



Jan-Werner Müller

**Liberal Democracy's Critical Infrastructure.  
How to think about Intermediary Powers**

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# Liberal Democracy's Critical Infrastructure

## How to think about Intermediary Powers

Jan-Werner Müller

### ABSTRACT

Ever since the nineteenth century, political parties and free media have been considered crucial for the functioning of liberal democracy. They constituted what this paper calls the critical infrastructure of democracy, an infrastructure which enabled citizens to use their basic communicative democratic rights effectively; they helped them to reach each other (and be reached). Both intermediary institutions are undergoing major structural transformations today (or might possibly disappear altogether if processes of “disintermediation” continue). It has proven difficult to judge these changes, partly because we lack a proper account of the distinctive normative roles of intermediary institutions. The paper argues that intermediary powers remain indispensable in staging political conflict, in providing external and internal pluralism, and in providing a proper rhythm for liberal democracy. It finally also suggests a number of criteria for judging the state of intermediary powers.

### 1 INTRODUCTION<sup>1</sup>

There is a widespread sense that the core institutions which made representative democracy function properly ever since the nineteenth century – political parties and free media – are undergoing a profound structural transformation.<sup>2</sup> These insti-

tutions were typically associated with liberalism, which is understood as a body of thinking broadly skeptical of both unfettered monarchical power and unmediated popular power. Some observers would argue that these institutions are today experiencing a terminal crisis; if so, “dis-intermediation” has been seen by some as a step towards more democracy (and somehow “less liberalism”); while others have worried that precisely this direct relationship between the people and a leader is the hallmark of a populism which imperils democracy (and not just liberalism).<sup>3</sup>

Critics of liberalism have long argued that intermediary powers entrench or even exacerbate inequalities. In fact, intermediaries have sometimes been interpreted as inherently conservative, if not outright aristocratic. The call for *corps intermédiaires* – familiar from nineteenth-century liberals like Tocqueville who lauded their moderating effect – seems to be a polite attempt to *reduce* political equality: these institutions appear to *divide* the people and to create *distance* between the people and the state, also making a power difference between the governed and the governors permanent. And most damning of all perhaps, they are accused of altering the people's

1 This paper draws on “Democracy's critical infrastructure” (Müller 2021b) and “A Theory of Standards for Intermediary Powers” (Müller 2021a), as well as “Democracy Rules” (Müller 2021c). For critical help with thinking about intermediary powers, I am especially grateful to Corey Brettschneider, Jamal Greene, Carlo Invernizzi, Anna Kaiser, Erika A. Kiss, Kim Lane Scheppele, John Morijn, Cas Mudde, Jay Rosen, and Nadia Urbinati. Excellent research assistance by Peter Giraudó is also gratefully acknowledged.

2 One might ask why the discussion is limited to parties and media and not include other institutions that are usually seen as intermediaries, such as NGOs, trade unions, and employer associa-

tions. I don't mean to deny the importance of the latter; but, to put it bluntly: one can imagine a representative democracy without them, whereas one cannot conceive of democracy without parties and media. I thank Dan Kelemen for pressing me on this point.

3 I am not going to enter the discussion about the relationship of democracy and liberalism on this occasion. My views as to why “illiberal democracy” as often described (and prescribed today) is fundamentally undemocratic have been laid out in *Furcht und Freiheit: Für einen anderen Liberalismus* (Müller 2019).

voice: to mediate can always potentially *distort*. These were the reasons Jean-Jacques Rousseau was so adamantly opposed to intermediaries, so much so, in fact, that he did not even want the citizens of his ideal polity to talk about collective choices - lest these debates lead toward the formation of anything like political parties.

But in a society that doesn't look like Rousseau's idealized - small and isolated - mountain community, the question arises: how can citizens become active and exert any power at all if no organizations exist to help them spread (and, less obviously, shape) their views? The alternative to what Pierre Rosanvallon has called "structured democracy" is not necessarily unstructured democracy; it might be no democracy at all. Democracy requires what one might call a *critical infrastructure* for exercising basic communicative rights (with free speech, free assembly, and free association being the most obvious). Like physical infrastructure (and like the post office, for that matter), it facilitates reaching people and being reached by them; not for nothing was the first weekly German-language paper, published out of Strassburg in the early seventeenth century, called *Relation*. Like the built environment that allows citizens to connect, such an infrastructure can be of higher or lower quality. The question is how we would know and how we might improve an infrastructure that has fallen into disrepair.

