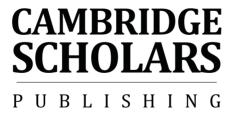# Review Journal of Political Philosophy
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A DEFENSE OF TWO PARTY POLITICS

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Introduction

The modern two-party system in the United States has come under attack for a variety of reasons. One criticism is that the two-party system is a sham perpetrated on the American people for the benefit of the economic elite. This was the position voiced by Ralph Nader in his 2000, 2004, and, with less fanfare, 2008 presidential campaigns. In each case, Nader predicated his campaign on the conviction that there is no discernible difference between the Republican and Democratic Parties insofar as each is equally funded by, and thus beholden to the same corporate interests. Another common, but quite different criticism is that the two parties have become so adversarial that the country is now sharply divided into red conservative states and blue liberal states that view each other with animosity. This is one of the main tenets of President Obama's political career. The message of "hope" can only resonate in a context of political divisiveness in which a believing electorate has grown weary of the conflict. To recall, what first brought President Obama into national focus was a speech at the 2004 Democratic Convention in which he called for an end to political divisiveness by declaring that "there's not a liberal America and a conservative America; there's the United States of America."[1] Then, four years later, one of the explicit "hopes" of the Obama presidential campaign became the restoration of bi-partisanship from out of the ashes of divisiveness, not only in Washington D.C., but also across the American culture at large. This hope has thus far been unfulfilled.

Dissatisfaction with the two-party system has been felt on both sides of the aisle, prompting some politicians to cut their party ties and to strike out on their own with a new party. On the side of the Republicans is the example of the former congressman, Rep. Bob Barr, of Georgia's 7th District. Once a loyal member of the Republican Party who acted as a House Manager in the impeachment hearings against Bill Clinton, Mr.

Barr became a member of the Libertarian Party in 2004 and ran as its Presidential candidate in 2008. On the side of the Democrats is the former congresswoman, Rep. Cynthia McKinney, of Georgia's 11th District. An often outspoken and sometimes controversial congresswoman, Ms. McKinney ran as the Green Party's candidate for President in 2008. Mr. Barr and Ms. McKinney represent a growing desire of the United States electorate for a multi-party system. Other prominent political figures have in one way or another championed what popular discourse has labeled the "third party movement." Again, Ralph Nader has been a vocal advocate for multiple parties for some time. His first flirtation with presidential politics began in 1972, when a progressive faction of the Democratic Party asked him to run as their candidate for the short-lived New Party. His more formidable campaigns began much later, when he ran as the Green Party candidate in 2000 and, then, as an Independent in 2004 and 2008. The call for multiple parties also involves some who belong to one of the two main parties. Perhaps the most notable is Republican Ron Paul. Still a congressman of the 14th district of Texas, Rep. Paul first ran for president in 1988 as the candidate for the Libertarian Party. However, in his more recent bids for the presidency, he ran as a Republican in 2008 and again in 2012. Despite party allegiance, Rep. Paul has generated a lot of enthusiasm for multiple parties by relentlessly criticizing his Republican contemporaries.

The discontent with two-party politics has recently crystallized into two distinct political movements: the Tea Party and Occupy Wall Street. The Tea Party is predominantly portrayed in mainstream media as an anti-Obama movement that adamantly – and even angrily – opposes his first economic stimulus package as well as his so-called "socialist" healthcare reform. However, the Tea Party has also directed its ire toward a Republican Party that, under the leadership of President Bush and a Republican Congress, increased rather than decreased the size of the government, the amount of spending, and the budget deficit. The Tea Party candidates that have recently run in local and national elections have caused more anxiety for establishment Republicans than for anyone else. Occupy Wall Street, on the other hand, has been portrayed by the same media outlets as an anti-Republican movement fed up with the tax cuts for the 1% of economic elite as well as Bush's preemptive military strategy that has left us with a perpetual war on terror. But this is an equally one-sided perspective. Occupy Wall Street has no party affiliation or any candidates running for public office. To be sure, its primary focus is economic disparity, but it considers this a cross-party epidemic. In their view, the problem is the unjust economic system, in the United States and

abroad, that the Democrats as much as the Republicans perpetuate. Despite what are clear differences between these two movements, they share a similar dissatisfaction. Neither side is happy with the present configuration of American politics; their simultaneous emergence on the political scene is an express declaration for a change of the status quo. In their different ways, the Tea Party and Occupy Wall Street do not believe that the two-party system can address their needs. Even more, the two-party system is a hindrance to their aspirations. It is in this context of dissatisfaction that a defense of two-party politics will here be given. Hardly anyone would dispute the fact there is a problem with American politics, but we should be careful not to throw the baby out with the bathwater. The problem may not be the two-party system. In fact, I will argue that the two-party system plays an important, although sometimes unacknowledged role in the preservation of individual liberty. My precise thesis is that the two-party system is antithetical to political absolutism, which makes it an effective deterrent against tyranny. The following, however, will not defend the two-party system as it *is* today, but what it *could* be.

