

Political Parties, Congressional Politics, and the American Civil War

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In recent years, the issue of whether political parties matter in the American legislative process has been debated *ad nauseam*. This debate has been especially significant in that a vast majority of political science scholars writing during the 1970s and 1980s held that political parties were no longer an important explanatory factor in understanding the U.S. legislative system (Mayhew 1974; Brady, Cooper, and Hurley 1979; Cooper and Brady 1981; Weingast and Marshall 1988). Beginning in the 1990s, however, party has reemerged in theories of Congressional voting and organization, as “strong-party theorists” have presented various forms of evidence to illustrate party’s “resurgence” on the legislative scene (Rohde 1991, 1994; Cox and McCubbins 1993, 1994, 2005; Aldrich 1995). These theories have been met with some skepticism, as scholars have questioned the validity of the evidence that strong-party theorists have presented to bolster their case (Krehbiel 1993; 1999; Schickler and Rich 1997). Thus, the question of whether parties truly matter in the American legislative process is far from being resolved and has produced a lively scholarly debate in recent years (Aldrich and Rohde 1998; 2000; Jenkins 1999; Cooper and Young 1999; Krehbiel 2000; Nokken 2000; Snyder and Groseclose 2000; Ansolabehere, Snyder, and Stewart 2001; McCarty, Poole, and Rosenthal 2001; Lawrence, Maltzman, and Smith 2006; Gailmard and Jenkins 2007; Anzia and Jackman 2013; Den Hartog and Monroe 2019; Napolio and Grose 2022).

In attempting to show that parties do in fact matter, strong-party advocates have focused their attention on one source of evidence: roll-call voting outcomes. Regardless of whether scholars have argued that parties either determine legislative structure and process or influence members’ voting behaviors, all have focused on outcomes derived from the legislative process via voting on the floor to make their case. Even if such roll-call based evidence is compelling, however, there is the question of how *important* these results really are. For example, much of the strong-party research focuses on the passage of legislation in only one chamber of Congress. The question of whether those roll-call voting outcomes have in fact led to the creation of *laws* (which necessitates the passage of similar legislation in the *other* chamber) is left unanswered. Further, even if laws are in fact created, there is still a major difference between *legislative outcomes* and *policy outcomes*. That is, the bureaucracy, *not* the Congress, is responsible for the implementation of public policy, and bureaucrats are largely insulated from legislative action. Thus, assessing the degree to which parties have *caused* policy to change, through legislative actions, is quite difficult.

In this manuscript, we will show not only that parties matter in the American legislative process, but also that party effects are in fact quite *meaningful*. Our focus will be on the

American Civil War, as we will study the effects of legislative actions in the both the United States and the Confederate States of America. We will argue that political parties were *crucial* in determining the outcome of the war by affecting the economic, social, and military resources that the U.S. and Confederate Congresses could devote to the war effort. Civil War politics provides a perfect “natural experiment” to test this proposition, because the Confederacy, and particularly its Congress, were nearly identical to the United States in all institutional facets, *except* that a strong two-party system flourished in the U.S. while a party system did not exist in the Confederacy. Moreover, policy outputs were easily observable during the war, as the number of soldiers and the provision of various military resources at various points in time were carefully documented. Thus, through careful empirical study, we will be able to successfully argue that political parties really do matter in a very important, policy-based way.

Our argument joins recent lines of inquiry into partisanship during the Civil War, including Nathan Kalmoe’s recent book on the fundamental role of partisanship on extralegal violence in the American Civil War (Kalmoe 2020). In addition to its theoretical contribution to the political parties literature in political science, our “political” argument for Civil War determination also breaks new ground in the history field. While the economic, social, and military aspects of the Civil War have been the subject of intensive research by historians and social scientists, the political aspects of the conflict have not received the same careful attention. Although political factors have been the source of some study in recent years, scholars typically focus on either the Confederacy or U.S. in isolation (Brettle 2022; Levine 2005; Majewski 2009; McCurry 2012; Neely, Jr. 2002; 2005). And only two prominent historians have suggested that the Confederacy’s lack of a political party system was instrumental in its defeat: David Potter (1960) and Eric McKittrick (1967). Thus, we will attempt to revive Potter and McKittrick’s long-forgotten notion in a way that appeals to history and political science audiences alike. Going further, we contend that the economic, social, and military aspects of the war effort in the South all flowed to some extent from the political aspects, and therefore that our intervention is necessary to reconcile and synthesize decades of research on the American Civil War.