We need a better sense of the specific functions of intermediary institutions, and we should learn to appreciate the specific normative roles of such institutions in a representative democracy. The fact that judgments of innovations in intermediary institutions swing so wildly between extremes - first the Internet was going to trigger democratic liberation movements everywhere; now we hear that Facebook means fascism - is an indication that we lack a proper understanding of these normative roles and criteria for assessing how well they are being played (Snyder 2018). We also, I would add,

lack proper historical accounts that would make it less likely to yield to the temptation of imagining a golden age when everything to do with parties and professional news organizations was supposedly so much better.

The point of saying all this is not to dismiss alternatives to conventional intermediaries, such as citizen assemblies, but to orient our focus away from a simplistic choice of mediation or no mediation; instead, we should ask, more fundamentally, what makes for democratically beneficial forms of mediation.<sup>4</sup> Rather than playing intermediary institutions off against direct citizen involvement, we should realize that an improvement in one might also cause an improvement in the other more likely.

So, this paper asks: What should we remember as the main functions of intermediary powers, and which more precise criteria should we use to assess how well they are being fulfilled by particular institutions? The answer I shall provide has nothing to do with a conventional account of "connecting citizens to the political system". After all, most citizens are not members of a party, let alone active in media organizations (being active on social media is a different matter to which I will get in due course). Rather, I shall argue that intermediary powers should be widely accessible, and access should not turn into a privilege for those already advantaged.<sup>5</sup> They should be accurate - that is to say, political judgments and opinions, as Hannah Arendt held, must be constrained by facts, even if, as Arendt also observed, facts are

<sup>4</sup> For a sophisticated argument as to why we should understand "mini-publics" or randomly chosen citizens as forms of representation (and mediation) as opposed to "direct democracy" (Landemore 2020).

<sup>5</sup> Of course, access is not the same as success. Especially in the case of professional media - as opposed to blogging, etc. - a given market might only sustain so many quality products (and there is evidence that competition, under some circumstances, can degrade an information environment and lead to decreasing political participation (Cagé 2020).

always fragile. They should also be autonomous – that is to say, not depend on more or less hidden actors in a corrupt way. They must be *assessable* by citizens to pick up a term from Onora O’Neill. Moreover, they can be properly accountable because of all of the above.

## 2 THE DUAL CHARACTER OF DEMOCRACY AND THE STRUCTURE OF CONFLICTS

We hear ever more cries to get rid of intermediaries altogether; often enough, this call is based on the insinuation that to mediate means by itself to manipulate. A Texas Republican advised that it was “better to get your news directly from the president. In fact, it might be the only way to get the unvarnished truth” (Roberts 2020). Donald J. Trump’s preferred instrument of spreading “the unvarnished truth”, was of course, Twitter, which he described variously as a newspaper without the costs and losses, as a literary medium (with himself as the “Ernest Hemingway of 140 characters”, and – somewhat closer to the “unvarnished truth” – as a “megaphone”:

This is my megaphone. This is the way that I speak directly to the people without any filter. Cut through the noise. Cut through the fake news. That’s the only way I have to communicate. I have tens of millions of followers. This is bigger than cable news. I go out and give a speech and it’s covered by CNN and nobody’s watching, nobody cares. I tweet something and it’s my megaphone to the world (Woodward 2018: 205).

Beppe Grillo, one of the founders of the Five Star Movement in Italy, told his followers to connect with him directly via his blog, bypassing political parties – *la casta* of corrupt politicians, in his words – as well as professional journalists, who were all said to be in cahoots with politicians (Urbinati 2015). Ordinary people were presumed to know “what was really going on” and he promised to be their “amplifier”. Five Star, as well

as other upstart parties like Podemos in Spain, claimed to offer a new model: Rather than inserting themselves between citizens and the state, they would provide something like a “platform” (a digital platform, above all) that would allow members to connect, dispensing with the kind of bureaucratic apparatus typical of the mass parties which had started to form in the late nineteenth century (Gerbaudo 2019).

To assess such promises, we need to return to basics and ask which role parties – and news and opinion media organizations – are supposed to play in a representative democracy in the first place. In particular, we should remember that democracy has a dual nature, or put differently, two crucial sites: first, it requires a designated locus (and specific times) for collectively binding decision-making for the expression of political will through law-making by representatives. Second, it needs a place for the continuous formation of opinions and political judgments in society at large where anybody can have a say at more or less any time (Urbinati 2006).

