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DUVERGER'S LAW, FUSION, AND THE DECLINE OF AMERICAN "THIRD" PARTIES

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AMONG the various reasons cited by American political scientists for the United States having a two-party system, the electoral system has been strongly emphasized. It is argued that the statewide-plurality method of electing a president and governors, plus the single-member-district-plurality method of electing national and state legislators, have made "third" party growth unlikely. This assessment of the consequence of the plurality election method has also been stressed by students of comparative politics. In that context it has been referred to by Riker (1982) and others as "Duverger's Law."

There is, however, a way by which the obstacles presented to a minor party by a plurality election system can be minimized; that method is jointly sponsored candidacies. Today in Great Britain the two smallest parties, the Liberals and Social Democrats, divide the parliamentary districts between them and advise the electorate that a vote for a candidate of either party is a vote for the "Alliance" (Curtice and Steed 1983). In France the Socialist and Communist parties agree not to contest the run-off election in any district where the other leftist party has polled more votes in the first round of balloting; parties of the right follow the same cooperative strategy (Penniman 1980). In an earlier period in Canada when party labels did not appear on the ballot, two parties were able to nominate the same candidate in a district and advertise this fact during the election campaign (Scarrow 1962: 6)

In 19th century America jointly sponsored candidacies were commonplace, with cooperation between a minor party and a major one being especially in evidence. Indeed, many of the electoral successes recorded by minor parties during this period were in fact the product of these joint candidacies or, to use the term then in vogue, the product of "fusion" candidacies.¹ The history and decline of the fusion practice is the subject of this paper. The paper will argue that the institutional reforms enacted at the turn of the century had the effect of eliminating fusion candidacies, and with them the more complex party system they helped to sustain.

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¹The decline of third party members in Congress is shown by Schlesinger (1984).

