

preferred community and to escape a tendency of entering into circular justifications of those very societies which they themselves happened to be located or identified with.

The relative inability of research in the traditions of conceptual history and linguistic contextualism to contribute to an understanding of the institutional formation of political order in a long-term and also extra-European perspective.

In order to be able to advance beyond these limitations, it seems that political thought must become significantly more prepared to engage in studies of long-term processes of intellectual and institutional transformations. This will in all likelihood entail efforts to invigorate historical social science of a type that was characteristic of the classics of social science, not least Weber (cf. Schluchter 1996). It would then also stimulate culturally and contextually sensitive social science of a type that has been advocated most ambitiously and consistently by scholars across a range of the social and historical sciences and with S. N. Eisenstadt (1995) as one of its most prominent representatives. The history of political thought in the last three decades of the twentieth century involved impressive advances. At the turn of the millennium, however, the need for historically and comparatively orientated research programs able to transcend the limitations of contemporary political thought also stand out as possibly more urgent than at any time since the emergence of social science itself in the end of the eighteenth century.

See also: Communitarianism: Political Theory; Democratic Theory; Enlightenment; Hermeneutics, History of; Integration: Social; Intellectual History; Legitimacy: Political; Liberalism: Historical Aspects; Locke, John (1632–1704); Marxist Social Thought, History of; National Socialism and Fascism; Rational Choice in Politics; Scientific Disciplines, History of; Solidarity: History of the Concept

Bibliography

- Almond G A 1990 *A Discipline Divided: Schools and Sects in Political Science*. Sage, Newbury Park, CA
- Arrow K 1951 *Social Choice and Individual Values*. Wiley, New York
- Benhabib S 1992 *Situating the Self: Gender, Community and Postmodernism in Contemporary Ethics*. Routledge, New York
- Brian E 1994 *La Mesure de l'Etat: Administrateurs et Géometres au XVIII^e Siècle*. Albin Michel, Paris
- Downs A 1957 *An Economic Theory of Democracy*. Harper, New York
- Eisenstadt S N 1995 *Power, Trust and Meaning*. University of Chicago Press, Chicago
- Elliott J H 1992 A Europe of composite monarchies. *Past and Present* 137: 48–71
- Fox C, Porter R, Wokler R (eds.) 1995 *Inventing Human Science: Eighteenth Century Domains*. University of California Press, Berkeley, CA
- Habermas J 1989 *The Structural Transformation of the Public Sphere: An Inquiry into a Category of Bourgeois Society*. MIT Press, Cambridge, MA

- Harré R 2000 *One Thousand Years of Philosophy: From Ramanuja to Wittgenstein*. Blackwell, Malden, MA
- Heilbron J 1995 *The Rise of Social Theory*. Polity Press, Cambridge, UK
- Heilbron J, Magnusson L, Wittrock B (eds.) 1998 *The Rise of the Social Sciences and the Formation of Modernity: Conceptual Change in Context, 1750–1850*. Kluwer, Dordrecht, The Netherlands
- Joas H 1996 *The Creativity of Action Polity*. University of Chicago Press, Chicago, IL
- Joas H 2000 *The Genesis of Values Polity*. University of Chicago Press, Chicago, IL
- Koselleck R 1988 [1957] *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society*. MIT Press, Cambridge, MA
- Lefort C 1988 *Democracy and Political Theory*. University of Minnesota Press, Minneapolis, MN
- Manent P 1994 *An Intellectual History of Liberalism*. Princeton University Press, Princeton, NJ
- Pagden A (ed.) 1987 *The Languages of Political Theory in Early Modern Europe*. Cambridge University Press, Cambridge, UK
- Pocock J G A 1975 *The Machiavellian Moment*. Princeton University Press, Princeton, NJ
- Popper K 1966 [1945] *The Open Society and its Enemies*, 2 vols. Routledge, London
- Rawls J 1971 *A Theory of Justice*. Belknap Press of Harvard University Press, Cambridge, MA
- Sabine G 1937 *A History of Political Theory*. Holt, New York
- Schluchter W 1996 *Paradoxes of Modernity: Culture and Conduct in the Theory of Max Weber*. Stanford University Press, Stanford, CA
- Schumpeter J A 1943 *Capitalism, Socialism and Democracy*. Allen & Unwin, London
- Shklar J N 1998 *Political Thought and Political Thinkers*. University of Chicago Press, Chicago
- Skinner Q 1978 *The Foundations of Modern Political Thought*, 2 vols. Cambridge University Press, Cambridge, UK
- Skinner Q 1996 *Reason and Rhetoric in the Philosophy of Hobbes*. Cambridge University Press, Cambridge, UK
- Talmon J L 1960 *The Origins of Totalitarian Democracy*. Praeger, New York
- Tocqueville A de 1964 [1850] *Oeuvres Complètes, Vol. XII, Souvenirs*. Gallimard, Paris

