

Constitutional quandaries and critical elections

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abstract

In his book on *Liberalism against Populism*, William Riker argued that Lincoln's success in the 1860 election was the culmination of a long progression of strategic attempts by the Whig coalition of commercial interests to defeat the 'Jeffersonian-Jacksonian' Democratic coalition of agrarian populism. Riker adduced Lincoln's success to his 'heresthetic' maneuver to force his competitor, Douglas, in the 1858 Illinois Senate race, to appear anti-slavery, thus splitting the Democratic Party in 1860. Riker also suggested that electoral preferences in 1860 exhibited an underlying 'chaotic' preference cycle. However, these accounts do not explain why the slavery question became paramount in 1858–60. I suggest here that US politics, from 1800 to 1858, can be interpreted in terms of a single land-capital axis that sustained the pre-eminence of an agrarian coalition, first created by Jefferson, of both slave interests and free labor. Lincoln's strategy in 1858–60 was to persuade free labor in the northern and western states that they were threatened by the consequences of the *Dred Scott* decision by the Supreme Court in 1857. Lincoln argued that although the decision applied to the territories, it was indicative of the intention of the South to extend slavery to the free states. Lincoln's speeches in 1858–60 made this threat credible to the North, and initiated a belief cascade among the electorate. For southern voters, the North consequently appeared to be a 'tyrannical' majority, whose creation violated the constitutional logic of Union, and legitimated secession.

I argue that this second 'civil rights dimension, created in the election of 1860, is necessary for understanding critical elections that have occurred at irregular intervals in US political history.

keywords constitutional transformation, belief cascade, contingency

Introduction

Although standard ‘Downsian’ models of elections assume a single dimension of ‘economic’ policy-making, more recent empirical electoral analyses in various postwar polities have demonstrated the relevance of a second ‘social’ dimension.¹ Moreover, transformations in US politics over the past century can be interpreted in terms of a ‘policy space’ whose second dimension involves civil rights.² A later section of this article will mention some of this empirical work in the context of recent US elections from 1964 onward. The claim made here is that this second dimension has been a fundamental feature of US politics since 1860. How this social or civil rights dimension is constructed may indeed change over time, just as the economic dimension will involve varying specific issues at different times.

Charles Beard made the argument, many decades ago, that, from the inception of the USA, at the Founding in 1787–88, the principal dimension relevant to political choice could be identified with *capital*. The debt of the Confederate States meant that the interests of creditors, in a ‘hard-money’ principle, distinguished them from debtors, and their preferred ‘soft money’.³ I shall argue below that, while there was indeed one principal axis of choice, it should be regarded in terms of both land and capital. We may adapt Rogowski’s model of economic factor coalitions, and contrast the relative abundance of land with the relative shortage of capital during the first hundred years of the Republic.⁴ An economic theory of politics then immediately suggests that holders of capital would adopt a protectionist stance, behind a tariff, for example, while holders of land would push for trade expansion. Indeed, the conflict between the Federalists, most notably Alexander Hamilton, and the Republicans, led by Thomas Jefferson, can be readily interpreted from this viewpoint.⁵

The fact that Jefferson won the 1800 election (albeit relatively narrowly) was the result of a successful coalition move to combine the agrarian interests of the country, whether slave-holding or free, against the commercial interests of the northeast. Obviously, though, for this coalition to survive, any conflict of interest between slave-owners and free labor had to be suppressed, or dealt with through a stable compromise. In essence, this compromise was first established by the Northwest Ordinance of July 1787, which specified that slavery could not exist in the territory northwest of the River Ohio. On the other hand, when the remnant of Louisiana was renamed the Missouri Territory in 1812, no mention was made of the Northwest Ordinance or its anti-slavery article.

Given the stability of the compromise from 1800 on, the Jeffersonian Republican Party was pre-eminent over the Federalists, or Whigs, until 1824. In the election of 1828, Andrew Jackson re-established the dominance of the ‘agrarian’ party, the Democracy, and he was followed by the New York Democrat, Martin Van Buren, after the election of 1836. Between 1840 and 1848, the two intersectional parties, Whig and Democrat, were roughly comparable, with neither party clearly associated with either the North or the South.

In 1852, the Whig presidential candidate did very poorly, gaining only 42 electoral college votes out of 296. William Riker has suggested that the Whigs were unwilling or unable to exploit the issue of slavery, while the Republican Party, and its candidate, Fremont, in 1856, was able to use this dimension to recreate the Whig coalition.⁶

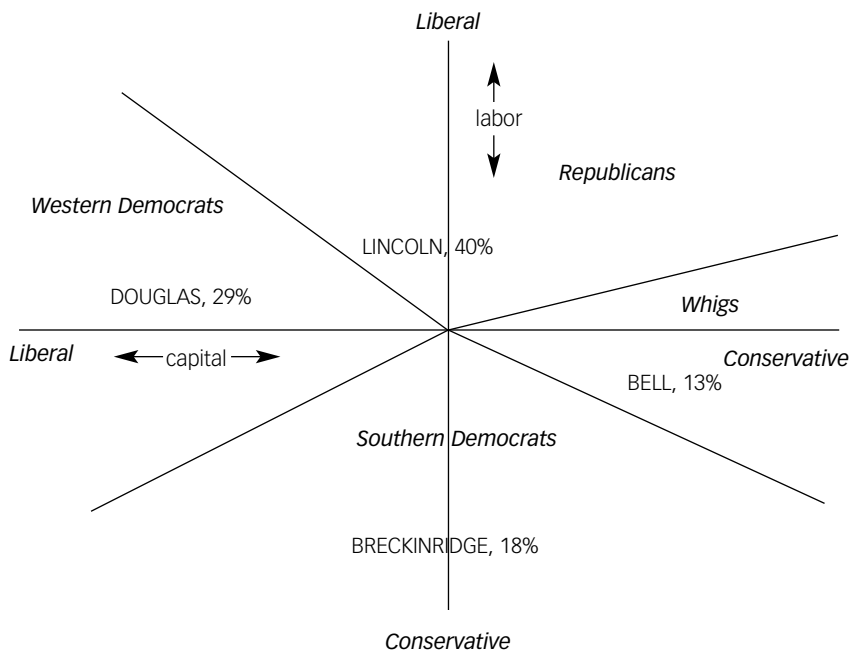
Once the issue of slavery has become relevant in the minds of the voters, then electoral choice in the resulting two-dimensional space becomes very different from voting in a single-dimensional policy space.

I shall argue here that the election of 1860 can only be made intelligible in such a two-dimensional space. Moreover, once embedded in the polity, these two dimensions have persisted, although their interpretation may have varied over time. In the sections that follow, I shall first focus on the critical election of 1860. Then I shall present an argument that the slavery dimension became profoundly relevant to the electorate directly as a consequence of Lincoln's interpretation of the *Dred Scott* decision in the Supreme Court in 1857. Lastly, I shall present some hypotheses about the nature of critical elections, and electoral realignments, that have occurred in US politics over the very long run.

The slavery quandary and the election of 1860

We can use this notion of a two-dimensional 'policy space' to illustrate the probable 'location' of the four presidential candidates in the critical 1860 election (see Figure 1). A 'Whig' candidate such as Bell can be viewed as adopting a conservative position on the right of the economic axis, while a 'western' Democrat such as Stephen Douglas may be positioned on the left, favoring territorial expansion. Figure 1 suggests that Lincoln can be positioned on the social, or civil rights, dimension, at a 'socially liberal' position, in opposition to Breckinridge, the 'socially conservative' candidate for the southern Democrats. What is interesting about this election, of course, is that Lincoln won 60 percent of the northern vote, but only 40 percent of the overall popular vote. Because of the plurality nature of the electoral college, Lincoln won 180 electoral college seats out of 303 (about 60 percent), and thus the presidency. What does have to be explained is why free-soil, liberty or anti-slavery candidates did poorly in elections until 1856. Birney (Liberty) won only 0.3 percent of the popular vote in 1840, and 2.3 percent in 1844. Van Buren (Free Soil) won 10 percent in 1848, and Hale (Free Soil) 5 percent in 1852. In contrast, Fremont for the Republicans took 33 percent of the vote (and 114 electoral college seats, or 38 percent) in 1856. Buchanan, the successful 'southern' Democrat candidate in 1856, won all of the South and border states, as well as 31 percent and 42 percent of the electoral college seats in the northern and western states respectively.⁷ Between the election of 1856 and 1860 something dramatically changed the choices of approximately half a million voters in the northern and western states, and this was sufficient to give Lincoln the presidency.⁸

Figure 1 **A schematic representation of the presidential election of 1860 in a two-dimensional factor space**



As I have indicated, the pattern of party identification seems to have remained more or less constant between about 1836 and 1852. Popular support for Democrats and Whigs oscillated round about 50 percent for both parties, although, of course, the plurality aspect of the electoral college magnified the electoral college gains of the winner. It was only in the 1860 election that Whig popular support fell dramatically below 20 percent.

It should be clear from this discussion that beliefs about the nature of the world, held by a significant proportion of the northern and western electorate, were transformed in the period 1856–60. It is evident from the electoral results that the second dimension did not play a crucial role until 1856. This suggests that individuals’ secondary preferences, prior to 1856, were independent of policy considerations defined on this second dimension. If fundamental preferences remained almost unchanged, then it is plausible that the ‘political’ beliefs of a subset of the northern electorate were transformed (in a correlated fashion) because of a change in their beliefs about the effects of slavery on their lives.

My purpose in this article is to attempt to provide a general account of how such a dramatic ‘belief cascade’ can occur. The key idea is that prior to the cascade, a profound quandary becomes manifest in society. The quandary may,

for example, be due to some incoherence between fundamental norms of the society and events that have occurred, either internal or external to the society. The quandary is characterized by deep uncertainty in the society about the appropriate action to take. This may manifest itself in highly fragmented coalition formation and collapse. Indeed, this phenomenon may be justifiably termed 'political chaos'.⁹ For example, in the run-up to the 1856 election there were frantic efforts by Fillmore supporters to construct a coherent coalition of old Whigs, 'Americans', 'Know-Nothings', and so on against both the Democrat, Buchanan, and Fremont, the candidate for the new Republican party. As Holt points out, the reason why the Whig coalition failed to cohere was highly contingent on unpredictable occurrences.¹⁰ Had the Whig party managed to maintain itself, the conflict over slavery would, in all probability, have resolved itself in some fashion other than civil war.