FUSION CANDIDACIES

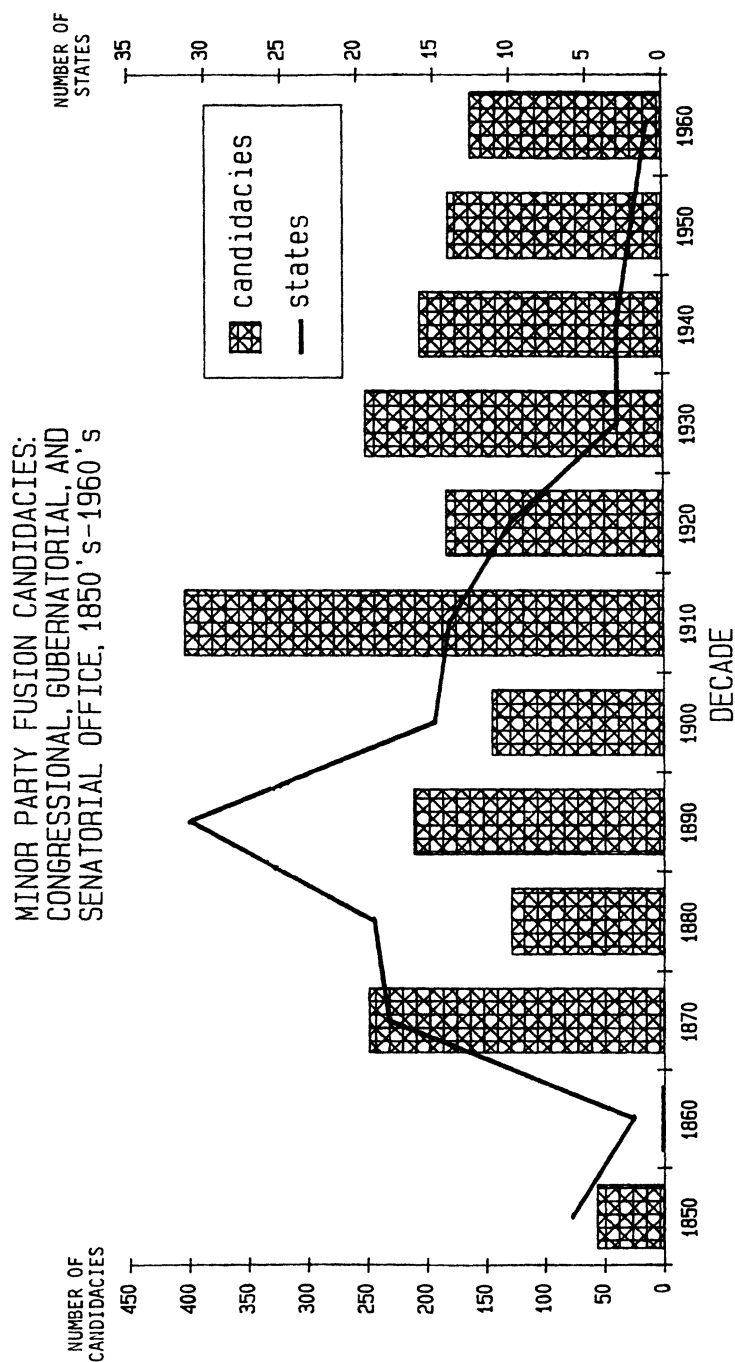
Frequency

During the latter half of the 19th century fusion candidacies were frequent at all levels of government. At the presidential level the first example is found in the election of 1856, when the American (Know-Nothing) party and the Whig party both backed the third party candidacy of Millard Fillmore (Petersen 1963; McKee 1906; Stanwood 1928). The next notable example occurred in 1872 when the newly formed Liberal Republican party nominated Horace Greeley as its presidential candidate; the Democratic convention, not wanting to split the anti-Republican vote, did likewise. The last conspicuous example of a presidential fusion candidacy was that of William Jennings Bryan, who was the candidate of both the Democratic party and the Populist party in 1896. A single fusion slate of electors was presented in 28 states, some of the electors being Democrats and some Populists. Since the two parties had not nominated the same vice presidential candidate, this allocation of electors within the slate was of potential importance (Durden 1956; Stanwood 1928: Vol. I).

Thanks to the data compiled by the Inter-University Consortium for Political Research we are able to determine the frequency of fusion candidacies at selected other levels of government. At the gubernatorial level the earliest fusion candidacy appears to have been in New York in 1854, when no less than eleven political parties — including groups carrying such labels as “Strong Minded Women,” “Anti Rent,” and “Negro” — backed the Whig gubernatorial nominee.² Altogether, before the century was out no less than fifty-one fusion gubernatorial candidacies, spread across twenty-four states, had appeared. At the congressional level fusion candidacies usually followed the lead provided by presidential candidates, featuring such minor parties as American, Greenbacks, Populists, Prohibition, and Labor, usually allied with one of the two major parties but occasionally allied among themselves. The total number of fusion candidacies involving minor parties at the congressional, gubernatorial, and (beginning in 1913) senatorial level is shown in the accompanying graph.³

²The party affiliations are those presented in the *New York Herald*.

³The graph is derived from the ICPR data, supplemented by the Congressional Quarterly's *Guide to U.S. Elections* (1975). Interpretation of the ICPR data is often difficult since they are based on official reports which are often misleading in the case of fusion candidacies. The figures reported here, then, and shown in the graph, may be regarded as conservative estimates of the number of fusion candidacies. Only fragmentary data are available relating to fusion candidacies at the local level. Limited evidence, nevertheless, suggests that such candidacies were commonplace, usually involving a locally based party and one of the two major national parties. Thus the Boston mayoral election of 1889, the first under the Australian ballot, featured a candidate who appeared with the labels “Citizen, Democratic” opposing a candidate labeled “Citizen, Independent, Democratic, Republican.” The ballot is shown in Dana (1924-25). Seth Low won New York City's 1901 mayoral election running as the nominee of the Republicans, Citizens' Union, and Greater New York Democracy. The 1905 mayoral race in San Francisco featured a Republican-Democratic fusion candidate opposing a Labor candidate.



