society, but his vision simply cannot be implemented in any practical way. It is purely a thought exercise. Any attempt to actually form a social contract with the Rawlsian hypothetical at its core would inevitably lead to coercion of private property,<sup>17</sup> perhaps on a scale of dictatorial proportions. Capitalism, on the other hand, channels the human vices of greed and selfishness, but in practical ways. The desire to make as much money as possible forces one to be productive and innovative, which expands the market of available resources to others, and perpetuates a cycle of wealth production. It is a far more pragmatic approach to ensuring the well being of the worst off than a hypothetical that cannot happen, and

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<sup>15</sup> Orwell, George. 1948. *1984*.

<sup>16</sup> It is worth noting, however, that Marx expected the first steps of a communist revolution to be achieved through democratic means when the proletarian masses had reached the level of class consciousness necessary to gain power through conventional democratic means.

<sup>17</sup> Nozick, Robert. 1974. *Anarchy, State, and Utopia* (New York: Basic Books).

even if it was attempted, would likely harm the property rights and well-being of others, however unintentionally.<sup>18</sup>

Another intellectual case for socialism was made by Gerry Cohen in 2009 in his little book, *Why Not Socialism?* Cohen, unlike Rawls, attempts to cast a pragmatic vision for socialism, in which society harnesses the human generosity that exists in certain settings, such as his famed “camping trip” analogy, and applies them to our economic system. Cohen argues that we merely do not possess the technology to fairly distribute resources on a national scale, but that algorithms and processes could be developed to make the dream of a socialist system imaginable. The main issue with Cohen’s work, however, is that his entire foundational analogy is still based on a primitive form of capitalism: the barter system. Cohen imagines a world in which people on a camping trip each specialize in something different, like catching fish or picking berries, and then they share everything in communal reciprocity. But what he sees as communal reciprocity is merely a division of labor where food and services replace money. A perhaps more accurate analogy of a socialist camping trip would be one in which park rangers, representing the government, would come and collect all the fruits of their labor and distribute them according to what he believes to be “fair,” regardless of the individual contributions. Cohen wants a system that does not depend upon what he sees as the “repugnant motives”<sup>19</sup> of greed and fear, but admits he has no idea how to make it work, especially since his foundational analogy is still one that is rooted in a form of capitalism. Again, the pragmatism of capitalism wins out.

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<sup>18</sup> This is not to say that capitalism does not have unintended consequences, the most prominent being an unequal distribution of wealth, but the theoretical concept upon which it is most dependent, the “invisible hand of the market,” actually does function as a result of human interactions. The “Veil of Ignorance” would be difficult, if not impossible, to implement without unjust actions and governmental coercion.

<sup>19</sup> Cohen, G.A. 2009. *Why Not Socialism?* (Princeton, NJ: Princeton University Press).

Thus, while we can readily admit that capitalism is an imperfect system, it is the superior system to the various visions of socialism (and communism) that the energized progressive base in the United States is putting forward. Socialism does not have a track record of results that have lifted the world out of poverty; at worst, socialist countries have plunged everyone into poverty, and at best, they are still successful because of a strong mixed economy. And at the theoretical level, although democratic socialism may sound appealing on the surface, it risks violence, coercion, and dangerous social experimentation in attempts to circumvent the issues of human nature. Capitalism, on the other hand, recognizes that the economic system of a country has a limited ability to bring about a salvationist ending for the human race (the kind envisioned by Karl Marx, for example), and thus we should make the best out of what we have. Channeling greed and self-interest, capitalism makes better outcomes possible on more than just the theoretical level. Capitalism's pragmatism and use of the negative aspects of the human condition for ends that are normative improvements make it the superior system for the distribution of our limited economic resources.

### **Defending our Political System**

The two-pronged attack of democratic socialism on America's dominant political and economic ideologies includes an attempt to reassess the usefulness and morality of our constitutional system. The election of Donald Trump, who lost the popular vote by a substantial margin of 3,000,000 votes, the promotion of Brett Kavanaugh and Neil Gorsuch to the Supreme Court, and the inability of progressives to score major legislative victories since the Affordable Care Act have sparked calls from progressives to reassess certain features of our constitutional system that they believe are hindering the kind of change they wish to see in our country.

Trump's victory, of course, reinvigorated calls to abolish the Electoral College and has caused

some states to sign on to an interstate pact that would functionally eliminate the Electoral College if enough states join. Believing that the long term Democratic majority is practically inevitable, they see such anti-democratic institutions as archaic obstructions to the small revolution they desire. But, as with capitalism, it is important for us to defend these constitutional features that keep our government in check and channel our worst human impulses for productive purposes. In other words, we should stick to Madisonianism.

