

Partisanship in Perspective

Pietro S. Nivola

COMMENTATORS AND POLITICIANS from both ends of the spectrum frequently lament the state of American party politics. Our elected leaders are said to have grown exceptionally polarized—a change that, the critics argue, has led to a dysfunctional government.

Last June, for example, House Republican leader John Boehner decried what he called the Obama administration’s “harsh” and “hyper-partisan” rhetoric. In Boehner’s view, the president’s hostility toward Republicans is a smokescreen to obscure Obama’s policy failures, and “diminishes the office of the president.” Meanwhile, President Obama himself has complained that Washington is a city in the grip of partisan passions, and so is failing to do the work the American people expect. “I don’t think they want more gridlock,” Obama told Republican members of Congress last year. “I don’t think they want more partisanship; I don’t think they want more obstruction.” In his 2006 book, *The Audacity of Hope*, Obama yearned for what he called a “time before the fall, a golden age in Washington when, regardless of which party was in power, civility reigned and government worked.”

The case against partisan polarization generally consists of three elements. First, there is the claim that polarization has intensified significantly over the past 30 years. Second, there is the argument that this heightened partisanship imperils sound and durable public policy, perhaps even the very health of the polity. And third, there is the impression that polarized parties are somehow fundamentally alien to our form of government, and that partisans’ behavior would have surprised, even shocked, the founding fathers.

Though the first of these propositions is now nearly a cliché, it happens to be right. There is, in fact, more discord between Republicans

PIETRO S. NIVOLA is a senior fellow at the Brookings Institution, where he holds the C. Douglas Dillon chair in governance studies.

and Democrats in our time than there has been in generations. A more difficult question is whether the divergence of the parties is entirely unhealthy—that is, whether it inevitably impairs effective governance and diminishes the quality of civic life. Moreover, is it something with little precedent in our politics, a novelty the founders would have viewed with anxiety and profound regret?

Answering these questions calls for a re-examination of the nature and scope of contemporary partisanship, an assessment of its consequences, and an effort to compare the role of political parties today with the partisan divisions that prevailed during the first years of the republic. By putting partisanship in perspective, we can draw some reassurance from history—and also identify those facets of our contemporary situation that could spell trouble in due course.

RED VERSUS BLUE

Americans are, undoubtedly, living in partisan times. To see just how deeply Republican and Democratic officeholders differ, one need only look at the ways members of Congress have voted on the most important legislation of the past few years.

When the House of Representatives took up the economic-stimulus package advanced by President Obama early last year, all but 11 Democrats voted for it; not a single Republican did. The bill cleared the Senate in February 2009 with the support of every Democrat, but only three Republicans. The June 2009 House roll call on the cap-and-trade legislation intended to reduce greenhouse-gas emissions broke less sharply along party lines—but with 83% of Democrats in favor, and 95% of Republicans opposed, this, too, was a largely partisan vote. And when President Obama's top domestic-policy priority, his ambitious health-care bill, finally came to a vote in March, all but 34 Democrats supported it in the House, while all but three did in the Senate. Republican opposition was unanimous in both chambers. A few months later, Congress transformed the nation's approach to regulating financial institutions, again with a highly partisan vote. The bill received a meager three Republican votes in the House and another three in the Senate.

Such polarization has been building in Congress for some time. There certainly were displays of it in the Bush years. In 2003, all but one of the 225 House Republicans voted for the Bush administration's tax cuts, while all but seven of the 205 House Democrats voted against it.

That same year, the passage of the Medicare prescription-drug bill was, at a pivotal juncture, a partisan affair. (The decisive procedural vote in the House came in the wee hours of November 22, 2003, and only one Democrat voted with the Republicans to move the bill forward.)