Method of Balloting

The advantages of the fusion strategy for the cooperating parties were clear. For a major party confronted with strong opposition, a fusion candidacy was a way of increasing chances of victory in a winner-take-all system. For the minor party, fusion usually presented the only way for it to gain political influence. Its presence could influence the choice of nominee by the major party; its electoral support would entitle it to a claim on the loyalty of a successful fusion candidate; and sometimes it could insist that one of its own members become the fusion nominee. Yet for a minor party whose professed reason for existence was its distinctiveness from the major parties, a fusion strategy was fraught with danger; accordingly, these parties were continually divided by the question of whether or not to pursue that course.⁴

Helping to make fusion candidacies an attractive alternative was the method of balloting. Prior to the introduction of the Australian ballot, each party, including any ad hoc group organized to contest a particular election, was able to print its own "ticket" or series of tickets for the various national, state, and local offices, and distribute these on election day. These tickets could easily include the name of one or more candidates whose names also appeared on one or more other party tickets. Equally important, these tickets allowed a party to a fusion arrangement to maintain its own autonomous identity during the balloting. If the votes were counted in such a way that each party's contribution to a candidate's total could be determined, party autonomy was further enhanced. Thus one suggestion made in 1896 for resolving the vice presidential problem which confronted the Democratic and Populist fusion effort was for the successful electors in each state to cast their vice presidential vote for the candidate of whichever party had attracted more votes to the fusion slate of electors (Durden 1965: 46). Often, however, such dissecting of vote totals was not possible.⁵

INSTITUTIONAL REFORM

The introduction of the Australian ballot in the last decade of the century sounded the initial death knell for fusion candidacies. The introduction of this ballot reform presented minor parties with the obstacle of now

⁴Haynes (1916: 4) argues that fusion candidacies were harmful to minor parties. Other writers, however, have stressed that only with fusion candidacies did minor party vote totals reach respectable proportions (e.g., Kleppner [1973]). The inter-party tensions which may accompany fusion candidacies are illustrated in Durden's account of Bryan's Democratic-Populist candidacy. Tension within contemporary coalition partners in Europe are discussed in Bogdanor (1983).

⁵The calculation would not have been possible in 1896 in states where the office-block Australian ballot had been introduced (see below). Even before the Australian ballot, moreover, the method of counting votes appears not to have allowed for calculating sub-totals. For example, Petersen (1963: viii) notes that in 1884 the Democrats and Greenbacks in Michigan presented a common slate of twelve presidential electors, but each party nominated its own thirteenth elector so that the number of votes received by this elector would be taken as the number of votes which each party had attracted to the twelve fusion candidates.

having to gain access to the ballot by means of petition signatures, a burden not placed on parties which could gain automatic ballot access by virtue of having attracted a large number of votes in a previous election — that is, the two major parties. The decline of third parties in the United States has thus often been traced in part to this aspect of ballot reform (Mazmanian 1974; Smallwood 1983; Rosenstone et al. 1984).⁶ There was, however, another feature of the new ballot laws which has received insufficient attention, although scholars at the time (Ludington 1909, 1911) recognized its importance: the new ballot laws presented a way for states to outlaw fusion candidacies. Where the party-column type of ballot was authorized, the law could require that a candidate's name appear at only one place on the ballot. Where the office-block ballot format was introduced, the legislation could specify that a candidate could have only one party label attached to his name on the ballot. By 1895 six states had enacted one or the other of these restrictions. By 1900 the list had grown to thirteen; by 1910 to twenty. These anti-fusion enactments were not always successful, however. Michigan was one of the first states to specify that a candidate's name could appear only once on the party-column ballot; yet that restriction did not prevent the Democrat and Populist parties in that state from presenting on the 1896 ballot a complete "Democrat-People's" column of national, state, and local candidates.

Soon thereafter a more effective anti-fusion device became available. Although the direct primary has often been blamed for weakening American political parties, in fact this institutional reform may have aided more than it injured the major parties by the two impediments it erected to minor party growth. One of these was the outlet primary elections provided to dissident factions within the major parties; forming a new party was no longer necessary (Holcombe 1924: 316; Key 1956: chs. 4-6; Burnham 1981: 189).⁷ The other was the new opportunity primary laws presented for outlawing fusion candidacies. The primary laws accomplished this latter goal by requiring that primary contestants be adherents of the party whose primary they entered (e.g., be members of, pledge loyalty to, etc.), or by requiring that a candidate could contest only one party's primary. Also often included, or added by later amendment, was a "sore loser" provision, preventing a defeated primary candidate from contesting the general election as a candidate of another party or non-official independent group. This restriction further limited the options open to minor parties.

⁶In some respects, however, the Australian ballot made life more difficult for the major parties, and hence could be seen as helping the minor ones. Rusk (1970) has argued that split-ticket voting became easier, and Nash (1950: 134) notes that the Australian ballot, because of its secrecy, allowed persons to vote against a dominant political machine without fear of retaliation. A good account of the Australian Ballot reform movement is Fredman (1968). An earlier work is Evans (1917).