The more general point, however, is that the issue of slavery became increasingly important between 1856 and 1860. In the South, the consequence was an increasing correlation of voter choice.¹¹ In the northern and western states, voter correlations between elections declined.¹²

In very influential work in the early 1980s, William Riker used chaos theorems to suggest that 'in the long run, nearly anything can happen in politics.'¹³ Indeed, he later suggested, in the context of potential chaos, that artful manipulators could construct choice situations so as to be able to induce outcomes that they desired.¹⁴

However, for these observations by Riker to be justified (on the basis of the chaos theorems), it is necessary for the underlying 'space', on which electoral preferences are defined, to be at least two-dimensional.¹⁵ The fundamental question not addressed by Riker, was how, precisely, this second dimension became profoundly important in 1856–60. It is my contention that the primary quandary over slavery made itself manifest in 1854–56, and this was reflected in the coalitional instability and contingency implicit in the 1856 elections. This quandary was, however, 'resolved' by Lincoln in the period 1858–60. This resolution was the result of the general acceptance in the northern electorate of the fundamental truth of an assertion made by Lincoln, particularly in speeches he gave in New York and New Haven in 1860. In these speeches, Lincoln first traced the understanding of the Founding Fathers as regards the compromise over slavery agreed upon during the Ratification of the Constitution in 1787–88. In particular, he argued for the proposition that the Founders believed that the federal government had the constitutional right to limit slavery. Second, he closely examined the implications of the *Dred Scott* decision made by the Supreme Court in 1857. This decision not only put aside the Missouri Compromise, but declared that the federal government had no right to impede slavery in the territories. Lincoln further intimated that it was but a short step to the assertion that slavery could not be impeded in any state of the Union. It was precisely because Lincoln supported 'a system of Labor . . . under which laborers can strike'¹⁶ that he was opposed to slavery.

Table 1 **The election of 1860**

State	Percentage of Vote				Electoral College			
	LN	BR	BL	DG	LN	BR	BL	DG
Vermont	78.99	0.51	4.60	15.90	5	-	-	-
Maine	63.97	6.49	2.08	27.46	8	-	-	-
Minnesota	63.42	2.15	0.18	34.25	4	-	-	-
Massachusetts	62.97	3.51	13.20	20.32	13	-	-	-
Rhode Island	61.37	0.00	0.00	38.63	4	-	-	-
Michigan	57.18	0.52	0.26	42.04	6	-	-	-
New Hampshire	56.89	3.20	0.67	39.24	5	-	-	-
Connecticut	56.69	18.95	4.26	20.09	6	-	-	-
Wisconsin	56.58	0.58	0.11	42.73	5	-	-	-
Pennsylvania	56.26	37.54	2.68	3.52	27	-	-	-
Iowa	54.87	0.82	1.37	42.94	4	-	-	-
New York	53.71	0.00	0.00	46.29	35	-	-	-
Ohio	52.35	2.58	2.76	42.32	23	-	-	-
Indiana	51.09	4.52	1.95	42.44	13	-	-	-
Illinois	50.68	0.71	1.45	47.16	11	-	-	-
New Jersey	48.15	0.00	0.00	51.85	4	-	-	3
Oregon	36.57	34.74	1.27	27.42	3	-	-	-
California	32.96	28.89	5.74	32.41	4	-	-	-
Delaware	23.75	45.74	24.09	6.38	-	3	-	-
Missouri	10.29	18.92	35.27	35.53	-	-	-	9
Maryland	2.48	45.93	45.14	6.45	-	8	-	-
Virginia	1.15	44.45	44.66	9.74	-	-	15	-
Kentucky	0.93	36.35	45.18	17.54	-	-	12	-
Tennessee	0.00	44.52	47.67	7.81	-	-	12	-
North Carolina	0.00	50.44	46.75	2.81	-	10	-	-
Georgia	0.00	48.78	40.32	10.90	-	10	-	-
Louisiana	0.00	44.90	40.00	15.10	-	6	-	-
Florida	0.00	59.55	37.90	2.56	-	3	-	-
Arkansas	0.00	53.16	37.17	9.67	-	4	-	-
Mississippi	0.00	59.02	36.23	4.75	-	7	-	-
Alabama	0.00	54.04	30.85	15.11	-	9	-	-
Texas	0.00	75.49	24.51	0.00	-	4	-	-
South Carolina*	0.00	0.00	0.00	0.00	-	8	-	-
	39.8	18.2	12.6	29.4	180	72	39	12

BR = Breckinridge; BL = Bell; DG = Douglas; LN = Lincoln
 *Electoral College vote allocated by the state legislature

In saying that Lincoln ‘resolved’ the quandary over slavery in 1860, I do not, of course, mean that the uncertainty over the issue disappeared. What I mean is that, for a very significant proportion of the northern electorate, it became necessary to include the slavery dimension in their consideration of their policy preferences. Individual voter choices then became a function of the preferences induced on this space. My point is that these preferences were the result of individual beliefs associated with the credibility of Lincoln’s argument over the nature of the threat posed to free states by the South. This potential threat was defined by a ‘compound belief’, namely, a belief (or probability r , say) that the threat by the South to impose slavery was indeed intended, and by a cost S , say, which was the individual estimation of the cost associated with the implementation of this threat. The second component of the decision calculus of a voter concerned the ‘expected’ cost of electing Lincoln. Lincoln’s election would surely increase the probability of war (p , say) and involve some expected cost, say C . Although rational choice models are ambiguous on the matter of the rationale for voting, it would seem appropriate to regard an individual’s choice for Lincoln as ‘rational’ only if the estimate of the magnitude of rS was greater than the magnitude of pC . Lincoln gained majorities in 15 northern and western states; these majorities ranged from just over 50 percent in Illinois to 79 percent in Vermont.¹⁷ This is strong evidence that Lincoln did succeed in creating a ‘belief cascade’ in part of the electorate.

In Riker’s view, once the second slavery dimension became part of the utility calculus of voters, then the underlying majoritarian social preference exhibited a ‘social cycle’, with a majority preferring Lincoln to Bell, a majority preferring Bell to Douglas, and a majority preferring Douglas to Lincoln. Overall majorities preferred Bell, Douglas and Lincoln to Breckinridge.¹⁸ Weingast has also developed what he calls the ‘Riker Thesis’ to suggest that, prior to the introduction of the slavery dimension, the ‘Downsian’ intersectional political equilibrium on the single economic dimension benefited southern slave interests. Once the slavery dimension was incorporated, then a ‘sectional’ alternative, the Republican Party, as represented by Lincoln, could win an electoral plurality.¹⁹

However, as I have intimated, the 1860 election was somewhat more complex than Riker and Weingast suggest. The fact that the Democrat Party split into western and southern components (Breckinridge and Douglas) had no effect on the election. Although these two candidates took 48 percent of the popular vote, their support was localized in the South and West. Lincoln’s principal opponent in the northern and western states was Douglas, and Lincoln won almost all of these states, except for Missouri and the split New Jersey. Only in California and Oregon did the Douglas–Breckinridge division give Lincoln a plurality (see Table 1). A combined Breckinridge–Douglas slate could not have changed this result.

Because of the operation of the electoral college, Lincoln’s 40 percent of the popular vote (and 60 percent of the northern vote) translated into a substantial majority of the college (180 seats out of 303). In terms of social choice theory,

Lincoln was certainly the ‘core’ (or unbeaten candidate) in the North and West. Whether Lincoln was at the ‘core’ in the whole electorate turns on the plausibility of Riker’s suggestion that a majority of the whole electorate preferred Douglas to Lincoln. In fact, however, this question is immaterial. The institutional rules of the electoral college defined Lincoln as the ‘core’ of the presidential election.

Riker reasoned, on the basis of the chaos theorems, that the existence of a ‘social cycle’ meant that the outcome could be manipulated in an ‘heresthetical’ fashion. Part of the heresthetic maneuver by Lincoln, in Riker’s view, was to force Stephen Douglas in 1858 to appear to be less ‘pro-slavery’ than the South demanded. Below, I shall argue that Lincoln’s strategy was not to change the perception of Douglas by southern voters, but rather by northern voters. In any case, as I have suggested and as Table 1 makes clear, the split in the Democratic Party, between Douglas and Breckinridge, had no effect on the electoral outcome.

Whether there was indeed a ‘social preference cycle’ in 1860 is somewhat controversial. Mackie has argued that the 1860 election can be interpreted in terms of a single dimension, where ‘latitude is altitude’. That is, the ‘Upper North’ voted for Lincoln, the ‘Lower North’ for Douglas, the ‘Upper South’ for Bell, and the ‘Lower South’ for Breckinridge.²⁰ Table 1 indicates that there is some evidence for this view. However, this interpretation still leaves open the question of why the relevant ideological dimension changed from an economic axis prior to 1856, to the social, or slavery axis, in 1860.

Moreover, using such a Downsian, one-dimensional model, makes it difficult to explain why the most radical candidate on this axis, Lincoln, could win a plurality of the vote. This would seem to be possible only if the centrist candidates were close together, in some sense, splitting the ‘median’ voters. Table 1 suggests that this is highly unlikely. Douglas gained significant vote shares in the North and West, while Bell did well in the South and border states. In fact, those states with a vote of more than 45 percent for Bell were later very divided over the wisdom of secession in 1861. There is some evidence that in these states the secession decision was manipulated by the slave-owning elite.²¹

Although the representation of electoral preferences in a two-dimensional policy space (determined by a land-capital axis and a social, or slavery, axis) makes sense, such a representation does not make explicit why voter preferences changed so dramatically in the period 1858–60. As I have intimated above, my view is that voter ‘preferences’ were transformed because voter beliefs changed. Here beliefs are identified with estimated subjective probabilities held by individuals about the likely intentions of others in the society. Changing beliefs can induce changes in secondary political preferences, and thus, in political choice. Indeed, such changes may also transform the fundamental moral preferences of the members of the society. I shall argue here that Lincoln’s strategy was first of all to change the ‘core belief’ in the northern and western electorate about the acceptability of the slavery compromise by creating an ancillary ‘core belief’ in the reality of the southern threat. This, in turn, induced an additional belief that

civil war was to be preferred to acquiescence to the threat from the South. At the same time, the generation of this core belief in the northern electorate was matched by a belief in the South that the North had become a tyrannical permanent majority. This seemingly violated one of the logical foundations of Union, as formulated by the Founders in 1787. Thus, secession became a constitutional possibility.²²

A further point should be made about this ‘core belief’ and the institution within which the electoral choice was made. Had the electoral choice been made in the different institutional context of proportional representation within a parliamentary setting, the 40 percent popular vote for Lincoln need not have led to his presidency. In contrast, a coalitional government involving western and southern Democrats, and Whigs, would, in all probability, have created some compromise over slavery. Thus the plurality nature of the electoral institution sharpened the intensity of the policy disagreement between northern and southern electorates.²³ What I shall call the ‘correlation structure’ of electoral choice clearly took on a new form in 1860, and in large degree persisted until 1896.²⁴ The key feature of the 1860 election was that voter choice *within* both the northern and southern regions became more homogeneous, while *across* the regions it became more heterogeneous. In other words, beliefs in the North about the southern threat became highly correlated. Similarly, beliefs in the South over the threat presented by Lincoln also became correlated.²⁵

More broadly, I suggest that the *Dred Scott* decision, and Lincoln’s interpretation of its possible implication, was a *necessary* cause of the Civil War.²⁶ To pursue the argument, the next two sections outline the principal features of the *Dred Scott* decision and Lincoln’s interpretation of it during the Illinois election for the US Senate in 1858.