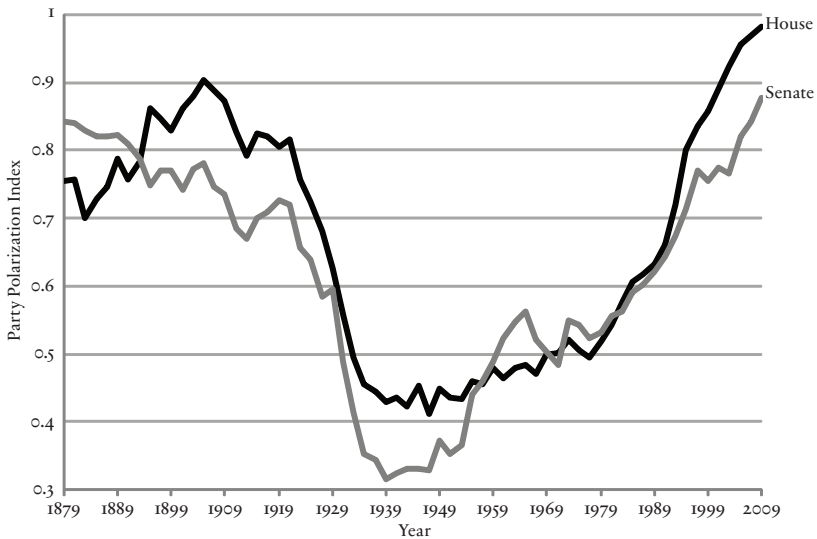
One would have to look as far back as the 1890s to find such starkly partisan voting, at least on major legislation tied to the most salient policy debates of the day. In the 20th century, by contrast, even the large entitlement programs that now worry deficit hawks were adopted with bipartisan backing. In 1935, for instance, the Social Security Act got a nod from 16 of the Senate's 25 Republicans, and fully 81 of the 102 Republican members of the House. In 1965, Medicare split House Republicans almost evenly—70 in favor, 68 against—and won the votes of 13 out of 30 Senate Republicans. These monumental pieces of legislation would form the core of the American welfare state—and, for a wide swath of the electorate, would solidify allegiance to the party that played the leading role in passing them: the Democrats. Nonetheless, both drew far greater bipartisan support than any of the Obama administration's major social- and economic-policy initiatives.

Because today's Republicans and Democrats have sorted themselves into two generally distinct and cohesive camps, there tends to be less ad hoc coalition-building across party lines than there once was. A few decades ago, one could observe alignments of conservative Republicans and conservative Democrats, and of liberal Republicans and liberal Democrats. The civil-rights bills of the 1960s, for instance, were patched together by Northern Democrats and Republican moderates; they were opposed by Southern Democrats and Republican advocates of states' rights. Similarly, the fiercest disputes over the Vietnam War in the '60s and '70s usually were not between the parties but *within* them. These days, on the issues that count, such intra-party diversity and discord are far less common.

Since the 1950s, *Congressional Quarterly* magazine has tracked "party unity," measuring the degree to which members of Congress align with their parties on votes that pit a majority of Democrats against a majority of Republicans. *CQ*'s findings tell a tale of increased party cohesion. In 1956, the average party-unity score for both parties in both chambers of Congress was roughly 70%. The scores climbed modestly until the early 1980s, when unity in both parties began to increase sharply. By 2009, the *CQ* party-unity scores stood at 91% for both House and Senate Democrats, at 87% for House Republicans, and at 85% for Senate Republicans.

Today’s partisanship is striking even against a broader historical backdrop. Examining party loyalty in roll-call votes since the 1870s, the authors of *Polarized America* — political scientists Nolan McCarty, Keith Poole, and Howard Rosenthal — crafted an index that quantifies party polarization in Congress. It offers a reasonably clear gauge of how bifurcated American party politics has become. As shown in the graph below, polarization has been on the rise since the late 1970s, and is now higher than it has been at any point since Reconstruction.

PARTY POLARIZATION, 1879-2009



Source: McCarty, Poole, and Rosenthal, *Polarized America* (updated by the authors in January 2010 at polarizedamerica.com).

Political scientists have several explanations for this increasing polarization. The first has to do with regional re-alignments: Democrats have lost their old lock on Southern conservatives, and Republicans no longer have an appreciable foothold among Northern liberals.

