



The Ballot in Political Theory

Before examining the impact of popular decisions in specific cases, we must establish our criteria. We must know what we expect before we know whether elections meet our expectations. In contemporary times, as we have seen, voting is both praised and damned. Much of the discussion today centers on the alleged "traditional theory of democracy," and our criteria for judging elections are derived implicitly from the works of political philosophy. From Plato to John Stuart Mill, philosophers have considered, approved, and condemned elections. To clarify our assumptions, therefore, we will examine in this chapter some major works of premodern European and American political thought.

The authors surveyed for this purpose are Plato, Aristotle, Machiavelli, Locke, Rousseau, Madison, Hamilton, Calhoun, and Mill, as well as disputants in the federal Constitutional Convention of 1787, the state conventions to ratify the Constitution, and the Congress on the Seventeenth Amendment, providing for the direct election of senators.¹ This list includes both reputed friends and critics of democratic government. While other authors obviously could be added, this grouping seems a fair representation of premodern beliefs. An exhaus-

tive examination of the specified writers, or of their entire theories, is not necessary here. We will also ignore the chronological evolution of ideas. Our emphasis is on the thoughts, of whatever historical period, relevant to an understanding and evaluation of the role of elections in government.

Political theorists of all eras have considered the functions of elections both in the choice of leadership and in the determination of governmental action. They have differed in their relative stress on the direct or indirect effects of the vote. Some writers have seen popular control as including both the choice of rulers and the precise delineation of policy. Others have seen the effects of elections as less obvious but still important. They have emphasized indirect impacts such as the stability and power of government, the development of personality, and especially, the protection of voter interests.

The theorists have also evaluated elections differently, expressing both enthusiastic support and fervent disdain for the ballot. Significantly, the criticism of elections usually has been expressed by writers who have expected direct popular control, whereas praise of elections has been more common among those who stressed indirect effects. The argument over elections, as we shall see, has been a dispute in which the opposing sides have not used the same criteria.

DIRECT CONTROL: THE DANGERS OF ELECTIONS

Few philosophers have seen wise public action as the direct result of the electoral process. Machiavelli was an exception; he believed the electorate competent to choose able leaders. Comparing popular and despotic governments, he held "that the people are more prudent and stable and have better judgment than a prince; and it is not without good reason that it is said, 'The voice of the people is the voice of God.' . . . We also see that in the election of their magistrates they make far better choices than princes; and no people will ever be persuaded to elect a man of inferior character and corrupt habits to any post of dignity, to which a prince is easily influenced in a thousand different ways."²

Rousseau appears even more optimistic in his advocacy of direct democracy. Under suitable conditions, he wrote: "The general will is always right and tends to the public advantage." But the realization of this ideal required conditions different from those of modern society: a small integrated community, the intervention of an original lawgiver, and the establishment of a "civil religion," of "social sentiments without which a man cannot be a good citizen or a faithful subject."³ The

principles of Rousseau were later extended to the American continental republic, first by the Jacksonians, and most extensively by the Progressives. Through elections, argued Oregon Senator Brown in 1911, "the accountability is always to the composite citizen—individual unknown—always permanent, never changing, the necessitated result being that the public servant must serve the composite citizen who represents general welfare."⁴

Most theorists who emphasize direct effects of elections are hostile to the ballot. They stress the need for skilled leaders in government and wise policy decisions. Elections are judged on their ability to meet such goals and are found inadequate. Those who concentrate on these direct results, therefore, become opponents of elections and fearful of their results.

Criticism of the ballot is founded on an elitist premise. Theorists of this camp hold that certain discoverable abilities are needed to participate in government, that only a severely limited number of persons have these skills, and that all others should be excluded from politics. Specialists are necessary not only for the technical positions of a civil service; they are regarded as exclusively able to conduct all affairs of government. Hamilton argued this position gently, for he needed to court popular favor. "It is an unquestionable truth, that the body of the people, in every country, desire sincerely its prosperity; but it is equally unquestionable, that they do not possess the discernment and stability necessary for systematic government."⁵

Plato, unrestricted by political necessities, frankly expressed the elite theory and remains its most persuasive proponent. In perhaps his most celebrated paragraph, he wrote:

Unless either philosophers become kings in their countries or those who are now called kings and rulers come to be sufficiently inspired with a genuine desire for wisdom; unless, that is to say, political power and philosophy meet together, while the many natures who now go their several ways in the one or the other direction are forcibly debarred from doing so, there can be no rest from troubles, my dear Glaucon, for states, nor yet, as I believe, for all mankind.⁶

The crucial problem in government is bringing the true elite to power. Governmental structure is of minor importance. "That can be the only true form of government in which the governors are really found to possess science, and are not mere pretenders, whether they rule according to law or without law, over willing or unwilling subjects, are rich or poor themselves—none of these things can with any propriety be included in the notion of the ruler."⁷ Since specialists are

required to run government, an elitist must have a way of discovering the experts.

Popular favorites are unlikely to have the required abilities. Indeed, elections have been held harmful because they actually promote the unqualified. The pursuit of office in elective systems is contrasted to the pursuit of wisdom characteristic of the most qualified rulers. "It is not in the natural course of things for the pilot to beg the crew to take his orders."⁸ Elections deny society the benefit of its best leaders and advance the deficient. As Mill remarked, "the natural tendency of representative government, as of modern civilization, is toward collective mediocrity; and this tendency is increased by all reductions and extensions of the franchise, their effect being to place the principal power in the hands of classes more and more below the highest level of instruction in the community."⁹ Deficient public policy will inevitably follow.

This concern was reiterated by Elihu Root, arguing against direct election of senators. "This change," he warned, "would prevent the Senate from having the benefit of . . . men who by lives of experience and effort have attained the respect of their fellow citizens and who are willing to undertake the burdens of public office, but are unwilling to seek it; men who will accept the burden as a patriotic duty . . . but who never would subject themselves to the disagreeable incidents, the labor, the strife, the personalities of a political campaign."¹⁰

Although elitists attack direct election of rulers, they find it more difficult to suggest alternative ways of selecting governors. In the *Republic*, for example, Plato provided only for the perpetuation of the philosophers' rule, through the control of public opinion and training of the guardians. He was unable to suggest a means of initiating the rule of the wise. Similar difficulties inhere in any plan for elite government.

To establish good government, and as an alternative to his ideal plan, Plato later suggested an elaborate system of laws and elections for a new commonwealth. Direct popular control was severely curbed. On the principle of specialization, the electorate was sharply restricted. Only leisured citizens were admitted, "for he who is to secure and preserve the public order of the state has an art which requires much study and many kinds of knowledge, and does not admit of being a secondary occupation."¹¹ Even within this restricted group, some had greater influence than others. Most offices required special qualifications of age, property, or character, and long terms were common, with the principal rulers serving up to twenty years. Plato also divided the voters into classes on the basis of limited differences in wealth, with the richer classes having greater political influence.¹²

The elaborate system of elections was meant to serve as a second-best substitute for the ideal rule of the philosopher-king. The ideal remained, however, and Plato returned to it. At the end of the *Laws*, he provided for a Nocturnal Council of the elderly wise men of the community, to whom is entrusted the education of new rulers and revision of the laws. Plato put his final trust in the creation of such a body. His ultimate proposal failed to guarantee wisdom, but it is the logical one for a firm believer in the need for specialized rulers. Elections may be carefully constructed and controlled, but they are a poor substitute for the rule of the wise. There is always the suspicion or conviction that the winners of elections need not necessarily be perceptive philosophers.

The voters are even less qualified to make policy decisions, according to the elitists. Since government is a specialized skill, it is madness to entrust it to the general public. Democratic decision making through elections is comparable to navigating a ship on which "the sailors are quarrelling over the control of the helm; each thinks he ought to be steering the vessel, though he has never learnt navigation and cannot point to any teacher under whom he has served his apprenticeship; what is more, they assert that navigation is a thing that cannot be taught at all, and are ready to tear to pieces anyone who says it can."¹³ Elections are seen as involving policy decisions, and these decisions must inevitably be deficient.

Critical theorists have also attempted to specify the unwise policies they expect in elective governments. The recurrent fear is the asserted disregard of minority demands and the imposition of majority tyranny, the consequence of which is destruction of the state. "The instability, injustice, and confusion introduced into the public councils have, in truth been the mortal diseases under which popular governments have everywhere perished," wrote Madison in the most important exegesis on the Constitution. "Measures are too often decided not according to the rules of justice and the rights of the minor party, but by the superior force of an interested and overbearing majority." As a result, "democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths."¹⁴

Those who have feared elections have seen them as the means by which selfish men advance their interests at the cost, even of the ruin, of others. To John Calhoun, every man "is ready to sacrifice the interests of others to his own. And hence, the tendency to a universal state of conflict, between individual and individual; accompanied by the

connected passions of suspicion, jealousy, anger and revenge." ¹⁵ Elections provide no control over these tendencies. Rather, in a society of inevitable group conflict, elections contribute to the destruction of the rights of the minority. "There must, of necessity, be a governing and governed—a ruling and a subject portion. The one implies the other; and in all, the two bear the same relation to each other—and have, on the part of the governing portion, the same tendency to oppression and abuse of power. Where the majority is that portion, . . . the minority, for the time, will be as much the governed or subject portion, as are the people in an aristocracy, or the subjects in a monarchy." ¹⁶

Those fearful of elections tend to bolster their arguments by reference to a presumed "general welfare." "It does not follow that the public decisions are equitable," admitted Rousseau. On occasion, "the people is seduced by private interests, which the credit or eloquence of clever persons substitutes for those of the State; in which case the general will will be one thing, and the result of the public deliberation another." ¹⁷ Commonly, the general welfare is identified with interests and rights of particular minorities. To Madison, the protection of property interests from the attacks of "factions" is vital:

By a faction, I understand a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some common impulse of passion, or of interest, adverse to the rights of other citizens, or to the permanent and aggregate interests of the community. . . . The most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. . . . The regulation of these various and interfering interests forms the principal task of modern legislation. ¹⁸

Elections provide no protection against these dangers; indeed they only strengthen the position of the majority. Ideally, wrote Mill, the voter should consider the public interest, not his private welfare. "His vote is not a thing in which he has an option; it has no more to do with his personal wishes than the verdict of a jurymen." ¹⁹

Mill and others feared that interests identified with the public welfare would be jeopardized by elections. To prevent this outcome, they created a variety of devices. Mill favored proportional representation, plural voting by educated citizens, disenfranchisement of paupers, and open ballots. Madison relied on social and institutional checks. He believed there would be a variety of interests in a country as large as the United States. It was unlikely that any one interest would become a majority or would be sufficiently cohesive to be oppressive. Further

insurance would be provided by the mechanisms of government: the filtration of popular views through representatives, separate means for the selection of each branch of government, and a series of national checks and federal-state balances.