Decision-making needs procedures, of course, which also implies clearly segmented time frames (elections are supposed to be held at regular intervals). Hence the first site of democracy is characterized by a certain predictability. By contrast, the realm of opinion-formation can, as Jürgen Habermas once put it, be a space for “wild cacophonies”. And that is a good thing, too: multiple voices clash, opinions get tweaked and fine-tuned, people pick up cues as to what they should think, even if they can’t spend hours on the finer details of policy. *Prima facie*, there is no predictable pattern here, no endpoint. The public is a never-ending film, not a snapshot; rather, it is many films and plots all at once. To use an image that would have made no sense before the second decade of the twenty-first century: it might be thought of as a mass Zoom meeting, with some people talking at us, unsure whether anyone is listening, others

off in group chats on the side, and some engaged in private one-on-one exchanges.

The public sphere depends neither on a specific location nor on particular advances in media technologies. It certainly can be a special place. The agora in ancient democratic Athens was a site of people's courts, commerce, religious rites, and chance encounters where the oligarchs rubbed shoulders with slaves (while the nearby hill known as the Pnyx featured the actual assembly, the body issuing decrees). In the eighteenth century, coffee houses and salons became the venues, and newspapers the means for forming opinions. Over coffee, gentlemen debated the merits of the latest novels. Eventually, conversations turned to matters of state; literary criticism became political criticism – and in both enterprises, at least according to Habermas's more or less idealized image, only the better argument (or at least, the sharper witticism) counted not higher social status. The coffeehouse was not a wild place, but the conversation had no boundaries. And talk of politics eventually built up into pressure on regimes not simply to represent themselves *before* the people but to submit themselves to the judgment *of* the people and be their proper representative (Habermas 1990).<sup>6</sup> Up until 1771, it was an offence to report on debates in the House of Commons; *in-camera* deliberation had precisely been meant to keep public pressure away. By the nineteenth century, it was widely accepted that *opinion publique* – an expression dating back to Montaigne – and what Bentham praised as the “superintendence of the public” were central to modern politics.

It is often forgotten that political parties and newspapers were often tightly fused during this era. As Tocqueville observed:

In democratic countries ... large numbers of men who feel the desire and need to associate may often find themselves unable to do so because all are insignificant, and none stands out from the crowd so that they cannot identify one another and have no idea how to meet. But let a newspaper come and give visibility to the feeling or idea that has occurred simultaneously but separately to each of them, and all will immediately rush toward this light. Wandering spirits that had long sought one another in darkness will meet at last and join forces. The newspaper brings them together, and they continue to need the newspaper in order to stay together (de Tocqueville 2004: 600–1).

In other words, free press and free association were dependent on each other; and in America, Tocqueville witnessed that both served the ends of partisanship. We might find the idea of an unashamedly partisan press objectionable, but this erstwhile fusion points to an important function that both parties and professional media can fulfill. Parties are not just what Edmund Burke described as “a body of men united for promoting by their joint endeavors the national interest upon some particular principle in which they are all agreed” (Jewell 2011: 253, citing Burke 1777); they also, just like professional media organizations, offer representations *of* society, and in particular of its political conflicts, *to* society. They create what Pierre Bourdieu called a “vision of divisions”. He specified that “the power of imposing a vision of divisions, that is, the power of making visible and explicit social divisions that are implicit, is the political power *par excellence*: it is the power to make groups, to manipulate the objective structure of society” (Bourdieu 1990: 138). Of course, parties do this with a view to motivate and mobilize their actual and potential followers; professional media organizations (especially news organizations) do not appear to have an agenda of distinctly political mobilization – though, as I argue later, this impression is deceptive, and, normatively, things are more complicated than this contrast with parties would initially lead one to believe.

<sup>6</sup> Demonstrating that Habermas's image was idealized has become a cottage industry.



Parties do not just mechanically reproduce given conflicts; they consciously structure them, and sometimes they even create them (they stage the political battle, to use Nancy Rosenblum's striking formulation). In fact, on occasion, only new claims to representativeness can actually make people realize some of their interests or even identities. Traditionally, representation has been conceived in two ways: representation of substantive interests (such that represented, and representative establish something like a principal-agent relationship) or some form of descriptive representation (such that the representative shares important traits with the represented) (Pitkin 1967). In both cases, representation can be understood as the more or less mechanical reproduction of an existing reality.

Yet there is another, more dynamic and creative, understanding of representation. Here, representation is not conceived as substantively or descriptively reproducing something that already exists; it is not a matter of mechanical reproduction. Rather, it is a process in which individuals or groups offer to a possible constituency an image of themselves based on so far unrecognized ideas, interests, or aspects of their identities (put differently: they also provide a certain type of leadership<sup>7</sup>). As a result, citizens might perceive themselves and the politics they need in a novel light. A constituency is not so much reproduced, or even revealed, as talked into existence and, as a result, might use its basic political freedoms in novel ways (Saward 2010).