Historical Polemic against Two-Party Politics

Of the many principles asserted by *The Declaration of Independence*, none are more famous than the "self-evident" truths that "all men are created equal" with "inalienable Rights" such as "Life, Liberty, and the pursuit of Happiness." Just as important is the adjoining assertion that the primary purpose of government is to secure these rights for its citizens. This latter principle, which asserts government responsibility, was the spring board for the Colonial revolution against the British Empire; for, it is precisely when a government fails to secure these rights that its replacement by one that can becomes necessary. *The Declaration of Independence* singles out absolute despotism as the kind of government that inevitably fails to fulfill its responsibility:

> Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under *absolute Despotism*, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.[2]

The original framers of the United States viewed political absolutism as the one of the chief threats to the free aspirations, not only of the colonists, but of humanity. Any government that rules over its people with autocratic authority is incompatible with the equal rights of individuals to live autonomously. They also understood that political absolutism is as much an internal as an external threat. Where the revolution, to be sure, fought against the danger of political absolutism from a foreign nation, the *Constitution* and the *Bill of Rights* guard against the same danger arising from within. The separation of powers outlined in the *Constitution*, together with the legal limitations to governmental authority listed in the *Bill of Rights*, codify a healthy aversion to political absolutism. But there is nothing in these founding documents to suggest in any way that party politics, let alone the two-party kind, is legally binding or institutionally necessary for such a purpose. What is more, there are clear examples in the writings of the original framers, outside the official founding documents, that warn against party politics.

One example is George Washington's *Farewell Address* of 1796. Washington devoted one-third of his precedent setting farewell to what he considered "the baneful effects of the spirit of party generally."[3] Rather than viewing party politics as essential to curb governmental power, Washington cautioned that it could lead to the very absolute despotism and tyranny that I claim it would deter:

> The alternate domination of one faction over another, sharpened by the spirit of revenge, natural to party dissention, which in different ages and countries has perpetuated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and sooner or later the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purposes of his own elevation, on the ruins of public liberty.[4]

Washington's forebodings about party politics have an historical context. Though conspicuously absent from any official founding documents, party politics in the United States is as old as the government itself. At virtually the same time as the *Constitution* was first being translated into actual government institutions, a rancorous division between Jeffersonian Republicans and Hamiltonian Federalists began to take shape. The vitriol unleashed between these competing party factions might make some view the political squabbles of today as somewhat tame. In a July 7, 1793 letter, for example, Jefferson urged Madison to defame Hamilton in the press

with less than truthful professional as well as personal attacks: "for god's sake, my dear Sir, take up your pen, select the most striking heresies, and cut him to pieces [sic] in the face of the public."[5] Hamilton, for his part, did not shy away from like-minded assaults on Jefferson's character. According to Ron Chernow, Hamilton used the Federalist newspaper, the *Gazette of the United States,* in 1792 to publically allude to Jefferson's liaison with his slave, Sally Hemings, even before James T. Callender's famous 1802 *Richmond Recorder* articles in which he directly accuses Jefferson of fathering children with her.[6] In response, Jefferson surreptitiously hired the poet and college friend of Madison, Philip Freneau, as a State Department translator for the clandestine purpose of disseminating anti-Federalist propaganda in the Republican newspaper, the *National Gazette*. Over the next few years, Freneau frequently portrayed the Federalists in general and Hamilton in particular as favoring the money interest of the aristocracy against the liberty of the common people and also, slanderously, as harboring the covert aim of reinstalling the British Monarchy. The acrimony grew to such a fevered pitch and the battle lines were drawn so sharply that President Washington may have, indeed, worried that the charismatic leaders of the two party factions, whether by circumstance or by design, might eventually become the leader of the 'more formal and permanent despotism' portended in his *Farewell Address*.

   Underneath this petty bickering lay substantial political differences that still resonate today. Where Jefferson, for example, held an agrarian and even pastoral vision for the new nation that supported the interests of landowning farmers, Hamilton advanced a more urban platform that promoted mercantile interests in manufacturing, trade, and modern finance. Where Jefferson favored a weak central government and strong state governments, Hamilton worked tirelessly for a strong centralized federal government. Where Jefferson wanted to eliminate internal taxes, Hamilton thought that such taxes were necessary to generate revenue for the federal government. Where Jefferson always remained loyal to the French for their support during the Revolution and believed that the U.S. was obligated to help them in their own revolution, Hamilton supported Washington's policy of neutrality and sought to strengthen economic ties with Great Britain. Perhaps the most substantial difference, however, was their conflicting interpretations of the *Constitution* – Jefferson's "strict constructionism" versus Hamilton's "implied powers doctrine" – which came to a head over Hamilton's attempt to establish the National Bank of the United States in 1791.

Hamilton, as the first Secretary of the Treasury, devised a three-pronged economic program that he hoped would place the fledgling nation on more solvent grounds so that it would not only be able to address the ongoing problem of debt incurred during the Revolution, but also carve a path for future economic prosperity. In December 1790, Hamilton submitted the second part of his program, *The Report on the Bank*, to Congress that outlined his plan for a National Bank. The program was quickly passed by the Senate in January and, then, by the House in February 1791. Shortly thereafter it was forwarded to President Washington to sign into law. Jefferson, fearing that Hamilton's program would favor the mercantile interests of the North over the agrarian interests of the South, submitted a letter to Washington arguing that the National Bank was unconstitutional. Jefferson's strict constructionist argument was based on the idea that the powers of the federal government fell only within the parameters of what is enumerated in the *Constitution*. Any power not so enumerated was either unconstitutional or belonged to the States. Jefferson formulated his strict constructionist's reading of the *Constitution* concisely in the letter as follows:

> I consider the foundation of the Constitution as laid on this ground that 'all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people' [Xth Amendment]. To take a single step beyond the boundaries thus specially drawn around the powers of Congress is to take possession of a boundless field of power, no longer susceptible of any definition.[7]