Dred Scott and the Supreme Court, 1857

Dred Scott was born into slavery about 1800 in Virginia, and in 1830 resided, as property of the Blow family, in St. Louis. After the deaths in the early 1830s of Elizabeth and Peter Blow, Scott was sold to Dr John Emerson. Following his appointment as assistant surgeon in the Army of the United States, Emerson took Scott to the State of Illinois in 1833, and then to Fort Snelling in Wisconsin Territory. In 1836, Dred Scott married Harriet Robinson at Fort Snelling, in a civil ceremony. Slave states did not recognize slave marriages, because slaves were not deemed to have the right to make contracts. Emerson left the Scotts in Fort Snelling while he worked in Fort Jesup, Louisiana, where he married Eliza Sanford in 1838. Emerson died in Davenport, Iowa, in 1843, leaving Mrs Emerson in St. Louis in full control of his property. The Scotts, who had returned to St. Louis about 1840, attempted to buy their freedom in 1846. When Mrs Emerson refused, the Scotts sued for their freedom. The basis for the suit was that they had lived in the ‘free’ state of Illinois, and in the Wisconsin Territory. More

precisely, the State of Illinois had been admitted to the Union in 1818, with a constitution that prohibited slavery. That constitution was still in effect when Dred Scott lived there in 1833–36. Moreover, Fort Snelling was on the west bank of the Mississippi River, north of the line 36° 31'. As part of the Missouri Compromise of 1820, slavery was forever prohibited in that part of the Louisiana cession lying north of the line.

The case of *Dred Scott v. Irene Emerson* began on 6 April 1846 when petitions were filed in the Missouri Circuit Court in St. Louis. As Fehrenbacher notes, ‘the central question raised in the suit — whether extended residence on free soil liberated a slave — was not an issue in American politics and had already been tested many times in the Missouri courts with consistent results.’²⁷ The point here was that since slavery was banned in any territory covered by the Northwest Ordinance of 1787, then residence by a slave in such territory implied freedom. Transit by a slave, with the slave’s master, did not, however, guarantee freedom.²⁸ However, on the technicality that Scott’s attorney, Samuel Bay, had not proved that it was Mrs Emerson who held Scott in slavery, the jury found for Mrs Emerson. Bay moved for a new trial, and Mrs Emerson relinquished ownership of the Scotts, leaving them in the custody of the sheriff of St. Louis County.

The case was called in January 1850, and eventually the judge ordered that Dred Scott recover his freedom. Mrs Emerson’s attorneys then filed a bill of exceptions, setting in motion the appeal procedure to the Missouri Supreme Court. In the new brief presented to the Court, the question of the applicability of the Northwest Ordinance and the Missouri Compromise was now raised for the first time. The background to the case was the appeal in May 1849 by Thomas Hart Benton, one of the US Senators for Missouri, to the people of the state to stand by him against the Missouri Legislature. The Legislature had passed the ‘Jackson resolutions’, supporting Calhoun’s pro-slavery resolutions in the US Senate, and instructing Benton to conform to them. Two of the three Missouri Supreme Court justices were Benton’s political and personal enemies.

The Missouri Supreme Court declared that the judgment of the lower court be reversed. The circuit court in St. Louis took up the case of *Dred Scott v. John F.A. Sanford* in April 1854.²⁹ In his plea of abatement, Sanford argued that Scott was neither a citizen of Missouri nor even of the United States, but a slave. The Court held, however, that every person born in the USA, and capable of holding property, was a citizen having the right to sue in US courts. If Scott was free, he had the right to sue. Thus the trial had to go forward to determine if Scott was indeed free. Scott’s lawyer requested the court to instruct the jury that Scott was free by virtue of the Ordinance of 1787, and the Missouri Compromise. The judge refused, and explained to the jury that removal to Illinois only suspended slavery temporarily. The jury found in favor of Sanford.

That month, President Franklin Pierce, a Democrat, signed into law the Kansas-Nebraska Act, repealing the slavery prohibition of the Missouri Compromise.

Montgomery Blair, attorney for Scott, filed a brief in December 1854 to the US Supreme Court, arguing the jurisdictional question that Scott was indeed a citizen of the USA. For the first time, the constitutionality of the Missouri Compromise was considered. Sanford's attorneys argued that Congress did not have the authority to proscribe slavery in the territories, and thus Scott had *never* been free.³⁰ The court unanimously ordered the case to be re-argued, and considered the case again in December 1856. In the meantime, the Democrat, James Buchanan, won the presidential election of November 1856.³¹ In his last State of the Union address in December 1856, the outgoing Democrat President, Pierce, asserted that 'Congress does not possess Constitutional power to impose restrictions upon any present or future State of the Union.' Pierce referred here to restrictions on slavery such as those implied by the Missouri Compromise.

Blair's brief for Scott, filed in December 1856, argued for the constitutionality of the Missouri Compromise, citing 13 Acts of Congress legislating over slavery in the territories, and 14 judicial decisions which recognized this right of Congress. If the argument offered by Sanford's attorneys were accepted, then state authority would supercede federal authority, subjecting Congress to state legislatures.

After the arguments, Ehrlich suggests that the five justices from the slave states decided that the Court could peacefully settle the slavery issue by declaring the Missouri Compromise unconstitutional.³² Buchanan, in his inaugural address, noted that 'a difference of opinion had arisen in regard to the point of time when the people of a Territory shall decide this question [of slavery] for themselves'. This 'is a judicial question, which legitimately belongs to the Supreme Court of the United States, before whom it is now pending.'³³

The Opinion of the Court of 6 March 1857 was that people of Scott's race were not intended to be granted rights and benefits in the Constitution. Thus Scott was not a citizen of Missouri and not entitled to sue in federal court. Even so, the Court evaluated the case on its merits, and concluded that Congress could neither prohibit slavery nor pass any law depriving a citizen of property. Consequently, despite Scott's residence in Illinois and the Wisconsin Territory, he had never been free.³⁴

The Illinois election of 1858

Lincoln was nominated Republican candidate for Senator from Illinois on 16 June 1858, and in his acceptance speech declared:

I believe this government cannot endure, permanently, half *slave* and half free. I do not expect the Union to be *dissolved* — I do not expect the house to *fall* — but I *do* expect it will cease to be divided. It will become *all* one thing, or *all* the other. Either the opponents of slavery, will arrest the further spread of it, and place it where public mind shall rest in the belief that it is in [the] course of ultimate extinction; or its *advocates* will

push it forward, till it shall become alike lawful in all the States, old as well as *new* — *North* as well as *South*.³⁵

Lincoln had been nominated unanimously, partly because of his brilliant speech in the Illinois State House in Springfield, on 26 June 1857, against the *Dred Scott* decision. Lincoln's point at Springfield was that if the decision had been made in accordance with legal expectation and on historical facts, then it would be 'factious, nay, even revolutionary, to not acquiesce in it as a precedent.'³⁶ However:

the *Dred Scott* decision was, in part, based on historical facts which were not really true . . . [In particular,] Chief Justice Taney, in delivering the opinion of the majority of the court insists at great length that negroes were no part of the people who made, or for whom was made, the Declaration of Independence, or the Constitution of the United States . . . [But] Judge Curtis, in his dissenting opinion shows that in five of the then thirteen states . . . free negroes were voters.³⁷

For these reasons Lincoln asserted that the *Dred Scott* decision was erroneous, and he would do what he could to overrule it.³⁸

Stephen Douglas, the Democrat candidate for US Senator, denounced Lincoln's 'crusade' against the Supreme Court in a speech made on 9 July 1858, in Chicago. Indeed, in the debates between Douglas and Lincoln in Illinois between 21 August and 15 October 1858, the issue of the *Dred Scott* decision of the Supreme Court became prominent.

As I noted earlier, Riker suggested that Lincoln set a trap for Douglas in their second debate on 27 August, at Freeport.³⁹ Lincoln's second question to Douglas was:

Can the people of a United States Territory, in any lawful way, against the wishes of any citizen of the United States, exclude slavery from its limits prior to the formation of a State Constitution?⁴⁰

Were Douglas to answer no to this 'then he would appear to capitulate entirely to the southern wing of the party and alienate free-soil Illinois Democrats.'⁴¹ By answering yes, Douglas improved his chances in the Illinois Senate election, but, by angering southerners, he decreased the likelihood of winning the 1860 presidential election.

In fact Douglas answered an emphatic yes. The *Chicago Daily Press and Tribune* was quick to point out that the answer that Douglas gave to this question, and his apparent complete acceptance of the Supreme Court decision on *Dred Scott*, contradicted one another. The *Tribune* argued that the Court's decision implied that slavery could not be excluded from the territories.⁴² Douglas tried to overcome this obvious contradiction in his answer by asserting that

slavery cannot exist a day or an hour anywhere, unless it is supported by local police regulations . . . Hence, no matter what the decision of the Supreme Court may be on the abstract question, still the right of the people to make a slave territory or a free territory is perfect and complete under the Nebraska bill.⁴³

However, the *Tribune* quoted the Supreme Court's assertion that 'no tribunal acting under the authority of the United States, whether Legislative, Executive or Judicial, has a right to deny the benefits of the provisions or guarantees which have been provided for the protection of private property against the encroachments of the government'. Since slaves are property, 'the local legislature has not the right to deny the provisions and is required to furnish the necessary police regulations'⁴⁴ to maintain slavery.

