Bipartisanship is a rallying trope in this year’s national election. Both major parties’ presidential nominees, Republican John McCain and Democrat Barack Obama, have positioned themselves as independent-minded pragmatists who can transcend their parties’ bitter divisions. Their success has effectively foreclosed an effort, spotlighted at a “bipartisan summit” in Oklahoma City this past January, to build a centrist, third-party presidential campaign behind New York City Mayor Michael Bloomberg. Enthusiasm for bipartisanship responds to the present state of our political culture. Democrats and Republicans in our national government show little interest in working together. Electoral rhetoric batters far more than it enlightens. The War in Iraq has raised the stakes of political debate and opened genuine fissures within the country.

But law determines the shape of electoral systems, and our election law is structured to perpetuate the Democrats’ and Republicans’ dominance over our electoral politics, imposing severe constraints on electoral challenges from the left and right while compelling both parties to run toward the center. The result is a political analog to economic stagflation: centrist torpor laced with partisan acrimony.

Minor political parties’ inability to gain traction in the United States does not reflect natural or inevitable facets of our national character. Rather, our legal system imposes formidable barriers to minor parties’ electoral viability. The use of plurality voting (the candidate with the most votes gets the only prize) and single-member districts in congressional and most state legislative elections drives voters to coalesce around two electoral options, marginalizing any candidate who lacks a major-party brand. First Amendment constraints on campaign finance regulation, under which government may substantially restrict the amounts of political contributions but not of campaign expenditures, ensures that only the Democrats and Republicans, with their broad bases of financial support, can compete effectively. Regulators allow broadcasters and debate sponsors to exclude minor-party candidates from televised campaign debates based on minor parties’ lack of the very support that exposure through those debates could help them build.

Legal entrenchment of the two major parties, in turn, entrenches a centrist political order. Paladins of bipartisanship insist that our political culture lacks moderation—that ideological polarization of hidebound Democratic and Republican elites has forced the “sensible center” from its rightful position of political dominance. Two-party systems, however, inevitably drive politics toward the center. When two candidates compete, each needing to secure 50 percent of the vote plus one, both candidates can take their base voters for granted and focus on the decisive, median voter. Committed ideologues, of course, may attempt to hijack the apparatus of government once elected or to exploit seismic events—most obviously wars—as a way of neutralizing opponents and moving the center. The Bush administration’s vigorous resort to those devices has amplified calls for a centrist restoration. But the Democrats have hewed relentlessly to the center, and the Republicans’ rightward binge appears to be running out of gas money. Our political culture remains fundamentally centrist.

A better, fairer structure of political competition would give minor parties a legislative platform and a chance to supplant one of the major parties, as the Republicans supplanted the Whigs in the 19th Century. But minor parties can play a critical role even—perhaps especially—in our duopolistic, center-bound system. Denied the keys to government, minor parties can take intellectual and rhetorical chances. They can operate as policy laboratories, developing proposals that may attract few initial adherents but eventually penetrate the core of political consciousness. The Progressive Party exemplified this function at the turn of the last century, agitating for minimum wages, graduated income taxation, and numerous other social, economic, and political reforms that eventually became cornerstones of our law.

An understanding of the powerful pressures that our election laws exert toward centrist duopoly suggests that our political system’s present pathologies do not reflect a subversion of centrism. Rather, our system has entrenched the two major parties to the point where their combative rancor is inevitable, inerminable, and—for those who seek dynamic political or social reform—largely inconsequential. Our system needs not the centrist alternative of Michael Bloomberg’s daydreams, but careful consideration of election law reforms that could empower minor party challengers from the left and right to fulfill their historic role in energizing our democracy.