This isn't somehow manipulative; it is also not anything new that only started with "identity politics": workers know that they are workers, but they don't spontaneously discover that they form part of the working class (according to some estimates, today only a quarter of French workers

understand themselves as members of something called "the working class"). Neither do identities nor, for that matter, interests naturally suggest themselves to us; they have to be organized to result in something like political solidarity (Przeworski / Sprague 1986). Parties articulate different interests and ideas, but also identities; they can suggest terms of political engagement and then take the fight (at the ballot box, on TV and Twitter, etc.) from there. The nature of the fight is not simply given; the conflict is partly about how to define conflicts. As E. E. Schattschneider, in his self-consciously realist take on American politics, put it:

[...] political conflict is not like an intercollegiate debate in which the opponents agree in advance on a definition of the issues. As a matter of fact, *the definition of the alternatives is the supreme instrument of power*; the antagonists can rarely agree on what the issues are because power is involved in the definition (1960: 68).

Citizens who then become part of the conflict have skin in the game; they feel they're in the game and represented.

Journalists, for the most part, have no choice but to follow major parties in how they present conflicts, for instance, by accepting a basic left-right schema. But they can, on occasion, also suggest different ways of looking at conflicts, for instance, through investigative reporting that uncovers hitherto not such obvious forms of social and political discontent, or scandals that suggest collusion of nominally opposed parties and hence prompt the formation of protest movements or even entirely novel political parties: think of Spain or Greece, where both the major left-wing and right-parties were deeply entangled in corruption.

The point is that intermediary institutions have a choice in how they present and structure conflicts. They might have reasons that are not directly related to the overall health of democracy

<sup>7</sup> I am grateful to Susan Stokes for the suggestion to put the formulation this way.

as such: to put it bluntly, parties want to win elections; media owners (for the most part) want to make money (and journalists want to scrap together a living). But these more particular goals are not incompatible with the requirement to stage political battles in such a way that the political system can cope with them, or put differently, process them peacefully, or even more bluntly: so that losers can live with the outcome.

Representative claims by parties that set up conflicts are *not* primarily claims about truth. As Hannah Arendt famously argued, opinions ought to be constrained by facts, but they are clearly *partisan* perspectives, and that is perfectly fine, too (Arendt 1977: 227–64). As John Rawls pointed out, a free society is very likely to be characterized by reasonable pluralism: citizens come to different judgments depending on different life experiences, a different sense of how to weigh various facts, and different subjective dispositions (such as differing degrees of being risk-averse) (Rawls 1993). Democracy cannot be a project of instantiating a single whole truth in politics; in fact, as Arendt insisted, *the truth in politics is bound to be despotic.*

The point can easily be misunderstood, but Hans Kelsen was right to argue that democracy has a deep philosophical affinity with relativism: different people see the world in different ways and pursue different ends; when they differ, it is not necessarily because they are selfish or stupid, or just ignorant of the facts; by contrast, according to Kelsen, forms of philosophical absolutism are bound to legitimate autocratic forms of rule (Kelsen 1955). Elections are not about finding the truth; if they were, there could never be such a thing as a loyal and legitimate opposition, and we would have to assume that losers who persist with their positions are simply liars.

Representative claims – and election choices – should, of course, be constrained by what we can

plausibly call facts. The “Protocols of the Elders of Zion” is also a particular “representation” of society and “conflict”, in fact about as clear-cut a “vision of divisions” as one can imagine, but it is not a legitimate part of democratic politics. Things are different when, for instance, all sides agree about the basic scientific consensus on global warming, but then come to conflicting judgments as to how important the fate of our children and grand-children is (the Let’s-Just-All-Have-A-Good-Time-Now Party will have a distinct view on this), or how optimistic we should be about the probability of technological breakthroughs that would save large parts of the planet, or whether preventing climate catastrophe is at all possible under a capitalist economic system, etc.

Wanting conflicts to be constrained by facts does not mean that establishing all the facts is a precondition for public argument. As Christopher Lasch shrewdly observed:

What democracy requires is public debate, not information. Of course, it needs information too, but the kind of information it needs can be generated only by vigorous popular debate. We do not know what we need to know until we ask the right questions, and we can identify the right questions only by subjecting our own ideas about the world to the test of public controversy. Information, usually seen as the precondition of debate, is better understood as its by-product. When we get into arguments that focus and fully engage our attention, we become avid seekers of relevant information. Otherwise we take in information passively – if we take it in at all (Lasch 1990: 1–11).