Federalists 10 and 51 may well be the most important works of political science in American history, as they articulate not only the structure of the Constitution, but also the logic underneath the structure. Federalist 10 describes the importance of a large land mass to the long-term success of a republic by reasoning that the various interests of a large republic would make it difficult for a faction to gain and keep power for any length of time. As Madison states, “If a faction consists of less than a majority, relief is supplied by the republican principle, which enables the majority to defeat its sinister views by regular vote. It may clog the administration, it may convulse the society; but it will be unable to execute and mask its violence under the forms of the Constitution.”<sup>20</sup> In other words, given the choice between having the government do nothing and having the government do something injurious to its subjects, the Madisonian would prefer the former course every time. Most in Congress today, however, do not (especially when they are the majority power). Regardless of what they want, however, Madison designed the Constitutional system to be difficult for the government to do things, in order to protect the citizens from an overzealous government that would try to suppress their liberties. The government’s inability to do things is not a glitch in its design, but rather a *feature* of its design. And it is an important feature to defend.

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<sup>20</sup> Madison, James. 1787. *Federalist 10*.

In parallel fashion, Federalist 51 describes the institutional features of Congress that prevent quick and rash actions that could inflict harm of some form on the American people. Madison's concern in this essay has more to do with preventing power from accumulating in any particular branch of the government, especially the president, and he does that by dividing power among the different branches and setting the branches against each other, noting that "Ambition must be made to counteract ambition... [because] what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary."<sup>21</sup> So, as he did in Federalist 10, when he reasoned that the effects of factions must be controlled because one could not remove the causes of factions, Madison proposed a system in which man's propensity to lust for power could be channeled into a force for good by neutralizing equal and opposite actors, and forcing the most ambitious zealots to compromise if they wished to be remotely powerful within the governing system. Madison's genius, therefore, was in recognizing the limitations of human nature and the threats that it posed to the success of a republican system of government, and creating a system that did not try to transcend these limitations, but rather to redirect them to their best possible usage.

The Madisonian system, unfortunately, has had its own limitations that have become apparent over the two centuries since the ratification of the Constitution. More specifically, Madison's inability to imagine a system so dominated by two parties reduces the effectiveness of his large-scale republic argument from Federalist 10. Instead of a system in which coalitions form on an issue-by-issue basis and the only long term coalitions are of regional interests clashing with each other, we now have two completely national parties that are ideologically aligned and rarely divided by local or regional issues. As such, Constitutional procedures which

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<sup>21</sup> Madison, James. 1787. *Federalist 51*.



require supermajorities, such as removing an impeached president or passing Constitutional amendments, are practically impossible. Impeachment is now reserved only for actions that are indisputably criminal, rather than functioning as a legitimate check against the executive, and it is difficult to imagine any Constitutional amendments being ratified ever again.

The power of parties has also destroyed the Madisonian design for the Electoral College, which, contrary to popular belief, was not designed to privilege the voices of small states or interests, but rather to safeguard the presidency from the dangers of pure democracy. As Hamilton wrote in *Federalist 68*, “the immediate election should be made by men most capable of analyzing the qualities adapted to the station, and acting under circumstances favorable to deliberation, and to a judicious combination of all the reasons and inducements which were proper to govern their choice. A small number of persons, selected by their fellow-citizens from the general mass, will be most likely to possess the information and discernment requisite to such complicated investigations.” In other words, the electors were supposed to be nonpartisan statesmen who would make wise, judicious choices for the president, in order to protect their fellow citizens from the dangers of a popular demagogue. The demise of this system, ironically, was largely due to Hamilton, himself, who used his political influence to direct the electors in all of the presidential contests before his death. After his death, the states gradually began to bind their electors to the popular vote, which has resulted in the system we have now, in which the parties essentially pick the electors who vote however the people of their state vote. Consequently, we now have a system in which 40 states’ elections are practically meaningless and the same set of states determine the election every four years.

These challenges, however, do not mean that we should give up on Madisonianism, no matter how much progressives wish that we would. The desire of progressives to move to a less

frustrating system of government has a long history, beginning with Woodrow Wilson, himself, who believed that the “Newtonian” system of government created in 1787 had run its course and needed to be replaced by a more organic, evolutionary system of government that could better respond to the needs of its people. “The trouble with the theory is that government is not a machine, but a living thing. It falls, not under the theory of the universe, but under the theory of organic life. It is accountable to Darwin, not to Newton. It is modified by its environment, necessitated by its tasks, shaped to its functions by the sheer pressure of life.”<sup>22</sup> Wilson, in other words, wanted what we now think of as a “Living Constitution,” in which words are malleable and react to the moment, rather than staying fixed and providing stability. The very system, according to progressives, needlessly impedes progress and empowers anti-democratic forces.<sup>23</sup>

Ironically, the presidency of Donald Trump provides probably the best evidence as to why we should retain the system that we have of divided powers and other obstacles that prevent the government from doing things. Trump’s Electoral College victory may have reignited progressive hatred of the electoral process, but his presidency has also helped them rediscover a love of federalism and caused them to question the wisdom of the imperial presidency that has been gaining power since Franklin Roosevelt. On the matter of federalism, for example, many blue states have been looking to themselves to fight climate change while the federal government questions its very existence. They have also tried to push back against the federal government on policies such as the legalization of marijuana and protection of undocumented immigrants.