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Political Trials

The term 'political trial' is popularly associated with 'show trials' like the Moscow Purge trials that were conducted by Stalin during the 1930s. Such trials represent an extreme example of political repression and are viewed as sham legal proceedings designed by the authorities to dramatize specific political campaigns and/or to eliminate prominent individuals. In this context the political trial is taken to be a 'show' in which politicians and not jurists are those who pull the strings and determine the results of the trial in advance. This pejorative use of the term also helps designate regimes that resort to such techniques as the antithesis

of liberal democracies. Yet, as Otto Kirchheimer observed, the most effective usage of political trials occurs precisely within liberal democracies, in societies committed to the rule of law. What can explain this gap between popular perceptions and the actual practice of political trials? Can we distinguish a political trial from a 'show trial'? Should we continue to view political trials as opposed to the very essence of liberal democracies, or should we accept them as part and parcel of this system, deserving a sustained theoretical elaboration?

In his seminal book *Political Justice* Kirchheimer defines political trials as instances in which 'court action is called upon to exert influence on the distribution of political power' (Kirchheimer 1961). This broad definition includes the use of the court by the ruling elites or by outgroups and dissenters to achieve political goals by judicial means. Many writers regard the central factor in such trials as the political motive behind them. The connecting thread between the trial of Socrates for corrupting the youth of Athens (399 BC), the trial of Jesus for blasphemy and sedition (AD 30), the trial of Joan of Arc (1431) for heresy and witchcraft, the trial of Thomas More (1534) for remaining silent when asked about Henry VIII's supremacy in religion, the trial of Galileo (1633) for heretically suggesting that the earth moved around the sun, and many other trials is that, in each case, men in power believed that the defendant was a threat to them (Becker 1971, Belknap 1981). For this reason the prototype of a political trial has been the criminal trial of a political adversary for political reasons. This broad definition encompasses trials in which the defendant has directly attacked the established order by acts such as treason or sedition, but also trials involving common crimes in which only the personality or the motive of the offender indicates their political nature. Other writers try to refine this definition by expanding its scope to legal proceedings other than criminal trials such as impeachment, congressional hearings, and truth commissions. It has also been suggested that the definition be extended to include trials involving larger group conflicts such as ethnic, race, or labor struggles. Some move the emphasis from the political motive of the authorities to the political identity of the defendant. Yet others conclude that the important factor is not the motive but the competition of stories over the identity of the polity that distinguishes such trials. Notwithstanding their differences, all writers on the subject agree that political trials are inevitable not only in authoritarian regimes but also in constitutional democracies, although this is generally denied. Critical of such denials, they set out to replace them with an honest recognition of the existence and function of political trials in both types of regimes.

Why should the term political trial cause such anxiety and widespread denial? Since law tends to stabilize the status quo it is not surprising that there