### 3 EXTERNAL AND INTERNAL PLURALISM

Intermediary institutions do not mechanically replicate particular realities (let alone reveal the truth). They should offer choices – which does not mean that everyone gets to choose their own reality, but that everyone, ideally, finds a perspective

on particular realities informed by different value commitments. This is another way of saying: they ought to enable both *external* and *internal* pluralism.

External pluralism refers to having a significant range of both political parties and professional media available: entities that are not just in economic competition but also in significant normative opposition to each other, such that citizens (and, for that matter, consumers) have clear-cut options differing in substance. The point here is not the conventional one that a competitive “marketplace in ideas” will make the truth win out; on many political questions, disagreement is not about the fact of the matter as such. Rather, at issue is the multiplication of creative representations of groups in society; those who have new ideas about interests and identities ought to be able to test them freely and get to see if there are any takers (Garsten 2009: 91).

Internal pluralism is less obvious. What I mean is that it is desirable to have a diversity of viewpoints also *within* individual intermediary institutions. Concretely, this implies that political parties ought to have proper democratic processes on the inside, such as primaries or extensive debates preceding the election of party officers. This practice is, in fact, prescribed in a number of constitutions, the thought being that parties that lack internal democracy are likely also to be authoritarian when they come to power. Professional media organizations generally do not have internal democracy; in fact, a number of countries exempt them from standard labor laws that are supposed to enable employees to be involved in decision-making. In Germany and Austria, they fall under the category of *Tendenzunternehmen* – literally “tendentious enterprises”, meaning organizations with an orientation to ideals, which, rather obviously, also includes churches (Fischer 2008). But journalists can, of course, still present a variety of views – the kind of imperative that, in

the United States, was once codified in the Fairness Doctrine, obligating broadcasters to present opposing views on controversial issues of public importance (and granting those who felt misrepresented a right to reply).<sup>8</sup>

One can ask whether such regulations might not misunderstand what particular directly *political* institutions are really supposed to be about: after all, are internal pluralism and partisanship not incompatible on some level? Parties aren’t debating clubs, and maximal “openness” could allow market libertarians to join Social Democratic parties and completely change their direction (which is one reason “blanket” and “open primaries” in the US have been opposed by parties: their “brand” could be seriously undermined by partisans with entirely different agendas – who would also be utterly unaccountable for the outcome. They also worry that their own followers could start voting in the primaries of minor parties and develop an attachment to them).<sup>9</sup>

While Kelsen was right about the affinity between relativism and democracy as a whole, those who join political parties obviously do not do so because they think that everything is relative. Rather, they are precisely committed to certain political principles, and they wish to associate with others to promote the realization of those principles by passing laws. Parties are supposed to make that sort of sustained commitment possible, and the freedom of association from which they benefit includes the freedom *not* to associate with citizens who have very different

8 It does not follow that every single institution which conceivably contributes to democratic political will formation does itself have to be democratic.

9 Justice Scalia, writing for the majority of the Supreme Court, observed that a blanket primary “forces political parties to associate with – to have their nominees, and hence their positions, determined by – those who, at best, have refused to affiliate with the party, and, at worst, have expressly affiliated with a rival” (Mason / Stephenson 2005: 206, citing Justice Scalia).

principles.<sup>10</sup> Parties might even come as close as is possible under modern conditions to an Aristotelian ideal of civic friendship, based not so much on personal sentiment but on a shared pursuit of principles. It requires loyalty and patience and even forgiveness up to a point – giving each other some slack – as well as a memory of past struggles; and it is not just about trying to stand for principles, but also standing with others trying to realize them (Muirhead in Sanford Levinson et al. 2013). Obviously, one cares about the particulars of one’s actual friends, not about maximizing the diversity of people one claims to be friends with (not to deny that some people acquire token friends) (White/Ypi 2016).

Partisans are by definition committed to particular shared principles, but sooner or later, their precise meaning will become contentious. Lyndon Johnson, not a pol with philosophical pretensions, once opined: “what the man on the street wants is not a big debate on fundamental issues; he wants a little medical care, a rug on the floor, a picture on the wall” (Müller 2020: 1, citing Johnson). But, as his party has learned the hard way, even “a little medical care” (Müller 2020: 1, citing Johnson) will eventually become a matter of principled conflict. In any case, principles do not implement themselves, nor do they magically generate actual political strategies. Moreover, hardly anyone is ever committed to one principle only, and if they are, others will probably quickly tire of their going on and on about it. So, even beyond the question of practical implementation, there is a question of how principles coherently connect.