⁷By far the best example of major party insurgents finding expression through the primary system rather than by forming a third party is provided by the experience of the Non-Partisan League in North Dakota. Other evidence is provided by Galderisi and Ginsberg (forthcoming). Key's work has also been cited for stressing the weakening effect of primary elections on *major* party strength. See Scarrow (1984).

These various restrictions, in ballot laws and primary laws, seem clearly to have been aimed at the minor parties. Many of the ballot restrictions were enacted shortly following the 1896 election, and they were especially noticeable in those states where the Democrat-Populist fusion candidacies in that election had presented the greatest threat.⁸ The result was that whereas there were thirty-one states which had featured at least one fusion candidacy in the decade of the 1890s, in the following decade that number was more than halved (see graph). Additional states joined the anti-fusion movement following Roosevelt's Progressive campaign of 1912 (e.g., Missouri in 1913), or when the Non-Partisan League became a third party threat (e.g., Idaho in 1919). Whatever the precipitating factor, by 1920 at least twenty-five states had anti-fusion laws on the books.⁹ California was not included in the total because by this time the state had repealed its anti-fusion law, the repeal having been supported by progressive Republicans who then proceeded to form their own Progressive party in the belief that they would benefit from the cross-filing system now made possible (see below).

From their very inception, anti-fusion laws were challenged in the courts by aggrieved candidates (*Columbia Law Review* 1947). Almost invariably, however, state courts refused to support the argument that the laws violated the respective state constitutions. Majority opinions, often expressed in terms of moral outrage, held that fusion candidacies were designed to deceive the unsuspecting voter; as such they were fraudulent. Moreover, such candidacies frequently were the result of "deals" among party "bosses." Dissenting opinions, however, used equally righteous language to defend the fusion practice. Fusion candidacies, it was argued, were often the only way of defeating an entrenched and corrupt political machine. They also provided a healthy antidote to narrow partisanship; and they increased voter interest. In only one state, New York, did these latter opinions prevail. In 1911 that state's highest court struck down an anti-fusion statute which had been pushed through the legislature by Tammany forces stung by successful fusion campaigns in New York City. In doing so the Court was following the lead of reformist Governor Charles Evans Hughes, who had vetoed a similar law.

⁸The states were California, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Montana, Ohio, Oklahoma, Pennsylvania, Texas, and Wisconsin. (The laws were later repealed in California, Ohio, Oklahoma, and Pennsylvania, only to be re-enacted at later dates.) Rosenstone, Behr, and Lazarus (1984: 20) have observed that following the introduction of the Australian ballot states with strong party organizations saw no immediate need to enact restrictions on ballot access. Anti-fusion laws followed the same pattern; the same eastern states with a tradition of strong major party organizations (Connecticut, Maryland, Massachusetts, Pennsylvania, Rhode Island) were among the last to enact these laws.

⁹The chronology of ballot law restrictions up through 1910 is found in Ludington (1911). Subsequent restrictive enactments reported here have been derived through analysis of individual state Legislative histories. Not all laws were equally thorough: some left the door open for fusions which resulted from primary write-in candidates, some did not cover independent candidacies or those of non-official parties; some lacked the "sore loser" provision.

CONSEQUENCE OF THE ANTI-FUSION LAWS

One way to assess the consequence of the early anti-fusion enactments is to note the difference between the campaign waged by the Populists in 1896 and that waged by the next third-party to engage in presidential politics, Roosevelt's Progressive party in 1912. Mowry (1973: 2551-52) has shown that Roosevelt's advisors faced a dilemma. On the one hand they knew that in order for a political party to take root, it had to present a full slate of candidates for congressional and state offices. On the other hand, they recognized that their cause would suffer if a Progressive challenge to progressive-minded Republicans resulted in the candidates of both parties being defeated. A fusion strategy would have provided an answer to the problem. Yet the very states where this tactic would have been most likely, i.e., the midwestern and prairie states, were the ones which had enacted the anti-fusion laws. Thus in only a few states did Republican-Progressive congressional and gubernatorial candidates appear on the ballot. Twelve years later, when LaFollete waged his Progressive insurgency, he did so only at the presidential level. In more recent years also, third party presidential candidacies have usually been those of individual insurgents (e.g., George Wallace, John Anderson) rather than of party organizations.