After the country's sixty years of experience under the Constitution, Calhoun was dissatisfied with Madison's solutions, but he carried his distrust of majority policy to an extreme. Calhoun recognized only two interests—free states and slave states. The Constitution had provided for the protection of slavery, he argued, by requiring a "concurrent majority" to pass legislation—not only a majority of population, but a majority of states as well. Unfortunately, the popular majority had become dominant. To provide for southern interests, new checks were needed, such as the equality of sectional representation in the Senate or the election of a second President with full veto power; otherwise, either the southern minority or the government must be destroyed.²⁰

The policy decisions of the elective governments, then, are held to be unjust and destructive of vital interests. Ultimately, it is claimed, unchecked elections are dangerous to all, leading to instability and the destruction of the state. The principal cause of instability is the inability of the majority to restrain itself. Eventually, it infringes on some basic rights and intense beliefs of the minority, or one faction of the majority turns on another. "Cunning, falsehood, deception, slander, fraud and gross appeals to the appetites of the lowest portions of the community would take the place of sound reasoning and wise debate."²¹ The ultimate result is the end of all liberty, as repression by tyrannical rulers is substituted for popular rule. "That freedom which knew no bounds must now put on the livery of the most harsh and bitter servitude, where the slave has become the master."²² The ultimate danger of direct control is the elimination of all control.

INDIRECT EFFECTS: THE BENEFITS OF ELECTIONS

Many philosophers have seen considerable benefit in the indirect influence of elections. The advantages of the ballot have been found largely apart from the personal abilities of the elected rulers or the content of public decisions. Rather, the favorable aspects have been found in the effects of popular intervention on the processes and functioning of government. Elections would improve the workings of government even if they could not ensure the wisdom of rulers or policies.

A principal procedural benefit has been the achievement of legitimate and stable government. The legitimacy of elective government

has been grounded on a moral premise. "The liberty of man in society is to be under no other legislative power but that established by consent in the commonwealth," declared Locke, "nor under the dominion of any will, or restraint of any law, but what the legislature shall enact according to the trust put in it."²³ Madison later noted, but found it unnecessary to defend, "the fundamental principle that men cannot be justly bound by laws in making of which they have no part."²⁴

While consent has been defended as morally necessary, political theorists have also tried to show that legitimacy is the empirical result of popular elections. In popular government, wrote Aristotle, the voters "have the power of electing the magistrates and calling them to account; their ambition, if they have any, is thus satisfied."²⁵ By contrast, argued eighteenth-century Americans, the denial of electoral power would stigmatize most persons as "suspicious characters, and unworthy to be trusted with the common rights of their fellow citizens" and "would create division among the people and make enemies of all those who would be excluded."²⁶

To the framers of the Constitution, elections were unavoidable. Given the English tradition, no government could be considered legitimate unless popularly chosen. While many delegates to the Philadelphia convention were distrustful of popular wisdom, they also saw the practical necessity of popular elections. The franchise brought consent even if not ideal policies. As George Mason reminded the delegates: "Notwithstanding the oppressions and injustices experienced among us from democracy; the genius of the people is in favor of it, and the genius of the people must be consulted."²⁷

Elections also have been held to increase the power of government, without determining the specific actions of that government. This empirical proposition was widely accepted at the Constitutional Convention. Generally, those who wished a particular government body to be powerful favored popular election; those who wanted to restrict its power argued against popular election. James Wilson was "for raising the federal pyramid to a considerable altitude, and for that reason wished to give it as broad a base as possible," through direct election.²⁸ By contrast, Roger Sherman, a states' righter, opposed popular election of the Congress, while Mason, a believer in legislative supremacy, opposed the direct election of the President. Mason favored election of Congress but, when it came to the choice of an executive whose power he feared, "he conceived it would be as unnatural to refer the choice of a proper character for chief Magistrate to the people, as it would, to refer a trial of colors to a blind man."²⁹ The defense of elections was an expedient principle, supported on the basis of an

empirical theory that elections conferred and increased government power.

The most important virtue credited to elections is protection, or a check on power. Legitimate and strong governments or moral development are important ends, but their benefit to individuals and groups is difficult to ascertain. To particular persons, the vote provides a vital means of defending their immediate interests and permits an indirect influence on government. The ballot is necessary, not to guide the details of official action, but to make citizens secure. "Men, as well as women," summarized Mill, "*do not need political rights in order that they may govern, but in order that they not be misgoverned.*"³⁰

While government is necessary, protection is also essential. Machiavelli and Madison share this basic premise. One "must start with assuming that all men are bad and ever ready to display their vicious nature, whenever they may find occasion for it."³¹ Those who provide a role for elections do so because of a certain pessimism or realism about the possible misdeeds of men. Unlike Calhoun, however, who distrusted all men, advocates of elections are particularly suspicious of governors and more trustful of the governed. Madison wrote: "If angels were to govern men, neither external nor internal controls on government would be necessary," but in their absence, it becomes necessary to restrain government, and "a dependence on the people is, no doubt, the primary control."³²

To be effective, Mill wrote, control must be exercised directly by those needing protection. Given the character of governors, their good intentions are an uncertain reliance. Possession of the vote makes the expression of popular demands effective because the government is obliged to attend to them.

The rights and interests of every or any person are only secure from being disregarded when the person interested is himself able, and habitually disposed to stand up for them. . . . Rulers and ruling classes are under a necessity of considering the interests of those who have the suffrage; but of those who are excluded, it is in their option whether they will do so or not, and however honestly disposed, they are in general too fully occupied with things which they *must* attend to, to have much room in their thoughts for anything which they can with impunity disregard.³³

Theorists who emphasize the protective aspects of elections reject the elitists' premises discussed earlier. To these theorists, the primary qualification of rulers is not their wisdom or talent but their readiness to defend the rights of the voters. The electorate, in turn, is not judged by

its ability to choose philosophers, but by its ability to choose politicians—men who seek power, not truth.³⁴ The virtue of elections is seen as bringing politicians to safeguard popular interests in order to promote their own quest for office. Protection, therefore, does not depend on the morality of rulers. As Patrick Henry scornfully declared, "Are we to go so far as to concede everything to the virtue of Congress? . . . I disdain to hold anything of any man. We ought to cherish that disdain."³⁵

Popular protection is achieved in two distinctive but related ways. As summarized by Madison: "As it is essential that the government in general should have a common interest with the people, so it is particularly essential that the [representatives] should have an immediate dependence on, and intimate sympathy with, the people. Frequent elections are unquestionably the only policy by which the dependence and sympathy can be effectually secured."³⁶

"Dependence" means political restraint by the voters, who are aware of their interests, alert to their representatives' actions, and prepared to punish any misdeeds. "Do the members of Congress, says he, displease us, we call them home, and they obey. . . . Let these members know their dependence on the people and I say it will be a check on them, even if they were not good men."³⁷ Moreover, the representatives, knowing that they must face a new election shortly, will take care not to harm the voters. Whatever their personal character, officials will "have some hesitation before they abuse their powers."³⁸ Political necessity, not morality, provides protection.

Elections also serve as a check on power because of the "sympathy" between representatives and their constituents. This quality does not refer to the personal feelings of the legislator, but to the similarity between his social position and that of the voters. A representative would sympathize with his constituents because he would be of the same geographic area and status. The ideal legislature, in modern terms, would be a "random sample" of the voting population. For this reason, Aristotle characterized the choice of representatives by lot as the most democratic method.³⁹ The principle survives today in the ethnically "balanced ticket" or the demand for "black power."

Protection is more complex when society is seen as made up of many different and divergent interests. The representative no longer can be the embodiment of a homogeneous community, but is likely to be more aware of some interests than others. Elections now provide a means of defending and advancing the specialized goals of groups. "In all elective offices each individual has a special interest, which it is presumed he has, under our general system of suffrage, a right to

represent at the ballot box." ⁴⁰ Government becomes not only a threat but also a means of achieving specialized demands.

That representatives would promote particular interests has been widely accepted. Most of the controversies over suffrage in American history have been based on the tacit or explicit recognition that representatives would advance the relatively narrow goals of their constituency. The ballot has been sought by, and withheld from, the propertyless, blacks, women, and the young because of the belief that their interests would be served—perhaps too well—if they could vote. Even if these groups did not make specific policy demands, it was expected that government would be responsive to their needs and thereby provide an indirect influence for the enfranchised.

The advancement of particular interests could also be dangerous. Representatives are no longer a "random sample" of the population. They are likely to promote the goals of some groups while neglecting those of others. Some groups may be forgotten. Melancton Smith warned of an oligarchy: "A substantial yeoman, of sense and discernment, will hardly ever be chosen. From these remarks, it appears that the government will fall into the hands of the few and the great. This will be a government of oppression." ⁴¹ If the representative is no longer identified with the community, "sympathy" becomes less of a control, which now must come largely from his "dependence" on the voters. Unless the electorate is vigilant in defense of its interests, it may find these interests neglected. Protection is an important indirect effect of elections, but it demands attention on the part of the voters.