In fact, this attempt by Douglas to effect a 'compromise' by appealing to southern interests with his acceptance of *Dred Scott*, and to use 'popular sovereignty' to appeal to Illinois voters, had already failed. The *Tribune* had included an article on 22 August 1858, from the *Mobile Register*, an influential southern journal. The *Register* noted that Douglas was

in a position to offer the Democrat party the alternative of a probable success in the next presidential campaign if [the South] accepted the modified platform he was prepared for them or of certain defeat and permanent destruction as a party if they do not. There is ruin to them as a national party in either horn of the dilemma . . . but there is demoralization as well as disaster in one.⁴⁵

If we read this as a denunciation by the South of Douglas's attempt at compromise, then it is clear that he had no alternative but to pursue the popular sovereignty argument in his attempt to win Illinois.

In the November election, Douglas was returned as the US Senator by a joint vote of the Illinois House (comprising 40 Democrats and 35 Republicans) and Senate (14 Democrats and 11 Republicans). There was no popular vote for US Senator; the closest to such a vote was for the State Treasurer, where the tallies were approximately 125,400 (Republican), 121,600 (Douglas, Democrat) and 5000 (Buchanan, Democrat).⁴⁶ The pro-Lincoln *Chicago Tribune* declared that Lincoln should have won the race, but was cheated by out-of-date districting. There was some truth to this allegation of gerrymandering. The Republicans took 49.9 percent of the popular vote for House representatives, but their 35 House seats gave them only 46.6 percent of the total, while the Democrats, with 48.5 percent, took 53.3 percent of the total. In the Senate, 13 members were holdovers from the previous election and split 8 to 5 for Democrat and Republican, respectively, while the new members split 6 to 6 for the two parties. Even had the House apportionment been exact, the Republicans would have been in a slight minority (49 to 51).⁴⁷

What is clear from the election result is that close to half the voters (principally from southern Illinois) accepted Douglas's compromise over popular sovereignty. It seems unlikely, however, that Lincoln's second question was merely a ploy to split the Democrat coalition in the future presidential election.

Lincoln's biographer, Donald, observes that Lincoln was bitterly disappointed, but not surprised by the election result, and quotes him as saying:

I am glad I made the last race. It gave me a hearing on the great and desirable questions of the age, which I could have had in no other way; and though I now sink out of view, and shall be forgotten, I believe I have made some marks which will tell for the cause of liberty long after I am gone.⁴⁸

Although Donald and Riker both emphasize the importance of Lincoln's second question at Freeport (because it related directly to the *Dred Scott* decision), it was Lincoln's third question to Douglas that raised the question of the threat posed by the South to the free states of the North and West:

If the Supreme Court of the United States shall decree that States cannot exclude slavery from their limits, are you in favor of acquiescing in adopting, and following such decision as a rule of political action?⁴⁹

In the later fifth debate at Galesburg, Illinois, on 7 October 1858, Lincoln spoke after Douglas, observing that Douglas had essentially ignored this question, in making the assertion that the Supreme Court could never make such a decision. Lincoln went on to say, 'I did not propound [this question] without some reflection, and I wish now to address some remarks upon it.' He then quoted from the Constitution that it 'shall be the supreme law of the land, and the Judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding'. Lincoln then noted that the *Dred Scott* decision rested on the proposition that '*the right of property in a slave is distinctly and expressly affirmed in the Constitution*'. From this syllogism, Lincoln deduced that 'nothing in the Constitution or laws of any State can destroy the right of property in a slave.'⁵⁰ But, argued Lincoln, this is false:

I believe the entire records of the world, from the date of the Declaration of Independence up to within three years ago, may be searched in vain for one single affirmation from one single man, that the negro was not included in the Declaration of Independence.⁵¹

The contradiction lay in the falsehood of the premise concerning slavery. As Lincoln said, 'I believe that the right of property in a slave *is not* distinctly and expressly affirmed in the Constitution, and Judge Douglas thinks it *is*.'⁵²

Earlier, on 26 June 1857, in Springfield, Illinois, Lincoln had said that:

if resistance to the decisions of the Supreme Court . . . in [the matter of] the *Dred Scott* case . . . be forced upon the country as a political issue, it will become a distinct and political issue between the friends and enemies of the Constitution.⁵³

Lincoln was to return to this moral contradiction in his speeches in 1860, just before the presidential election.

Lincoln in New York and New Haven in 1860

In 1859, there was, of course, no guarantee that Lincoln would be nominated presidential candidate by the Republican Party. The obvious candidate was, in fact, the abolitionist William H. Seward, originally of Massachusetts. The strategic choice for the party would depend on whether Douglas was nominated by a unified Democratic Party. However, the Douglas–Lincoln debates had aroused strong interest in the country, and Lincoln responded to the resulting controversy, by contributing autobiographical information (December 1859) to a journalist (J.W. Fell) who was interested in writing about Lincoln’s life. Lincoln also prepared a version of the debates for publication. Moreover, he replied quickly to an invitation to lecture at the Cooper Institute, New York, in February 1860. Donald suggests that Lincoln’s two-week visit to the East Coast in early 1860 was necessary if he was to be able to gain support from potential Republicans who would otherwise vote for Seward.⁵⁴ In his two speeches, he addressed two issues: the first was the relevance of the Constitution for how slavery was to be judged; the second was the significance of the *Dred Scott* decision for free labor.

The first aspect of the constitutional issue was the proposition that the Constitution forbade the federal government from controlling slavery. Lincoln asserted that Douglas agreed with this proposition (because of the principle of ‘popular sovereignty’).

By considering the voting of Congress in 1784, 1787 and 1789 over the Northwest Territory, Lincoln inferred that 17 of the original 39 Founding Fathers (the signers of the 1787 Constitution) judged this first proposition false. Moreover, in Acts of 1798 (Mississippi) and 1804 (Louisiana), Congress forbade the importation of slaves from foreign ports into the territories, and insisted that no slave at all be imported, except by the owner for his own use as settler. In all, Lincoln judged that at least 23 of the 39 Founders approved of control of slavery in some way.⁵⁵

Lincoln then went on to argue that the Supreme Court based its *Dred Scott* decision on the fifth amendment (that ‘no person shall . . . be deprived of life, liberty, or property, without due process of law’), while Douglas’s ‘popular sovereignty’ was based on the tenth (‘powers not delegated to the United States by the Constitution . . . are reserved to the States respectively or to the people’). The two amendments could not be in logical contradiction to the legal control of slavery by the federal government, since they were debated and approved by Congress (and ratified by the states) within the same period (1789–92) that Congress did indeed pass legislation to control slavery.

The second aspect of the constitutional issue was the understanding of the Founding Fathers as to the *essential* nature of slavery. Was it to be seen as a permanent feature of the society, or as a temporary compromise between economic interests? Lincoln says, ‘When men are framing a supreme law and chart of government . . . they use language as short and direct and plain as can be found

. . . But the Constitution alludes to Slavery three times without mentioning it once.⁵⁶ First:

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person. (Article I, Section 9)

As Lincoln observes, ‘They speak of the “immigration of persons”, and mean the importation of slaves, but do not say so.’

Second:

Representatives and direct Taxes shall be apportioned among the several States . . . according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other persons. . . . (Article I, Section 2)

Lincoln pointed out that ‘all other persons’ clearly means slaves.

Third:

No Person held to Service or Labour in one State, under the laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due. (Article IV, Section 2)

From these ambiguities in the Constitution, Lincoln inferred that:

Only one reason is possible, and that is supplied us by one of the framers of the Constitution . . . they expected and desired that the system would come to an end, and meant that when it did, the Constitution should not show that there ever had been a slave in this good free country of ours!⁵⁷

Thus:

In forming the Constitution they found the slave trade existing; capital invested in it; fields depending upon it for labor; and the whole system resting upon the importation of slave-labor. They therefore did not prohibit the slave trade at once, but they gave the power to prohibit it after twenty years.

Moreover, ‘they prohibited the spread of Slavery into the Territories . . . they considered that the thing was wrong.’⁵⁸

By his interpretation of the meaning of the Constitution as reflected in the action and words of the Founders, Lincoln could justifiably demand that slavery be marked, just as the Founding Fathers marked it, as an ‘evil not to be extended, but to be tolerated only because of and so far as its actual presence among us makes that toleration and protection a necessity.’ Its ‘necessity’ lies solely in the ‘magnitude of the subject! One sixth of our population . . . two thousand million dollars.’

The intent of the *Dred Scott* decision clearly was to extend slavery to the entire United States. Lincoln does not fully spell out the consequences of the decision. However, in his speech, at New Haven he says:

I am glad to see that a system of labor prevails in New England under which laborers CAN strike when they want to . . . One of the reasons why I am opposed to Slavery is just here.⁵⁹

It would seem obvious that, by this remark, Lincoln implied that, under the *Dred Scott* decision slaves could be legitimately imported into northern free states to work in industrial manufacturing.⁶⁰ I contend that Lincoln, in these two speeches, initiated a 'belief cascade' in the North. Slavery was an evil that violated the fundamental beliefs of the Founders as these were embodied in the Constitution. Moreover, the economic interest of the South, in extending slavery (via the mechanism of the *Dred Scott* decision), threatened the way of life of free labor in the North.

The presidential election of 1860

As I have observed, the Republican choice for presidential candidate in 1860 depended in large degree on the Democrats' choice. If the Democratic coalition persisted, and chose Stephen Douglas, then the strategic choice for the Republicans would be a candidate equally popular in the West. Lincoln, of Illinois, would be a likely contender. If the Democrats chose a southerner, such as John Breckinridge of Kentucky (the incumbent vice-president), then an eastern abolitionist like Seward (Senator, and former governor of New York) would be a strategic choice. In his speeches in the East, Lincoln was careful to appear in a somewhat moderate position, not abolitionist, but demanding that the status quo, as implicit in the constitution, be retained, and that the southern pro-slavery advances be halted. One of Lincoln's letters in 1860 suggests that he did not agree with Seward's 'higher-law' view of slavery. Lincoln felt clearly that Seward's intransigence frightened moderate Republicans.