The diminishing percentage of congressional districts experiencing competitive elections, meanwhile, has left more members disinclined to appeal beyond their partisan electoral bases. For many seats in the House, the only contest that matters is the party primary. The effect is to discourage candidates from running as centrists. Ever-mindful of challenges from the extremes of their parties, politicians are increasingly forced to pander to their party bases. Even in the relatively competitive “wave elections” of 2006 and 2008, 94% of House incumbents (in both years) and 79% and 83%

(respectively) of Senate incumbents won re-election; turnover from one party to another was thus limited. Thanks in part to gerrymandering, but mostly to the sorting of like-minded voters into politically separate communities, more districts have become a deeper shade of “red” or “blue.” The same is increasingly true of entire states. When winning elective office is primarily a matter of mobilizing the party faithful, it is hardly surprising that members of Congress have turned more partisan.

It is also important not to overlook evidence suggesting that, on key questions, the voting public itself is more polarized. The steady migration of religiously inclined voters to the GOP, and of more secular voters to the Democratic Party, has widened the gulf between the parties on a range of social issues. Aspects of economic policy and foreign affairs, too, have sharply divided most of the electorate. Furthermore, the growth of “new media” — blogs, cable TV, talk radio — has nurtured partisan audiences. More voters now obtain virtually all of their information about the world from sources that echo and amplify their ideological predispositions.

The effect has been to deepen the partisan divide. Consider the findings of public-opinion surveys on the central public-policy debates of the past two years: whether to bail out shaky financial institutions; whether to broadly expand the government’s role in health care; whether to impose a tax on carbon emissions; and whether the war in Afghanistan is worth fighting. Persons identifying themselves as Democrats have been more enthusiastic about doing all of these things, save one: persevering in Afghanistan. Majorities of self-identified Republicans, by contrast, support the war — and nothing else. To a considerable extent, the chasm between the parties in Congress reflects fault lines in the American electorate.

Whatever the reasons, there is no denying that, from top to bottom, our political parties are more at odds than they were several decades ago.

PARTY GOVERNMENT

But what of the second familiar thesis — that increased partisan polarization inevitably impairs good government? The truth of this oft-heard refrain — “Washington is broken” — is far more debatable.

The case for it rests on several arguments. To begin with, the critics argue that “party government” tends to be exclusionary. Each party pursues its own agenda when in power, and sidelines the minority. Thus the in-party may ram into law bold and expensive experiments against

the wishes of mostly marginalized opponents. Examples from recent years include the prescription-drug provision annexed to Medicare in 2003, and the Patient Protection and Affordable Care Act of 2010. Given the rough parity between the two parties in the electorate, such tactics risk brushing aside the preferences of a large portion of the public. And by minimizing input from the minority party, the majoritarian approach also minimizes accommodations and adjustments that could make for better legislation.

As a result, the anti-partisanship argument goes, such one-party undertakings may prove unbalanced and unstable over time. Without bipartisan ballast and buy-in, critical legislation is more likely to be up-ended or hobbled when its opponents regain power. We see signs of this now, as many Republicans vow to undo the Democrats' health-care legislation if the GOP prevails in the next few election cycles.

These pure policy considerations aside, the wrangling between Democrats and Republicans is also said to offend voters. Most Americans, we are told, dislike watching the two sides vent their "petty grievances" and engage in "childish" bickering over "worn-out dogmas" (to borrow the various characterizations used by President Obama in his inaugural address last year). The more the two parties quarrel, the more disenchanted and cynical the electorate becomes.

But are all of these objections well founded? On closer inspection, some seem overblown. To those who long for the days when important legislative initiatives routinely involved bipartisan compromises, today's one-party projects and relatively disciplined party-line roll calls can be disappointing. And yes, American politics has in some respects come to resemble a parliamentary regime, in which the majority rules and the minority must bide its time. This evolution, however, has not been altogether undesirable. Majoritarianism can pose dangers, of course, and our political system was designed to temper them; yet a system overly solicitous of minorities, and continually prone to blunt the will of the majority, poses perils too. It may simply become too indecisive and, at bottom, undemocratic.