are always people who feel justified in ignoring the law in order to bring about drastic and necessary changes. This is especially true for powerless groups that are prevented from participating effectively in important institutional decisions affecting their lives (Hakman 1972, Fletcher 1995). When the authorities put on trial those who challenge the basic value distribution in society, especially those who are willing to disregard existing laws to this end, the result is a political trial. Despite this regular occurrence of political trials within democratic societies the term is widely resisted because of its connotation with notions of 'show trials' in which either the charge is a 'frame-up' to conceal the political motivation of the prosecution, or the hearing itself fails to meet minimum standards of judicial impartiality and independence. For this reason, writers attempt to distinguish among different types of political trials. One classification distinguishes among the politically motivated trial, politically determined trial, and trials with substantial political consequences (Friedman 1970). Another differentiates between political 'trials' (abridgment of due process guarantees) the 'political' trial (camouflaged as a criminal trial) and the political trial (politically motivated) (Becker 1971). These efforts at classification have proved frustrating because of the immense historical variations and the widespread existence of political trials in very different regimes. Writers have identified a variety of characteristics of political trials but none has proved to be a sufficient and necessary condition. This literature has largely been descriptive but has failed to assess the compatibility of political trials with liberal values and thus to overcome the negative connotations the term arouses. In order to address this question it is necessary to expose the hidden engine of political trials—their legitimizing function—and its relation to democracy.

The legal system offers a tempting opportunity for those in power to damage enemies, tarnish their image, and isolate them from potential allies by casting them as criminals. This temptation becomes especially strong in democracies that constrain the ruling elite from resorting to more direct devices of repression. What distinguishes political trials from other political devices is their legitimizing function, i.e., their ability to turn a political adversary into a criminal defendant and thereby reinforce the legitimacy of those in power. However, this function can be served only if the public perceives the trial as providing the defendant with a 'fighting chance.' In constitutional democracies this 'fighting chance' is generally assured by the relative autonomy of the judges and the constraining effects of the rule of law (Kirchheimer 1961). Moreover, these guarantees introduce an element of uncertainty into the trial, and encourage political defendants to use it to expose the illegitimacy of the policy or value system advanced by the authorities. Indeed, from Socrates's trial (399 BC) to the Chicago Conspiracy trial (1969), there have always been defendants who have exploited

the limited forum that the political trial provided them to articulate their oppositional views. Some have adopted a defiant stance, proclaiming their right to commit the crime (Solomon Tellirian—as a protest against the Armenian massacre by the Turks in 1921; Dr Jack Kevorkian—advocating euthanasia in 1999), or refusing to respect the traditional decorum of the courtroom altogether (Bobby Seale—Black Panthers in 1969; Klaus Barbie—Nazism and Vichy France in 1987); others have played by the rules in order to win an acquittal that would confirm their claim that they were being prosecuted for their political beliefs (Dr Spock—Vietnam War in 1968). Insight into this legitimizing function and the element of uncertainty that it introduces into political trials in democratic regimes exposes the tension between politics and justice inherent in them. This has made political trials a fascinating area for research since the 1960s.

1. Political Trials in the Transition to Democracy

Political trials are most salient in times of transition between regimes, especially when a new democratic regime confronts crimes of the old regime. Indeed, the first attempts to seriously consider the compatibility of political trials with liberal-democratic values appear in the literature on the transition to democracy. Unlike a military revolution that sustains its authority by brute force, democratic regimes are committed to the rule of law and are inclined to address the evils of the previous regime with the help of legal devices. However, the new regime's commitment to the rule of law also makes it aware of the dangers of using *ex post facto* laws and indulging in 'victor's justice.' At such times, the various expectations from the law—to punish the guilty, to ascertain the truth about the old regime, and to enhance reconciliation in society—seem to overwhelm the legal system and to push it in opposite directions. Moreover, the forward-looking direction of the architects of democracy who are concerned with the efficacy of the transition often conflicts with the backward-looking direction of legal proceedings and their narrow focus on individual guilt (Osiel 1997, Nino 1991, Teitel 1997). For these reasons trials of transition bring to the foreground the clash between politics and justice. Two main approaches to the problem have evolved since World War II: Exemplary Criminal Trials and Truth Commissions, both of which can be considered political trials of sorts and have received extensive theoretical elaboration.