The Democratic National Convention, meeting in April 1860, had been unable to choose between Douglas and Breckinridge, and adjourned. In fact, the failure to select a single candidate resulted from the southern delegates insisting that a two-thirds rule be used. Following the lead of Jefferson Davis, a number of pro-slavery delegates (with 37.5 votes) left the convention, making it extremely difficult for any candidate to obtain a two-thirds majority. In the first round, Douglas took 145.5 votes out of the remaining 252: a majority of the whole, but not two-thirds of even the remainder. Even after 55 ballots, delegates from California, Tennessee, Missouri, Virginia, and so on, still refused to vote for Douglas. The uncertainty over its choice, when the Democracy was to reconvene in separate conventions in June, meant that neither Lincoln nor Seward were advantaged. On 10 May, the National Union Party (the rump of the Whigs) nomi-

nated John Bell (of Tennessee), with Edward Everett (of Massachusetts) as the vice-presidential candidate. Since this combination would do well against Seward, many delegates to the Republican convention in Chicago in late May hoped for a candidate who (unlike Seward) would be popular in the West (particularly Illinois, Ohio, and Indiana). Donald gives a fairly detailed account of the jockeying that led to the first-round ballot of 173.5 for Seward, 102 for Lincoln, 50.5 for Cameron (of Pennsylvania), 49 for Chase (Governor of Ohio), and 48 for Bates (a Whig from Missouri).⁶¹ The other votes were scattered among candidates such as Fremont (the defeated Republican candidate of 1856). Since Seward had not obtained the required majority of 233, a second ballot was held giving Seward 184.5 and Lincoln 181. On the third ballot Lincoln took 231.5, which increased to 235.5 when some Ohio delegates switched. The delegates moved to the bandwagon, first giving Lincoln 364 out of 466, and then nominating him unanimously. To balance the ticket, Hannibal Hamlin of Maine (a former Democrat) was selected as vice-presidential nominee.

The Democratic Party division in June, between Douglas and Breckinridge, meant that the Lincoln–Hamlin combination would do well in the North. Indeed, the October state election victories of the Republican Party in Pennsylvania, Ohio, and Indiana suggested that Lincoln had a good chance of winning the presidential election in November.

This election must be the most important in US history. As I have noted above, Lincoln gained a majority (and thus all electoral college votes) in every northern free state (except for the split in New Jersey between him and Douglas) as well as pluralities (of more than 30 percent) in Oregon and California. Obviously, Lincoln was helped by the split in preferences in the North between Bell and Douglas supporters. Douglas only took a plurality in Missouri. Bell won a plurality in Virginia, Tennessee and Kentucky, and Breckinridge won in the rest of the South.

Riker saw Lincoln's success in this election as the culmination of a long progression of strategic attempts by the Whig coalition of commercial interests to defeat the larger 'Jeffersonian–Jacksonian' Democratic coalition of agrarian populism.⁶² While there is some validity in this perspective, I believe it puts too much weight on the *preferences* of the political actors in this drama. In contrast, I suggest that the crucial feature of the election was the way in which Lincoln triggered changes in the beliefs of a large portion of the electorate about the meaning of the US Constitution, and in their beliefs about the significance of the *Dred Scott* decision for free labor.

As Riker inferred, Lincoln's second question to Douglas at Freeport in 1858, and Douglas's response, may well have contributed to the split in the Democratic Party. However, as I have noted, this split by itself was insufficient to win Lincoln the presidency. Lincoln had first to gain the nomination of his party by defeating Seward, even though Seward had political support in the northeast. However, in a speech by Seward in 1858, he had referred to 'an irrepressible

conflict between opposing and enduring forces' that meant 'that the United States must and will, sooner or later, become either entirely a slave-holding nation, or entirely a free-labor nation.'⁶³ As I mentioned above, the implication in this speech of the inevitability of conflict probably led the Republican delegates to view Seward with alarm.

In the run-up to the presidential election, the analysis by Lincoln of the Constitution and of *Dred Scott* must have been in the minds of many northern voters. Such swing voters would have cause to reject the Democrats, and Douglas's 'popular sovereignty' position, for two reasons. First, they would be persuaded by Lincoln's arguments that 'popular sovereignty' entailed an extension of slavery that was constitutionally illegitimate. Second, this extension threatened the livelihood of free labor. However, Lincoln had been careful to distinguish himself from Seward, and not to imply that conflict was inevitable. In the New York speech, he said:

It is exceedingly desirable that all parts of this great Confederacy shall be at peace, and in harmony, one with another . . . Even though the southern people will not so much as listen to us, let us calmly consider their demands, and yield to them, if, in our deliberate view of our duty, we possibly can.⁶⁴

Even after the presidential election, but before the counting of the electoral college votes (to take place in February 1861), Lincoln was careful over possible misinterpretation of his intentions. For a speech drafted for Lyman Trumbull, given in Springfield, Illinois, on 20 November 1860, Lincoln wrote:

I have labored in, and for, the Republican organization with entire confidence that whenever it shall be in power, each and all of the States will be left in as complete control of their own affairs respectively, and at as perfect liberty to choose, and employ, their own means of protecting property . . . as they have ever been under any administration.⁶⁵

Donald suggests that Lincoln may have viewed southern 'secessionist' responses to his election as a 'bluff'. However, the South Carolina Legislature unanimously decided on 10 November 1860, to authorize a state convention to consider future relations between that State and the Union. Perhaps in response, Lyman Trumbull concluded his speech on 20 November with the sentence, 'I am rather glad of this military preparation in the South. It will enable the people the more easily to suppress any uprising there, which their misrepresentation of purposes may have encouraged'.

Between November 1860 and Lincoln's inaugural speech of 4 March 1861, the Union fragmented, with secession by South Carolina on 20 December 1860, followed by Florida, Mississippi, Alabama, Georgia and Louisiana. These secessions may have been triggered by Lincoln's offer to Seward of the position of Secretary of State (on 8 December 1860) and Seward's acceptance (on 28 December). However, in his various speeches before the inauguration, Lincoln's

words were calm and measured, referring to the ‘devotion to the Union, the Constitution and the liberties of the people.’⁶⁶

In the inaugural address, Lincoln’s words became magisterial:

The Union is much older than the Constitution. It was formed, in fact, by the Articles of Confederation in 1774. It was matured and continued by the Declaration of Independence in 1776 . . . It follows from these views that no State, upon its own mere motion, can lawfully get out of the Union — that *resolves* and *ordinances* to that effect are legally void; and that acts of violence, within any State or States, against the authority of the United States, are insurrectionary or revolutionary, according to the circumstances.

I therefore consider that, in view of the Constitution and the laws, the Union is unbroken[.]⁶⁷

In *your* hands, my dissatisfied fellow countrymen, and not in *mine*, is the momentous issue of civil war . . . *You* have no oath registered in Heaven to destroy the government while *I* shall have the most solemn one to ‘preserve, protect and defend’ it.⁶⁸

Policy, ideology and critical elections in US politics

The previous sections here have focused on the issue of slavery in the period 1856–60 and have argued that it was the threat implied by the *Dred Scott* decision, and Lincoln’s interpretation of it, that ‘generated’ the second dimension in US politics. I have made no effort to be precise over the nature of the first ‘economic’ dimension in the schematic representation of Figure 1. Although I used the expression ‘policy space’ to refer to this Figure, it would be more accurate to follow Hinich and Munger and to regard these policy dimensions as ideological.⁶⁹ Although Hinich and Munger emphasize the uni-dimensionality of ideology, we can conceive of these two distinct ideological dimensions in Figure 1 to encapsulate many policy features. Just as the slavery ‘ideology’ became sharply defined in 1858–60, through an internal ‘threat’, so did the first ideological dimension become pronounced in the transition from Confederation to Union in 1784–88, and then during the Federalist–Republican controversies in the 1790s.⁷⁰

In a companion article, I have argued that the threat posed by Spain in 1784 provided the motivation for the members of the Constitutional Congress to consider Union. For them, the *political* cost of Union was the real possibility of factional chaos. Madison’s argument in *Federalist X* was designed to persuade the delegates to the ratifying conventions, that the nature of the extended republic mitigated the likelihood of chaos.⁷¹ Using the framework presented in this article, whether or not an individual ‘preferred’ the status quo (the Articles of Confederation), or a strong federal Union, would depend on estimated probabilities of the implementation of the threat and of political chaos, together with the costs of each of these possibilities. In studying the ratification process, it is

possible to use the distribution of such secondary induced ‘political preferences’ on the anti-federalist/federalist dimension. Such a representation is consistent with the view that contrasts ‘state rights’ against ‘federalism’.⁷²

However, these secondary preferences also incorporated ‘interests’ defined in terms of *capital*. In particular, the opposition between anti-federalists and federalists can be interpreted as a disagreement over ‘hard’ or ‘soft’ money. As Beard argued at length, the Confederation had been obliged to issue paper money through its lack of specie.⁷³ The interests of creditors and debtors, over the issue of hard or soft money, are obviously at odds. Protection of property and of the rights of creditors fairly clearly concerned the Federalists. In contrast, ‘populism’ and ‘state rights’ had much to do with the availability of credit, and therefore, with soft money. Once the threat of Spain lessened in the 1790s, the necessity of a protective Union also became weaker. Ideological conflict between Federalists, or Whigs, and Jefferson Republicans over the bank, and other fiscal institutions of the state, naturally became more pronounced.⁷⁴

If we interpret this first ideological dimension in terms of extreme ‘populism’ on the left and a ‘hard money’ economic stance on the right, then much of the political activity of the period 1800–60 can be made intelligible. Although many of the policy disagreements were highly complex, on the whole ‘Jeffersonian’ Republicans, or ‘Jacksonian’ Democrats, were positioned on the left of this dimension, and Whigs on the right.⁷⁵

Prior to 1857, the position of Stephen Douglas, and his principle of ‘popular sovereignty’, seemed to make perfect sense. However, the issue of populism, or ‘state rights’, had become confused because of the interpretation that ‘state rights’ permitted southern states to maintain their peculiar institution. It was the nature of the distinctiveness of the ‘slave’ and ‘economic’ ideologies that led to the incoherence of the Supreme Court decision over *Dred Scott*. As I have attempted to show in the body of this article, Lincoln could exploit this incoherence to expose Douglas’s position, and make credible the southern threat to the North. The election of 1860 thus brought the second ideological dimension of civil rights into focus.