Jefferson reminded Washington that the *Constitution* gave certain limited economic powers to Congress such as (1) "to lay taxes for the purpose of paying the debts of the United States," (2) "[t]o borrow money" and (3) to "regulate commerce with foreign nations, and among the states, and with the Indian tribes."[8] None of these, argued Jefferson, necessitated a National Bank; and, since the *Constitution* nowhere specifies the right to charter one, "[t]he incorporation of a bank, and the powers assumed by the bill, have not, in my opinion, been delegated to the United States by the Constitution."[9]

Washington himself was initially hesitant to sign the bank bill into law and asked Hamilton to prepare a document justifying its constitutionality. To this end, Hamilton produced a thorough examination of the issue entitled, 'Opinion on the Constitutionality of the Bank of the United States.'[10] This marked the first formulation of the implied powers doctrine of the *Constitution* latter championed by John Marshall, the fourth and longest Chief Justice of the Supreme Court (1801-35). Hamilton zeroed in on

Article I, Section 8 of the *Constitution* that details the powers granted to Congress, paying specific attention to the 'necessary and proper' clause:

> Congress shall have the Power – To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.[11]

Hamilton argued that implied within the 'necessary and proper' clause is the right of a sovereign power, like the United States, "to employ all the means *requisite* and fairly *applicable* to the attainment of the ends of such power"[12] Contrary to Jefferson's strict constructionism, Hamilton understood the term "necessary" loosely. It did not mean that Congress was required to execute *only* the Powers explicitly enumerated in the *Constitution*, but that it had the right, if not also the duty, to enact any law that it deemed necessary (requisite) in order to fulfill the intended aims of the *Constitution*. Hamilton essentially argued that the National Bank, although not explicitly enumerated, had nonetheless implicit constitutionality insofar as it gave the federal government the means to execute its responsibility to the people – in this case, economic solvency as well as future prosperity for the nation. He therefore asserted against Jefferson:

> It is conceded that implied powers are to be considered as delegated equally with express ones. Then it follows, that as a power of erecting a corporation may as well be implied as any other thing, it may as well be employed as an instrument or mean of carrying into execution any of the specified powers, as any other instrument or mean whatever.[13]

Persuaded by Hamilton's argument, Washington signed the bank bill into law. This did not end the dispute between Jeffersonian Republicans and Hamiltonian Federalists, but only exacerbated their deep-seated animosity toward one another. One of the 'the baneful effects of the spirit of party' to which Washington may have been alluding in his *Farewell Address* was that the National Bank debate contributed to an ever-growing national divide along geographical lines between the agrarian, slave-owning South and the mercantile North. Washington, himself a slave-owning southern farmer who often sided with the predominately northern Federalists, may have agonized more intently than most over the possible consequences of party politics for future generations.

Not to underestimate the significance of Washington's *Farewell Address*, but perhaps a more noteworthy statement in the writings of the

original framers against party politics is *Federalist 10* by James Madison, which begins unequivocally:

> Among the numerous advantages promised by a well constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction. The friend of popular governments never finds himself so much alarmed for their character and fate, as when he contemplates their propensity to this dangerous vice.[14]

And, again, a few lines latter:

> Complaints are everywhere heard from our most considerate and virtuous citizens, equally the friends of public and private faith, and of public and personal liberty, that our governments are too unstable, that the public good is disregarded in the conflicts of rival parties…[15]

The purpose of *Federalist 10* is not primarily to decry party factions, but, more importantly, to show that the proposed republican form of government is best able to deal with this problem. Madison gives a compelling, though maybe at first surprising argument. He does not argue that party factions should or even can be removed from political society; and, therefore, that the only way to handle the problem is to control its effects.[16] Madison claims that party factions will always play some part in the functioning of government and in the culture at large because its cause is liberty itself.[17] When and wherever a free people come together in a political society, there will be competing interests and thus party factions. To eradicate them from political society would be to eliminate public and private liberty as well. The crux of Madison's argument, then, is that the republican form of government, better than any other form, controls the inevitable influence of party factions.

Madison gives a number of reasons why a republican government is best able to control party factions, but the one most relevant for our purpose is his argument in favor of *multiple parties*. Madison's argument takes advantage of the vast geographical size of the country. He conjectures that the larger the society and the greater the citizenry, the lesser would be the negative effects of party factions on the federal government. One negative effect that gave Madison particular concern was the potential for oppressive majority rule over a minority. In a small society, argues Madison, it is much easier for disparate political interests to coalesce into a ruling majority, irrespective of the public good. Madison, for example, mentions the possibility of a religious sect "degenerate[ing] into a political faction."[18] In a small society, a religious

faction could more easily comprise a majority, in which case other minority religious sects would either be excluded from political life or forced to live in a society without the legal opportunity to openly practice their faiths. In either case, the liberty of the minority would be infringed. Madison argues that this would not occur in a large country like the United States. Party factions would still exist, even religious ones, but they would be so geographically and culturally dispersed throughout the country that the possibility of a single ruling majority of one religious faction would be greatly reduced. Thus, Madison concludes:

> The smaller the society, the fewer probably will be the distinct parties and interests composing it; the fewer the distinct parties and interests, the more frequently will a majority be found of the same party; and the smaller the number of individuals composing a majority, and the smaller the compass within which they are placed, the more easily will they concert and execute their plans of oppression. Extend the sphere, and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength, and to act in unison with each other.[19]

From this, we get a glimpse into Madison's vision of party politics. Parties would presumably develop either among the citizenry or on the level of state governments, but would have a much more difficult time forming on the federal level. His reasoning is not without merit. Every state would choose representatives to the federal government. Each representative, whether as Senator or Congressman, would have the public duty to advocate for the interests of his state. One of the primary tasks of a representative, then, would be to balance the varied, multiple interests in his own state against the interests of other states. According to Madison, the geographical size of the United States as well as the number of states would create such a diversity of interests on the federal level that it would be virtually impossible for a majority party to band together against a minority. Instead, Congress would consist of individuals with unique sets of interests or, at worst, small groups of individuals who share a set of similar interests as representatives of the same locality working against the interests of the other states for the benefit of their own. In either case, the potential consolidation of political interests into federal party factions would be significantly reduced and thereby also would the threat of majority rule.