The fate of the Non-Partisan League might also have been different had its leaders been able to make use of the fusion strategy (Morlan 1955; Huntington 1950). Outside of North Dakota, where the League was able to gain power by entering its members in Republican primaries, the League was forced to establish itself as a third party. Yet of the ten states where League membership was strongest and thus where League parties were established, nine had enacted anti-fusion laws. For the League, fusion would have been likely not only with acceptable Democratic or Republican candidates, but also with candidates of fledgling labor parties which were then to be found in Colorado, Idaho, Minnesota, and Montana. One can also speculate on the fate of Minnesota's Farmer-Labor party had the two factions of this hyphenated party not been forced to co-exist within a single organization.

Despite the reduction in the number of states where fusion candidacies were allowed, in states where they were still possible the number of such candidacies reached an all-time high during the decade 1910-1919, reflecting Progressivism and other expressions of political ferment. For this reason, too, it is reasonable to suggest that fusion candidacies might have become a more conspicuous part of the American political landscape had the institutional barriers not been raised against them.

Perhaps the best way to assess the consequences of the anti-fusion laws is to look more closely at what happened in those states where such laws were absent. This analysis can also serve to identify three methods by which a minor party can exploit the fusion possibility — primary raiding, coalition building, balance of power — and to illustrate further how ballot and primary laws can either undermine or enhance these strategies.

Primary Raids

As already mentioned, in 1913 California removed its restriction on joint candidacies by eliminating the requirement that primary contestants be party members (Findley 1959). Progressive-minded Republicans believed it now would be safe for them to form their own Progressive party; they could still contest Republican primaries and, if successful, could appear on the general election ballot with two party labels following their name on the office-block format. For a while this tactic was successful. In 1914 the Progressive candidates captured Republican nominations for five of the statewide offices, and in 1916 the Progressive U.S. senatorial nominee, Hiram Johnson, enjoyed similar success. However, as the popularity of Progressivism waned, the raiding tactic became of diminished value; indeed, it came to be used against the Progressive party itself. The most profound impact of the 1913 amendment, then, came to be the raids which Republicans and Democrats were able to make upon each other's primaries. Between 1914 and the mid-1950s close to half of all candidates for state and national offices appeared on the general election ballot as candidates of both the major parties (Pitchell 1959). It was to put an end to such joint candidacies that cross-filing was finally outlawed in 1959.¹⁰

Coalitions

A much less risky tactic for a minor party is to become a partner in a power-sharing coalition, convincing a major one that its support will help secure victory. LaGuardia's initial mayoral victory in New York City in 1933 provides a good illustration of how a coalition strategy can work. As the nominee of the Republican party, LaGuardia received some 446,000 votes in the Republican column of the ballot; as the nominee of the Fusion party, a reform party created that year by petition, LaGuardia attracted 419,000 votes. The combined total was sufficient for victory; neither component by itself would have been.¹¹

Ballot Format

New York's 1933 ballot format demonstrated another important advantage which can accrue to a minor party which pursues a coalition strategy. When the candidate's name appears under separate party columns, voters are given the option of voting for a candidate *and* voting for a particular party; said differently, voters are allowed to vote for a candidate without

¹⁰In addition to California, Pennsylvania and Massachusetts were late in outlawing fusion candidacies. As in California, Pennsylvania's 1935 law had as its stated goal preventing major parties from raiding each other's primaries (Republicans had been raiding Democratic primaries). Pennsylvania's 1935 law did not, however, prevent fusion between a major party and a non-official party or independent group; that loophole was closed in 1939. Massachusetts outlawed fusion candidacies in 1941. The nature of anti-fusion legislation today is included in the *Election Law Guidebook* published in 1978 by the U.S. Senate Committee on Rules and Administration. In a few states, e.g., Pennsylvania and Maryland, fusion candidacies for judicial office are still allowed.