What follows? Arguments must take place, and a proper pluralist internal party democracy allows partisans to have them. There is also a potential

learning effect: more views will be on the table, and the pressure to justify them and, ideally, make them mutually acceptable for partisans, will render them more refined. But there is also a less obvious side-effect: internal debate habituates partisans to the notion that others might *just possibly* be right and that those who lost the debate or at the ballot box can remain in loyal opposition (members whose side lost a mass plebiscite within a party are much more likely to head for the exits; those who could make their case in discussion and then lost tend to stick around).<sup>11</sup> This, in turn, might improve the chances of accepting that democracy as a whole depends on the existence of legitimate disagreement and loyal opposition. And that, in turn, is maybe as close we can get to Aristotle’s ideal that citizens experience themselves as both ruling and as being ruled. For one presumably only accepts being ruled by someone who just possibly might be right.<sup>12</sup>

True, this vision of internal party debate is still highly idealized. Not least, there is the problem not often articulated in the polite company of sophisticated democratic theorists but never put more elegantly than in Oscar Wilde’s quip: the problem with socialism is that it takes too many evenings (those who’ve attended the party branch meetings of socialist parties know exactly why that is). As usual, there is a serious point behind Wilde’s seemingly frivolous remark: social scientists find that a large number of “amateurs” and “hobbyists” might indeed become a problem for a party, which is to say that folks who love endlessly debating big ideas, but who cannot be bothered to do the humdrum work of canvassing,

10 As an extreme case: In *LaRouche v. Fowler* (1998), the DC Circuit Court held that the Democratic Party could exclude delegates for Lyndon LaRouche (whom they had failed to keep off the ballot), because the latter was not a Democrat (and, more particularly, he was a racist).

11 This is clearly a much more plausible account for decision by assembly, or even deliberation, and much less so for mass membership plebiscites. For the difference, and an overview of empirical trends (Poguntke et al. 2016).

12 “That is why reciprocal equality preserves cities...since this is also what must exist among people who are free and equal... For they rule and are ruled in turn, just as if they had become other people. It is the same way among those who are ruling, some hold one office, some another” (Aristotle 2017 [1261b1]: 13).

stuffing envelopes, or whatever other boring practical tasks might need to get done. Such aficionados are usually educated and economically fairly well-off; for them, the party really is a kind of party – a fun thing to do in the evening and on weekends. By contrast, citizens who have a lot at stake and an urgent sense of a shared political fate – for instance, the prospect of having their health insurance taken away – will care about principles no less but also have their minds focused on winning the battle for power here and now (Hersch 2020).

There is something inherently problematic about parties that have only one member. An example is Geert Wilders’s right-wing populist party in the Netherlands (in fact, there are two members: Wilders and a foundation of which – one might have guessed it – Wilders is the only member). A vast improvement in pluralistic democracy appears to be the Brexit Party, which boasts about being a “people’s party” with more than 100’000 “supporters” – except that the party is actually a limited liability company, with only four officers, and only *one* person registered as having “significant” control: Nigel Farage. The supposed people’s party is thus another one-man party. Such forms of intraparty autocracy arguably signal a profound aversion to the idea that the other side could *possibly* be right for no other side is admitted to begin with.<sup>13</sup> In some countries, such autocracy would even be illegal: Germany and Spain have constitutions and special legislation on political parties which make a minimum amount of pluralism obligatory.<sup>14</sup>

13 On the wider significance of intra-party democracy, see also the important piece by Scheppelle (2018).

14 Article 21 of the German Basic Law states: “The political parties participate in the formation of the political will of the people. They may be freely established. Their internal organization must conform to democratic principles. They must publicly account for their assets and the sources and use of their funds as well as assets” (Article 21 GG). The Party Law, in turn, regulates the specifics of internal democracy to a degree of detail that one might well consider as an infringement of the right of free association. In general, constitutionalizing parties has become the norm in Europe; see the excellent overview by Ingrid van Biezen

In common-law countries, by contrast, such a norm appears inherently illiberal: parties are the result of people associating freely with each other, and that freedom extends to the question of how to regulate the inner life of parties.<sup>15</sup> Yet political parties are not like private clubs in which individuals can contract with each other as they see fit; they exist in the hope that at least some of their members, as a result of free and fair elections, get hold of the legitimate means of coercion; plus, whether successfully or not, they make claims to representativeness in a way a private tennis club does not.<sup>16</sup> And these representations can be illegitimate or even plainly illegal. A whites-only-party is prohibited even in common-law countries: the British National Party, for instance, was ordered to open itself to British citizens of whatever descent, as opposed to “Indigenous Caucasians”; in the US, a de facto white supremacist democratic party in Texas was instructed that they could not hold a whites-only primary (Nixon v. Herndon 1927: 273 U.S. 536, 540).

