**Civics 101**

**Episode 91: The Two-Party System**

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**Virginia Prescott:**  [00:00:22] I’m Virginia Prescott and this is Civics 101, the podcast refresher course on the basics of American democracy. Today we're hoping to answer a number of questions about the structure of American government.

**Sherry:**  [00:00:35] Hi my name is Sherry and I live in Dayton Ohio.

**Ronin:** Hi this is Ronin from Brooklyn, New York.

**Sherry:** [00:00:40] How and why did we end up with a two party system?

**Ronin:** Was that by design or did it just happen over time

**Virginia Prescott:** [00:00:48] Civics 101’s Senior Producer Taylor Quimby has been looking into this and he's here to walk us through. Hey Taylor.

**Taylor Quimby:** Hi.

**Virginia Prescott:** So is the two party system spelled out in the Constitution.

**Taylor Quimby:** [00:00:58] It isn't. And I think right off the bat it's worth saying that this two party system that we have in the U.S. is not by design. It is incidental. There are two party systems in some other countries as well. Of course not with Democrats and Republicans as those two parties but places where two parties hold sway. These systems are born of our institutions rather than built into it. And in fact George Washington himself was against political factions as he called them. But you did regardless see the formation of political parties almost right after the founding of the country. So I guess when people say the two party system they're not specifically talking about a system in which Republicans and Democrats dominate political representation or a system in which only two parties are allowed to hold political power. They're really talking about a system in which for a whole bunch of reasons there are only two major parties that dominate at any given time. I think that's really important.

**Virginia Prescott:** [00:01:52] So in a system like this, whatever they're called, this bifurcated system, the parties can change? I mean it's not always the same two parties?

**Taylor Quimby:** [00:02:00] Exactly. They can and they have. And the first two major parties in the U.S. were the Federalists, led by John Adams and Alexander Hamilton early on, and the Democratic Republicans, also called the Jeffersonians, who as you might suspect were led by Thomas Jefferson, and those two parties held sway for about 30 years with the Democratic Republicans winning almost all of those elections. Then things got disrupted and the Whigs, which you might have heard of, and the Democratic Party, became the two major parties for about 25 years in the early to mid 1800's.  And then around the Civil War the Republican Party replaced the weak party. Basically they were very similar very similar platforms except the Whigs didn't want to fight slavery and Republicans were vocal abolitionists. And from that point on you had the two dominant parties that we have now the Democrats on the one hand and Republicans on the other.

**Virginia Prescott**:  I’m just trying to wrap my brain around the fact that they were the Democratic Republicans very closely aligned at one time.

**Taylor Quimby:** So it's very confusing with all the different party names... the Democratic Republicans are different than the Democrats and the Republicans. And I think that sometimes is the, a piece of the confusion when we're talking about parties in general.

**Virginia Prescott:** [00:03:13] But there's nothing legislatively right, you know there's nothing constitutionally that stops a third party from running or from forming?

**Taylor Quimby**: [00:03:18] No, not technically. There are dozens of active third parties in the U.S. You've heard of the Libertarian Party, the Green Party. There's also many that you have probably never heard of, the legal marijuana now party, the Peace and Freedom Party, the Modern Whig Party is actually a thing. So people are taking the old Whig Party into the present sort of. But you will find that even those prominent third parties that I mentioned, they have no representation in Congress.

**Virginia Prescott:** [00:03:42] Well this is a big criticism of American politics, that we are in this two party system and it sort of forces ideas into one or two camps so why do we not have legitimate third party.

**Taylor Quimby:**  [00:03:53] Well that gets to something, and this sounds kind of like a physics class in this moment, called Duverger’s Law, which you know might sound a little stodgy but it's very interesting.

**Virginia Prescott:** Sounds very French.

**Taylor Quimby:** Indeed. It's named after him man in Maurice Duverger. He was a French sociologist who wrote about these sort of party systems in the 50s and 60s, and then later folks came up with this law based off of his work. Now I'm going to simplify this a bit but there are two main pieces to Duverger’s Law and the first one is mechanical. Basically the law says that certain types of voting systems tend to favor the formation of two dominant parties. Those systems are plurality rule, where whoever has the most votes wins it all.

**Virginia Prescott:** [00:04:34] That's theoretically the American system.

**Taylor Quimby:** [00:04:36] Yep, and single member district voting where a single member is elected per district. And again, basically we're saying the two systems that we use in the US. So I spoke to a guy named Hans Noel, a political scientist at Georgetown University and he explained it to me this way.