The fact that there have been two distinct ideological cleavages in US politics can be used to clarify the relative notions of the two principal parties since that time. Following the Civil War, it was natural for the Republican Party to move to a ‘hard money’ position on the right of the economic ideological axis. The Democrat Party, under William Jennings Bryan, moved simultaneously to a more populist position on the left of this axis in 1896.⁷⁶ However, it was not until 1928–32 that the Democrat Party could include both populist agrarian interests and urban social liberals.⁷⁷

The move by L.B. Johnson in the late 1960s to create the Great Society, in turn made it possible for the Republican Party to begin to attract social conservatives, who had, in the past, traditionally chosen the Democrat Party. From this perspective, the positions of both Democrat and Republican presidential candidates

by 1992 had become almost identical on the economic ideology dimension. Populism, in the form of soft money, was no longer a political issue. As in 1860, the political positions of the two parties in the 1990s were more clearly differentiated on the social ideological axis.

From this perspective, the elections of 1896, 1932, 1964, and possibly 1980 were all 'critical', because they involved movements by the parties in response to social and economic quandaries.⁷⁸

In the previous sections, I have presented the view that the election of 1860 was the result of a transformation of beliefs in the electorate. This transformation led eventually to war, and to a transformation in the constitution, the institutional apparatus adopted by the society. If I am correct in my view of the elections of 1896, 1932, and 1964, they too were preceded by transformations in electoral beliefs, following on from generally perceived social quandaries. If voter choice is, in some sense, 'stochastic', then it is plausible that rapid changes in electoral beliefs are part of a process during which individual changes in opinion are no longer 'independent', but highly correlated. This suggests that the standard formal models of voting, and even of economic choice, need to be fundamentally changed. The following discussion offers some comments on what this would involve.

Speculations: models of belief and equilibria

The human brain is, without a doubt, the most complex physical object known to us. It contains about 30 billion (30×10^9) neurons and a million billion (10^{15}) connections, or synapses. The number of 'neural' states of the brain is to all intents and purposes infinite. More to the point, the structure of synapse firing is neither independent (in the sense that synapses fire without pattern) nor correlated (in that all fire together). Instead, the brain is characterized by shifting, currently mysterious, patterns of local correlations.⁷⁹

It is surprising, therefore, that economic theory has used an extremely simple model of the mind (namely, preferences and their supposed 'rationality' properties of transitivity, and so on) to derive hypotheses concerning human interaction. It is even more remarkable that the theory has any predictive power at all. In the limited sphere of markets, economic theory asserts the existence of particular concatenations of behavior known as equilibria. An underlying assumption of economic theory is that each individual is 'an autonomous end in himself' and to this extent, 'somewhat mysterious and inaccessible to one another.'⁸⁰ Another way of expressing this assumption is that the acts of individuals are independent and, therefore, uncorrelated.

In contrast, one interpretation of the key idea put forward by John Maynard Keynes in his *General Theory* is that individual acts in certain kinds of asset markets need not be independent, but may, in fact, be highly correlated. For example, a 'speculator' will value assets not by any intrinsic value that they may

have, but in terms of the choices of other speculators.⁸¹ Such correlations may induce market ‘chaos’.

Game theory, as it is currently understood, has, in a sense, accepted the possibility of correlated individual choices. Leonard Savage’s work on the axiomatic structure of preference can be seen as the basis for this theory.⁸² In this framework, fundamental preferences are indeed ‘mysterious and inaccessible’, but secondary preferences, those that govern individual acts, are mediated by the beliefs of the agent. These beliefs can be interpreted as probability assessments over the possible states of the world, over beliefs held by other agents, and so on. Clearly, the ‘belief space’ that has to be constructed is of extreme complexity.⁸³

Moreover, choice by the individual depends on the individual’s risk posture, and this is characterized by the fundamental preferences, not by secondary preferences. It is hardly surprising that secondary preferences over risky choices may appear to violate the usual axiomatic properties imputed to preference.⁸⁴

A ‘Nash equilibrium’ can be thought of as a collection or vector of acts by the individuals in the game, with the property that no one individual has a motivation and capability to switch to a different act. However, since secondary preferences are determined by beliefs, it obviously follows that each equilibrium (in acts) is characterized by a set of beliefs, one for each agent. These ‘equilibrium beliefs’ reside, of course, in the belief space and may be as complex as one could imagine. It is for this reason that game theory is beset by an overabundance of Nash equilibria. This problem for game theory is thus very different from the principal problem of non-existence of equilibria in social choice theory.⁸⁵

A second problem for game theory arises out of this multiplicity of equilibria: some equilibria are ‘unstable’, since they are sustained by beliefs that, while rational in some sense, are only barely credible. To filter these out by a refinement exercise, and to construct a plausible mode of transition from one equilibrium to another, has occupied many theorists in recent years.

Perhaps an illustration to do with the story of the Emperor’s new clothes would be useful. The Emperor was persuaded by a gifted confidence trickster that his new clothes, while invisible to the Emperor, were nonetheless superlative, and visible to everyone else. That the Emperor should believe this story does, of course, require a stretch of the imagination. During the parade through the town, nearly every individual must have disbelieved the evidence of their own eyes. Nonetheless, because all the other townspeople were cheering the Emperor and his new clothes, each individual gave greater credence to the particular inference that there was nothing amiss (except for that individual’s hallucination). This is a Nash equilibrium in the acts of the townspeople. Of course, the ‘belief equilibrium’ underlying this joint act was broken, when a single child laughed out loud on seeing the naked Emperor. The childish act led immediately to a credible inference that the Emperor was indeed naked, and thus to another joint equilibrium act, the expression of derision by the townspeople. The point is that

the original belief equilibrium was broken by the act of a child that, under normal circumstances, would not warrant attention. Both ‘equilibria’ were associated with highly correlated acts (almost everyone applauded in the first equilibrium, and everyone, except the Emperor, laughed in the second). The transformation from one equilibrium to another has been called an ‘informational cascade’, and it is true that information was provided by a child’s laugh.⁸⁶ However, what was crucial was the effect of this ‘information’ (and its credibility) on the beliefs of the townspeople. For this reason, I have used the term ‘belief cascade’ for the correlated changes in beliefs associated with a move from one Nash equilibrium to another.

Game theoretic accounts of social ‘acts’, such as voting, have been hard-pressed, in the past, to give a plausible, individual-focused account of why individuals vote, or act altruistically, or engage in battle. In contrast, sociological accounts assume, as a matter of course (in the terminology used here), that individual acts are highly correlated through correlated beliefs called culture or norms. For example, a generally accepted ‘sociological’ mode of analysis of elections is that voters ‘identify’ with a particular party. The implicit idea underlying party identification (PI) is that voters with similar histories will make similar judgements early in their lifetime that one party is preferred.⁸⁷ Clearly, PI implies that voter choice is, in a certain sense, highly correlated both over time and across sociological cleavages. This framework also suggests that all the electoral action resides in the choices of ‘independents’, who perhaps base their decisions on small, indeterminate or chaotic features of each election.

Such a framework is very different from the ‘rational choice’ model derived from Downs, where each individual is assumed to interpret the policy implications of the parties, *de novo*, and to make a choice based on the individual’s idiosyncratic preferences.⁸⁸ In such a model, the ‘correlation’ in acts of the voters must be low.

It would seem, however, that neither the pure PI model nor the pure rational choice model gives a satisfactory account of elections. On the one hand, PI in Britain and the USA appears to be on the decline.⁸⁹ On the other hand, there is some evidence that the pure rational choice model needs to be modified to take account of correlations in voter perceptions and choices. For example, so-called probabilistic spatial voting models typically assume that the probability that a voter chooses a party, or candidate, is a monotonically decreasing function of ‘distance’ from the party, or candidate. The implicit errors in the model are generally assumed to be independent. This implies voter choice is (pairwise) statistically independent.⁹⁰ More recent empirical work suggests that, in fact, voter choice is (pairwise) statistically correlated.⁹¹

Recent work has also attempted to combine ‘rational choice’ and ‘sociological’ accounts of elections, by utilizing the notion of Nash equilibrium and, in the terminology used here, allowing for the possibility of correlations in voter beliefs and choices.⁹²

Once the idea of correlations in voter choice is considered, then it is possible to imagine episodes where the correlation structure within the electorate dramatically changes. Such transformations would naturally be associated with ‘critical’ elections, wherein the perceptions by voters of parties, and the resulting electoral choices, change suddenly. Burnham, for example, posits that the elections of 1800, 1828, 1860, 1896 and 1932 were critical.⁹³

David Mayhew has recently argued that there is no clear evidence that such elections were indeed critical, in the sense of being turning points in US political history.⁹⁴ In fact, what is missing in the earlier political historical accounts is a theory that would give some mode of analysis by which to define what is meant by ‘critical’.

In this article, I have developed the idea of constitutional quandary, associated with profound uncertainty over the proper institutional rules of the society. As the uncertainty deepens, coalitional or political chaos intensifies. Behavioral correlations, such as party identification, collapse. Very often, a new belief, or interpretation of the world, is put forward, and the society bifurcates into those who accept the belief, and those who deny it. Depending on the institutional rules, one of these two groups may have the will and power to bring about a new social state, and possibly a new interpretation of the constitution.⁹⁵ By analogy with social choice theory, I have called the resulting constitution a ‘core’ outcome, and the belief that underpins it, a ‘core belief’.⁹⁶

The election of Lincoln in 1860 was quite clearly critical and followed a period of profound uncertainty in the society over the issue of slavery. The study of this election, and the underpinning constitutional quandary, may allow us to extend the language of rational choice theory to better understand the evolution of the constitution of a society.

notes

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1. For the Downsian model, see Anthony Downs, *An Economic Theory of Democracy* (New York: Harper, 1957). For a model of US voter behavior involving two dimensions, see Norman Schofield, Gary Miller and Andrew Martin, ‘Critical Elections and Political Realignments in the United States: 1860–2000’, *Political Studies* (in press).
2. See Gary Miller and Norman Schofield, ‘Activists and Partisan Realignment in the U.S.’, *American Political Science Review* (in press).