In recent articles, one of us has already begun examining how the U.S. and Confederate legislative systems differed. First, Jenkins (1999) discovered that there were *general* differences in spatial voting structure between the U.S. and Confederate Houses, with the U.S. House exhibiting significantly more structure. Second, Jenkins (2000) found that individuals who first served in the U.S. House (in a party system) and then moved to the Confederate House (a no-party system) exhibited *no* continuity in individual vote choice across the two systems, suggesting that political parties do indeed serve as “bonding mechanisms” ala Cox and McCubbins (1993, 1994, 2005). In the larger manuscript, we will delve into the specifics of legislation in each legislature. Because both nations were at war, the same five issues — conscription, habeas corpus, slavery, impressment, and war financing — constituted the bulk of all roll-call votes in both the U.S. and Confederate Congresses. Thus, not only were two nearly identical American legislatures serving at the same time in history, but they were also facing the same sorts of policy questions. And, again, because the only significant difference between the U.S. and Confederate systems involved the existence (or non-existence) of party, an analysis of similar issue areas will shed some light on whether parties (through the actions of party leaders)

can influence the legislative process in *specific* policy domains. Such an issue-by-issue analysis will yield answers to a number of interesting questions: was there a difference in the time devoted to debate across the two systems?; were there more substitute bills and amendments offered in one system?; and was the likelihood of dilatory tactics greater within a party system, relative to a no-party system?; and, most importantly, were policy outputs more quickly achieved within a party system?.

Our penultimate goal will then follow two tracks. First, we will estimate how many men and military resources the Confederate military would have controlled at various points in the war, had the Confederacy possessed a party system. With these estimates in hand, we will then analyze the determinants of actual battle outcomes. This will allow us to examine an important counterfactual, i.e., whether the Confederate military in a “party-based Confederate system” would have been able to win additional key battles at important times during the war. Second, we will then examine the Presidential Election of 1864 in light of the preceding evidence. That is, we will analyze the determinants of Lincoln’s election and assess whether the outcome would have changed (i.e., whether McClellan would have won) if key battles had turned out differently.

Our findings come down to this: if the Confederacy had possessed a party system, the American Union as we know it today would not exist. Key battles would have been won by the Confederate military, and the Presidential Election of 1864 would have been decided for McClellan, the “Peace Candidate,” not Lincoln. Based on numerous accounts, McClellan likely would have sought a peaceful solution to the war, which would have likely resulted in two separate, independent American nations.

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Chapter Outline

Chapter 1: Introduction

Our thesis is that political parties matter in the legislative process and that their conspicuous absence in the Confederate States of America during the American Civil War was critical to the Confederacy's eventual demise. More specifically, we will argue that decisions (and non-decision) made in the Confederacy's non-partisan legislature – and, conversely, the decisions made in the Union's partisan legislature – rendered the Confederacy unable to hold its own in its war effort against the Union. Our thesis not only makes an empirical contribution to the theoretical literature on political parties in political science, but also breaks new ground in the history field. While the economic, social, and military aspects of the Civil War have been the subject of intensive research by historians and social scientists alike, the political aspects of conflict have not received the same careful attention. Going further, we contend that the economic, social, and military aspects of the war effort in the South all flowed to some extent from the political aspects, and therefore that our intervention is necessary to reconcile and synthesize decades of research on the American Civil War.

Chapter 2: Partisan Theory and the Confederacy's Defeat in the American Civil War

We begin by providing a thorough overview of the existing explanations for the Confederacy's loss in the American Civil War and explaining how partisan theory unifies these explanations for the South's loss. Specifically, we detail how parties in legislatures facilitate decisive action, a prerequisite for a successful war effort, and how the lack of parties in the Confederate States of America stymied economic, social, and military capacity in the U.S. South. We then discuss how our approach, informed by social science and advances in the field of research design, allows us to evaluate our argument. Civil War politics provides a credible “natural experiment” to test this proposition because (1) the Confederacy was nearly identical to the United States in all institutional facets *except* that a strong two-party system flourished in the U.S. while a party system did not exist in the Confederacy, and (2) policy outputs were easily observable during the war. Specifically, we will argue that political parties were *crucial* in determining the outcome of the war by affecting the economic, social, and military resources that the U.S. and Confederate Congresses devoted to the war effort. State of the art social scientific research relies on counterfactual reasoning, where a case in point is compared to a very similar case that varies only on one or a few relevant dimensions, facilitating isolation of the effect of changes along that one or few dimensions. The American Civil War affords us that counterfactual by comparing the Confederate both to the U.S. Congress and to Southern state legislatures.

Chapter 3: Why No Parties?: The Case of the Confederacy

This chapter examines both trends in partisan organization and state capacity in the North and the South leading up to the American Civil War and why parties did not form in the. The second part of this chapter is drawn from Jenkins' exchange with Richard Bense in *Studies in American Political Development* (1999).