The appeal of Madison's proposal is that the proliferation of parties would lead to a greater democratization of the American system by giving

voice to a more diverse set of political views, which would increase the range of representative government. This would have the advantageous effect of enfranchising previously disenfranchised people, who would in all probability play a more active role in civic affairs. It can be argued that Madison's multi-party proposal adroitly articulates a *democratic* defense against the tyranny of political absolutism; for, the underlying problem addressed in *Federalist 10* is the kind of power a majority party would be able to obtain. Such a party would have no real opposition, in which case it could acquire unchecked authority. Madison's concern about majority rule was really a concern about the threat of absolute power. He believed, as did Jefferson, that the increased democratization of the United States would stave off this threat, specifically, the threat of the return to a monarchical form of government. Just as a greater number of parties would diminish the likelihood of majority rule, so too would the greater diversity of representation in a democratic society reduce the chance of a majority party acquiring absolute autocratic authority. Interestingly, Madison's multi-party proposal resembles the electoral system of many democratic governments in Europe today in which an array of diverse political parties vie for public office.

This is Madison's theory, not his reality. As a member of Congress, he was Jefferson's right hand man in the Republican fight against the Federalists. Madison was one of the chief architects of the first manifestation of party politics in the United States federal government, who wanted his Republican faction, just as much as Jefferson, to acquire majority rule. Despite Madison's shortcomings and even hypocrisy with regard to party politics, his multi-party proposal has had an enduring legacy in American politics. The push for multiple parties has been a part of our political history from the start and continues up to the present day. It was there in *Federalist 10* and is now once again present in the political movements of the Tea Party and Occupy Wall Street. In very much the same spirit of *Federalist 10*, the Tea Party and Occupy Wall Street have emerged against what both judge, despite their differences, to be a government that has abused its power and authority. Perhaps this is why the multi-party model has frequently captured the popular imagination as a legitimate democratic way to combat government overreach; while the two-party system is frequently cited as one of the chief sources of such problems.

Electoral Polemic against Multi-Party Politics

A couple of relatively recent elections in Europe challenge Madison's multi-party proposal. The first is the French presidential election in 2002. The French use a "second ballot" electoral process in which an additional round of voting must take place between the two candidates with the most votes, if no candidate wins an outright majority in the first round. The expectation in 2002 was that the two most prominent political figures in France at the time, President Jacques Chirac and Prime Minister Lionel Jospin, would be the candidates to participate in the second round of voting. However, the second place candidate was not Jospin, but the ultra-right wing leader of the National Front Party, Jean-Marie Le Pen. This outcome was a shock, not only to many in France, but also to the international community. The reason is that Le Pen is a well-known French nationalist who had been convicted in Munich, Germany in 1999 for anti-Semitic statements minimizing the Holocaust. Throughout his political career, Le Pen advocated extremist positions that, in one way or another, sought to exclude marginalized groups from democratic representation. How could a politician who would deny democratic rights make it to the second round of voting in a democratic presidential election? The answer can be found in the number of candidates that participated in the first round and how the votes were distributed among them. Including Chirac's Rally for the Republic Party, Jospin's Socialist Party, and Le Pen's National Front Party, there were a total of sixteen parties on the presidential ballot. Of the top three, Chirac received the most votes at 5,666,021 with 19.88% of the electorate; the second place Le Pen had 4,804,772 with 16.86%; the third place Jospin had 4,610,267 with 16.18%. The difference between Le Pen and Jospin was 194,505 votes. The remaining votes were spread out unequally over the other thirteen candidates and their respective parties. The conventional wisdom is that Jospin failed to reach the second round of the election because the vast majority of the other thirteen parties, like his Socialist Party, were left of the political center. Some of these parties include: Union of French Democracy, Worker's Struggle Party, Green Party, Revolutionary Communist League, Liberal Democracy Party, French Communist Party, Left Radical Party, Party of the Workers, The Traditions Party, and the Hunt, Fish, Nature Party. In total, these parties collected 9,152,983 votes.[20] Given that the margin of Le Pen's second place victory was less than 200,000 votes, it is not controversial to conclude that if the political left had not been fractionalized into so many competing parties, Le Pen would not have succeeded into the final round. This election suggests that

multiple parties are not always democratically advantageous, but could –
and in this case *did* – result in the ascent of anti-democratic extremists into
positions of mainstream prominence. Although Le Pen eventually lost to
Chirac in the second round by a landslide (5,525,032 to 25,537,956 votes),
his nationalistic, anti-Semitic, and anti-democratic political views were
given a national as well as an international platform for a number of weeks
in the context of electoral credibility.