**Hans Noel:** [00:04:55]  Whichever party can come in first with just 30 percent. They're going to, they're going to of course succeed, are going to send people to a legislature and so forth. And the second, they're the best bet to be the other party. Occasionally they'll come in first some other district. But if you're coming in third or fourth then you're never going to be in a position to come in first and you're not going to get seats at all.

**Taylor Quimby:** [00:05:10] I would sort of summarize the mechanical aspect this way: which is that because we have a winner take all system, let's say in the presidential election is the easiest example, say say it broke down quite a bit differently than it does in politics today. And you had the Republicans getting 40 percent, the Democrats getting about 40 percent, a little less than, a third party getting 20 percent. Even if they were getting 20 percent of the vote in the entirety of the U.S., election after election after election after election they would never have won the office once. So you could have a big swath of people that really do believe in this third party, and yet still the deck is stacked. So that's the mechanical side of things. Now Duverger’s Law also has a psychological element, which is to say that people who notice that the deck is stacked against third parties, they're going to look at that and say well if that's the way it is then that's the way it is. So it's kind of a self-fulfilling prophecy.

**Hans Noel:** [00:06:09] As a voter right you might really really like the third or fourth or fifth most likely to succeed party. But you know that's not going to happen. Meanwhile you probably care a little bit about the first and second place parties and so you should choose which one of those you want to push over the over the line. Meanwhile if you're a politician and you want to get elected, you shouldn't join a third or fourth party, you should be one of the main ones because again that's the most likely way of getting into the Congress or winning the presidency or whatever else is up for grabs.

**Taylor Quimby:** [00:06:36] I actually think that last point is really really important, which is that if you want to be a career politician, as in you want it for a career not just because of ideals, you're not going to run in a third party right because the climb is that much higher.

**Virginia Prescott**: [00:06:53]  And a lot of people think, “Why should I vote for a third party candidate? I'm just throwing away my vote?”

**Taylor Quimby:** [00:06:54] Exactly. So you might find you might find that there are Republicans who actually really like the Libertarian platform or Democrats who really love the Green party, but choose to be Democrats or Republicans because they think their chances of success are better.

**Virginia Prescott:** [00:07:06] So if Duverger’s Law finds that a system like ours favors two major political parties at any given time, then why have there been these big shifts you know from Whigs to Republicans for example, over the years?

**Taylor Quimby:** [00:07:19] Well I think it's worth noting that Duverger’s Law doesn't say that outside parties can't gain enough popularity to displace one of those two dominant parties. It just says that you won't have a political system in which three or more parties share power in Congress in a somewhat equitable way. So you won't have a House of Representatives that's one third Republican one third Democrat and one third say Green Party.

**Hans Noel:**  The way to succeed isn't to be a viable third party. It's to become one of the two viable two parties, displacing one of the existing ones. What's more likely to happen today isn't that you'd see a switch in the parties but that you'd see a big change in what the parties stand for.

**Taylor Quimby:** [00:07:56] And I think this point actually gets us to a piece of the puzzle that Duverger’s Law doesn't really address ,which is the sheer inertia of our current political parties as organizations. The longer they hold power the harder it is for a new party to topple them. Which is why we've had Republicans and Democrats as those two dominant parties for a very long time now. You know there are literally more states than there used to be when we were holding elections in 1700 and thereabouts. It takes a lot of money and organization to simply get on the ballot. Never mind building enough support to win a candidacy. And the Democrats and Republicans they've just been doing a very long time.

**Virginia Prescott:[**00:08:34] Well let's talk about getting on the ballot. You just spoke to a man named Lenny Brody. He is on the steering committee of what is called the Justice Party. Now what did your conversations with him tell you about our two party system and how it works?

**Taylor Quimby:** [00:08:45] Right. So the Justice Party was sort of built around a guy named Rocky Anderson. He's a liberal two term former mayor from Salt Lake City. He was a Democrat but was becoming very unhappy with where the party was in 2011. He's very much against the influence of money in politics and elections, which people lobby that same criticism against Democrats and Republicans. So he calls up a meeting in November of 2011 with some various political organizers. You know people that have been supporting him for a long time he says he wants to run for President under the banner of a new party. Lenny was there and he said only about 10 or 15 people showed up at that initial meeting.

**Lenny Brody:** [00:09:25] It turned out that the grouping was not very experienced in traditional politics. A lot of people who had been active in the movement and people were not aware of what it took. And we started discussing how we should go about starting the party what we would need. You know public relations people legal people and discovered we needed a fair amount of help.