Following the end of World War II the Allies established an international military tribunal in Nuremberg (1945) to judge the leaders of the Nazi regime. This was the first time in history that the leaders of a defeated country had faced criminal prosecution for war crimes, crimes against the peace, and crimes against humanity by an international tribunal. The charge that was applied in the trial—conspiring to

wage an aggressive war—allowed the prosecution to tell a general historical narrative. Could the obvious political end of using the court to teach a history lesson (through *ex post facto* laws, and victors' judges) be reconciled with the demands of liberalism? Confronted with this dilemma, Judith Shklar made the first serious effort to reconcile the legacy of liberalism with political trials occurring in the transition to democracy (Shklar 1964). A legalistic understanding of liberalism, she argued, could justify the Nuremberg trials only at the high cost of denying their political nature altogether. In her view, procedural safeguards to defendants could only guarantee that the trial would not deteriorate into a show trial, but this in itself could not justify deviating from basic liberal demands such as an independent judiciary, established court, nonretroactive laws etc. Paradoxically, Shklar came to the conclusion that the political dictate of founding a democracy justified the divergence from strict legalism in the Nuremberg trials. In other words, it was only an honest recognition of the political aspects of the trials, their educational and symbolic contribution to the building of democracy in postwar Germany, that could justify them. Later writers accepted Shklar's consequentialist approach to transitional justice but limited its applicability to trials that guarantee the due-process rights of the defendants (Osiel 1997).

A very different attempt to address the crimes of the Nazi regime was made in the Eichmann trial (1961). This time it was not the international community but an Israeli court that undertook to judge one of the central figures in the administrative massacre of the Jews. The political nature of the trial was evident, among other things, from its reliance on the particularistic law of 'crimes against the Jewish people.' Likewise the heavy reliance on victims' testimonies about their suffering (and through them the telling of the Jewish Holocaust) conflicted with the liberal demand that the trial concentrate on proving the deeds of the accused. Hannah Arendt and other writers criticized the Israeli prosecution for politicizing the trial in this way (Arendt 1963, Segev 1993, Lahav 1992). Others see the decision as stemming from the general dilemma of political trials of how to strike a balance between the need to establish the truth about an oppressive regime, the need to give voice to the victims, and the need to ascertain the guilt of the defendants (Bilsky 2001).

This dilemma is compounded when the former authoritarian regime retains enclaves of power and opposes any attempt to bring to justice the officials of the former regime. In South America, Argentina remains the only nation that has indicted and prosecuted military officers in public trials for their role in acts of repression carried out under the former regime. The political nature of these trials was evident in the decision to prosecute only the masterminds and the worst offenders, and in the greater priority given to the value of learning about the evils of the authoritarian

past than to prosecuting every individual who was involved. Again, the justification for such selective prosecution is given in consequentialist terms—to what extent the trial serves to strengthen the emerging democracy (Nino 1991). A central dilemma that emerges in transitional trials of this kind is the breakdown of common discourse which undermines the legitimacy of the trial for some segments of society. Thus, the Argentinian court's decision to limit the evidence to proving the deeds of the accused, without allowing them to be situated within the wider historical narrative about an alleged war of self-defense against attacks on the regime by guerrilla forces, was deemed political and undermined the legitimacy of the trial in the eyes of the military (Osiel 1997).

Side by side with such efforts to bring to trial leaders of former authoritarian regimes for gross violations of human rights, there has developed the institution of truth commissions established by national or international organizations. Truth commissions reduce the tensions that arise in transitional trials by separating the various functions of learning the truth about the past, of ascertaining individual guilt, and of giving voice to victims. The Truth and Reconciliation Commission in South Africa, for example, was divided into a Committee on Human Rights Violations (victims' testimonies), a Committee on Amnesty (offender's testimonies), and a Committee on Reparation and Rehabilitation. In each committee different procedures were used (1995 Act). It further made the granting of individual amnesty conditional upon providing a full account of the offenses that were committed (Minow 1998). Truth commissions have proved to be far more effective than court proceedings in furnishing a dramatic medium for theatricalizing the new official history since the narratives of victims are rarely interrupted by lawyers and there are incentives for offenders to relate their part in the repression. Indeed, in several countries the commission's proceedings have been broadcast daily, and in others the final report, *Nunca Mais* (Never Again), has become a best seller (Brazil, Argentina.) Truth commissions present us with a kind of political trial in which the balance between politics and justice has been struck in ways more compatible with liberal concerns.