Another general advantage claimed for elections is more intangible. Participation in government, of which voting is the most common means, is said to contribute to the personal development of the electors. Although often presented in value-free terms, this statement is a moral position based on certain tenets concerning the human personality. To Locke, self-determination is held essential to man generally, and consent is essential to political man: "He who would get me into his power without my consent would use me as he pleased when he had got me there, and destroy me too when he had a fancy to it." ⁴²

Mill shares the same moral premise, but his view of human character is more dynamic. An individual's personality is not only recognized through participation in government; it is also developed. "The maximum of the invigorating effect of freedom upon character is only obtained when the person acted on either is, or is looking forward to becoming, a citizen as fully privileged as any other." Moreover, public responsibility stimulates him to widen his perspectives. "He is called upon, when so engaged, to weigh interests not his own; to be guided in

cases of conflicting claims, by another rule than his private partialities. . . . He is made to feel himself one of the public, and whatever is for their benefit to be for his benefit." 43

In this view, democracy has an educational effect on citizens, enlarging their capacities and broadening their thinking. In recent years, these benefits have been stressed by a number of contemporary writers who together have elaborated a participatory theory of democracy.

The modern writers are unsatisfied by a restricted definition of democracy as a method for selecting officials, based on "the competition of leaders (elites) for the votes of the people at periodic, free elections." They find insufficient a system in which "responsiveness of leaders to non-elite demands, or 'control' over leaders, is ensured primarily through the sanction of loss of office at elections." 44

Advocates of the participatory theory see elections as only one element in a democratic state. They concede that "one important requirement of democracy is that the people's interests be fulfilled" and that elections contribute to that end "by dint of a minimal expenditure of energy, time and money by the individual." 45 In a full-scale democracy, other ends would also be accomplished. "By taking part in the affairs of his society the citizen would gain in knowledge and understanding, develop a deeper sense of social responsibility, and broaden his perspective beyond the narrow confines of his private life." 46

The participatory theorists are not opponents of elections, nor do they dispute their protective character. Rather, they raise other questions. They argue that elections, while necessary, are insufficient for a democratic society. They focus on long-range normative goals rather than contemporary empirical realities. They look beyond the electoral process to the other social institutions and habits that affect conduct at the polls.

Participation theorists can be seen as attempting further to strengthen the protective aspects of elections. If citizens are involved in other aspects of the polity, their electoral activity will be more informed and effective. Participation itself is the prerequisite to even indirect influence: "If citizens participate, we cannot say for certain without further information about institutions that citizens effectively influence government. But if citizens do not or cannot participate, we can say with more assurance that they are not likely to influence politics." Effective action requires that all who need protection (i.e., the entire nation) also participate: "If each citizen is to be treated as the best judge of his own interest, it follows that no one is a completely adequate substitute for him." Moreover, interests come to be more effectively understood by the citizens themselves as they participate:

"Wants and dissatisfactions do not carry labels ready to be read off by rulers . . . the more a person participates, the more politically knowledgeable he is." 47

Participation and protection are not different but complementary objectives. Participation makes protection more effective, more precise, by providing training for citizens in expressing demands: "The ordinary man might still be more interested in things nearer home, but the existence of a participating society would mean that he was better able to assess the performance of representatives at the national level, better equipped to make decisions of national scope when the opportunity arose to do so, and better able to weigh the impact of decisions taken by national representatives on his own life and immediate surroundings." 48

Like other advocates of democracy, participatory theorists do not emphasize the policy results of elections and popular activity. Characterizing past theorists of this view, Walker argues that "they were not primarily concerned with the policies which might be produced in a democracy; above all else they were concerned with human development, the opportunities which existed in political activity to realize the untapped potential of men and to create the foundations of a genuine human community." 49 It is the elitists, those who would restrict mass intervention in politics, who are primarily concerned with achieving effective and coherent government. The participatory advocates certainly hope for good results from democratic government, but their emphasis is at least as much on the means used to accomplish policy ends. Ultimately, "the justification for a democratic system in the participatory theory of democracy rests primarily on the human results that accrue from the participatory process . . . the development of the social and political capacities of each individual." 50

THE DEBATE OVER THE BALLOT

Theorists generally have evaluated elections unfavorably when they have focused on elections as direct choices of wise men or wise policies. In contrast, they have been well-disposed to the democratic process when they have considered the indirect effects of popular choice. The writers' different perspectives have led them to different conclusions. The debate over the ballot has therefore not been a true matching of ideas, for the two positions have employed different criteria.

The argument over elections, like that over democracy itself, begins with different premises of the nature of humanity. To the democrat,

every person is inherently good, of unique moral worth, and has an individual personality that is sacred and deserves protection. Everyone has an inherent right to protect himself or herself and the ability to make decisions. Government is legitimate only when based on the individual's consent. The right to vote follows from these premises. It is the means by which individuals protect themselves and express their consent. The individual's moral right to freedom becomes a political right of participation.

The opponent of elections and democracy is more pessimistic. People are seen as basically selfish and ignorant. Not individuals, but the general welfare must be protected against them. Participation in government is reserved for those who demonstrate knowledge and fitness of character. The inherent evil in all people justifies restriction of their political activities. Upon these different premises, political theorists have established contrasting criteria for the evaluation of elections.

The argument against elections has been focused on the ends of government, the achievement of wise decisions, and the content of policy. The fundamental premise is that there is a basic public good and that this good can be ascertained and achieved by wise rulers. Given this emphasis, broad popular participation is acceptable only if the voters have the competence to discern the public good. It is only the most optimistic theorists who have believed that the general electorate was wise enough to achieve the ideal. Rousseau is striking in his assertion: "When in the popular assembly a law is proposed, what the people is asked is not exactly whether it approves or rejects the proposal, but whether it is in conformity with the general will, which is their will. Each man, in giving his vote, states his opinion on that point; and the general will is found by counting votes."⁵¹ The general will, however, is but an ideal that is often corrupted by special interests and by representation itself.

More commonly, an emphasis on the content of government policy leads to disparagement of elections. Wise policy cannot be achieved through popular control, for the voters lack capacity. The inevitable results are wrong decisions, disregard of public welfare, and depredations of the minority. "A government which is exposed to the hasty action of a people is the worst and not the best government on earth," according to a common argument.⁵²

The argument favoring elections has been grounded on different premises. In this theory, liberal in tradition, the basic goal of political institutions is to prevent oppression and thereby allow individual development. Elections are highly evaluated because they are effective

means of providing protection for society and control over government. Decisions might be better or worse in content, but this consideration is not central. Elections, and democracy, are "no more than well-trying and, in the presence of a widespread traditional distrust of tyranny, reasonably effective institutional safeguards against tyranny."⁵³ Loyalty, stability, governmental strength, and personal growth follow from the protection of citizens.

The argument over elections therefore has not been a true debate, for each side has begun on different premises and pursued different points. Opponents have seen the principal aim of politics to be the realization of wisdom, and have feared elections as giving power to the inexpert. Proponents have seen the primary purpose as protection and control of government and have praised elections for their contributions to these ends.

To be sure, the debate has sometimes been directly joined. Democratic theorists have occasionally argued that competence is more likely to be achieved through the election of rulers rather than through some ascriptive method such as hereditary succession. They have also argued that the promotion of each individual's self-interest would also result in greater development and substantively better policy, for only the individuals affected could truly know the consequences of public policy. Elitists have also claimed that the real interests of a society would be better guarded by a talented aristocracy than by mass intervention. Nevertheless, the thrust of each argument is in a different direction. Opponents do not necessarily favor the oppression of individuals, just as supporters do not endorse unwise government; the disagreement is over their relative order and importance. Those skeptical of elections place truth and capacity at the head of the priority list of values and hope protection will follow. The supporters of elections place more emphasis on self-protection and equality and expect better government to result.

Plato himself wryly recognized the difference, while indicating his elite preferences. In a democracy, he observed: "You are not obliged to be in authority however competent you may be, or to submit to authority, if you do not like it. . . . Democracy [is] an agreeable form of anarchy with plenty of variety and equality of a peculiar kind for equals and unequals alike."⁵⁴ In a more favorable manner, Winston Churchill said, "No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time."⁵⁵

Some theorists have tried to combine the values of competence and protection. Madison and Mill provide various means to permit the

achievement of the public interest while not derogating the power of the electorate. Inevitably, the two values come into conflict. The promotion of equality threatens esteemed minority interests while providing special protections for the minority violates the principle of equality. Two different values are involved in the argument over elections. They must be distinguished logically, and in a practical situation, one must often be preferred over the other.

Many of the specific arguments about elections are derived from this primary conflict of values. The belief in the need for wisdom to achieve the overarching common interest leads to a demand for restrictions and qualifying tests for the electorate. The debate was conducted in the Constitutional Convention, on the issue of direct election of the House. Sherman asserted that "the people want information and are constantly liable to be misled." Eldridge Gerry found direct election disadvantageous, for the people "are daily misled into the most baneful measures and opinions by the false reports circulated by designing men." In rebuttal, Mason rejected the necessity for wisdom in the electorate. Government "ought to know and sympathize with every part of the community. . . . We ought to attend to the rights of every class of the people." ⁵⁶

The threat of majority tyranny has been based on the same difference in premises and is indeed not a real issue in many ways. Majority tyranny can be a threat only if the majority in elections makes policy, the fearful assumption of those who regard elections as dangerous. Tocqueville probably expressed this fear most graphically: "When an individual or a party is wronged in the United States, to whom can he apply for redress? If to public opinion, public opinion constitutes the majority; if to the legislature, it represents the majority and implicitly obeys it; if to the executive power, it is appointed by the majority and serves as a passive tool in its hands. . . . However iniquitous or absurd the measure of which you complain, you must submit to it as well as you can." ⁵⁷

The support of elections, however, is rarely based on the policies that will result from the direct action of the majority. Most supporters of elections have not spoken of majorities as having definable policy preferences. They have been concerned with the protection of the community as a whole, as was Locke, or with the protection of distinct interests within it, as was Mill. Like any political device, popular elections tend to protect some interests more than others. The effect of elections is to require government to pay greater attention to unorganized mass groups and comparatively less to elite groups of smaller numbers.