The French case is only one example of how the multi-party model
may not always amount to an improvement in democratic societies. But
maybe it is not so convincing. After all, Le Pen was not elected President;
what is more, his second place showing in the first round, rather than
quelling participation in the democratic process, immediately motivated
thousands to take part, not simply by voting, but also by publically
protesting against absolutism in representative politics. One might
therefore argue that the French case is, in fact, an example of how more
party inclusion allows the better parts of democratic societies to flourish.
This may or may not be true. Nonetheless, a second and more convincing
example against the multi-party model is the Austrian legislative elections
in 1999. This case is different from the French one because an extremist
party, the Freedom Party of Austria, led by an ultra-right wing politician
with Neo-Nazi ties, Jörg Haider, won enough seats in parliament to share
power in a coalition government with the mainstream center-right party,
the Austrian People's Party. Mr. Haider, whose father was a leading
member of the Austrian Nazi Party, was widely known in Europe for his
extreme nationalistic views against immigration. It is also common
knowledge that Haider made anti-Semitic statements that praised the
efficiency of the Nazi government in comparison to the Austrian one as
well as statements that honored soldiers who were members of the
Waffen-SS.[21] Although different from the French case, the Austrian one is
similar in that the electoral result that gave Haider institutional power was
the byproduct of the fractionalization of the electorate attributable to the
amount of participating parties. There were a total of nine parties, among
whom 4,622,354 votes were distributed. One of the interesting aspects of
the Austrian case is that neither of the eventual power-sharing partners
received the most votes. Haider's Freedom Party of Austria received
1,244,087 votes with 26.9% of the electorate (52 seats in parliament) and
the Austrian People's Party 1,243,672 votes with 26.9% (also 52 seats in
parliament). The most went to the then ruling Social Democratic Party of
Austria with 1,532,488 votes with 33.2% (65 seats in parliament). This
was a first place margin of 288,361 votes.[22] The Social Democratic Party,
however, lost its ruling majority and was excluded from the coalition

government between the Freedom Party of Austria and the Austrian People's Party. Even if unconvinced by the French case, the Austrian one does not merely suggest, but demonstrates how the multi-party model, rather than improving a democratic society, helped bring into governmental power an ultra-right wing extremist whose political career, at the very least, is marked with anti-democratic biases and absolutist tendencies.

What the Austrian legislative election in 1999 shows is that the threat of political absolutism comes not only from an unchecked majority, as Madison argued, but also from an extremist minority. Haider's extremist party came to power even though the center-left Social Democrats won a majority of the votes. Madison's multi-party proposal does not address this problem. One possible reason is the historical context. At the time, one of the chief concerns of the original framers was what many saw as the very real prospect of "mob rule" in an untested, emergent democratic state. The problem of an extremist minority acquiring power was not the political concern of the time. To be sure, Madison's worries about the dangers of majority rule are not unfounded. A democratic republic like the United States follows the dictates of the majority. The concern is that popular opinion may not always be in the interest of the common good of society. Regional differences, cultural prejudice, monetary ambition, and military conquest, to name only a few, may rule the day over political justice. One of the enduring strengths of the *Constitution* and the *Bill of Rights* is that they protect against the darker side of majority rule by outlining a system of checks and balances as well as detailing a list of individual liberties. As one of the chief architects of both founding documents, Madison, in all likelihood, envisioned his multi-party proposal in *Federalist 10* as a supplemental protective mechanism against the dangers of majority rule. Today, however, the political situation is different. Although the prospect of unjust majority rule should always be at the forefront of our political consciousness, we are now posed with the new threat of extremist minority groups who are not only politically savvy, but also well-versed in the art of modern technological media. This danger is presently being realized in Greece at a time of great economic crisis. In the June 2012 Greek elections, the extreme right-wing party, Golden Dawn (Χρυσή Αυγή or *Chrysi Avgi*), won 18 seats in the national parliament.[23] Once a mere minority fringe group, Golden Dawn has become a sanctioned party with a history of electoral success. Golden Dawn continues to be on the rise in Greek politics with an ever-growing legion of followers who, at a very rapid pace, have willingly turned to a race-based Greek nationalism against immigrant workers as a kneejerk reactionary solution to their

economic problems. Once again, recent elections in Europe illustrate that one of the weaknesses of the multi-party system is that it not only could allow, but, *in actual fact*, has allowed minority political parties with nationalistic, racist, anti-immigrant, and anti-democratic aspirations to obtain ruling governmental authority. One advantage of the two-party system is that it addresses this new political danger by helping to reduce the probability of extremists from acquiring this kind of power.

The Defense

The defense to be developed here does not in any way try to justify the two-party system as it *is* today in the United States, but what it *could* be. The following is a hypothetical defense of two-party politics that attempts to draw attention to its pragmatic merits. One of the reasons for proceeding in this way is that the United States does not really have a two-party system. It may be surprising for some to learn that, given the cultural distrust of two-party politics in the United States, only rarely in our electoral history has a campaign consisted of two candidates from competing parties. There has not been, for instance, a presidential election consisting of only two parties since 1868, when the Republican Ulysses S. Grant defeated the Democrat Horatio Seymour.[24] Contrary to what may have appeared as a two-party affair in the 2012 presidential election, it actually involved several candidates from a variety of political parties. There was not only the Democrat Barak Obama and the Republican Mitt Romney, but also the Libertarian candidate Gary Johnson, the Constitution candidate Virgil Goode, and the Green Party candidate Jill Stein as well as a host of other candidates who received votes, but not enough to acquire a national percentage.[25] These include, but are not limited to, Tom Hoefling of America's Party, Merlin Miller of the American Third Position Party, Rocky Anderson of the Justice Party, Tom Stevens of the Objectivist Party, Peta Lindsey of the Socialism and Liberation Party, Andre Barnett of the Reform Party USA, James Harris of the Socialist Workers Party, Jerome White of the Socialist Equality Party, and the TV personality Rosanne Barr of the Peace and Freedom Party.[26]