2. *Political Trials in Established Democracies*

The political nature of transitional justice seems from the fact that there are no overarching legal norms that are accepted as legitimate by the two successive regimes. Moreover, in these cases the trials have overwhelmingly been used to fulfill social and political functions other than ascertaining individual guilt. Liberal scholars, as we have seen, have been willing to recognize the political nature of such trials and to

justify it, but have not extended their theories to trials in established democracies. The general view is that in normal times law should endeavor to keep politics out of the courtrooms so that every political trial is perceived as a corruption of the rule of law (which may be termed the pathology thesis). This distinction, however, fails to account for the striking similarities between transitional situations and periods in which there has been a significant increase in political trials in democratic societies.

In the United States political trials have occurred whenever the status quo has been challenged, generally during periods of social and political ferment unleashed by such forces as war, economic conflict, or racial discord (Belknap 1981). For example, the decade that began with the escalation of the Vietnam war in 1965 brought an epidemic of political trials culminating in the Chicago Conspiracy trial (1969–70). This case represents a microcosm of American political justice of the era, as it was directed against representatives of major antiwar groups, youth counter-culture, and the Black Panther Party who all believed that the war was illegal and sought to mobilize the public against it. Although the charges were clearly political (conspiracy to cross state lines with the intent to incite riot), the trial also demonstrated the ability of the defense to politicize the trial and turn it into a forum for social protest by flouting the norms of the courtroom and ridiculing the judge (Ely 1981). In such trials as the Chicago Conspiracy trial the same breakdown of common discourse was manifested as in political trials during the transition to democracy.

The social turmoil and political trials of the late 1960s influenced the development of radical theories of law (Gordon 1982) scholars in critical legal studies, critical race theory; and feminist legal studies began to question the plausibility of the liberal ideal of separating law from politics. For these scholars the very attempt to delimit the boundaries of the category 'political trials' obscures the way in which politics enters every trial and every field of law. They argue that the liberal reliance on a distinct category of political trials often serves to legitimize the status quo. Critical theory understands politics not in the narrow sense of the term (motive of authorities, identity of defendant, etc.) but as the hegemonic ideology that shapes the interpretation of law while presenting it as neutral. The main contribution of critical writings to understanding political trials has been their rejection of the 'pathology thesis' about the relation between law and politics and their systematic efforts to uncover the ideological structures that shape different areas of law (Kelman 1987, Kairys 1982). This broad definition of political trials, however, had its drawbacks because it no longer called for a systematic investigation of the unique features of classic political trials, and shifted the attention of scholars from the court drama and social reception of the trial to the appellate court interpretation of the law.

Other scholars, still committed to the liberal framework, have identified a new form of political trial that emerged during the 1980s and 1990s. While in the old political trial the ruling authorities selected certain individuals to stand for an opposition the state wanted to eliminate, in the new political trial a section of the public turns the trial into a political trial by identifying with the victims (who are not a formal party to the trial) or with the defendant. In these cases the state does not intend a political trial and has very little control over its politicization (Fletcher 1995). The people mobilized around these trials are usually outgroups protesting their marginalization by the legal and political institutions of the state. Examples are famous rape trials and self-defense trials of battered women who killed their abusive spouses in which women's group identify with the victim and politicize the trial. The Rodney King trial and O. J. Simpson trial likewise became political trials in which African-American groups were mobilized to protest against white justice in America. The study of these trials draws particular attention to the role of the media in these cases.

The focus on group conflict and on the narrative and rhetorical aspects of political trials in on-going democracies provides scholars with the key to understanding their dynamics from a pluralistic perspective. The famous trials of Socrates, Jesus, Dreyfus, and others are examples of heroes unjustly prosecuted, but they can also be viewed as major junctions in the life of the republic where society's conflicting values are played out not only, and not even mainly, through the learned interpretation of the law, but through the human drama in and around the courtroom. In these trials the social conflict is transformed into competing narratives that capture the public's attention and offer an opportunity for collective self-reflection. Through an examination of competing values and loyalties they bring together for public consideration society's basic contradictions (Christenson 1999). From this perspective we can see how political trials, while threatening the rule of law, at the same time may contribute to the development of a more critical and democratic society.