Protection is desired by both supporters and opponents of elections, but the more democratic position is concerned with the protection of broad social groups, and the opposition with smaller groups and their pursuit of "property, status, power or the opportunity to save mankind."⁵⁸ Each argument assumes some interests should be advanced, and some retarded by government; the dispute is over which interests deserve more attention—a value question answered differently by different persons.

These value differences—the relative importance of competence and protection, and the preference for different interests—are the core of the argument about elections. In terms of empirical descriptions, there have not been great differences. Both sides agree that elections promote the interests of the voters, although this effect is evaluated differently. There is agreement as well that governments based on elections command mass loyalty and possess great strength, with opponents fearing this strength as a prelude to tyranny.

The expectations of the theorists have provided material for our examinations of the significance of elections. To provide criteria for evaluating the ballot, we have focused on elements of the "traditional theory of democracy." Our analysis suggests that this theory has been misunderstood; consequently, many modern criticisms of elections are misplaced. Most of the critics, as cited in chapter 1, implicitly assume that traditional theories of democracy provided for direct control by voters. Contemporary studies, however, have discovered a citizenry that is frequently inattentive to public affairs, uncertain of the principles of democracy, and often unsophisticated in its attitudes toward parties, politicians, and policies. In the light of these findings, many commentators abandon or revise the "traditional" democratic theory.⁵⁹

These writers may be missing the point. The advantages of elections have been seen in their indirect effects, particularly the protection and development of the voters, not in the wisdom of their decisions. To test the worth of elections, we should focus on these reputed benefits. A contrary emphasis on the failures of direct control would be based on a false view of the theory of democracy, at least insofar as it relates to the theory of elections described above. The assumption of these modern writers is that voters are expected to make policy in elections. Since the evidence strongly indicates that voters do not make policy, the modern writers attack either the voters or the evidence. Yet, in accepting this assumption, they are also accepting the premises and criteria of the persons who opposed elections. It was those who feared elections and democracy who considered wise policy and the compe-

tence of the citizenry the tests of good government. In judging modern voters by these standards, we accept the basis of their argument. It was Plato, after all, and not Mill, who measured the quality of a government by the wisdom of its rulers and the absolute truth of its decisions.

The agonizing reappraisal of democratic theory, then, is possibly unnecessary. We tend to apply the static tests of the antidemocrats to democratic practice. After granting the premise that the proper test of an electoral system is the competence of the electors, it becomes difficult to remain a democrat. Admittedly, modern democracy has yielded neither philosopher-kings nor a utopian society. To this extent, the critics of elective government have been vindicated.

Those who supported elections, however, rarely expected these results. Even when the democratic voter was given a policy role, "these writers never claimed to be describing existing reality, for they were elaborating, at least in part, a set of ideals for a democratic society, which were also meant to be operative ideals for their own time."⁶⁰ In practice, elections would normally not meet these ideals, but would still serve important functions. To the democratic theorist, the voter need not know what is wise, but only what is personally fulfilling or obnoxious.

If we are to appraise the effects of elections in the light of modern experience, it may be more appropriate to judge by the criteria of those who regarded elections as beneficial. These theorists have seen elections as a means of dealing with a problem of high priority to them—controlling the government as the governed wish it to be controlled. Elections would give the voters a means of protection, a method of intervention in politics when their vital interests were being threatened. By their very existence, they would act as a restraint on government and tend to bring representatives to further the needs and wants of their constituents. Have elections provided protection for society? Have they encouraged control over government? These seem the most appropriate questions to ask.

To provide protection and control, appropriate governmental institutions are necessary. We will examine the structure of American politics in the next chapter. Whatever the structure, however, the burden of protection falls on the voter. What does the voter know and how does the voter act? Is there justification for universal suffrage? These questions will be considered in chapter 4. In the remainder of this study, we will attempt to determine the empirical character of elections.

Notes

1. The last debates are included because the Seventeenth Amendment seems to be the only important structural change in the original Constitution dealing with elections, and therefore the only occasion after 1789 for extended official debate on the issues involved. The only other amendment that might be considered is the two-term limit on the Presidency, but this change was not widely debated, and its consideration centered on other issues. Amendments dealing with woman and youth suffrage, the District of Columbia, and the poll tax have affected the size of the electorate but not its functions.

2. Niccolo Machiavelli, *Discourses on the First Ten Books of Titus Livius*, Modern Library ed. (New York: Random House, 1940), pp. 263-64.

3. Jean Jacques Rousseau, *The Social Contract*, Everyman ed. (New York: Dutton, 1950), pp. 27, 139.

4. *Congressional Record*, vol. 46, 61st Cong., 3d sess. (1911), pp. 2595-96.

5. In the New York ratifying convention, in Jonathan Elliot, ed., *Debates on the Adoption of the Federal Constitution* (2nd ed.; New York: Burt Franklin Research and Source Series 109, 1888), 2:132.

6. Plato *Republic* 5. 473.

7. Plato *Statesman*, trans. B. Jowett, in *The Dialogues of Plato* (New York: Random House, 1937), 293.

8. Plato *Republic* 6. 489.

9. John Stuart Mill, *Considerations on Representative Government* (New York: Liberal Arts Press, 1958), p. 114.

10. *Congressional Record*, vol. 46, 61st Cong., 3d sess. (1911), p. 2244.

11. Plato *Laws*, trans. Benjamin Jowett, 6. 846.

12. *Ibid.*, 6. 753-68.

13. Plato *Republic* 6. 488.

14. James Madison, *The Federalist*, No. 10, Modern Library ed. (New York: Random House, 1941), p. 58.

15. John C. Calhoun, *A Disquisition on Government*, in *Works* (New York: Appleton, 1854), 1:4.

16. *Ibid.*, p. 23.

17. Jean Jacques Rousseau, *A Discourse on Political Economy*, Everyman ed. (New York: Dutton, 1950), p. 291.

18. Madison, *The Federalist*, No. 10, pp. 54-56.

19. Mill, *Considerations on Representative Government*, p. 155.

20. Calhoun, *A Discourse on the Constitution and Government of the United States*, in *Works* (New York: Appleton, 1854), 1, esp. pp. 381-96.

21. Calhoun, *Disquisition*, p. 42.

22. Plato *Republic* 8. 569.

23. John Locke, *Of Civil Government*, Everyman ed. (New York: Dutton, 1943), 2:127.

24. Max Farrand, ed., *The Records of the Federal Convention of 1787* (New Haven: Yale University Press, 1911), 2:204n. All unspecified references are to Madison's *Journal*. For a critique of the consent theory, see Hanna Pitkin, "Obligation and Consent—I," *American Political Science Review* 59 (December 1965): 990-99.

25. Aristotle *Politics*, Modern Library ed. (New York: Random House, 1943), p. 6. 1318b.

26. George Mason and John Rutledge in Farrand, *Records*, 2:203-5.
27. *Ibid.*, 1:101.
28. *Ibid.*, p. 49.
29. *Ibid.*, 2:31.
30. Mill, *Considerations on Representative Government*, p. 144. Italics added.
31. Machiavelli, *Discourses*, p. 117.
32. *The Federalist*, No. 51, p. 337.
33. Mill, *Considerations on Representative Government*, pp. 43, 131.
34. The classic discussion of the character of the politician is Max Weber, "Politics as a Vocation," in H. H. Gerth and C. Wright Mills, *From Max Weber* (New York: Galaxy Books, 1958), chap. 4.
35. In the Virginia ratifying convention, in Elliot, *Debates*, 3:167.
36. *The Federalist*, No. 52, p. 343.
37. General Thompson, in the Massachusetts ratifying convention, in Elliot, *Debates*, 2:16.
38. Machiavelli, *Discourses*, p. 224.
39. *Politics* 4. 1300a-b.
40. Senator Mitchell of Oregon, in *Congressional Record*, vol. 21, 51st Cong., 1st sess. (1890), p. 3658.
41. In the New York ratifying convention, in Elliot, *Debates*, 2:246-47. Cf. Hamilton in *The Federalist*, No. 35; and Patrick Henry in the Virginia convention, Elliot, *Debates*, 3:322.
42. Locke, *Of Civil Government*, p. 125.
43. Mill, *Considerations*, pp. 53-54. Cf. p. 130.
44. Carole Pateman, *Participation and Democratic Theory* (Cambridge, England: Cambridge University Press, 1970), p. 14. The point of this attack is, most notably, Joseph Schumpeter, *Capitalism, Socialism and Democracy* (London: Allen and Unwin, 1943).
45. Peter Bachrach, *The Theory of Democratic Elitism* (Boston: Little, Brown, 1967), p. 38.
46. Jack Walker, "A Critique of the Elitist Theory of Democracy," *American Political Science Review* 60 (June 1966): 288.
47. Dennis F. Thompson, *The Democratic Citizen* (Cambridge, England: Cambridge University Press, 1970), pp. 3, 38, 57.
48. Pateman, *Participation*, p. 110.
49. Walker, "Elitist Theory," p. 288.
50. Pateman, *Participation*, p. 43.
51. Rousseau, *Social Contract*, p. 106.
52. Massachusetts Senator Hoar, in the classic defense of indirect Senate elections, *Congressional Record*, vol. 25, 53rd Cong., special sess. (1893), p. 103.
53. Karl R. Popper, "Plato as Enemy of the Open Society," in *Plato: Totalitarian or Democrat?*, ed. Thomas L. Thorsen (Englewood Cliffs, N.J.: Prentice-Hall, 1963), p. 71.
54. *Plato Republic* 8. 557-58.
55. *444 House of Commons Debates*, 5th series (November 11, 1947), pp. 206-7.
56. Farrand, *Records*, 1:48-49.

57. Alexis de Tocqueville, *Democracy in America*, ed. Phillips Bradley (New York: Vintage, 1954), 1:271.

58. Robert Dahl, *A Preface to Democratic Theory* (Chicago: University of Chicago Press, 1963), p. 31.

59. See Eugene Burdick, "Political Theory and the Voting Studies," in Burdick and Arthur Brodbeck, *American Voting Behavior* (New York: Free Press, 1959), pp. 138-48. Bernard Berelson attempts to develop a new democratic theory in *Voting* (Chicago: University of Chicago Press, 1954), chap. 14. The "participation" theorists—Bachrach, Pateman, Thompson, and Walker—seek to rebut these revisionists.