This is to say that what is illegal outside a party is also illegal inside a party. It does not follow that internal party democracy has to model full political equality in the sense of equal opportunity all the time. Parties may have internal hierarchies; just as representatives have more power than ordinary citizens, party committees may have special control over party affairs. That is a concern because parties have a particular vulnerability that does not apply to states: a massive entry of people into a party might change its

(2012). As Van Biezen points out, only in three European countries (plus the UK, for obvious reasons) do parties receive no mention in the constitution: Denmark, Ireland, and the Netherlands. The earliest constitutionalization occurred in Iceland in 1944, followed by Austria in 1945, then Italy, and then Germany.

15 Technically, they are unincorporated private associations. At the same time, courts, and not internal arbitration panels, decide many cases about who can join, who gets to vote in primaries, whether parties can have all-women-shortlists, etc.

16 Of course, private clubs, in many contexts, are also not at liberty to discriminate, even if some associations (religious ones, above all) can be exempted from some provisions of anti-discrimination law.

character completely, subverting its original partisan commitments.

This peril underlines the need for intermediary powers within intermediary powers: at least sometimes, those who have spent time working their way up the party's ladder will have good reasons to exclude new entrants, or, for that matter, presidential hopefuls who seem primarily interested in building their own commercial brand. Party elders can serve an important function of *peer review*; it's a function that should not lightly be outsourced to consultants or TV stations, whose rationale will be ratings, as opposed to keeping faith with core partisan commitments.

Intra-party democracy can be open, but it cannot be open-ended; parties must be able to reach conclusive, binding decisions (and members have to be willing to be a loyal opposition, something that British Euroskeptics in the Conservative Party spectacularly failed to do). As Labour Party leader Lord Bevan once put it bluntly, "we do not want to be in the position of having to listen to our own people" (Bevan in Przeworski 2019: 63). But that can only be the case once "our own people" have had a chance to say something and then are bound by something like a common program. The problem in so many countries today is precisely that citizens are highly partisan and feel they haven't been listened to while parties are hollow and weak and unable to serve as laboratories for a coherent conception of the world, to pick up Gramsci's term again.

Obviously, professional media organizations, especially news organizations, are not primarily dedicated to promoting political commitments or fostering political friendship. Here it is much more straightforward to argue that both external and internal pluralism are important; we want a wider range of views across the public sphere and within any given institution (though, as said above, a "tendency" can also legitimately limit internal media pluralism). The trouble is rather that sound criteria for media pluralism are hard to come by (nobody is ever officially against media pluralism, but that stance is facilitated by the fact that nobody can

really say what it is). As so often, we might see it more clearly when it is gone: the staffing of public service media with pure loyalists, as has happened in Hungary and Poland; the concentration of ownership among the bosses of what is sometimes called the "construction bourgeoisie" in Turkey (that is, the beneficiaries of the building boom, which, as a thank-you to the president, used their resources to acquire what had been critical or even just broadly neutral newspapers); and the total withdrawal of state advertising – crucial for struggling newspapers – if journalists do not toe the line.

#### 4 THE RHYTHMS OF DEMOCRACY

Beyond staging the battle of democratic politics and ensuring pluralism, intermediary powers play a role in structuring political time. Parties hold primary elections; newspapers and broadcasters offer news and opinion on a given schedule. Here again, they bring – as James Bryce put it when describing the role of parties – "order out of chaos to a multitude of voters", and here we find yet again something of an analogy with a democratic political system as a whole. After all, elections concentrate citizens' minds; they establish relations of accountability, as candidates make promises during election campaigns to which voters will return; and, not least, they serve as a ritual affirmation of the importance of democracy (partly by creating a simultaneous experience for all citizens, where possible; it appears impossible in the world's largest democracy, as voting is stretched out over a month in India; it also seems impossible during a pandemic).<sup>17</sup> Again, there is no point in idealizing any of this. In the nineteenth-century US, election day was not a moment of solemnly practicing civic mindfulness; it was time to get free whisky and possibly have a good time with a fistfight; people didn't study pamphlets, as idealized visions of the public sphere would suggest,

<sup>17</sup> Dennis F. Thompson (2004) stresses periodicity, simultaneity, and finality as properties of the democratic electoral moment.

but rather joined raucous parades which usually ended up at the houses of the richest citizens, bluntly reaffirming that the latter had most of the power (Schudson 1992).