The primary pragmatic merit of a strict two-party system is electoral. As shown, the problem with the multi-party system is the fractionalization of the electorate. The votes can be dispersed between so many parties that an extremist minority could acquire political power, in a real sense "win" an election, with only a small percentage of the national vote. This is particularly the case in times of social unrest generated by an economic crisis, military engagement, terrorist attacks and other such adversities. It

is not a coincidence that Jörg Haider's Freedom Party of Austria came to power toward the end of the Balkan wars of the 1990's, which had been a destabilizing factor in Europe for the better part of a decade. The Austrian election also took place just after the transition to the EURO currency,[27] which some of the smaller participating countries like Austria saw as a threat to their national identity. The Freedom Party of Austria was able to exploit these circumstances and to profit from a shaken electorate that was ripe for reactionary solutions to a growing number of uncertainties. The same is the case with the Greek nationalist party, Golden Dawn. Their rapid rise to power parallels the escalation of the economic crisis in Greece. In a strict two-party system, the likelihood of an extremist group ascending into power would be significantly reduced – but never, of course, absolutely eliminated – because of the limited electoral options. Even in times of social unrest when the electorate might experience increased fractionalization, an extremist group would represent only a minority faction of a much larger party consisting of a diverse array of members with different cultural, religious, ethnic, and economic backgrounds. Most party members would not be extremists, but those who, from different perspectives and with different interests, would work against such views. In this way, the diversity of political points of view would function as an *internal* check against extremism and absolutism in each of the two respective parties. Jörg Haider was only able to acquire institutional authority in the Austrian government because he was able to avoid this internal check by founding his own party. It was only as a fully distinct and separate political entity that his Freedom Party of Austrian had the unfettered opportunity to formulate its own political platform according to an anti-Semitic and anti-immigrant nationalist agenda. In a strict two-party system, Haider would not have been able to found such a party or have the opportunity to take advantage of a fractionalized electorate. From a pragmatic point of view, the merit of a strict two-party system is that it provides a protective internal check against an extremist minority group from acquiring governmental authority.

Another pragmatic merit of the two-party system is that it also provides an *external* check on each party's extremist minority by the other. What is at issue in this case is the adversarial nature of two-party politics, which is perhaps the most discussed as well as culturally understood aspect of this kind of system. The general idea is that each party limits the other's political power by working against their interests for the sake of its own. Neither party would be able to achieve absolute authority because both parties would, for different reasons, fight against the other and try to stop them from advancing their interests. Of course, to

avoid the potential of "political gridlock," the two parties would have to work together to arrive at compromises in order to get the business of government done. Compromise, however, would not override the external check that each party has on the other. Even when working together, the members of each party would always keep an eye on and actively counter the extremists on the other side. Any effective compromise would, in principle, greatly diminish and often prohibit the influence of the extreme wing of each party.

It must be granted that the multi-party system also contains an external check. Any minority extremist party would be actively countered by other independent parties, which would thereby limit their political influence. However, as already shown in the cases of France, Austria and Greece, the external check at work in multi-party systems is relatively weak. One of the strengths of the two-party system is that it is structurally better suited to handle the inevitable presence of absolutism in party politics. This strength comes from the adversarial structure of the two-party system that follows the pattern of competing absolutes. Although there may be a myriad of political points of view spread across both parties, there can only be *two* opposing absolute positions. What the adversarial structure ensures is that any claim to absolute political authority by one party is directly opposed by the other, and vice versa. The two parties mutually negate any pretention to absolutism by the other. Thus, one of the more important, but rarely discussed values of the two-party system is that neither side of the political pair – *neither the left nor the right* – has any claim to absolute truth. Logically, this should not be the case. According to the Law of Excluded Middle, there can only be two possible absolute positions; and, of these, one must be true and the other must be false; there is no middle or third option: $\alpha \text{ v } \sim\alpha$. However, in the political context – and by that is here meant the two-party system in conjunction with the *United States Constitution* and *Bill of Rights* – neither absolute is true. For example, there are many different opinions of various kinds about the constitutionality of abortion in the United States, but there can only be two absolute stances on abortion: either *no* abortions or *all* abortions should be legal. When put to the constitutional test, it can be proven that neither absolute is permissible.

On January 22, 1973, the Supreme Court ruled in favor of a woman's right to an abortion on the basis of an implied right to privacy in the Due Process Clause of the Fourteenth Amendment of the *Constitution*. The specific ruling was that the choice to have an abortion and the procedure to carry it out must be left to the pregnant woman and her physician up to approximately the end of the first trimester; after that, the State could

regulate the right to an abortion in ways that are reasonable to the woman's health. The State can only "proscribe" the right to an abortion once the fetus had reached the point of viability – which means it is capable of prolonged life outside the mother's womb – except to preserve the life or health of the woman.[28] Ever since the *Roe v. Wade* ruling, there has been a more than bitter debate about the constitutionality of a woman's right to an abortion. The point of contention is Section I of the Fourteenth Amendment, which states:

> All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive a person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.[29]

The battle lines in the debate are drawn in much the same way as Jefferson and Hamilton were on the National Bank issue in the 1790's. Those against the Supreme Court decision tend to take a Jeffersonian strict constructionist approach; while those in favor of it tend to follow the Implied Powers Doctrine established by Hamilton. The strict constructionist argument is that abortion is unconstitutional because the right to privacy is nowhere explicitly enumerated in the Fourteenth Amendment. The Implied Powers argument, by contrast, is that abortion is constitutional because the assertion of personal liberty in the Due Process Clause entails a right to privacy, which, among other important things, protects a woman's right to confidential consultations with a physician.