**Taylor Quimby**: [00:09:50] Now now keep in mind that Lenny and all the other people that showed up here, you know, they're not paid employees yet. They've got no funding, they're an entirely volunteer-run organization and all of a sudden they're looking at the logistics of this and it's like trying to start a corporation from the ground up.

**Lenny Brody:** [00:10:08] Every state had different requirements. And it really was a matter of going to the secretary of state in your state and finding out what the requirements were. There are states like Colorado and Louisiana where you can skip the signature gathering and just pay some money and get on the ballot. And then there's states like California where you need tens of thousands of signatures to get on the ballot. And so it really was you know a process of investigation.

**Taylor Quimby**: [00:10:37] Yeah. So you can see how between the time, the money, the effort, and sort of needing to get public support, what an uphill climb this is.

**Virginia Prescott:** [00:10:46] So a lot of hoops to jump through. What ended up happening to Rocky?

**Taylor Quimby:** [00:10:50] Rocky lost in 2012. Although he did wind up in a debate against Jill Stein, Gary Johnston, and Virgil Goode of the Constitution Party. So I think they did do a good job getting some brand building there. But in 2016 the Justice Party actually chose not to put a presidential candidate forward and instead they endorsed Bernie Sanders.

**Virginia Prescott:**  Who was technically an independent as a senator.

**Taylor Quimby:**  But he ran as a Democrat which I think actually again speaks so much to what Hans is talking about, which is that basically they put their hat behind a Democrat because they saw that this Democrat had the power potentially to change the Democratic Party rather than to put forth a third party candidate that they saw maybe had less chance of making as much of an impact as we saw Bernie Sanders making in the last election.

**Virginia Prescott:** [00:11:44] So how about funding for third parties? You've got Democrats and Republican candidates can technically get some federal assistance in running their campaigns. Is there public money available to third party?

**Taylor Quimby:** [00:11:54] There is. But I think that you will find that in this case the policies definitely don't help the third parties. So after the bags of campaign cash days in the 1970s Congress passed a law that basically set up a fund so that primary contenders and presidential candidates who meet a certain threshold of popularity are eligible for public funds for their campaigns. In order for third parties to qualify they have to get 5 percent of the vote in a general election before they can get funding. So often this is the sort of thing we're talking about several campaigns before you could potentially reach this point. And that's a staggering amount of support before money is becoming available. Five percent of the vote is something like 15 million Americans and even our biggest third parties at the moment, the Greens and the libertarians, have not been able to hit that mark thus far.

**Virginia Prescott:** [00:12:44] So have any third parties betting about the hit that mark an end?

**Taylor Quimby:** [00:12:48] You know recent history well the last third party candidate to win more than five percent of the vote was Ross Perot. He secured a little over 8 percent in 1996. His third party was called the Reform Party. And in 2000 because of that 8 percent they did qualify for the public funding but they didn't do well in the election. Regardless I think they had less than 1 percent in 2000. They sort of also struggled I think from the fact that Ross Perot was the figurehead of that 1996 election. And in the years afterwards they suffered from sort of an identity crisis as a party. You had Pat Buchanan becoming the nominee in 2000. Later Ralph Nader was their candidate in 2004 and surprisingly Donald Trump almost ran under the Reform Party in 2000. He set up an exploratory committee.

**Virginia Prescott:** Wow.

**Taylor Quimby:** So I guess it goes to show you that, you know, we're looking at a party that didn't quite know what it was but they know that they didn't like the Democratic Republican two-party system. On the whole a lot of people will just tell you that public election funding, whether you're talking about third parties or in general, is broken. Third parties are too small to qualify. But even the major Democratic and Republican candidates tend to reject that funding because there are spending caps that go with it, and they can raise way more money if they choose to reject the money.

**Virginia Prescott:** [00:14:08] We did we learn that her episode about the FEC. Let's look at examples around the world - what other countries have two party system?

**Taylor Quimby:** [00:14:16] Well there are a few that have systems like ours. Jamaica has a two party system. They have the Jamaica Labour Party and the People's National Party. There aren't a ton that maybe are quite like the US. What I've found is that there's many countries that have a system in which third parties do have a little more representation and some seats in the legislature. But ultimately you'll find that still two parties dominate. Now the UK, the British Parliament is an example where I think a lot of people in the US look and say, well look they have a lot of third parties that are running, third party elections seem more vibrant. It just seems like a better opportunity if you've got an outside party. But they've got 650 members of parliament. The Conservative Party has the majority of 315. The Labor Party has 259 all of the third parties together add up to about 74 seats and the Scottish National Party got the most at 35. So I think if you look at it ultimately you see it's still a very majoritarian system in which two parties dominate.