One clear virtue of more partisan government is that it offers relatively clear accountability. Thanks to party cohesion and differentiation, voters are presented with discernable alternatives — "a choice, not an echo," to use Barry Goldwater's phrase. Then, after one side or the other has been elected, its campaign promises must be turned into concrete legislative proposals. With party discipline, much of this agenda stands

a good a chance of becoming law. In time, of course, the electorate may have second thoughts about the ruling party's policies. But when that happens, the voters know whom to blame. And in a viable democracy, with free and frequent elections, the people have ample opportunity to modify, reject, or overturn what they no longer desire.

Moreover, even though public policies built on bipartisanship do often have staying power, there are notable exceptions. For example, the great tax reform of 1986, which simplified the byzantine federal tax code, was a quintessentially bipartisan effort. But its ink was barely dry when Congress began re-introducing complexity. Conversely, the 2003 Medicare prescription-drug program is very much here to stay, regardless of which party rules in the years ahead.

The legislative history of the prescription-drug bill also undermines the argument that bipartisan policymaking necessarily yields superior laws. It is true that the program is expensive, and that it was not paid for with new taxes or spending cuts. But what would the scope and cost of the drug benefit have been if the bill had been laboriously crafted by a coalition drawn from both parties? Democratic opponents of the Republican bill wanted the legislation to supply *more* funding. Had a compromise been struck with them, an already costly expansion of the public health-care system almost certainly would have been made even more lavish.

Bipartisanship, then, offers no ironclad guarantee of good policy. We might note that Congress has long demonstrated an unshakable bipartisan consensus on a number of significant issues—for example, hefty subsidies for agriculture and, in the name of “energy independence,” for every sort of energy lobby. Whatever else might be said about such sacred cows, their benefits to most taxpayers are questionable.

As for the argument that voters are turned off by party polarization, the evidence is far from conclusive. Although voters will often tell pollsters that they find the partisan posturing and squabbling of politicians disagreeable, the inconvenient truth is that more voters are motivated by the spectacle of partisan conflict than are discouraged by it. As differences between Republican and Democratic candidates grew more striking over the past three presidential elections, record numbers of people turned out to vote. The correlation is not coincidental; sharp distinctions help clarify choices, and clearer choices animate political participation. It is hard to complain about this result: Rising voter turnout is ordinarily considered an indication of civic health, not infirmity.

More disturbing is the possible connection between displays of hyper-partisanship and the erosion of public trust in government. There is little question that voters have less confidence in their elected leaders than they once did. By nearly every available metric, public trust in government, and especially in the federal government, has ebbed in the past 20 years. Distrust now hovers near a point not seen since Watergate: Throughout 2010, Gallup has found that only 26% of Americans express “trust and confidence in government”—the lowest level since 1973. Less obvious, though, is how much of this decline can be attributed to partisan behavior, rather than to the many other reasons voters might have to doubt the competence of public officials. It would be astonishing if, amid a wrenching economic crisis, ballooning deficits and debt, and a long, inconclusive war, confidence in the stewards of our government were strong.

The implications of partisanship for the nation’s laws and public life are therefore far from settled. Some of the consequences are less dire than conventionally assumed, and some may even be to our benefit.

To put these considerations in better perspective, it helps to revisit the thinking of the founders of our republic—and particularly of the man who, though well aware of the dangers posed by parties, was himself at times a consummate practitioner of partisan politics.

PARTISANSHIP, THEN AND NOW

Would today’s partisanship have dismayed the framers, most of all the Constitution’s chief architect, James Madison? Not really.

In Madison’s best-known treatment of partisanship, Federalist No. 10, he famously warned of the “mischief of faction,” by which he meant “the conflicts of rival parties.” In those feuds, Madison feared, partisans would pursue their “passions” to such extremes that “the public good [would be] disregarded.” Yet while his essay focused on the need for government institutions to “cure,” “break,” or “control” partisan havoc, it soon became apparent (not least to Madison himself) that the challenge posed by factions was daunting, and probably insurmountable. The two parties of the era, the Federalists and the Anti-Federalists (or “Republicans,” as they were called), grew increasingly antagonistic, despite the mitigating mechanisms the Constitution had put in place.