On close inspection, it turns out that the absolutists on both sides of the abortion debate violate the Due Process Clause of the Fourteenth Amendment. If it is assumed that *no abortion is legal* according to a strict constructionist reading of the *Constitution*, then there would be an unequal distribution of liberty among men and women based solely on the sex of the individual. Men would have more liberty than women in the context of personal consultation with a physician for the simple reason that they are unable to become pregnant or bear children. For strictly biological reasons, men would not be prohibited by law either to seek or to receive certain kinds of medical advice or treatment from a physician. The liberty of women, however, would be infringed because they would be prohibited by law from certain kinds of advice and treatment from a physician simply because they are biologically able to become pregnant and bear children. In effect, the absolute position against abortion would legalize and

institutionalize gender hierarchy with respect to individual personal freedom, which violates the assertion of liberty in the Due Process Clause. On the other hand, if it is assumed that *all abortions are legal* according to the Implied Powers reading of the *Constitution*, then it would be legally permissible to have an abortion after the point of viability, even if the woman's life or health were not at risk. Although the citizenship of the fetus would always be ambiguous in these cases, the key point about viability is that the fetus is able to have a prolonged life *independent* of the mother, which satisfies a minimal criterion of human *personhood*. Abortions past the point of viability, where the life or health of the woman are not an issue, violate the assertion of life in the Due Process Clause, which prohibits any State from depriving, not only a citizen, but also a *person* of life. The Supreme Court ruling in *Roe v. Wade* represents a compromise between the two sides of the debate based on the constitutional insight that *neither absolute* position is legally permissible. The decision acknowledges the right of women to choose to have an abortion, but not absolutely. It also acknowledges the right of the State to regulate abortions, but not absolutely. The implication is that there is no definitive resolution to the abortion issue in a democratic republic like the United States. Abortion will always be a controversial matter that fosters bitter disagreement and heated debate. At the same time, the abortion issue is representative of one of the chief values of American society, namely, the rejection of political absolutism expressed in *The Declaration of Independence*. To be sure, the idea of having no final or permanent resolution to the abortion debate may be problematic to some. This, however, is the inevitable outcome in a country whose commitment to individual liberty is predicated on a revolution against political absolutism.

Binary vs. Non-Binary Political Societies

The underlying issue in the conflict between the two-party and the multi-party systems is the difference between binary and non-binary models of political society, which, in academic circles, represents the dispute between structuralism and post-structuralism respectively. One of the merits of the post-structuralist, non-binary model is the greater democratization that it offers. This was briefly mentioned earlier in the context of Madison's multi-party proposal of *Federalist 10*. The idea is that the existence of multiple parties would give underrepresented groups the opportunity to participate in electoral politics and to obtain institutional authority in government as representatives who more directly and effectively reach traditionally marginalized people. It is reasonable to

assume, for example, that the multi-party system in Germany made it possible for the minority Green Party to form a power-sharing majority with the more mainstream Social Democratic Party (SPD) from 1998-2005. It was seen as a groundbreaking achievement for minority groups generally to have the then leader of the Green Party, Joschka Fischer, hold the prestigious positions of Vice-Chancellor and Foreign Minister of Germany for this time period. One of the political triumphs of the Green Party as a ruling part of the federal government was the policy decision in 2000 that resolved to phase out nuclear power in Germany by 2020. Advocates of non-binary political systems would argue that if it were not for the opportunity to form an independent Green Party, then those in Germany who shared a similar conviction about the environment would not have been able to influence the direction of the government in this positive way.

The problem with the non-binary model is that extremist minority groups would also have the opportunity to form their own parties. A political system that legally sanctions the right to form multiple parties opens the door, not only to those who would uphold democratic values, but also to those who would not. The positive influence of the Green Party could very quickly and easily become the negative influence of anti-immigrant, anti-Semitic and racist groups who, like Haider's Freedom Party of Austria and Golden Dawn in Greece, might exploit the democratic process to acquire political power. The merit of the structuralist binary model is that it places electoral limits on extremist minority groups who harbor anti-democratic aspirations. Although it might seem counter-intuitive, limiting the electoral options to only two has the positive effect of greatly reducing the possibility of the political rise to power of an extremist minority group. Granted, reducing the parties to two in number means that minority groups must forego the opportunity to form their own parties; but this would be done, not to infringe upon, but to protect the democratic liberties of a pluralistic population by preventing absolutism, fascism and tyranny from arising within society.

That being said, there is another apparent advantage of the non-binary model that seems woefully lacking in the binary one – namely, the inclusion of diverse political voices. Ostensibly, one of the problems with the binary model is that the reduction of the complex diversity of political points of view to only two parties disenfranchises a sizable portion of the electorate and fosters civic indifference. Often during an election year, for example, one hears stories on the news or from friends and family that, because neither candidate speaks to their concerns or represents their interests, they will either vote for the "lesser of two evils" or not at all.

The two-party system has, therefore, been criticized for structurally *excluding* legitimate political voices. But this criticism is unfounded. The binary model does not, in principle, exclude diverse political voices at all. In a strict two-party system, each party would consist of a set of general tenets that defines each in contrast to other. Many differing points of view would fall under one of the two sets, ranging from the extreme in one party to the extreme in the other. Any number of political voices would be found between the far ends of the respective parties. Each voice, regardless of how extreme or how moderate, would be a variation of a political theme; that is, it would to some degree express the general tenets of one of the two parties, but in the context of a *specific* political interest, whatever that interest may be. Each individual, therefore, would have a voice of his or her own under the umbrella of one of the two parties.