**Virginia Prescott:** What are some other alternatives then?

**Taylor Quimby:** Well the real alternative is what's called a multi-party system which is a system in which yes it is somewhat equitable between lots of different third parties.  Or I guess it wouldn't be called third parties. I mean they're just they're just third, fourth, fifth...

**Virginia Prescott:** So they share power?

**Taylor Quimby:** [00:15:41]  Yes they come together and they form a coalition government. A true example of this would be the Israeli legislature called the Knesset. So voters in Israel when they go to the polls they don't see any actual candidates on that ballot. What they'll see are just the names of the parties they're not voting for specific people they're just voting for a party.

**Virginia Prescott:** [00:15:52] Oh so it's not personality at all.

**Taylor Quimby**: [00:15:54] No, no, no. So in our case if we had the same system it would just say Republican Party, Democratic Party, Green Party, Libertarian, and you would check off the box next to the party that you wanted to vote for.

**Virginia Prescott:** Just one?

**Taylor Quimby:** Just one. And if you look at the makeup of the Knesset you'll find that there are something like 18 or more parties and not one of them really has many many more members than any other. And so it is a very true multi-party system.

**Virginia Prescott:** [00:16:19] So the ones with the most members however, did they elect the prime minister or the president?

**Taylor Quimby**: [00:16:24] Well you still end up seeing what you would call the majority and minority government, which is to say that all of the separate parties that share a common set of goals band together to become the majority government, and the ones that are opposed to that set of goals band together to become the minority government. And so in some ways you end up seeing something quite similar after the fact.

**Virginia Prescott:** [00:16:49] You spoke with a number of people that we didn't hear from today and I'm wondering if there was any feeling about whether one system is better than the other for truly representative governments?

**Taylor Quimby:** [00:17:00] Well I think if you talk to Lenny, he would say that a multi-party system is going to be more democratic, and he's looking at the current two party system in the U.S. and he sees that there are some real problems with the way things work out. You know it's frustrating to head to the polls see two candidates and maybe feel like neither of them reflect your political views. Feels like a big compromise.

Virginia Prescott: Or as often people say it's the lesser of two evils. You know if they don't like either and they're like, “oh I like this one more or less.”

**Taylor Quimby:** [00:17:29] Right. Right right. But it's exactly. But people aren't happy with the choice they're making it sort of under duress. I think that Hans Noel would say differently. I think he would say that both the multiparty system and the two party system they both have compromises. They're just a different set of compromises and they maybe take place at different times in the process.

**Hans Noel**: In a two party system the governing coalition who are all the different players who get to be in government is determined before the election, in the crafting of the candidates and the nature of the parties. And then you as a voter get to choose between one of two possible coalitions. In a multi-party system the governing coalition is going to be chosen later, at the parliamentary stage. And you as a voter get to say how much one piece of that coalition how much weight that one piece gets in the final system. But you have no control over who they might negotiate with. You might have some idea but you won't have any control. And when they formally put that coalition together it might not be one that you like but I think the real key here is that the end of the day politics leads us to have to make one decision. You have only one leader you can only have one policy.

**Virginia Prescott:** [00:18:41] So how then do people change the system?

**Taylor Quimby:** [00:18:44] Well I think that if there were people that wanted to change the way we have a two party system the only way to do that is to change how we vote which is... I don't know. Seems like a pretty tough challenge as well.

**Virginia Prescott:** [00:18:58] You mean rather than putting a third party candidate forward change the way that we vote?

**Taylor Quimby:** [00:19:03] Yeah I mean putting a third party candidate forward if you have somebody that's really dynamic and you have a platform that's really dynamic and you have a moment in time where I think people are very sick of the democratic and republican institutions. There is an opportunity to shake things up. But as Hans pointed out you're more likely to shift the Democrats or Republicans because they look at that election and say, “Oh my goodness we need to we need to change our platform,” or we need to change our leadership. You actually saw…

**Virginia Prescott:** The Tea Party strategy or the Bernie strategy?

**Taylor Quimby:** If you look at Bernie you know after the primaries he actually got a seat at the table as to who is literally running the Democratic National Convention and by extension influencing one of the most public events in which the Democratic Party is putting forth its platform and sort of messaging its brand to the general public. So I mean I do think there is opportunity for change. But I think it's pretty unlikely that you're going to see the names Democrats and Republicans go anywhere.