1819 NEWS

Allen Mendenhall: Madison in Munich

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When I taught at Troy University, I used to tell people – half joking, half not – that I wasn't an economist, I just played one on television. But now that is, in fact, precisely what I do. The funny thing about life is that it has a way of collapsing the distance between jest and reality.

It's a strange and rather wonderful sort of work, the kind that sends you to Munich, Germany, to sit in a room for three days with some of the most formidably intelligent people –among them, members of the United Kingdom's House of Lords, which still carries, if you say it slowly enough, a certain delicious improbability.

We gathered last week for a colloquium. The subject was the Anglo-American legal tradition in its long, winding entirety, from its earliest dim manifestations through Magna Carta to the American founding. Hundreds of pages of text, dense, serious, and occasionally magnificent. I will spare you the

particulars of the reading list. What I will not spare you is the detail that caught me, the way a splinter catches a finger: small, almost invisible, and then suddenly impossible to ignore.

James Madison supplied it.

Somewhere in the Federalist Papers – and I mean *somewhere* in the way a man who has been reading for days across several time zones means it – I found myself noticing an insight I could not quite unknow. Madison, in those essays, was engaged in an intellectual move that would not have a proper name for another century and a half.

He was anticipating public choice economics.

Public choice, for those who have not had the particular pleasure, is the school of thought that treats political actors as economists have always treated everyone else: as self-interested individuals responding to incentives. Politicians are not angels; bureaucrats are not selfless servants; voters are not perfectly informed. Everyone, in the public square as in the marketplace, is working, consciously or not, toward some private advantage.

It sounds cynical because it is, in the most useful sense of that word, the kind that strips away sentiment and lets you see the machinery underneath.

Madison, writing in 1787 and 1788, did not use this vocabulary; he did not call it "public choice." But open Federalist No. 10, and there he is, worrying over factions: those groups of citizens, majority or minority, united by some common passion or interest adverse to the rights of others. He is not scandalized by this. He treats it as a given, the way a good economist treats scarcity, and then sets about designing around it. The question, for Madison, was never how to make men virtuous but how to construct a system that could survive their not being so.

By Federalist No. 51, he had arrived at the sentence that American schoolchildren are often made to memorize but rarely to truly understand: *If men were angels, no government would be necessary.* But read what surrounds it. Madison is building an argument about institutional design: checks and balances not as a high-minded abstraction but as a practical mechanism for setting ambition against ambition, interest against interest, so that no single faction could capture the whole apparatus.

This is, in its bones, precisely what public choice theorists would spend the 20th century systematizing.

Federalist Nos. 39, 47, 48, 49 and 50 circle the same territory. Madison worries, in ways that would warm a modern political economist's heart, about the concentration of power, about the tendency of legislative bodies to aggrandize themselves, about the difficulty of keeping any branch of government within its constitutional lane when the folks inside it have every incentive to wander. He is not writing political philosophy in the dreamy sense. He is writing, with the precision of a man who has actually thought about incentives, a blueprint for a republic.

I do not imagine that I am the first person to notice this version of Madison as a proto-public-choice economist. Somewhere, in a learned journal I have not read, in a dissertation defended, someone has almost certainly made this same argument with greater rigor and extensive footnotes.

But here's the thing about understanding: it does not matter that the idea itself was already available. What matters is the moment it becomes *yours*, when it stops being a fact you've read and becomes a thought you've genuinely held.

That moment, for me, required hundreds of pages of reading, an overnight flight, severe jet lag, fine food and wine, and a room full of earnest, contemplative minds in Munich, Germany.

Madison, I think, would have found that quietly amusing.

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