See also: Political Lawyering; Political Protest and Civil Disobedience; Trials: Cultural

Bibliography

- Arendt H 1963, 1964 *Eichmann in Jerusalem, A Report on the Banality of Evil*. Penguin Books, New York
 Barrett W P 1931 *The Trial of Jeanne d'Arc*. George Routledge & Sons, London
 Becker T L (ed.) 1971 *Political Trials*. Bobbs-Merrill, New York
 Belknap M R 1981 *American Political Trials*. Greenwood Press, Westport, CT
 Bilsky L 1999 *Political Trials: A History of Misrecognition*. Unpublished manuscript

- Bilsky L 2001 Between justice and politics: The competition of storytellers in the Eichmann trial. In: Aschheim S (ed.) *Hannah Arendt in Jerusalem*. University of California Press
 Boyle J (ed.) 1994 *Critical Legal Studies*. New York University Press, New York
 Christenson R 1999 *Political Trials, Gordian Knots in the Law*. Transaction Publishers, New Brunswick, Canada
 Conot R 1983 *Justice at Nuremberg*. Harper & Row, New York
 Cover R M 1983 The Supreme Court, 1982 Term—Foreword: nomos and narrative. *Harvard Law Review* 97: 4–70
 De Brito A B 1997 *Human Rights and Democratization in Latin America: Uruguay and Chile*. Oxford University Press, Oxford, UK
 Dorsen N, Friedman L (eds.) 1974 *Disorder in the Court, Report of the Association of the Bar of City of New York, Special Committee on Courtroom Conduct*. Pantheon Books, New York
 Du Plessis L 1994 Amnesty and transition in South Africa. In: Boraine A, Levy J, Scheffer R (eds.) *Dealing with the Past: Truth and Reconciliation in South Africa*. IDASA, Capetown, South Africa
 Ely J W 1981 The Chicago conspiracy case. In: Belknap M R (ed.) *American Political Trials*. Greenwood Press, Westport, CT
 Fletcher G F 1995 *With Justice for Some, Victim's Rights in Criminal Trials*. Addison-Wesley, Reading, UK
 Friedman L 1970 Political power and legal legitimacy: A short history of political trials. *Antioch Review* 30: 157–71
 Gagne P 1998 *Battered Women's Justice*. Twayne, New York
 Gordon R W 1982 Some critical theories of law and their critics. In: Kairys (ed.) *The Politics of Law*. Basics Books, New York
 Hakman N 1972 Political trials in the legal order: A political scientist's perspective. *Journal of Public Law* 21: 73–126
 Hariman R (ed.) 1990 *Popular Trials, Rhetoric, Mass Media and the Law*. The University of Alabama Press, Tuscaloosa, AL
 Harris W R 1954 *Tyranny on Trial, The Trial of the Major German War Criminals at the End of World War 2 at Nuremberg, Germany, 1945–1946*. Southern Methodist University Press, Dallas, TX
 Hesse C, Post R (eds.) 1999 *Human Rights in Political Transition*. Zone Books, New York
 Kairys D (ed.) 1982 *The Politics of Law, A Progressive Critique*. Basic Books, New York
 Kelman M 1987 *A Guide to Critical Legal Studies*. Harvard University Press, Cambridge
 Kirchheimer O 1955 Politics and justice. *Social Research* 22: 377–398
 Kirchheimer O 1961 *Political Justice, The Use of Legal Procedure for Political Ends*. Princeton University Press, Princeton, NJ
 Lahav P 1992 The Eichmann trial, the Jewish question and the American-Jewish intelligensia. *Boston University Law Review* 72: 555–575
 MacKinnon C A 1989 *Toward A Feminist Theory of the State*. Harvard University Press, Cambridge, MA
 Minow M 1998 *Between Vengeance and Forgiveness, Facing History after Genocide and Mass Violence*. Beacon Press, Boston
 Nino C S 1991 The duty to punish past abuses of human rights put into context: The case of Argentina. *Yale Law Journal* 100: 2619–640
 Nino C S 1996 *Radical Evil on Trial*. Yale University Press, New Haven
 Orentlicher D F 1991 Settling accounts: The duty to prosecute human rights violations of a prior regime. *Yale Law Journal* 100: 2537–615