3. Charles Beard, *An Economic Interpretation of the Constitution of the United States* (New York: Macmillan, 1913).
4. Ronald Rogowski, *Commerce and Coalitions* (Princeton: Princeton University Press, 1989).
5. Charles Beard, *Economic Consequences of Jeffersonian Democracy* (New York: Macmillan, 1915). See also Norman Schofield, 'The Republic of Virtue and the Empire of Liberty' (Typescript: Washington University in St. Louis, 2001).
6. William Riker, *Liberalism Against Populism* (San Francisco: Freeman, 1982), Ch. 9.
7. These data come from Roger Ransom, *Conflict and Compromise* (Cambridge: Cambridge University Press, 1989), pp. 103, 156.
8. It is true that the total number of voters increased by about 600,000 between 1856 and 1860, but about 240,000 of these were in the border and southern states.
9. In social choice theory based on the spatial model of voting, various chaos theorems demonstrated the indeterminacy of political choice. See Richard McKelvey, 'Intransitivities in Multidimensional Voting Models and Some Implications for Agenda Control', *Journal of Economic Theory* 12 (1976): 472–82; Norman Schofield, 'Instability of Simple Dynamic Games', *Review of Economic Studies* 45 (1978): 575–94.
10. Michael Holt, *The Rise and Fall of the American Whig Party* (Oxford: Oxford University Press, 1999).
11. This is obvious from the changing distribution of electoral college votes in presidential elections between Democrat and Whig in the southern states. In 1848, the Democrat–Whig split in the South was 48 to 43, then 76 to 12 in 1852, and 88 to zero in 1856. See Ransom, *Conflict and Compromise*, p. 103.
12. In 1844, for example, the Democrat/Whig electoral college distribution in northern states was 77 to 35, then 15 to 97 in 1848, then 92 to 18 in 1852. In 1856, the Whigs won no electoral college seats in the North, while the Democrat–Republican distribution was 34 to 76.
13. William Riker, 'Implications from the Disequilibrium of Majority Rule for the Study of Institutions', *American Political Science Review* 74 (1980): 432–46.
14. For example, Riker suggested that Lincoln effectively manipulated Stephen Douglas in their 1858 Illinois Senate race, forcing Douglas to commit to his beliefs as regards to slavery. In Riker's view, this contributed to the split in the Democratic Convention in 1860, and led to Lincoln's success in the presidential election. See William Riker, *The Art of Political Manipulation* (New Haven: Yale University Press, 1986), Ch. 1.
15. In contrast, in a 'uni-dimensional' situation, spatial voting models typically follow Downs's *An Economic Theory of Democracy* in demonstrating the existence of an equilibrium.
16. Abraham Lincoln, 'Address at New Haven, Connecticut, March 6, 1860', in *Speeches and Writings 1859–1865*, Vol. 2, edited by Dan E. Fehrenbacher (New York: Library of America, 1989), p. 142.
17. Michael Holt, 'Abraham Lincoln and the Politics of Union', in *Political Parties and American Political Development from the Age of Jackson to the Age of Lincoln*, edited by Michael Holt (Baton Rouge: Louisiana State University Press, 1992), pp. 323–53.
18. Riker, *Liberalism Against Populism*, pp. 227–32.

19. Barry Weingast, 'Political Stability and Civil War', in *Analytical Narratives*, edited by Robert Bates et al. (Princeton: Princeton University Press, 1998), pp. 148–93.
20. Gerry Mackie, 'Is Democracy Impossible? Riker's Mistaken Account of Antebellum Politics' (Typescript: Australian National University, 2001). It is worth mentioning here that there was certainly an element of contingency in the election. As William Lee Miller has observed, the three other candidates combined against Lincoln in New York, hoping to gain that state's 35 electoral college votes, thus robbing Lincoln of the necessary 152 college votes for victory. A 4 percent shift in the vote in New York would have sufficed. In that case, the election would have gone to the House of Representatives, where each state delegation had one vote. Because Douglas, the weakest candidate, would have been eliminated, the contest would have been between Breckinridge and Lincoln. In the House, Lincoln would only have taken 15 states, since (as Table 1 indicates) Oregon and California would have gone for Breckinridge. See William Lee Miller, *Lincoln's Virtues* (New York: Alfred Knopf, 2002), p. 467.

At least three other elections in US history were contingently close in this way, and thus open to heresthetic maneuver. The 1800 election involving Thomas Jefferson, Aaron Burr and John Adams is discussed in Schofield, 'The Republic of Virtue'. The 1824 four-candidate race between John Quincy Adams, Andrew Jackson, William Crawford and Henry Clay, was discussed in Riker's early work on coalitions. In that election, Jackson had a plurality, but not a majority, of the college, but was beaten in the House by a coalition of the supporters of Adams and Clay. Since Adams became president, and Clay his secretary of state, there were allegations of corruption. See William Riker, *The Theory of Political Coalitions* (New Haven: Yale University Press, 1962), pp. 150–58.

The election of James Polk in 1844 also exhibited contingent elements. The northerner Van Buren was denied the Democratic nomination through the imposition of the two-thirds rule by the South in the Democratic convention. Polk, for the Democracy, beat Henry Clay in the presidential election, only because he won New York (by 5000 votes). After that election, the intersectional Democracy almost split up, as Northern Democrats and Northern Whigs in the House voted (with John Quincy Adams) to rescind the gag rule. See William Lee Miller, *Arguing about Slavery* (New York: Alfred Knopf, 1995); Riker, *Liberalism Against Populism*, p. 222; Norman Schofield, 'Constitutions, Voting and Democracy', *Social Choice and Welfare* 18 (2001): 586.

21. Kelley Gary, 'The Social Choice of Secession' (Typescript: Washington University in St. Louis, 2001).
22. The logic of this bifurcation is pursued in Norman Schofield, 'Quandaries of War and of Union', *Politics and Society* 30 (2002): 5–49.
23. One way of interpreting this is that the plurality electoral methods may be more 'risk-preferring' in a certain sense than proportional systems. This suggestion is offered in Norman Schofield, 'Constitutional Political Economy', *Annual Review of Political Science* 3 (2000): 277–303.
24. The idea of a correlation structure derives from modern techniques of studying elections, assuming individual voter choice is essentially stochastic. In a particular region, pairwise correlations are obtained from the probability that two randomly selected individuals vote identically. Statistical similarities across pairs of regions

- can then be used to construct measures of regional correlations. The same device can then be used to compare different elections.
25. The idea of opposing belief correlation of this kind is also pursued in Robert Bates, Rui De Figueiredo and Barry Weingast, 'The Politics of Interpretation: Rationality, Culture and Transition', *Politics and Society* 26 (1998): 603–42.
 26. An event *A* is a necessary cause of an outcome *B* if the absence of *A* implies the absence of *B*. As I interpret Lincoln's argument, the *Dred Scott* decision gave an indication of the South's intentions. Notice that I do not argue that the *Dred Scott* decision, by itself, was a *sufficient* cause. As I have just indicated, had the electoral system been proportional, then a coalition government could have effected a compromise, avoiding war. Had the Court not rendered the opinion it did on *Dred Scott*, then I believe that Lincoln would not, in fact, have won the election of 1860. It is possible that the Court could have rendered an opinion in another case that would have had a similar effect. However, the sequence of events from *Dred Scott*, to the Illinois Senate race, to Lincoln's speeches in New York and New Haven in 1860, make this implausible. From this perspective, the Court decision itself was contingent, since it is not at all clear why the Court, and particularly Chief Justice Taney, chose to make the decision it did. It should be mentioned that Riker regarded an outside threat by Spain against the Confederation of States in 1784–87 as a necessary cause of the move toward Union during this period. See William Riker, *Federalism: Origin, Operation, Maintenance* (Boston: Little Brown, 1964), p. 13. Notice that this threat by Spain in 1784 also exhibited an element of contingency.
 27. Dan E. Fehrenbacher, *Slavery Law and Politics: The Dred Scott Case in Historical Perspective* (New York: Oxford University Press, 1981), p. 129.
 28. The Northwest Ordinance of July 1787 applied to the territory of the United States northwest of the River Ohio. In its sixth article, it specified: 'There shall be neither slavery nor involuntary Servitude in the said territory'. The Constitutional Convention, later in 1787, stated: 'The legislature shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States'. It followed that this expansion of congressional power included the Northwest Territory.
 29. It is still unclear why Mrs Emerson's brother, John Sanford, became involved.
 30. Walter Ehrlich, *They Have No Rights: Dred Scott's Struggle for Freedom* (Westport: Greenwood Press, 1979), p. 95.
 31. Buchanan won the election with 45 percent of the popular vote and 59 percent of the electoral college. He took almost all southern and border states, but his win depended on a strong showing in the northern and western states.
 32. Ehrlich, *They Have No Rights*, p. 129.
 33. *Ibid.*, p. 133.
 34. Nonetheless, Taylor Blow, the son of Scott's original master, obtained ownership of the Scott family and they were emancipated in late 1857. Dred Scott died a year later in St. Louis.
 35. Abraham Lincoln, *Speeches and Writings 1832–1858*, Vol. 1, edited by Dan E. Fehrenbacher (New York: Library of America, 1989): p. 426.
 36. *Ibid.*, p. 393.
 37. *Ibid.*, p. 395.
 38. *Ibid.*, p. 395.