At the heart of the party conflict were not just disagreements over particular policy issues, but also differences over fundamental principles: fidelity to the ideals of the revolution; allegiance to either of two warring

foreign powers, Britain or France; the proper response to treasonous or seditious conduct; the authority of state legislatures to nullify national law; and whether the judiciary should be a co-equal branch of government under the new constitutional system. In the debates over these great questions, tempers flared — to a degree so severe that members of Congress sometimes literally spat at and caned one another. In 1798, Jonathan Mason, a Federalist senator from Massachusetts, dubbed the House of Representatives an “assembly of gladiators.”

“The existence of two parties in Congress is apparent,” wrote Republican senator John Taylor of Virginia in 1793. “Whether the subject be foreign or domestic — relative to war or peace — navigation or commerce — the magnetism of opposite views draws them wide as the poles asunder.” The side led by Thomas Jefferson and James Madison, the Republicans, boasted of being the true heirs to the revolution — “the Best Keepers of the People’s Liberties,” as Madison put it. Their Federalist adversaries were caricatured as closet royalists scheming to oppress the people and deny their freedoms. By 1792, Madison was mincing few words about the Federalists; that party, he declared in caustic newspaper articles, regarded the “people as stupid, suspicious, licentious,” unable to “safely trust themselves,” and given to supinely “leaving the care of their liberties to their wiser rulers.”

Disputes about the new nation’s foreign relations turned especially bitter. On one side were the Republicans, who, with their greater enthusiasm for popular representation, viewed the French Revolution as an extension of America’s. Jefferson, abandoning all restraint, even described the French Revolution as “the most sacred cause that ever man was engaged in.” The sympathies of the Republicans therefore lay with France in that country’s ensuing showdown with Britain. In the heated congressional debate over Jay’s Treaty — wherein Britain had extracted a pledge of American neutrality — Republican members of the House of Representatives voted nearly unanimously to deny the funding necessary to enforce the treaty, particularly its provisions for taking over military posts formerly held by the British.

The Federalists, meanwhile, believed the Republican opposition to be rife with Jacobins who deserved to be prosecuted, fined, and imprisoned for disloyalty and sedition. Federalist judges, playing fast and loose with the First Amendment, dispatched a number of Republican newspaper editors to jail. Jefferson was routinely called a “dangerous

radical,” and was accused by Alexander Hamilton of the ultimate sin: “a womanish attachment to France and a womanish resentment of Great Britain.” Jefferson’s defenders, for their part, insisted that President John Adams and the federal courts dominated by his party were perpetrating nothing short of a “Federalist Reign of Terror.” The insults and preposterous exaggerations each side hurled at the other appeared routinely in the newspapers of the day, which were explicit organs of the parties. The leading Republican journal, *The National Gazette*, was a constant source of anti-Federalist propaganda; the Federalists emitted their own venomous quills through *The Porcupine’s Gazette*.

As the Republicans organized in opposition to the Adams administration, they resorted to measures that, by modern standards, would be considered “nuclear options.” They schemed to impeach a Supreme Court justice, and sponsored resolutions in the states of Kentucky and Virginia to block enforcement of certain acts of Congress (specifically, the hated Alien and Sedition Acts of 1798). When Jefferson assumed the presidency in 1801, he promptly moved to prevent his predecessor’s duly confirmed judicial appointees from taking office. The leading accomplice in this underhanded maneuver—which soon wound up before the Supreme Court—was Jefferson’s secretary of state, James Madison. (Hence the legendary case of *Marbury v. Madison*.)