- Osiel M 1997 *Mass Atrocity, Collective Memory and the Law*. Transaction Publishers, New Brunswick, Canada
- Segev T 1993 *The Seventh Million: The Israelis and the Holocaust*. Hill and Wang, New York
- Shklar J N 1964 *Legalism, Law, Morals and Political Trials*. Harvard University Press, Cambridge, MA
- Stone I F 1989 *The Trial of Socrates*. Doubleday, New York
- Teitel R 1997 Transitional jurisprudence: The role of law in political transformation. *The Yale Law Journal* **106**: 2009–80
- Zalaquett J 1988 Confronting human rights violations by former governments: Principals applicable and political constraints. In: Henkin A (ed.) *State Crimes: Punishment or Pardon*. Aspen Institute, Queenstown, MD, 23–71

L. Bilsky

Politics, Formal Modeling of

Positive theories of politics provide explanations for why political phenomena occur in the manner that they do. Examples of such phenomena include which parties or candidates are elected at certain times, what policies legislative bodies adopt, and when and how wars are fought between countries. Formal models complement these explanations by using the language and analysis of mathematics to derive the phenomena as necessary consequences of certain sets of underlying factors. As with mathematical models in other disciplines, the main advantage of such an approach is twofold: to give an unambiguous representation of the relevant moving parts of a theory (the clarity of the argument) and to enforce a logical coherence on a theory (the consistency of the argument). The main drawback is found in the required simplification of the phenomena down to a manageable number of moving parts, and the subsequent possibility of simplifying away the very essence of the problem.

1. The Basic Structure

Most formal models of politics fall in the category of rational choice (e.g., see *Rational Choice in Politics*), where the presumption is that observed outcomes are the result of decisions made by a certain relevant set of individuals. These could be voters and candidates in the first example above, elected representatives and appointed ministers in the second, or heads of state in the third. The general behavioral postulate is that individuals attempt to influence the outcome in a manner reflecting their preferences (tastes, values, etc.) over the set of possible outcomes. For instance, in selecting campaign platforms, a candidate who only cares about winning the current election might look to adopt policies appealing to the greatest number of voters; conversely, a candidate who cares intrinsically about the policies to be implemented might shy away

from politically popular but personally unpalatable alternatives. Whatever their specific form, individuals' preferences are taken to be primitives of the model, and so are held fixed throughout the analytic determination of an outcome. However, different specifications of preferences can give rise to different outcomes. Indeed, to the extent the predicted outcome varies with changes in the underlying individual preferences, one has a potential explanation for any variation in observed outcomes as being due to variation in these preferences. The extent to which these preferences can themselves be modeled as functions of observable parameters, such as wealth or legislative seniority, permits one to generate a theoretical relationship between these parameters and observable political outcomes as well.

The influence of preferences on outcomes occurs through the choices the individuals make. The most common assumption is that each individual's choice is optimal with respect to their preferences, for example, in the above scenario the candidate selects a vote-maximizing policy. This optimality assumption may be far from a realistic representation of individual decision-making, implying as it does that individuals can effortlessly solve what are at times relatively difficult mathematical problems. However, assuming otherwise typically requires the presence of auxiliary factors (for instance, decision costs) to rationalize non-optimizing behavior, factors which, while reasonable, tend to create additional complications in the model. Also the optimality assumption allows one to import existing results from optimization theory to aid in the analysis.

As seen in the examples above, most formal models of politics involve more than one individual, and so this individual level of optimization often takes place within the confines of non-cooperative game theory. Such models explicitly describe the interaction among the individuals that ultimately produces a collective decision. This description begins with a 'game form' consisting of (a) the set of strategies available to each individual, and (b) the specification of which outcome occurs when a given profile of strategies is chosen (with each profile consisting of one strategy per individual). Continuing with the electoral setting, one example of a game form is where the set of strategies for a candidate is equal to the set of available policies, a voter's strategy describes which candidate to vote for based on the candidates' chosen policies, and an outcome, consisting of who wins the election and with what policy, is determined by the candidate receiving the most votes. The remaining piece of the puzzle then is the derivation of the individuals' strategies, with the fundamental concept being that of the 'Nash equilibrium.' Note that, even assuming all individuals have well-defined preferences over the set of outcomes, the notion of optimality in this multiperson environment is necessarily conditional, as an individual's best choice of strategy may depend nontrivially on the strategy

11717