60. Graeme Duncan and Steven Lukes, "The New Democracy," *Political Studies* 2 (June 1963): 161.



The Structure of American Elections

Optimistic faith in the ballot has been particularly prevalent in the United States. Elections are the great public ceremonies of American life. We vote not only to choose public officials from President to coroner but also to decide complex questions of taxation and constitutional revision; we vote to select college editors, All-Star teams, and beauty queens. Our pervasive faith is exemplified by the kindergarten student who brought a rabbit to school. One of his classmates asked if the animal were a boy or girl. How could one answer this vital question? Another youngster, familiar with American ways, quickly suggested: "Let's vote on it."

Adults, although presumably more aware of basic biology, also rely on the political process. Popular control through elections has been a dominant theme in American history. As early as the Jacksonian era, Tocqueville found that "the people reign in the American political world as the Deity does in the universe. They are the cause and the aim

of all things; everything comes from them, and everything is absorbed in them." ¹ The practical manifestation of this belief was the rapid expansion of the suffrage. By the time of the Civil War, and earlier in most states, voting was available to all white males.²

The widened suffrage was one of a series of developments that increased the importance of elections. Direct choice of public officials became prevalent; administrative responsibility was divided among several officers, each of whom was elected, but held power only for a short period; and representatives came to be "instructed" by the voters. "There was no appeal from the people, it was believed; the mass of the electorate was the highest law. The majority, using the tremendously lengthening lever of universal suffrage with the majority principle as a fulcrum, was the force which moved the whole nation." ³

Elections have been seen as the means of resolving the most intense social conflicts. In 1858, as secession approached, Lincoln and Douglas engaged in their famous debates. At Freeport, Lincoln asked how it would be possible to exclude slavery from the territories in the light of the Supreme Court's decision ⁴ that any such action was unconstitutional. "It matters not what way the Supreme Court may hereafter decide as to the abstract question whether slavery may or may not go into a territory under the Constitution," Douglas answered, for "the people have the lawful means to introduce it or exclude it as they please, for the reason that slavery cannot exist a day or an hour anywhere unless it is supported by local police regulations. These police regulations can only be established by the local legislature, and if the people are opposed to slavery, they will elect representatives to that body who will by unfriendly legislation effectually prevent the introduction of it in their midst." ⁵ Douglas' doctrine was an artful attempt to satisfy both the advocates and opponents of slavery. His principle of "popular sovereignty" also expressed an American belief in the overwhelming importance of elections.

Similar beliefs are evident in later years. After the Civil War came the enfranchisement of Negroes; the Progressive innovations of the initiative, referendum, recall, and nominating primary; the direct election of senators; and women's suffrage. In our own day, the belief in the importance of elections is evident in legislation to secure full voting rights for blacks; proposals for direct popular election of the President; and demands for constitutional conventions to deal with issues of abortion, balanced budgets, and apportionment. Our faith in elections is evidenced by the contemporary existence of over half a million elected public officials in the United States, or an average of one to every hundred families.⁶ In California alone the voter must make fifty sepa-

rate decisions at each election, including action on an average of twenty legislative propositions.⁷

THE CHOICE OF RULERS

That Americans emphasize elections does not in itself make them meaningful. The institutions of the United States significantly affect their meaning and condition voters. As in football, the "rules of the game" greatly influence the actions of the individual players, the strategies employed by competing teams, the interest of the spectators, and even the final score.

In the American political game, the greatest influence of the voters, or spectators, comes in the selection of the players. The electorate chooses the people who are the government, or rather, the many governments, of the United States. The principal executive officials—President, governors, and mayors—are designated by popular vote. Laws, made by directly chosen legislators, are administered by a bureaucracy under the supervision of one or more politically responsible executives, and are often interpreted by elected judges. These facts are obvious, but there is no inherent reason why any government official should be elected. Indeed, through most of history and in most of the world today, governments are not chosen in this way.

Even in nations holding free elections, officials are usually not designated by direct majority vote. In cabinet forms of government, the voters do not choose the nation's leaders. Instead, they choose legislative representatives, who bargain with one another to form a government. Unless one party has a majority in the legislature, the composition of this government is not determined by the popular vote, and it may change a number of times between elections, as parties break old alliances and make new ones. In a presidential form of government, the voters do elect the nation's executive. If there are more than two contestants, however, it is unlikely that the winning candidate will have the support of a popular majority.

The two-party system is the most important fact about American elections. The existence of two, and only two, major parties makes the popular vote decisive in the choice of a government. The election then automatically provides one party with the majority in the legislature necessary to form a cabinet, or provides one party's candidate with a clear claim to executive power. The dominant characteristic and virtue of the two-party system is that it clearly indicates who will hold power and automatically produces majority control for one party.⁸ Responsibility is placed on that party, and the stability of the government is promoted.

Although the two-party system determines who will hold power, there is no assurance that the majority party will be an undistorted "mirror of opinion" held by the voters. Indeed, since opinions can rarely be reduced to two simple and coherent alternatives, the system inevitably distorts opinion, forcing the Harlem black and the Mississippi redneck into the same Democratic party, and Jacob Javits and Ronald Reagan into the same Republican party. As one critic complains, "It implies that representation . . . is at most of secondary importance, and that elections should be regarded as no more than a handy way of deciding which of two well-organized rival factions should be allowed to enjoy the sweets of office and to impose its particular doctrines on the community."⁹ The emphasis is on securing a stable government with broad popular support, not on the faithful reflection of popular opinions.

The particular systems of voting employed in the American two-party system, to be discussed below, also distort the relative strength of the major parties. It is possible under the Electoral College for a President to be chosen with a minority of the total popular vote, as has happened thirteen times since 1828, and even to be elected with fewer votes than an opposition candidate, as in the victories of Rutherford Hayes and Benjamin Harrison. It is theoretically possible as well for a party to win a majority of the seats in Congress, even though it receives only a minority of the popular vote, assuming its supporters are strategically situated.

The distortions of the electoral system, however, usually are in the opposite direction, giving the majority party more electoral votes for President or more seats in Congress than would be proportionate to its share of the popular ballots. In the Electoral College, the candidate with the most popular votes in a state receives all of its electoral tallies, thereby exaggerating his strength. Thus, in 1972 Nixon received 61 percent of the popular vote but over 96 percent in the Electoral College. In congressional elections, a relatively small change in the balloting brings a disproportionate change in the seats held by each party.¹⁰ "The operation of the system is to exaggerate the victory of the strongest party and to discriminate radically against lesser parties. The system discriminates moderately against the second party but against the third, fourth, and fifth parties the force of this tendency is multiplied to the point of extinguishing the chances of winning seats altogether."¹¹ A two-party system contributes to stability by giving one party the power of a majority. The electoral system strengthens that power by exaggerating the size of the majority.

The vital importance of the two-party system naturally leads to

discussion of its sources. Frequently, methods of voting are considered the basic cause. In fullest use in America is the "single-member district, single-ballot, plurality" or "first past the post" method. Under this arrangement, each district elects only one representative, and each voter can make only one choice for a given office. The winner is the candidate who receives the most votes, even if it is a minority of the total ballots.¹²

A leading student of parties declares, as a "true sociological law," that this system itself produces a two-party system.¹³ According to this hypothesis, since there is only one office in each district, small factions are unable to achieve a share of the spoils and are instead encouraged to attach themselves to one of the two major parties which have a reasonable hope of victory. Voters are considered reluctant to "waste" their ballots on a minor party and will support a major group in order to make their wishes "count."

This explanation is plausible but unconvincing. Historically, the single-member district did not become institutionalized in the election of the House of Representatives until 1842, after the two-party system had already been established. Even in contemporary times, other methods are used, notably in the choice of a President, and a considerable proportion of state legislators are not chosen in single-member districts.¹⁴

The logic that derives the two-party system from electoral methods is also faulty. A single-member system may limit the number of parties in a given district to only two, but this factor does not explain why the same two parties dominate all states. A unifying national force is required. We must also be skeptical that voters deliberately refrain from "wasting" their ballots. Citizens do not usually make such intricate calculations—they simply choose the party they prefer.¹⁵ Furthermore, if voters are reluctant to support a loser, they should vote only for the likely winner, not even for a large minority party. Despite the alleged fear of "wasting" ballots millions fervently but futilely supported Wallace in 1968 and McGovern in 1972.¹⁶

The Presidency, rather than the single-member district, probably has been the single most important institutional source of the American two-party system. A single office, it is indivisible among a coalition of parties. The President is chosen by direct popular vote in effect (although in fifty separate state elections), and his selection offers no opportunity for postelection bargaining among numerous factions. The power of the office has made it the supreme prize of American politics, bringing consolidation of differing factions in efforts to achieve a national majority.¹⁷

That the pursuit of presidential power supports the two-party hegemony is illustrated by American history. There have been a multitude of minor parties, as well as continuous factionalism within the major groups. Despite their differences, the major parties have unified themselves and drawn support from the fringes because politicians have seen unity as essential to victory. Often the bonds have been only negative, with party cohesion the result of opposition to the policies of the incumbent administration, not of full agreement on alternative policies. New parties have been created and old parties reunited in efforts to wrest power from the incumbents.