For our research design to be credible, we must be able to attribute the results we find (decreased state capacity to manage the war effort) to the mechanism we propose (a lack of partisan organization in the Confederate Congress). In order to credibly attribute our results to the mechanism we propose, this chapter details trends in partisan organization and state capacity in the North and South in the lead up to the Civil War. We contend that secession and the creation of a non-partisan legislature in the Confederacy represented a “break” with past trends in partisan organization and state capacity in the South, rather than a continuation of pre-war politics.

Students of political history have concluded that the Confederacy was devoid of a party system during its short existence as an independent nation. Yet, the traditional Democrat-Whig divisions, which had existed in the South since the 1830s, continued through the 1850s (after the fall of the *national* Whig party) and into the state secession conventions in 1860-61. This begs the question: why did these partisan divisions suddenly disappear after the Southern states seceded from the United States and formed their own nation? We find that the Democrat-Whig divisions were eliminated *endogenously* shortly after the establishment of the Confederacy through *partisan* maneuverings. The Democrats used their majority advantage in the Confederate Constitutional Convention to prohibit constitutionally the two major issues that formed the basis of the Whig party: protective tariffs and federal funding of internal improvements. An analysis of these votes during the Convention reveals a highly partisan structure, with Democrats voting for prohibition and Whigs voting against prohibition. Once these two issues were removed from the agenda, the necessary condition for a Democrat-Whig two-party system was eliminated as well. In order for a new partisan system to have developed, a new ideological division had to have emerged — something that did not happen during the short life of the Confederacy.

Chapter 4: War-Time Government: The U.S. and Confederate Congresses, Part I

This chapter is based on my recent papers in the *AJPS* (1999, 2000). We begin by discussing the similarities between the two American legislatures during the Civil War. In short, the *structural* and *procedural* institutions underlying the U.S. and Confederate Congresses were nearly identical. The only meaningful difference between the two legislatures involved an extralegal institution: a stable two-party system existed in the United States, while a party system did not exist in the Confederacy. We then discuss how these very similar legislative systems produced very different legislative results; specifically, using roll-call votes and spatial modeling, we show that the U.S. was a very stable legislative environment while the Confederacy was largely chaotic. We also show that members who first served in the U.S. Congress and then moved to the Confederate Congresses exhibited *no* continuity in voice choice across the two systems. These results, we argue, suggest that parties do indeed serve as “bonding mechanisms” ala Cox and McCubbins (1993, 1994) and Aldrich (1995). That is, parties determine the legislative agenda, which allows them to structure roll-call voting, induce individual-level ideological constraint, and promote the achievement of collective choices. This explains the high degree of stability in the U.S. Congress (where a party system existed) and the lack of stability in the Confederate Congress (where a party system was lacking). This instability stymied Southern war efforts and helps explain the inability of the Confederacy to raise the economic, social, and military capacity necessary to win the war.

Chapter 5: War-Time Government: The U.S. and Confederate Congresses, Part II

Where the prior chapter analyzed roll-call voting *tendencies* within the U.S. and Confederate Congresses, this chapter focuses on roll-call voting *outcomes* by examining the influence of party on *voting coalitions*. First, we apply the notion of “roll rates,” developed by Cox and McCubbins (2005), to assess how often the interests of the majority party conflicted with roll-call voting outcomes, i.e., the frequency with which the majority party was “rolled.” If party is truly influential in legislative politics, then majority party leaders should be able to control the agenda, maintain internal cohesiveness, and produce roll-call voting outcomes that correspond to the interests of the majority. That is, the majority party should be rolled quite infrequently. To that end, we compare partisan roll rates from the U.S. Congress to non-partisan roll rates from the Confederate Congress. We find that the roll rates in the U.S. differ significantly from the roll rates in the Confederacy, suggesting that party is indeed an influential determinant in coalitional behavior. Second, we examine how successful the U.S. and Confederate Congresses were in passing laws. In addition to conducting a simple count of the various laws, we also investigate how quickly outcomes were produced in each chamber of Congress. This provides another way to assess the importance of party in the legislative process, as party theories predict that majority party leaders will use their parliamentary powers to prevent minority party members from disturbing or affecting the legislative agenda. We observe that more laws were passed in the U.S. versus the Confederacy, and find that voting outcomes occurred more quickly and were less affected by dilatory tactics in the U.S. Congress relative to the Confederate Congress. Differences in coalition behavior in the North and South and the relative slowness with which the Confederate Congress was able to produce legislation stymied Southern war efforts and helps explain the inability of the Confederacy to raise the economic, social, and military capacity necessary to win the war.