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<sup>22</sup> Wilson, Woodrow. 1913. “What is Progress?”

<sup>23</sup> The most fervent opponents of the Constitutional system often resort to rhetorical arguments about the Constitution being a pro-slavery document that supports white supremacy. The pro-slavery argument was even utilized by Lincoln, who believed that the Declaration of Independence better reflected America’s founding values, and there is a legitimate argument to be made that the existence of the Senate is at least partially due to white supremacy, because the Missouri Compromise ensured that slave states would have equal representation with free states for decades because of the pairing rule that added slave and free states at the same time. Nonetheless, the notion that the Senate exists today to preserve white racial power is farcical.

Whatever the wisdom and benefits of these policies, Trump has caused them to reassess their opposition to a broad interpretation of the Tenth Amendment. And as far as the presidency itself is concerned, the Democrats have been far more critical of some of Trump's most aggressive executive actions, especially his declaration of an emergency on the border to get funding for a border wall, than the party that is supposed to be more skeptical of federal and executive power. Moreover, the Democrats' ability to impeach Trump should reinforce their beliefs in the necessity of checks and balances to protect the citizens against future presidents with autocratic desires and tendencies.

Even so, there are several changes that prominent progressives have called for regarding the Constitution. First is to eliminate the Electoral College. Of all proposed changes, this is probably the least threatening to the system, since the electors no longer act as wise statesmen, but rather as party loyalists. Second is to eliminate the Senate or change its function.<sup>24</sup> The idea behind this is that the republican Senate has transformed into a democratic chamber that disproportionately empowers the small states and no longer possesses the features that made it unique and necessary. And the last is to pack the Supreme Court, in revenge for what progressives see as Neil Gorsuch's "stolen seat" and Brett Kavanaugh's controversial nomination. Of the three, the last is, without question, the most threatening to the system, as it would start an endless judicial war between the two parties that would dominate every presidential election and see the Supreme Court become warped beyond recognition. The judiciary is far more powerful than it was ever designed to be, but court packing is the equivalent of a self-destruct button, as far as our institutions are concerned. Each of these changes, however, would move the country closer to the kind of government progressives desire, which is more

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<sup>24</sup> Matthews, Dylan. 2018. "John Dingell: to Fix Congress, Abolish the Senate." *Vox*. <https://www.vox.com/2018/12/4/18125539/john-dingell-abolish-senate>

akin to a Westminster system than to a federal system. Westminster systems can function well. The federal system, however, does a better job of protecting its citizens from the government by making it difficult to consolidate power in one party and hold it for any meaningful length of time.<sup>25</sup>

The Madisonian system, therefore, should be defended against the incursions of the progressive movement that seeks to fulfill Wilson's dream of an organic system of government that responds to every perceived need of the populace. While there is some temptation to salivate at the prospects of one's favored party having all the power and enacting all the policies they ever desired, the reality that power is evanescent and will one day be held by the other side necessitates a way to put some brakes on that power. Madisonianism does that by dividing power and setting ambitions against each other. Madisonianism uses the vices of power and ambition to stop the ambitions of others, which protects the citizens they mean to rule. This more Wilsonian system that progressives desire certainly empowers the government to "act" and do things, and therefore, allows those beholden to such vices to become powerful and use their power for ill. Like economics, politics cannot create a utopia, so we must stick to a system that protects us from the opposite situation (the creation of a *dystopia*), even if it means that our favored policies must be sacrificed.

## **Conclusion**

Salvation is not created through either politics or economics. The best systems of politics and economics ever created do not seek to elevate man to a higher state of being the way that Marxist theory imagines. Consequently, we are left to make do with systems that, although

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<sup>25</sup> To say nothing of the double protection of the federal system in which the states have substantial powers on their own.

imperfect, do not attempt to transcend or change human nature, but rather redirect it to uses that are as beneficial to people as we can reasonably expect. Capitalism uses greed and self-interest to create a system that has improved the standard of living for the vast majority of mankind compared to past systems and allows us to live on a planet of scarce resources with minimal violence. Madisonianism, while often frustrating for lawmakers, protects us from bad policies that result from factions and dangerous majorities by setting ambitious individuals against each other and slowing down the normal legislative process. Social Democrats, such as Alexandria Ocasio-Cortez and Bernie Sanders, seek to upend these systems in favor of what they believe to be fairer economic and political systems, but the risks associated with these changes are too grave to try because they depend upon changing human nature and consolidating power into too few hands. Consequently, we should recommit ourselves to defending our flawed, but brilliant systems.