To win the Presidency, Jefferson, Madison, and Burr created the first Republican party; Jackson consolidated the enemies of John Quincy Adams; the Whigs brought together Jackson's and Van Buren's opponents; and the second Republican party united such disparate groups as Anti-Nebraskans, Know-Nothings, temperance advocates, and manufacturers. To win the Presidency, War Democrats and Confederates joined forces after the Civil War, Populists yielded their principles to support Bryan in 1896, and Theodore Roosevelt abandoned the Progressive party in 1916 in an effort to defeat Wilson.¹⁸

The attraction of the Presidency, however, does not fully explain the dominance of the major parties. In some ways, the Electoral College might be expected to reduce the pressures in this direction. Requiring the winner to receive an absolute majority of electoral votes makes it possible for a third party, if it wins a small bloc of states, to prevent the popular designation of a President. In such circumstances, the choice of the chief executive by the House of Representatives is an invitation to factional bargaining.¹⁹ Even after the growth of the party system, major attempts to deny any candidate an electoral majority were made by the Whigs in 1836 and by southern Democrats in 1860. George Wallace of Alabama attempted a similar strategy in 1968.

Institutional factors alone, therefore, cannot explain why only two parties at any time have been able to mount and sustain nationwide appeals. Fundamentally, the two-party system is based on the total social conditions in the United States. American society has generally been united on the most important social questions. Because policy issues have not been deeply divisive, nor factions irreconcilable, it has been possible to bring those of different viewpoints together in a common pursuit of electoral victory. Although various issues were important, they have not been so numerous or mutually conflicting that the interests involved could not be satisfied within the minimum number of two parties.

Party schisms and disorganization are testaments to the differences

among factions. Nevertheless, schisms have not been maintained for long periods of time, and the differences have been compromised because they did not involve profound moral claims or incompatible material interests. There has been general agreement on such fundamental matters as the Constitution, toleration of religious diversity, social equality, and a capitalist economic system. An expanding economy, geographical isolation, and ethnic pluralism lessened the impact of debates on the distribution of wealth, foreign policy, and group status. "Lacking cause for deep ideological divisions and disagreeing on few fundamentals, Americans were easily formed into two conglomerate, majority-seeking political parties."²⁰ When moral and inherently conflicting claims were made in the prelude to the Civil War, however, the parties could not hold together despite the institutional pressures toward unity.

The Presidency and the electoral system have tended to make unity desirable for American parties, and the social conditions of the United States have made it possible. The two-party system gives meaning to our elections. In biblical times, the Israelites asked God to give them a king. In modern America, the voters choose their own rulers. In one sense, it is therefore true that "the voice of the people is the voice of God." But men and women lack omniscience, and the institutions of the United States guarantee that no person will be omnipotent.

LIMITS ON POPULAR POWER

To choose a government is not to choose governmental policies. Whereas the voters largely determine the players in the game of American politics, they have far less control over the signals the players will call, the strategies they will employ, or the final score. The popular will, as represented by a majority of voters, does not determine public policy.

According to a well-established interpretation of American government, the limitations on the voters are principally institutional "separation of powers" and "checks and balances." J. Allen Smith, for one, vehemently denounced the Constitution as a reactionary attempt to restrict the popular will: "The efforts of the Constitutional Convention were directed to the task of devising a system of government which was just popular enough not to excite general opposition and which at the same time gave to the people as little as possible of the substance of political power."²¹ In the same tradition, schoolboys and senators alike are prone to emphasize these limitations and debate issues of national policy primarily in legal terms.

A literal reading of the Constitution often leads to an emphasis on the limitations of national power; it can also sustain Smith's description of the restricted role of popular majorities. In formal terms, the President is indirectly elected, the Senate is controlled by a minority of the nation's population, and judges are fully removed from popular influence.

A literal reading of this sort would also be a misreading of the contemporary Constitution. Regardless of formal structure, the President is chosen by popular vote, the Senate is usually more responsive to national majorities than the "democratic" House, and the Supreme Court "follows the election returns." Nor are the powers of the national government severely restricted today. The Constitution has evolved, through social necessity, political practice, and official interpretation, to an instrument that regulates the means by which national power is exercised but imposes few substantial limitations on the ends toward which power is exercised.

In over forty years no major act of Congress has been declared unconstitutional by the Supreme Court. On some occasions the judges have acted to defend individual rights or the states against the national government. For example, in a 1958 case the Court prohibited the punishment of loss of citizenship for military deserters.²² In a different area, in 1976, the mandatory extension of minimum-wage laws to state and local employees was found to be an unconstitutional infringement of the federal-state division of powers.²³ Otherwise, judicial review is no longer a significant limit on the power of Washington, although it remains effective against the states. The written Constitution supplies no explicit authority to desegregate restaurants, provide social security, or engage in undeclared wars, but the Court has incorporated these powers into the Constitution through its respective interpretations of the powers to regulate commerce, tax for general welfare, and conduct of foreign relations.²⁴

The important limits on popular power no longer are found in the federal Constitution, but the limits do exist. One set of restrictions consists of environmental conditions beyond political control. In the constitutionally unrestrained British system, it is said that "Parliament can do everything but change a man into a woman or a woman into a man." Voters must accept these facts of life, and other facts as well. The political discretion of a nation is restricted by its physical features and the limits of scientific invention. No farm subsidy program will make bananas grow in Alaska, and no Medicare law will produce a population of Methuselahs.

The environment also includes social limitations. Government deci-

sions are made within the limitations of social values and individual choices. Illustratively, the development of a national policy on energy consumption is severely constrained by Americans' preferences for private automobiles using enormous quantities of gasoline and homes well heated in winter and frigidly air-conditioned in summer. Another example is the population itself. The birthrate is probably the most important political fact in any nation. It ultimately determines the character of economic consumption and the labor market; the extent and cost of government programs of education, health, and assistance to the elderly; and the level of taxation to pay for government. Yet this demographic foundation is virtually never considered as a political issue. It is built instead from millions of individual acts based on purely "private" motives.

The largest restriction of politics is the control of the nation's economy by corporations. They, rather than the government or the electorate, make the major economic decisions that determine the level of prices, employment opportunities, and the quality and quantity of goods and services. Questions as personal as the location of the population and as critical as international energy development are made in boardrooms, not in legislatures or at polling places.²⁵ This power, moreover, is concentrated in relatively few hands, for the hundred largest industrial corporations control over half the nation's manufacturing assets;²⁶ and their managers are largely free from controls by the market, stockholders, or political institutions.

The power of the modern corporation has raised serious doubts about the efficacy of democracy. When dealing with multinational corporations, it is difficult even to locate a potential agent of political control. National boundaries hardly exist for these economic giants, who transfer capital, oil, and technology around the globe through instantaneous communications. Even within the United States, government does not "control" corporations in a direct manner, for there is no clear line between the corporation and the government. It is now essentially impossible to govern without the cooperation of the giant corporations. To meet the energy needs of the nation, the government must solicit the help of oil producers; to provide jobs, the President and the Congress must bolster "business confidence." As Charles Lindbloom has summarized, businessmen are "functionaries performing functions that government officials regard as indispensable. . . . Collaboration and deference between the two are at the heart of politics in such systems. Businessmen cannot be left knocking at the doors of the political systems, they must be invited in."²⁷

In a capitalist nation like the United States, the power of corpora-

tions could be matched only by equally strong political institutions, built upon organized popular majorities. Yet these institutions are only partially developed, restricting the control of popular majorities. "Truly responsible government is only possible when elections are so conducted that a choice of men is a decision on policy," argues William Riker. To accomplish this goal, "the essential institutions of responsible government are, therefore, a system of two parties, each with strong leadership and one (as decided in elections) with the full power to govern. In the United States, we do have the two-party system though whether or not we have the other two essentials is far from certain."²⁸

American parties are not cohesive units under strong leadership. Their organizational structure is best described as a "truncated pyramid." There is no supreme governing body at the apex of this pyramid. Whatever concentration of power exists is likely to be at intermediate heights, in the state or even county organizations. Even the truncated pyramid is not a solid piece of granite. There are faults in the stone, and there are many protected enclaves of power in which individual politicians and local groups reside.

The parties are not centralized because important rewards and crucial punishments of politics are also not centralized; they are shared among many governments and organizations. The nominating function, crucial in the internal government of parties, is widely dispersed. The massive numbers of state and local officers are obviously under the jurisdiction of the states, as are nominations to national office. Indeed, there is no such thing as a purely national election. Congressmen and senators are nominated in local primaries or conventions and are elected in their respective constituencies; the President is nominated by delegates chosen in similar primaries and conventions and is elected by the combined votes of separate states. Other important aspects of the electoral process are also predominantly in the states' domain, including party organization, voter qualifications, district boundaries, and election administration.

The material rewards of politics are also concentrated at the state and local level. Patronage, contracts, and preferment are less plentiful in the federal government. Aside from defense spending, the states and localities each spend one-third more than the national government. They also have a very important role in the administration and outlay even of federal money, such as the extensive funds involved in grant-in-aid programs.²⁹ Moreover, national political leaders often have less discretion than their state and local counterparts. Civil service regulations and technology limit choice more severely in Washington, so that

there are fewer options possible in picking designers for an interplanetary probe than in choosing among potential contractors for a state expressway.

Strong leadership is therefore unlikely in American parties, since the leaders do not have such disciplinary powers as the control of nominations and elections, or material rewards. Nevertheless, the parties in Congress show considerable unity when issues come to a final vote, and party membership is more closely associated with roll-call results than any other factor. On important issues, up to 80 percent of the party will stand together. The parties are not monolithic, but given their decentralized structure, they are relatively cohesive.³⁰

Defections from party unity are also common. "The parties are unable to hold their lines in a controversial public issue when the pressure is on."³¹ When representatives perceive conflicts between the party program and the interests of their local districts, they will prefer the latter. The first necessity each representative faces is the need to be reelected; this decision is made locally, with the national party largely unable to help or punish. Therefore, Democrats from oil-producing states will oppose their party's President's call for taxes on oil companies, and Republicans from farm districts will oppose their party's effort to reduce price supports. The members of Congress pay attention to their party, but they pay more deference to their local constituents.³²

Further obstacles to popular control arise because governments chosen in elections do not have the "full power to govern" in the United States. Their powers are insulated, reduced, and checked. Important elements of American government are deliberately insulated from the impact of elections. Judges are constitutionally protected during good behavior. The regulatory commissions are statutorily "independent" of the President or other politically responsible officials. Often these agencies develop mutually protective relationships with the regulated industries, changing from watchdogs of these industries to their house pets. Illustrative is the long-term coalition between the nuclear energy industry and two government agencies, the Atomic Energy Commission and the Nuclear Regulatory Commission.