Chapter 6: Political Legislation, North and South

Chapter 7: Economic and Fiscal Legislation, North and South

These two chapters consist of content-based case studies of legislation in the U.S. and Confederate Congresses. Because both nations were at war, the *same* general set of political and economic/fiscal issues constituted the bulk of all roll-call votes in both the U.S. and Confederate Congresses. Chapter 6 discusses political legislation, specifically conscription, habeas corpus, impressment, and arming of slaves. Chapter 7 discuss economic/fiscal legislation, specifically taxes, currency issues, loans, inflation, and railroads. And, again, because the only significant difference between the U.S. and Confederate legislative systems involved the existence (or nonexistence) of political parties, an analysis of similar issue areas will shed some light on whether parties (through the actions of party leaders) can influence the legislative process in *specific* policy domains. Such an issue-by-issue analysis will yield answers to a number of interesting questions with regard to collective-choice decision making: was there a difference in the time devoted to debate across the two systems?; were there more substitute bills and amendments offered in one system?; and was the likelihood of dilatory tactics greater within a party system, relative to a no-party system? The most important question, however, is: were various policy outputs more quickly achieved within a party system? On some issues, like

conscription, habeas corpus, and impressment, the answer is “no.” However, on other important issues, like arming of slaves and most economic/fiscal matters, the answer is “yes.”

Chapter 8: Implementation, North and South

While the previous chapters detailed how the lack of partisan organization in the Confederate Congress stymied legislative efforts, this chapter explains how the lack of parties similarly stymied efforts to successfully implement the legislation that did pass through the unstable Confederate Congress. Political parties are collections of political actors that coordinate to overcome collective action problems. The political actors comprising parties are not only legislators, but also employees of the state. As such, political parties help align legislative intent with executive implementation by ensuring that those responsible for implementing legislation are aligned with the legislators who created it. Parties can facilitate alignment through the selection of co-partisans for public jobs, or patronage. The patronage apparatus centered around parties in the Union made identification of public employees responsible for implementing the war effort simple, while the lack of parties in the South raised the cost of identifying potential public employees, stymieing the Southern war effort even when the Confederate Congress was able to pass legislation.

Chapter 9: Policy Outputs and the Course of the War

This chapter assesses the differential impact of U.S. and Confederate policy decisions on the course of the Civil War. Stated another way, we examine how the lack of a two-party system in the Confederacy contributed to the South’s eventual defeat at the hands of the North. We argue that the U.S. was able to muster more soldiers and military resources at various times during the war principally because it possessed a more efficient legislative system (fostered by a strong two-party system). Had the Confederacy possessed an equally efficient system, passing war-time legislation at the rate passed in the U.S. Congress, the South’s eventual defeat may have been avoided. To this end, we examine the determinants of various battle outcomes, as well as the determinants of the U.S. Presidential and Congressional Elections of 1864, in order to construct reasonable counterfactuals. My findings indicate that a two-party Confederacy could have imposed far greater costs (in terms of battle casualties) on the invading Union forces in late-1863 and 1864. As a result, we argue that if Lincoln had faced McClellan in a world in which the Confederacy possessed a party system, certain war realities may not have occurred (like the fall of Atlanta in September 1864) and thus McClellan likely would have emerged victorious. And, based on various accounts of the time, McClellan as President probably would have brought the war to a brokered end.

Chapter 10: Conclusion

We review our thesis that political parties matter in the legislative process and that their conspicuous absence in the Confederate States of American during the American Civil War was critical to the Confederacy’s eventual demise. As a result, we argue that political parties played in important role in determining the outcome of the American Civil War by affecting the

economic, social, and military resources and capacity the United States and Confederate States of America possessed. If the Confederacy had had a two-party system, the American Union as we know it today might not exist. Key battles may have been won by the Confederate military, and the Presidential Election of 1864 may have been decided for George McClellan, the “Peace Candidate,” not Lincoln. Based on numerous accounts, McClellan, if elected, would have likely sought a peaceful solution to the war, which would have likely resulted in two separate, independent American nations. Additionally, we revisit our claim that the economic, social, and military aspects often blamed for the Confederacy’s demise were in fact derivative from the political and partisan aspects that made the Confederate Congress incapable of successfully managing the war effort.

Intended Audience

We believe this book – which should be in the 90,000-word range (300 published pages) – will be of interest to political scientists, historians, legal scholars, and economic historians. Ideally it will be used in both undergraduate and graduate classes on the U.S. Congress, American political parties, and American Political Development (APD), as well as in interdisciplinary cross-over classes, like Historical Political Economy (HPE). As we will feature a good amount of historical data, often in figures, scholars in the digital humanities should also find the book of interest.