¹¹LaGuardia successfully ran again in 1937 as a fusion candidate, as did Robert Wagner in 1957 and 1961, John Lindsay in 1965, and Edward Koch in 1981. (Koch's candidacy was Democrat-Republican.)

having to support a party they may dislike. The founders of New York's American Labor party in 1936 created their party that year in order that Roosevelt supporters would be able to vote for him as the ALP candidate, not as the candidate of Tammany Hall (some 275,000 chose that option). Under a circumstance such as this, the choice given to voters is similar to that given to voters in a European multi-party system when prospective coalition partners are announced in advance of the balloting, as happens, for example, in West Germany today: voters vote exclusively for their own party's list of candidates, even though such support will redound also to the advantage of other parties in the coalition (von Beyme 1983). Duverger (1963) reasoned that two factors render the single-member-district-plurality system of election detrimental to third party growth: the mechanical effect—unless they are concentrated, votes are wasted; and the psychological effect—not wanting to waste their vote, voters will shun third party candidates. By pursuing a coalition strategy, a minor party may be able not only to minimize these barriers, but by being able to offer an alternative method of candidate support it may in fact benefit from the system.

Ballot format is important for another reason. A problem for a minor party relying on a coalition strategy is that it will always be in danger of being swallowed up by its major coalition partner. Small European parties operating under parliamentary systems often face this problem, e.g., the Irish Labor party (Farrell 1983). For American minor parties the problem has been magnified when the ballot format has not permitted separate ballot position. As already noted, the pre-1890 party tickets allowed such autonomy. However, when that system was replaced by the Australian ballot only the party column format allowed a continuation of that advantage; the office-block format did not. In the latter case, the ballot for a fusion candidacy featured the candidate's name, followed by the names of the respective nominating parties and a single printed square for the voter's "X." The importance of the separate ballot column to minor party vitality is strongly suggested by what happened to New York State's multi-party system once the state switched to the office-block format beginning in 1914. Immediately the number of minor parties, both those officially recognized and those generated by petition, declined. The experience of New York City is especially instructive. The tradition of fusion mayoral candidates began in 1901 and continued every four years through 1913, when the second fusion mayor was elected (the victor's name appeared in six ballot columns). However, once the office-block ballot format was introduced such candidacies virtually disappeared; only one was attempted, in 1917, and that one was unsuccessful. Not until LaGuardia's 1933 election was the fusion practice revived. By this time, however, voting machines had been introduced (they were first used in 1929), and the resulting party column (or row) format was identical to that of the pre-1914 paper ballots: each party could again maintain its autonomy on the ballot.¹²

¹²In Pennsylvania and (until 1912) Massachusetts, separate squares were printed after the party names, so that voters could express a party vote as well as a candidate vote. However, voters could become confused by this system, and the resulting sub-totals thus

Balance of Power

In addition to the advantages already described, separate ballot position allows a minor party to pursue a balance of power strategy. Since vote sub-totals for a fusion candidacy can be calculated, these totals may show that the minor party vote is all-important. Under these conditions a minor party will be able to bargain for concessions in return for it nominating the major party's candidate as its own. These concessions may take the form of policy, patronage, or candidate choice. The single-member-district-plurality system of election now becomes positively beneficial to a minor party; it is only because there is only one winner under this system that a major party may be willing to pay the price demanded.

The Populist party once pursued a balance-of-power strategy in those states where it was strong enough to do so. Today the smaller parties in European party systems bargain for concessions — most notably portfolios — in return for their participation in a coalition government. Indeed, Sartori (1976: 123) uses as his criterion for defining the number of parties in these systems the number which have what he calls "blackmail potential." In the United States, it is in New York State where a balance-of-power, blackmail party system has been most fully developed (Scarrow 1983: ch. 3). The Liberal party (formed in the 1940s as the ALP lost support) first perfected the strategy and, seeing this party's success, disgruntled Republicans formed a Conservative party in the 1960s. Anti-abortion forces joined the balance-of-power game in the 1970s by forming their own Right to Life party. Thus evolved New York's five-party system, all made possible by the state's election law. That law is one of three in the country which still allows fusion nominations — the New York terminology is "cross endorsement" — and, as already explained, also allows separate ballot positions for these candidates. In addition, the law allows "sore loser" candidacies, as became apparent in 1980 when Jacob Javits ran as the Liberal party senatorial candidate after having been defeated in the Republican primary.¹³ The most important feature of New York's election law, however, is a provision enacted in 1947. As an anti-raiding law (the ALP had been raiding Republican primaries), the Wilson-Pakula law required that primary election candidates be members of the party whose nomination they sought. The law, however, contained a crucial caveat: a party's leadership could, if it wished, authorize a non-member to enter its primary. Al-