39. Riker, *The Art of Political Manipulation*, Ch. 1.
40. Lincoln, *Speeches and Writings*, Vol. 1, p. 542.
41. Riker, *The Art of Political Manipulation*, p. 5.
42. *Chicago Daily Press and Tribune*, 30 August 1858. The point here was that for these territories, not states, covered by the Northwest Ordinance of 1787, slavery was not permitted by federal ruling. Once the territory became a state, then its voters could, of course, choose for or against slavery.
43. Lincoln, *Speeches and Writings*, Vol. 1, p. 552. See also Harold Holzer, ed., *The Lincoln-Douglas Debates* (New York: Harper Collins, 1993), p. 106.
44. *Chicago Press and Tribune*, 30 August 1858.
45. Quoted in the *Chicago Press and Tribune*, 22 August 1858.
46. Holzer, *Lincoln-Douglas Debates*, p. 373. In percentage terms, these are 49.7 percent, 48.2 percent, and 2.1 percent, respectively.
47. See also David Donald, *Lincoln* (London: Cape, 1995), p. 228.
48. *Ibid.*, p. 220.
49. Here I quote the transcript of the speech from the *Chicago Press and Tribune*, 30 August 1858. This differs from the version in Lincoln, *Speeches and Writings*, Vol. 1, p. 542, in that 'states' is capitalized. I emphasize this point, since Lincoln does not refer here to the territories, the subject of the *Dred Scott* decision, but to the constituent States of the Union.
50. See Dan E. Fehrenbacher, *The Slaveholding Republic* (New York: Oxford University Press, 2001), p. 287 for further discussion of the implications of this deduction from the *Dred Scott* decision.
51. Lincoln, *Speeches and Writings*, Vol. 1, p. 702.
52. *Ibid.*, p. 714.
53. *Ibid.*, p. 393.
54. Donald, *Lincoln*, Ch. 9.
55. Abraham Lincoln, 'Address at Cooper Institute, February 27, 1860', in Lincoln, *Speeches and Writings*, Vol. 2, p. 115.
56. Abraham Lincoln, 'Address at New Haven, Connecticut, March 6, 1860', in Lincoln, *Speeches and Writings*, Vol. 2, p. 142.
57. *Ibid.*, p. 142.
58. *Ibid.*, p. 141.
59. *Ibid.*, p. 144. (Italics and capitals in the original published version.)
60. See Harry V. Jaffa, *A New Birth of Freedom* (Lanham: Rowman and Littlefield, 2000) for further discussion of Lincoln's arguments on the significance of *Dred Scott* for free labor.
61. Donald, *Lincoln*, p. 250.
62. Riker, *Liberalism Against Populism*, pp. 230–1.
63. Eric Foner, *Free Soil, Free Labor, Free Men* (Oxford: Oxford University Press, 1970), pp. 69–70.
64. Lincoln, 'Address at Cooper Institute', in *Speeches and Writings*, Vol. 2, p. 128.
65. Lincoln, *Speeches and Writings*, Vol. 2, pp. 186–7.
66. Lincoln, 'Address to the New Jersey General Assembly', February 21, 1861, in *Speeches and Writings*, Vol. 2, p. 210.
67. Lincoln, 'First Inaugural Address, March 4, 1861', in *Speeches and Writings*, Vol. 2, pp. 218.

68. Ibid., p. 225.
69. Melvin Hinich and Michael Munger, *Ideology and the Theory of Political Choice* (Ann Arbor: Michigan University Press, 1994).
70. Schofield, 'Quandaries of War and of Union'.
71. On this point, see N. Schofield, 'Evolution of the Constitution', *British Journal of Political Science* 32 (2002): 127–49. Whether Madison's audience truly paid attention to the argument is discussed in Larry Kramer, 'Madison's Audience', *Harvard Law Review* 112 (1999): 611–79.
72. For example, Fink and Riker used a one-dimensional model of these secondary preferences, with extreme anti-federalists on the left and federalists on the right, to interpret the nature of the constitutional compromise over Union made in 1787–8. See Evelyn Fink and William Riker, 'The Strategy of Ratification', in *The Federalist Papers and the New Institutionalism*, edited by Bernard Grofman and Donald Wittman (New York: Agathon, 1989): pp. 220–55.
73. Indeed, the Confederation was heavily indebted to France for the hard currency that it needed to prosecute the Revolutionary War with Britain. See Schofield, 'Evolution of the Constitution'; Beard, *An Economic Interpretation*.
74. Riker, *Federalism*, p. 19 saw the disagreements over Union in 1787 as entirely a political issue, instigated by the Spanish threat. He asserted that Beard's arguments over the underlying economic interests of Federalists and anti-Federalists were misconstrued. However, Riker's view is not compatible with the continuing policy disagreements in the period after 1790 or so. The capital-land conflicts over the bank, debt, trade and the tariff in the 1790s are discussed in Schofield, 'The Republic of Virtue'.
75. Notice the similarity between this first ideological dimension in US political history, and the current disagreements over European Union. The initial motivation for European monetary union was to extend the 'hard money' principle of the Deutschmark to the weaker European currencies. The vote of rejection in the Danish referendum of 28 September 2000 can be interpreted as a 'populist', or 'nationalist' choice, against the centralized institutions of the EU.
76. The quandary of the time concerned the response to economic recession. One of Bryan's policy positions was for a 'populist' bimetallism, which would have led to easier credit, helping agrarian interests. Bryan only won the agrarian states in 1896.
77. What I have called the dimension of slavery ideology had, of course, been transformed by this time into one involving civil and individual rights. The winning Democrat coalition of F.D. Roosevelt included southern, socially conservative Democrats as well as voters both socially and economically liberal.
78. Analyses of recent elections provide support for these assertions. See Schofield, Miller and Martin, 'Critical Elections and Political Realignments'. The more detailed political historical account from 1896 is given in Miller and Schofield, 'Activists and Partisan Realalignments in the U.S.'. Our perspective is that these political shifts transform secondary electoral preferences, and thus the pattern of 'voter correlation', and party identification.
79. See Gerald Edelman and Giulio Tononi, *Consciousness: How Matter Becomes Imagination* (London: Penguin Press, 2000) for an attempt to relate the local correlation structure of the brain to aspects of consciousness and memory.
80. Kenneth Arrow, 'Some Ordinalist Utilitarian Notes on Rawls' Sense of Justice',

- Journal of Philosophy* 70 (1973): 262. See also Kenneth Arrow, 'Rationality of Self and of Others in an Economic System', *Journal of Business* 59 (1986): 385–99.
81. I have discussed the transition in Keynes's thought from his *Treatise on Probability* (London: Macmillan, 1921) to his emphasis on the failure of market equilibrium through correlated behavior in *The General Theory of Employment, Interest and Money* (London: Macmillan, 1936). See Norman Schofield, 'The Heart of the Atlantic Constitution: International Economic Stability, 1919–1998', *Politics and Society* 27 (1999): 173–215.
 82. Leonard Savage, *The Foundations of Statistics* (New York: Dover, 1954).
 83. I see no reason why, in principle, this belief space should not be as intrinsically complex as the brain itself. However, under certain heroic assumptions (particularly the compactness of the 'parameter' space used as the descriptor for the belief space) game theorists assume a finite number of states of the world as the 'basis' for the belief space. See Jean-Francois Mertens and Shmuel Zamir, 'Formulation of Bayesian Analysis for Games with Incomplete Information', *International Journal of Game Theory* 14 (1985): 1–29.
 84. See, for example, Daniel Kahneman and Amos Tversky, 'Prospect Theory: An Analysis of Decision under Risk', *Econometrica* 47 (1979): 263–91.
 85. For a recent survey on non-existence results in social choice theory, see David Austen-Smith and Jeffrey Banks, *Positive Political Theory* (Ann Arbor: Michigan University Press, 1999). For a comparison of the two types of theories, see David Austen-Smith and Jeffrey Banks, 'Social Choice Theory, Game Theory and Positive Political Theory', *Annual Review of Political Science* 1 (1998): 259–87. For a discussion of the applicability of these two theories in political economy, see Schofield, 'Constitutional Political Economy'.
 86. For the introduction of the term 'informational cascade', see S. Birkchandani, D. Hirschleifer and I. Welch, 'A Theory of Fads, Fashion, Custom and Cultural Change as Information Cascades', *Journal of Political Economy* 100 (1992): 992–1026; Susanne Lohmann, 'The Dynamics of Informational Cascades: The Monday Demonstrations in Leipzig, East Germany, 1989–1991', *World Politics* 47 (1994): 42–101.
 87. The standard references to PI include David Butler and Donald Stokes, *Political Change in Britain* (New York: St. Martins' Press, 1969); Angus Campbell, Philip Converse, Warren Miller and Donald Stokes, *The American Voter* (Chicago: University of Chicago Press, 1960).
 88. Downs, *An Economic Theory of Democracy*.
 89. Harold Clarke and Marianne Stewart, 'The Decline of Parties in the Minds of Citizens', *Annual Review of Political Science* 1 (1998): 357–78.
 90. See, for example, James Enelow and Melvin Hinich, *The Spatial Theory of Voting* (Cambridge: Cambridge University Press, 1984).
 91. This conclusion is based on the applicability of multinomial probit models in voting. See Norman Schofield, Itai Sened and David Nixon, 'Nash Equilibrium in Multiparty Competition with "Stochastic" Voters', *Annals of Operations Research* 84 (1998): 3–27; Norman Schofield, Andrew Martin, Kevin Quinn and Andrew Whitford, 'Multiparty Electoral Competition in the Netherlands and Germany: A Model Based on Multinomial Probit', *Public Choice* 97 (1998): 257–93; Kevin Quinn, Andrew Martin and Andrew Whitford, 'Voter Choice in Multiparty

- Democracies: A Test of Competing Theories and Models', *American Journal of Political Science* 43 (1999): pp. 1231–47; Norman Schofield and Itai Sened, 'Local Nash Equilibrium in Multiparty Politics', *Annals of Operations Research* 109 (2002): 193–211. Note that the nature of the 'correlation structure' on voter choice inferred by these models is quite different from the structure induced from the theory of party identification.
92. See, for example, Kathleen Bawn, 'Constructing "Us": Ideology, Coalition Politics and False Consciousness', *American Journal of Political Science* 43 (1999): 303–34, and the survey in Randall Calvert, 'Rationality, Identity, and Expression', in *Political Science: The State of the Discipline*, edited by Ira Katznelson and Helen Milner (in press).
93. The idea of critical elections dates back to V. Key, 'A Theory of Critical Elections', *Journal of Politics* 17 (1955): 3–18. See also E. Schattschneider, *The Semi-Sovereign People* (New York: Holt, Rinehart and Winston, 1960); W. Burnham, *Critical Elections and the Mainsprings of American Politics* (New York: Norton, 1970).
94. David Mayhew, 'Electoral Realignments', *Annual Review of Political Science* 3 (2000): 449–74.
95. Such an idea applied to the revolutionary war of 1776–83 is presented in Jack Rakove, Andrew Rutten and Barry Weingast, 'Ideas, Interests and Credible Commitments in the American Revolution' (Typescript: Stanford University, 1999).
96. A 'core' in social choice theory is an outcome that is unbeaten, according to the rules of the game and the particular preferences of the members of the society. Clearly, the 'core' depends both on the institutional rules and on the ability of the relevant groups to exercise power. The core may be brought about by war, or revolution, or election. A critical election we should think of as one that induces not simply a policy change, but a transformation of the constitution. This idea is pursued further in Norman Schofield, 'Representative Democracy as Social Choice', in *The Handbook of Social Choice and Welfare*, Vol. 1, edited by Kenneth Arrow, Amartya Sen and Kotaro Suzumura (New York: Elsevier, 2002), pp. 425–55; and in Norman Schofield, 'Power, Prosperity and Social Choice', *Social Choice and Welfare* (in press).