The largest part of American government is the bureaucracy protected, from clerks to administrators, by civil service laws. Although the bureaucracy is generally responsive, it has means of resistance when conflict arises between its ingrained practices and the programs of elected officials. The Nixon administration, frustrated by its inability to gain control of the bureaucracy, ultimately turned to illegality to achieve its purposes. By the time of Nixon's resignation, bureaucratic

resistance had reached the point that even direct orders of the President acting as military commander-in-chief would be disobeyed.³³

In state and local affairs, public authorities constitute another insulated center of power. These politically independent bodies are established to perform a governmental task that is beyond the abilities of existing agencies. The Port Authority of New York and New Jersey is the most impressive example. It is responsible for all airports and a considerable proportion of the highways, commuter transit, and shipping in the nation's greatest metropolitan area. It imposes taxes in the form of tolls and fees, condemns property, borrows money on public credit, and regulates transportation for eighteen million persons. Yet it is subject to no electoral control.

The Port Authority's directors are appointed by the governors of New York and New Jersey for long, staggered, and fixed terms. Independent of the federal government, the Authority's policies are theoretically subject to veto by the two governors, but even this negative power is rarely exercised. Furthermore, the courts have ruled that the financial obligations of the Port Authority take precedence over all other considerations, limiting its capacity to deal with such problems as mass transportation.³⁴

States, too, exercise limited authority. The typical state constitution provides not only a framework of government but a host of legislative details and limits on the power of the state, with further restrictions added by the federal Constitution and the courts. The constitution of New York is not unusually detailed, yet it does specify the size and location of ski trails in certain areas, while requiring other lands to be kept "forever wild."³⁵ Even more restrictive is the movement, initiated in California, to limit local taxing power to a small percentage of property values and impose limitations of government spending. Without money, states cannot meet popular desires.

BARGAINING IN AMERICAN POLITICS

"The power to govern," in institutional terms, appears greatly restricted in American politics. In the political game, players are not always required to cooperate with one another and sometimes lack the necessary equipment to sustain a scoring drive. Further analysis indicates that political realities can be quite different from institutional appearances. Formally, the American system of government can seem to be a panoply of "clashing sovereignties," whose frustrated conflicts result in either domination or deadlock. In practice, however, legal positions are not pursued to ultimate conclusions, obstacles are over-

come, and policies of mutual satisfaction are usually accomplished. The political players, though argumentative, want to score and satisfy the fans. Despite their differences and the restrictions of the rules, they commonly can find the right plays.

Bargaining is the typical method of deciding issues in American government. Negotiation, compromise, and mutual concession are the dominant features of our politics, rather than insistence on separate legal powers and tests of strength. Through bargaining, the rigidities of institutions are relaxed. The process of negotiation can create new difficulties, further complicating popular control, but it provides the means by which political practice can mitigate legal constraints.

A politics of bargaining is not a means of direct voter control over policy. The electorate controls the choice of rulers, but the lack of discipline among officials and the limited powers of any single government agency makes the realization of popular mandates unlikely. Policy decisions result from the compromises and understandings within government. The electorate chooses the bargainers and can exercise an indirect influence on their negotiations, but it lacks the power to enforce detailed decisions.

Bargaining is possible because American politics is not ideological. The differences between President and Congress, or state and federal governments, or the two parties, are not matters of high principle. Typical disputes in America concern how to finance medical care, not whether to provide aid to the sick; where to locate a highway, not whether to build roads; how to increase the nation's military strength, not whether to assume international obligations. Since the participants in these disputes wish to reach agreement, they are ready to bargain.

In an ideological politics, bargaining is inhibited. The gains of one group often mean vital losses to another. Communists and democrats in France cannot agree on the structure of government. Religionists and secularists in Iran or Israel cannot reach an accommodation. Demands for a fully independent Quebec cannot be reconciled with Canadian unity. In these situations, the disputants do not expect mutual gains from a settlement of their differences. Bargaining is not possible under these circumstances.³⁶

In the United States, bargaining is feasible. It is initiated and usually successful because the formal powers available to any agency are commonly not sufficient to accomplish all its purposes, both legal and political. The legal "checks and balances" are familiar, and remain important. "The government of the United States was constructed upon the Whig theory of political dynamics, which was a sort of unconscious copy of the Newtonian theory of the universe."³⁷ States are

balanced against the federal government, President against Congress, elected authorities against appointed officials, and government itself against the citizenry and the private economic order.

These formal legal structures necessitate bargaining. The relationship, although traditionally described as one of "separation of powers," is really one of "separated institutions sharing powers."³⁸ Without the cooperation of these different institutions, no action is possible. Congress and the President may agree on policy goals, but only the bureaucracy can put these policies into effect. The federal government may decide on a national transportation program, or to eliminate racial discrimination, but the states must build the highways and local school boards must enroll children in desegregated schools.

The necessity for cooperation is particularly apparent in the relationship between the President and the two houses of Congress. Each is chosen in different ways; none can fully dominate the other. The President cannot dissolve Congress and call for a new election, nor can he prevent obdurate representatives from being elected, even under his own party label. Similarly, congressmen have little impact on the nomination and election of the chief executive, and cannot replace him with a leader of their own.

Recent institutional changes have reinforced the legal imperatives toward collaboration of the two branches. The President has long been recognized as the nation's leader in foreign affairs, management of the budget and the economy, preparation of a legislative agenda, and administration. In all these areas, Congress has recently increased its bargaining resources. Following the war in Vietnam, the President's authority to intervene militarily in conflicts abroad has been made subject to legislative approval. The federal budget is now shaped by special committees and detailed resolutions of the Congress. The staff help available to senators and representatives in preparing programs now rivals the executive establishment. Congress not only passes laws but also is involved in details of administration. Ultimately, as shown in the extreme instance of Watergate, even the ancient sword of executive impeachment can be removed from its rusty scabbard.

Institutional factors necessitate bargaining. Political factors are more important, however, for they persuade various groups that bargaining is advantageous. The various agencies involved in American government need one another in order to accomplish their goals, leading to the trading of resources among them. Thus, civil servants can ignore many presidential requests, but they also want the support of the President and the Office of Management and Budget for legislation and appropriations. The Port Authority can unilaterally condemn

property and sell bonds, but it must provide benefits to state and local officials before receiving necessary approvals to build a World Trade Center or expand vehicular facilities. State governments, eager for federal funds, will meet the national government's requirements to enact civil service laws or place emphasis on science education.

Elected officials have their particular resources of votes to bring to the bargaining process. Chosen by different constituencies, they have correspondingly different bases of support. In the federal government, illustratively, Presidents are essentially selected nationally, with special weight given to voters of large and competitive states. The Senate provides particular power to distinct geographical concerns, such as western mining interests or oil producers. The House has been especially devoted to narrow-gauge local interests. Concentrated and geographically localized interests are preferred to diffuse and continental ones. Conservatism, the maintenance of the status quo, is likely to be favored, for "the effect of a small constituency is to enhance the power of local elites, whatever their character or sources of power."³⁹

To effectuate national policies, these different constituencies must be brought together through the bargaining of their representatives. They, in turn, want to make the bargaining work, not only to meet the demands of their constituents but to secure their own electoral futures. Each group of politicians needs the others' resources; success for one contributes to victory for others. Officeholders sharing a constituency, such as state legislators from overlapping districts, have a direct reason to cooperate because votes are often cast for a party ticket in the district.⁴⁰ The incentive toward mutual aid extends to those at different levels of government, for state parties are considerably affected by national political tides.⁴¹

This joint interest in successful bargaining is particularly evident in the relationship between the President and Congress. The President is judged by his ability to win legislative approval of his program, and his "box score" is used in political calculations. For congressmen, there is no political "separation of institutions." The perceived record of the President has considerable influence on their own reelection chances. In fact, it is possible to get a precise estimate of the outcomes of House elections on the basis of two factors: changes in voters' personal income, for which the President is held responsible; and the personal popularity of the President in opinion polls.⁴² Congressmen cooperate with the President, not to help him, but to help themselves. As is true throughout American government, bargaining exists because it is feasible, necessary, and advantageous.

THE INFLUENCE OF ELECTIONS

Direct electoral control over policy is unlikely. The lack of centralization, limitations on power, and the complexities of government make simple majority rule infeasible if not impossible. Even when voters have clear policy aims, they may not know where to direct their attention. "How does the citizen begin if he wishes to do something about his deteriorating neighborhoods? Slum clearance involves three sets of law—local, state and federal—and perhaps half a dozen separate administrative agencies, each with its own body of regulations. Points of influence and centers of decision are diffuse and obscure. More often than not the citizen cannot name most of the officers he elects, or describe the responsibilities of the governments that serve him. How can he hope to make them responsive to his wishes?"⁴³

Popular influence is real but indirect. It exists because of the availability of bargaining. The lack of centralized power means that voters can attempt to influence decisions at many points and many times. Interested citizens need not restrict their attention to one election, after which there is no further means for popular intervention. The confusing multiplicity of governments also creates a comforting multiplicity of opportunities to influence policy. Grodzins appropriately terms the American system as one characterized by "the multiple crack": "The normal process of policy-making is one in which individuals and groups take their crack at influencing governmental policy at literally uncountable points in the legislative-administrative process. The process produces, among other things, the characteristic collaborative chaos of the American system."⁴⁴

The dispersal of power limits the likelihood of totally unpopular policies. The various agencies involved in bargaining have a common aim of promoting public satisfaction. Their perceptions of the general welfare will differ, as will the influences that bear on them, and conflicting proposals can result. Nevertheless, the shared interest in meeting popular needs creates influences toward agreement in accord with the desires of the voters. The inability of any one agency to impose its will, moreover, increases the probability that agreed policies will be satisfactory to all participants.