There are many reasons why one might feel excluded from the political process, not least of which is the lack of monetary access. Most people cannot afford the cost of having their voices heard. However, this is not symptomatic of two-party politics alone. Multi-party systems have the same problem. One need only look to the examples of the media moguls, Rupert Murdoch and Silvio Berlusconi. Where the former used his wealth to gain unparalleled, if not also illegal access to British politicians for decades, the latter used his to be the on-again, off-again Prime Minister of Italy over a span of almost twenty years. Changing from a two- to a multi-party system will not solve the problem of the unfair political advantage given to the wealthy. Having one's political voice heard in a democracy, whether binary or non-binary, is not easy. There are many competing forces at play. One of the more effective ways to deal with this is the practice of *civic engagement*. One cannot expect to be heard, if the only expression of one's voice is a vote. Following a campaign in the media and simply casting a vote is not enough. One also needs to participate in the political process, to get involved in community projects, and to promote one's political interests. A vote should be the outcome of a prolonged engagement in civic affairs, not a one-time expression of political "conscience." At the end of the day, the effort to be heard in democratic society will always be a struggle. But this is not because of some kind of structural deficiency with the two-party system. It is equally a struggle in multi-party systems as well. The question, then, is whether one's own particular voice is protected against the dangers of political absolutism so that one is able to participate freely in the democratic process. To this question, it can now be replied that the two-party system, rather than diminishing one's political liberty, actually helps to preserve it

by working against the inevitable presence of political absolutism in a democratic society that rightly values diversity.

Concluding Remark on Political Humility

The rejection of political absolutism is not a merely negative, but equally a *positive* assertion about American politics. If the United States, as *The Declaration of Independence* asserts, is predicated on the rejection of political absolutism for the sake of individual liberty, then each party and, for that matter, every citizen must concede that their own political points of view are *flawed* to some degree. This does not mean that one's point of view is without merit, but that one ought to proceed in politics with the awareness of one's own limitations – that is, with humility. Humility is not a position of weakness, but a courageous stance against tyranny. It should not be forgotten that the most important part of Washington's *Farewell Address* is that it was a farewell address. At the time, Washington did not have to relinquish power, but could have stayed indefinitely. He was so popular that he could have stayed in office for the remainder of his life.[30] But he did not. He walked away from political power and returned to the life of a private citizen. Washington was not a hypocrite in this matter. He remained true to the revolution by setting a precedent against unbridled power. What he set was a precedent of *political humility*; and, by doing so, he placed it at the origins of the American political identity. Fairly or unfairly, the United States is today often characterized around the world as arrogant. The reasons for this vary, but this does not reflect where we actually came from or who we could be. The United States was born out of a struggle against absolutism and grew into a nation through a prolonged process of vigorous debate about diverse, competing ideals. Perhaps the problem with American politics is not the two-party system, but the loss of humility. Perhaps we believe too much and too easily that we are right; that we are not supposed to be wrong; that others should either be with us or against us. Perhaps the problem is that, without noticing it, we mistakenly believe in our own absolute worth at the potential expense of individual liberty.

Notes

[1] www.washingtonpost.com/wp-dyn/articles/A19751-2004Jul27.html, Tuesday, July 27, 2004

[2] Jefferson, Thomas. 'The Declaration of Independence' from *The United States of America: State Papers*, ed. by Thomas Adamo (Woodbine Cottage Pub. 2010), p. 1

[3] Washington, George. 'Farewell Address' from *The United States of America: State Papers*, p. 282

[4] Ibid, p. 283

[5] http://www.loc.gov/exhibits/jefferson/images/vc116p2.jpg and
http://www.loc.gov/exhibits/jefferson/jefffed.html

[6] Chernow, Ron. *Alexander Hamilton*, (Penguin Press, 2004), p. 407.

[7] Jefferson, Thomas. 'Opinion on the Constitutionality of Establishing a National Bank', February 15, 1791, from *Jefferson vs. Hamilton: Confrontations that Shaped a Nation*, ed. by Noble E. Cunningham Jr. (Bedford/St. Martin's Press 2000), p. 51

[8] Ibid, p. 51

[9] Ibid, p. 51

[10] Hamilton, Alexander. 'Opinion on the Constitutionality of the Bank of the United States', February 23, 1791, from *Jefferson vs. Hamilton: Confrontations that Shaped a Nation*, ed. by Noble E. Cunningham Jr. (Bedford/St. Martin's Press 2000), p. 55-64

[11] 'United States Constitution' from *The United States of America: State Papers*, p. 14-15

[12] 'Opinion on the Constitutionality of the Bank of the United States' from *Jefferson vs. Hamilton: Confrontations that Shaped a Nation*, p. 55, Hamilton's italics

[13] Ibid, p. 57

[14] Madison, James. 'Federalist 10' from *The United States of America: State Papers*, p. 50-51

[15] Ibid, p. 51

[16] Ibid, p. 52

[17] Ibid, p. 51

[18] Ibid, p. 54

[19] Ibid, p. 53-54

[20] All electoral data comes from the website of the French Ministry of the Interior at the following address: www.interieur.gouv.fr/sections/a_votre_service/resultats-elections/PR2002 /FE.html

[21] See http://news.bbc.co.uk/2/hi/europe/464260.stm;
www.nytimes.com /2004/03/03/world/today-carinthia-tomorrow-vienna.html.

[22] All electoral data comes from the website of the Austrian Ministry of Interior: www.bmi.gv.at/cms/bmi_wahlen/