

## The 2023 Essay Question

**The Framers of the U.S. Constitution created a government designed to control the threat of political violence. Yet, in 2023, the country is experiencing extreme polarization and ongoing political violence. What should be done to deal with these problems and protect our democracy? And what role do civil rights and liberties play in any solution?**

### Background

The United States Constitution ratified in 1788 provides the framework for how the government, and U.S. political system, should operate. At its core, the Constitution relies on the concept that political disagreements and disputes will be resolved through legislation, and that legislators – the representatives of the people – will engage in discussion and compromise. It also presumes that the country will be governed by the rule of law.

In 1787, in *[The Federalist Papers](#)* (Library of Congress, *The Federalist Papers*), Founding Fathers James Madison and Alexander Hamilton identified “factions” as a potentially terminal threat to an effective government and peaceful society. In *The Federalist* No. 10, titled “The Union as a Safeguard Against Domestic Faction and Insurrection,” Madison wrote, “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.” Referring to factions as “this dangerous vice,” he pointed out that “[t]he instability, injustice, and confusion introduced into the public councils, have, in truth, been the mortal diseases under which popular governments have everywhere perished.”

Hamilton pointed to “domestic faction and insurrection” as “the tempestuous waves of sedition and party rage” that had “agitated” the failed “petty republics of Italy and Greece,” evoking “sensations of horror and disgust at the distractions with which they were continually agitated.” *The Federalist* No. 9 (Hamilton), “The Utility of the Union as a Safeguard Against Domestic Faction and Insurrection.”

Madison defined a “faction” as “a number of citizens, whether . . . a majority or a minority . . . who are united and actuated by some common impulse of passion, or of interest, adversed <sic> to the rights of other citizens, or to the permanent and aggregate interests of the community.” *The Federalist* No. 10.

Turning to the causes of “faction,” he explained that “[t]he latent causes . . . are . . . sown in the nature of man,” pointing to “different opinions concerning religion, concerning government, and many other points . . . [including] attachment to different leaders ambitiously contending for pre-eminence and power” [that] “have . . . divided mankind into parties, inflamed them with mutual animosity, and rendered them much more disposed to vex and oppress each other than to co-operate for their common good,” with “the most common and durable source of factions” being the “unequal distribution of property”. *The Federalist* No. 10.

So, how could government deal with this threat and still respect “liberty”? Madison argued that “[t]here are two methods of curing the mischiefs of faction; the one, by removing its causes; the other, by controlling its effects.” Removing its causes would destroy liberty, which would be “worse than the disease.” The only hope, therefore, to create the republic the Constitution envisioned, and simultaneously protect liberty, would lie in attempting to control the effects of factionalism. *The Federalist* No. 10

The founders therefore designed a constitutional system to control the impact of this “dangerous vice,” including a government with representatives elected by large numbers of people; checks and balances among the three independent branches of government; federalism, which divided powers between state and federal governments; and courts to ensure that the two other branches followed the rule of law because, as Madison points out, “enlightened statesmen will not always be at the helm.” *The Federalist*, No. 10. He also relied on “the greater number of citizens and extent of territory which may be brought within the compass of . . . government” to result in “tak[ing] in a greater variety of parties and interests, . . . mak[ing] 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.” He also believed that having a large republic would protect against “factious leaders” who “may kindle a flame in their particular States, but will be unable to spread a general conflagration through the other States.” Hamilton, quoting Montesquieu, makes a similar argument in *The Federalist* No. 9. See also *The Federalist*, No. 51, in which Madison discusses the role of a republican government with checks and balances in protecting against the power of factions and preserving the rights of a minority against tyrannical majorities.

Despite this design, in 2023, and not for the first time, the United States is facing extreme political polarization punctuated by frequent incidents of political violence. See, e.g., “[America is Exceptional in its Political Divide](#),” by Michael Dimoch, Ph.D., President of the Pew Research Center, and Richard Wike, *Trust Magazine*, March 29,

2021; [“What Happens When Democracies Become Perniciously Polarized,”](#) by Jennifer McCoy and Benjamin Press, *Carnegie Endowment for International Peace*, January 18, 2022.

Indeed, United States history is replete with problems caused by factions and violence. To cite just a few examples, in the 1860s, the country was torn apart by civil war; after that war ended, Black Americans experienced a century of orchestrated violence by groups determined to prevent them from exercising their rights. In the modern era, we are currently experiencing extreme political violence directed at various racial groups, LGBTQ communities, and people of differing political beliefs. For background on this history and on today’s problems, see [“The Rise of Political Violence in the United States,”](#) by Rachel Kleinfeld, *Journal of Democracy*, Vol. 32, Issue 4, pp. 160-76 (October 2021), and [“The New Anarchy,”](#) by Adrienne LaFrance, *The Atlantic Monthly*, April, 2023, pp. 22-37.

What is “political violence”? LaFrance defines it as “acts of violence intended to achieve political goals, whether driven by ideological vision, or by delusions and hatred.” *The Atlantic*, p. 24. Among many causes, she points to “a phenomenon known as negative partisanship” in which “[p]eople build their political identities not around shared values, but around hatred of their foes.” *Id.*

Echoing Madison more than 200 years later, LaFrance writes, “The conditions that make a society vulnerable to political violence are complex but well-established: highly visible wealth disparity, declining trust in democratic institutions, a perceived sense of victimhood, intense partisan estrangement based on identity, rapid demographic change, flourishing conspiracy theories, violent and dehumanizing rhetoric against the ‘other,’ a sharply divided electorate, and a belief among those who flirt with violence that they can get away with it.” *The Atlantic*, p. 26.

Political violence, as Madison and Hamilton recognized, is inconsistent with a government based on principles of civil liberty and a free society. As *The New York Times* editorial board put it in November, 2022, [“Americans Can Have Democracy or Political Violence. Not Both.”](#) LaFrance interviewed Ted Wheeler, the Mayor of Portland, Oregon, which has been beset by violent extremism since 2020, forcing him to deal with what she describes as “a breakdown of the social contract.” Having experienced it, Wheeler explained that “Political violence, in my opinion, is the extreme manifestation of other trends that are prevalent in our society. A healthy democracy is one where you can sit on one side of the table and express an opinion, and I can sit on the other side of the table and express a very different opinion, and then we have the contest of ideas . . . We have it out verbally. Then we go drink a beer or whatever.” *The*

*Atlantic*, p. 33. The United States of 2023 seems far removed from Wheeler's description and in the throes of the chaos warned of by Madison and Hamilton.

**If we care about the future of the country, what should we do to combat this? What should we demand of our leaders and our government? Of ourselves? And what role do civil rights and liberties play in any solution?**

**Your essay should answer these questions and have well-supported arguments regarding what, if anything, you think should be done, including the predicted impact of the solution or solutions you suggest.**