did not accurately reflect the size of the respective party supporters. (For New York's experience with this format during the period it used the office-block format, see Scarrow [1983]: ch. 3.) Nevertheless, it is perhaps significant that of the three large states which allowed fusion candidacies until at least the 1930s, only in Pennsylvania, whose ballot featured multiple squares as well as a straight party vote option, were these candidacies between a major party and a minor one (e.g., Prohibition, Socialist, Labor). In California and Massachusetts, in contrast, where the office-block format featured only the single printed square, fusion candidacies were almost exclusively those between the two major parties.

¹³ As of 1984, twenty-six states prohibited sore loser candidacies. See Advisory Commission on Intergovernmental Relations (1984).

though hailed at the time as a law which would save New York's two-party system, this exception proviso turned out to have the very opposite effect, since it guaranteed that only with a minor party leadership's permission could a major-minor party fusion candidacy be arranged. In the blunt language of critics, the minor party leaders could now sell their nominations to the highest bidder and guarantee to the buyer that any insurgent within the minor party's own ranks who tried to upset the arrangement with a primary challenge would be fought. Each pre-election season has thus been characterized by bargaining sessions between leaders of the major parties and their minor party counterparts.¹⁴

CONCLUSION

This account of fusion candidacies has suggested several generalizations concerning the relationship of election laws and a nation's party system.

First, laws relating to fusion candidacies provide neither a necessary nor sufficient condition for a particular type of party system to emerge or to be maintained. A minor party may thrive despite an anti-fusion law (e.g., Minnesota's Farmer-Labor party); and the absence of such a law, even when combined with a party-column type ballot, does not necessarily result in minor parties taking root (e.g., Connecticut and Vermont today).

Nevertheless, the history of fusion candidacies in the United States does indicate that Riker's two qualifications to Duverger's "law," stated by Riker in its deterministic form (p. 761), need to be supplemented with an additional condition: "Plurality election rules bring about and maintain two-party competition except . . ." (3) where fusion candidacies are legally possible and other conditions, especially a competitive party environment, encourage their formation.¹⁵

A second generalization confirmed by the history of anti-fusion legislation is that election laws — what they contain, what they omit — are themselves the product of party systems. In the past, legislatures controlled by the major parties outlawed fusion candidacies; today, New York does not do so because governors and many legislators feel dependnet on the minor parties for their continued electoral success.

Finally, the history of anti-fusion legislation demonstrates the effect of legal enactments long after the original inspiration for them has disappeared — that is, demonstrate how institutions themselves, in contrast to the leaders who inspired them, have consequences. Enacted in the early part of the

¹⁴ Although there is plenty of evidence that minor party support on election day would dwindle if a minor party tried to launch a candidate of its own (Scarrow 1983: ch. 3), major party leaders have been unwilling to take a chance of forfeiting the additional votes which minor party support provides. They continue to be impressed by claims that, for example, Richard Nixon would have been elected president in 1960 had it not been for the Liberal votes which Kennedy attracted in New York, or that Ronald Reagan would not have carried New York in 1980 except for the margin provided by the Conservative line on the ballot.

¹⁵ The two conditions identified by Riker are "(1) third parties nationally are continually one of two parties locally, and (2) one party among several is always the Condorcet winner in elections."

century in response to largely rural-based discontent, the anti-fusion laws closed the door to fusion strategies which might have been pursued in later decades, such as the 1930s, when other protest movements emerged. In contrast, in New York the fusion practice became fully institutionalized, an historically accepted component of the rules of the game which has proven resistant to legislative attempts to eliminate it and which the courts, citing the historical tradition, refuse to curtail. Looking at the flora and fauna of Australia, students of evolution observe how plant and animal life there evolved under a distinctive environment, and infer that similar forms would have evolved elsewhere on the planet under similar conditions. We may follow a similar line of reasoning, agreeing with Sartori (1966: 165-76) that contemporary party systems have been shaped by legislative actions taken at particular "strategic points" in a nation's development, and see New York's current multi-party system as an example of a party system which might have evolved in some other states had legislative actions there created a different institutional environment.

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