The severity of today’s partisan discord pales in comparison with these epic clashes from the republic’s early years. That some Republican governors in 2009 tried to turn back federal funds appropriated under the American Recovery and Reinvestment Act, or filed lawsuits this year challenging the constitutionality of Congress’s health-care mandate, is noteworthy—but seems amateurish next to the interposition and nullification resolutions Virginia and Kentucky adopted in 1798. That Republican senators opposed almost uniformly the confirmation of Elena Kagan to a seat on the high court is telling, but still a far cry from the partisan showdown that concluded in the impeachment of Justice Samuel Chase in 1804. Indeed, so intense was the acrimony between the majority and minority parties in those formative years that it put at risk the legitimacy of political opposition—and even the independence and integrity of basic government institutions. For a while, the very future of the young country seemed in question. Forces so perilous are not at work now.

All of this would suggest that if Madison and the other founders could gaze at the American political landscape today, the sight, though

hardly welcome in all respects, would mostly inspire world-wise resignation, not fear for the fate of the nation.

A MADISONIAN PARTY SYSTEM

In fact, Madison—though well known for his dread of mob rule—was inspired by the confrontation between Republicans and Federalists to become something of a champion of party government. Rather than “the superior force of an interested and overbearing [popular] majority,” which was the principal threat he identified in Federalist No. 10, Madison came to be primarily alarmed over the particular abuses of his Federalist rivals. But Federalist No. 10, it should be recalled, was scarcely oblivious to minority-party mischief: Indeed, in one of the paper’s less-noticed passages, Madison invoked the need for what he termed “the republican principle”—that is, simple majority rule—to override a despotic minority. “If a faction consists of less than a majority,” Madison wrote, “relief is supplied by the republican principle, which enables the majority to defeat sinister views by regular vote.” Madison’s recognition of majoritarian rule’s legitimate, indeed essential, place in a democratic polity would grow stronger as the years passed, and as collisions with the Federalists (and later with other minority movements) mounted.

As early as 1792, Madison made himself clear on this point: “[T]he vital principle of republican government,” he declared, “is the *lex majoris partis*, the will of the majority.” He soon became convinced that, as a practical matter, the “violence of faction” was chiefly the sort perpetrated on the majority by an entrenched and recalcitrant minority. Madison declined to deliver the commissions Adams had signed not because they were unauthorized or unlawful, but, evidently, because he deemed them to be the improper parting shots of a Federalist lame duck, spitefully contravening the Republican majority’s wishes and mandate.

The prerogatives of the majority became paramount in Madison’s view. By 1833, the nullification precedents that he and Jefferson had helped set decades earlier were inspiring separatist movements in states such as South Carolina. So frightened was Madison by the prospect of secession—and by its leading exponent, John Calhoun—that he issued in a letter that year his most full-throated defense of national majoritarianism. Taking dead aim at Calhoun’s interpretation of minority (or states’) rights, and all but shelving the best-known parts of Federalist No. 10, Madison declared that “every friend to Republican Government ought to raise his voice

against the sweeping denunciation of majority Governments as the most tyrannical and intolerable of all governments.”

But the fact that Madison grew fearful of power in the grip of a minority, and became at ease with the imperative of “relief” by the majority, did not require him to retract all regard for what he had termed in Federalist No. 10 “the rights of the minor party.” On the contrary, he prized what is known in constitutional democracies as the concept of a loyal opposition—that is, a responsible minority vested with the right to dissent, and even to hinder within reason, a majority’s rush to judgment.

In fact, so attentive was Madison to the opposition’s role that, when the Federalists were dominant, he at times encouraged his Republican colleagues—not least Thomas Jefferson—to play the part rather ruthlessly. In a remarkably partisan letter dated January 15, 1797, Madison even urged Jefferson to sacrifice his rapport with John Adams for the purpose of obstructing Adams’s policies. Madison chided Jefferson for having personal “sentiments” toward the new Federalist president-elect that were of “the most conciliating form.” The friendly “state of things between you,” Madison continued, not only risked creating “real embarrassments” from the Republicans’ perspective, but amounted to something like fraternizing with the enemy. In other words, opposition party first, personal friendships second. If Madison lacked forbearance here, in fairness, he also became legendary for his tolerance of dissent when his own party was in power: During the War of 1812, President Madison went out of his way to permit free and open protest against his own policies.