But the lack of centralized power and the necessity for bargaining also can limit popular influence. Only those who participate are likely to be given consideration; those outside the system—because of legal discrimination, poverty, restricted educational opportunities, or limited information—will be neglected. Participation in the United States

is not equal among all groups, for those who have more wealth or higher social standing also are more politically involved and thereby get more attention.⁴⁵ Rather than counteract the effects of socioeconomic status, the political system frequently increases its advantages.

Even among those who participate, equality is not assured. Politics takes place in an environment affected considerably by other features of society. Corporations that advertise the virtues of free markets have more means of persuasion available than individuals urging regulation. Persons of higher education or with access to elected officials receive more of a hearing than the poor and the isolated. Organized interests can establish a secure niche in government and render it secure against those who may be numerous but incohesive.⁴⁶

The bargaining process itself is an aid to some interests more than others. In providing many means of access to government, it also provides many means of defending a position. Those who support an existing public policy can win more readily than those who urge a new program, because the former need only to succeed at one point in the complex process. The advantage is inherently to those who take a conservative position; it is inherently difficult to bring new issues to public awareness and still more difficult to achieve success.⁴⁷

Within these important limits, citizens do have powerful means to ensure that their interests are considered. Elected officials are important, even predominant participants in the bargaining process, and the two-party system results in the direct choice of these officials by popular majorities. By controlling the tenure of these officials, voters also influence the policies they promote and negotiate. To win and retain power, elected officials will favor popular policies and will initiate programs that will arouse mass support.

The desire for electoral victory can facilitate bargaining. Politicians will agree more quickly when their agreement is seen as necessary for individual success. The Presidency acts as a political magnet, unifying scattered filings into two parties. Congress and the President, despite their differences, join in improving the popular social security program. State and national party organizations cooperate in campaigns to win office on all levels. Rural legislators support urban programs considered necessary for statewide victory.

Electoral influence is also evident as a resource in the bargaining process. Because of the authority created by popular support, some agencies improve their negotiating position. Elections strengthen the Presidency against the courts, bureaucracy, and regulatory commissions; the states against the public authorities; local areas against the

federal government; and the national party against the decentralized organizations. In each of these pairs, the former agency can demonstrate greater popular support than the latter or can significantly influence its political future.

Elections do not determine the outcome of the bargaining process, but they can be a means by which bargainers gain resources. It is possible for an elected official to claim a "mandate" for his preferred policies, but the claim is unavailable to others. Thus, the British House of Lords agreed to its own loss of power after the voters supported the reformist Liberal party in 1910, and the U.S. Supreme Court ended its opposition to the New Deal after Franklin Roosevelt's landslide victory in 1936.

Thus the voters play an indirect role in the determination of public policy. The actual decisions about the actions of government must be left to the initiatives of officials and their complex bargaining. Voters, however, can meaningfully intervene to support a leadership group that is seeking to enact a particular program. By their endorsement of particular contestants in the bargaining process, the voters can have the final word. The choice of governors can thereby become a choice of governmental policy.

Voters also can protest effectively when their interests are involved. Elections can therefore serve another indirect function, providing the benefits of protection emphasized by democratic theorists. The complexity of institutions that makes it difficult to achieve a coherent program also provides numerous agencies to protect individuals and groups. Noncentralized parties and government allow voters repeatedly to seek a redress of grievances. Diverse institutions, each with limited power, may attempt to increase their bargaining advantages by winning popular support. The competition is untidy, even chaotic, but it can promote citizens' protection and interests.

Given American institutions and the politics of bargaining, elections cannot be definitive, but they can be decisive. Their empirical quality will depend greatly on the qualifications of the electorate. In the next chapter; we turn to an examination of American voters.

Notes

1. Alexis de Tocqueville, *Democracy in America*, ed. Phillips Bradley (New York: Vintage, 1954), vol. 1, chap. 14, p. 260.

2. See Chilton Williamson, *American Suffrage: From Property to Democracy, 1760-1860* (Princeton: Princeton University Press, 1960).

3. Alfred de Grazia, *Public and Republic* (New York: Knopf, 1951), p. 114 and chap. 5.

4. *Dred Scott v. Sanford*, 19 How. 393 (1857).
5. Richard Hofstadter, ed., *Great Issues in American History* (New York: Vintage 1958), 1:372.
6. Daniel J. Elazar, *American Federalism: A View from the States* (New York: Crowell, 1966), p. 204.
7. For details, see John R. Owens, Edmond Constantini, and Louis F. Weschler, *California Politics and Parties* (London: Macmillan, 1970), p. 105.
8. E. E. Schattschneider, *Party Government* (New York: Holt, Rinehart & Winston, 1942), p. 84.
9. J. F. S. Ross, *Elections and Electors* (London: Eyre & Spottiswoode, 1955), p. 50.
10. The precise mathematical relationship is presented in James G. March, "Party Legislative Representation as a Function of Election Results," *Public Opinion Quarterly* 21 (Winter 1957-58): 521-42.
11. Schattschneider, *Party Government*, p. 75; italics in the original omitted.
12. The leading work on electoral methods is Douglas W. Rae, *The Political Consequences of Electoral Laws* (New Haven: Yale University Press, 1967).
13. Maurice Duverger, *Political Parties* (New York: Wiley, 1954), p. 217.
14. Maurice Klain, "A New Look at the Constituencies: The Need for a Recount and a Reappraisal," *American Political Science Review* 49 (December 1955): 1105-19.
15. Voters follow this course in both two-party and multiparty systems: see Anthony Downs, *An Economic Theory of Democracy* (New York: Harper & Row, 1957), chaps. 3, 9.
16. A good analysis is found in Aaron B. Wildavsky, "A Methodological Critique of Duverger's *Political Parties*," *Journal of Politics* 21 (May 1959): 303-18.
17. In France, after Charles de Gaulle instituted a presidential system, a similar movement toward a simplified party system occurred. See Suzanne Berger, "The French Political System," in Samuel Beer et al., *Patterns of Government* (3rd ed.; New York: Random House, 1973), p. 385.
18. See Eugene Roseboom, *A History of Presidential Elections* (New York: Macmillan, 1959).
19. In the Constitutional Convention, it was expected that the House would elect the President in almost all cases; see Max Farrand, *The Framing of the Constitution of the United States* (New Haven: Yale University Press, 1913), pp. 167-68.
20. Frank J. Sorauf, *Party Politics in America* (3rd ed.; Boston: Little, Brown, 1976), p. 40.
21. J. Allen Smith, *The Spirit of American Government* (New York: Macmillan 1907), p. 20.
22. *Trop v. Dulles*, 356 U.S. 86 (1958).
23. *National League of Cities v. Usery*, 526 U.S. 833 (1976).
24. *Heart of Atlanta Motel v. U.S.*, 379 U.S. 241 (1964); *Stewart Machine Co. v. Davis*, 301 U.S. 548 (1937); *U.S. v. Curtis-Wright Export Corp.*, 299 U.S. 304 (1936).
25. See Grant McConnell, *Private Power and American Democracy* (New York: Knopf, 1966), chap. 5.
26. Kenneth Prewitt and Sidney Verba, *An Introduction to American Government* (3rd ed.; New York: Harper & Row, 1979), p. 59.
27. Charles Lindbloom, *Politics and Markets* (New York: Basic, 1977), p. 175.
28. William H. Riker, *Democracy in the United States* (2nd ed.; New York: Macmillan, 1965), pp. 84-85, 104.

29. Ira Sharkansky, *The Maligned States* (2nd ed.; New York: McGraw-Hill, 1978), chap. 3 and p. 56.
30. Important works on congressional voting include Julius Turner and Edward Schneier, *Party and Constituency* (Baltimore: Johns Hopkins Press, 1970); David Mayhew, *Party Loyalty Among Congressmen* (Cambridge, Mass.: Harvard University Press, 1966); and Aage Clausen, *How Congressmen Decide* (New York: St. Martin's, 1973). For further discussion, see chapter 8.
31. Schattschneider, *Party Government*, p. 131.
32. See John Kingdon, *Congressmen's Voting Decisions* (New York: Harper & Row, 1973); David Mayhew, *Congress: The Electoral Connection* (New Haven: Yale University Press, 1974); and Richard Fenno, *Home Style* (Boston: Little, Brown, 1978).
33. Richard Nathan, *The Plot That Failed* (New York: Wiley, 1975); Theodore H. White, *Breach of Faith* (New York: Atheneum, 1975), p. 23.
34. *U.S. Trust Co. v. New Jersey*, 431 U.S. 1 (1977).
35. New York State Constitution, Art. XIX, Sect. 1.
36. A general statement of the nature of bargaining is found in Robert Dahl and Charles Lindbloom, *Politics, Economics and Welfare* (New York: Harper & Row, 1953), chaps. 6-13. Nelson Polsby applied the model to national party conventions in "Decision-Making at the National Conventions," *Western Political Quarterly* 13 (September 1960): 609-17.
37. Woodrow Wilson, *Constitutional Government in the United States* (New York: Columbia University Press, 1908), p. 55.
38. Richard Neustadt, *Presidential Power* (New York: Wiley, 1960), p. 33.
39. McConnell, *Private Power*, p. 109.
40. Joseph Schlesinger, *Ambition in Politics* (Chicago: Rand McNally, 1966), chap. 7.
41. See V. O. Key, Jr., *American State Politics* (New York: Knopf, 1956), chap. 2.
42. Edward Tufte, *Political Control of the Economy* (Princeton: Princeton University Press, 1978), chap. 5.
43. Morton Grodzins, *The American System*, ed. Daniel J. Elazar (Chicago: Rand McNally, 1966), p. 6.
44. *Ibid.*, pp. 14-15.
45. See Sidney Verba and Norman Nie, *Participation in America* (New York: Harper & Row, 1972), chaps. 8, 12.
46. See Theodore J. Lowi, *The End of Liberalism* (rev. ed.; New York: Norton, 1979), chap. 3.
47. See Roger Cobb and Charles Elder, *Participation in American Politics* (Boston: Allyn & Bacon, 1972).