What, then, would Madison make of the GOP’s uniform skepticism toward President Obama and the Democratic majority’s grand designs in Congress today? Whichever way he might lean on the merits of the policies in question, there seems to be little doubt that he would grant “the party of ‘no’” its rightful due.

But what if the minority increased its resistance to the point of thwarting the ruling majority at every turn? *That* state of affairs would make Madison decidedly uncomfortable. Suppose, for instance, that the GOP were a faction potent enough to scuttle in the Senate most of the Democratic majority’s legislative priorities. One seriously doubts that a routine practice of successfully filibustering any and all legislation would meet with Madison’s approval. Loyal dissent is one thing; indiscriminate obstructionism, and paralysis that can be overcome only by a lopsided majority, are quite another. In Madison’s day, the “republican principle” implied, for the most part, governance by

simple majority—not a 60-vote Senate threshold. Moreover—and on this point Madison wholly concurred with his Federalist Papers co-authors Alexander Hamilton and John Jay—a republic so enfeebled as to be perpetually gridlocked would not survive.

That question, however, is mostly academic, at least for now. The Republican opposition today is vigorous, yet not debilitating. In comparison with the governments of every other advanced country, ours responded to the global economic crisis with extraordinary alacrity. And however contentious the past two years have been on Capitol Hill, the party in power has been able to enact at least a half-dozen important measures—including a huge health-care bill, major financial regulatory reform, a lot of long-range “re-investment” attached to the 2009 economic-recovery act, significant additional stimulus in the form of extended jobless benefits, and more.

The clock may be running out for Democrats to perform further large legislative feats. But if the party falls short of achieving its remaining aspirations, its difficulties will have been in no small part self-inflicted. (Cap-and-trade legislation, for instance, has stalled because of misgivings among Democrats, not just an obstinate GOP.) And Madison would probably have had little sympathy for such irresolution on the part of the governing majority. The co-author of the Federalist Papers did not wish for America a stalemated government, but rather expected a suitably energetic, albeit properly circumscribed, one.

PARTISANSHIP AND ITS DISCONTENTS

Consternation about partisanship is nothing new in American political life. In 1796, President George Washington used his farewell address to warn his countrymen “in the most solemn manner against the baneful effects of the spirit of party.” But as James Madison understood, rival parties are not optional in a free society. They are an unavoidable product of human nature and political liberty.

As Madison also came to see, organizing politics in partisan ways can serve a dual purpose: It can empower representative majorities to govern, and it can mobilize appropriate opposition against majorities that overreach. For all their self-interested calculations and tendentious polemics, the contemporary Democratic and Republican parties have largely performed these functions well.

This is not to say that partisan politicking should know no limits. Certain tough public decisions demand a considerable degree of national

unity, and thus the support of both parties. One wonders how, for example, our lawmakers will ever grapple seriously with the country's towering deficits and debt without some semblance of bipartisan cover. And one wonders how a resolute and credible foreign policy can be conducted without the support of a reasonably bipartisan coalition.

Nor should we overstate Madison's sanguinity. Although he would have been neither startled nor deeply distressed by the rift between our political parties, some of their modern features would surely have made him uneasy. In particular, the inability of our system to consistently keep the polity's zealots at arm's length would almost certainly have worried Madison, given his concerns about the excesses of democracy and his insistence on establishing representative institutions to filter and temper the direct will of the people. Through the now-pervasive practice of closed party primaries and caucuses in particular, our system enables bands of arch-partisans to dominate the process of nominating candidates for elective office, and to ritually purge or punish political moderates. This particular change, and the resulting populist pressure on politicians to toe the line, would probably have discomfited even the unflappable Madison—despite his own tendency to champion party purity.

We should devote serious thought and attention to this darker side of our current political climate, and to those developments that would have alarmed the designer of our Constitution. But overall—as Madison would surely have recognized—our politics and government could be much worse. And as we prepare to elect a new Congress—with all the hand-wringing and hyperbole that process entails—we would do well to recognize this reality, too.