Yet these periodic events also gave a particular rhythm to democratic life; they provide common reference points around which partisans can coordinate (White 2017).<sup>18</sup> And they furnish not just winners but also political losers with resources: the victors get to implement their political projects more or less independent from changes in opinion, and the losers get to prepare for a distinct moment when they have another chance (Linz 1998). This was and is true of democracy inside political parties as well. And it used to be the case with professional media organizations, not just because media organization schedules were mostly in synch with the larger pattern of political time; rather, there were rituals such as the proverbial 8 o'clock news that brought significant parts of the country together around the TV set. Hegel, a comfortable inhabitant of the early nineteenth-century bourgeois public sphere, remarked that reading the morning newspaper constituted the daily prayer of the bourgeois. Marshall McLuhan, a provocateur in and of the twentieth-century mass public sphere, described the ritual a bit differently: "People don't actually read newspapers. They step into them every morning like a hot bath" (McLuhan/Carson 2011: 184).

It is easy to underestimate, or even ridicule, this point: rhythm and ritual might just be dismissed as stilted bourgeois norms. But think about how the 24-hour news cycle, the sheer bombardment with supposed "information" online, has made it harder to form political judgments. Constant distraction is the opposite, obviously, of pre-determined moments of political focus. The direct and

instant address (or so it feels) by tweeting presidents and over-politicized friends potentially does away with the work that used to be done by well-functioning intermediary institutions.

There is no obvious (or non-obvious, for that matter) solution to this absence of rhythm and ritual; many citizens might not, in fact, miss them. My modest point here is simply to make us more sensitive to this point. A democracy might be OK even without election day as a shared experience, with many different citizens mailing in ballots rather than having a shared experience in schools, municipal buildings, or whatever physical civic venues one might think of in this context. But a democracy will not be OK without a clear sense of when exactly a binding decision has been made or some rallying point (in time and space) for opposition to that decision.

We shall not recover a world of news consumption as daily prayer or daily bath. But we can creatively think about functional equivalents of whatever created rhythm and structured political time in the past.

Let me now turn from a general consideration of functions of intermediary powers to suggesting specific standards for assessing them. I underline that these are general standards, not highly specific rules for institutional design.

## 5 CRITERIA

To start with: access. To put matters bluntly, how easy should it be to start a political party? Many countries require a minimum number of members to demonstrate serious intent to engage in elections, but the figures differ dramatically: in Australia, it is 500, whereas, in the UK, one can register a party with two (!) officers and a GBP 150 non-refundable application fee. How one creates a party legally is not the only question, as

<sup>18</sup> White observes rightly that "institutionalised rhythms express the autonomy of democratic time" (2017: 8).

parties and electoral systems interact: even if it is easy to form a party, it might be impossible to get on the ballot, as access requires fielding candidates everywhere or requires costly litigation (on which independents in the US sometimes spend most of their campaign funds). Even if one gets on the ballot, the rules of representation might leave smaller contenders in the wilderness: think how in the United States, voters are often only allowed to participate in one primary, which makes them more likely to stick with the large parties, lest they lose their influence on the overall political outcome.<sup>19</sup>

And yet, the easier it is to enter the game of offering oneself and particular representations of shared interests to groups in society, the more likely that citizens will experience their political system as free and open to change. They will find out what others think and what concrete concerns people might have in common. And the more representations are out there, and the more we can say that access to the means of making representative claims are equal, the higher the worth of one's voice and one's vote.

Yet the notion that one would want the political process to be as accessible as possible is hardly uncontroversial. In the eyes of skeptics, access for everyone might mean structure for no one: too many actors, too much noise, and thus political confusion. And confusion would always seem to work in favor of the most powerful.

The most harmless version of this worry is that easy access will result in a proliferation of frivolous parties tricking citizens into wasting their votes: clown candidates tend to degrade a political process as a whole. Except that, if one looks

at successful clown candidates, they usually have a deadly serious point. Tiririca, a Brazilian comedian, ran for Congress in 2010; his disarming slogan was "It can't get any worse" (little did he know about Bolsonaro). Tiririca courted voters with the message, "What does a federal deputy do? Truly, I don't know. But vote for me and I will find out for you" (BBC 2010). It seems people did want to know: he ended up receiving more support than any other candidate in the election.

Rather than condemning him as a precursor of what critics see as a far-right horror clown – that is to say, Bolsonaro – one should see satire as legitimate representation for despairing citizens (one of Tiririca's other election promises was that he would support all Brazilian families, especially his own). Iceland's "Best Party", which won the municipal election in Reykjavik in 2010, campaigned with the slogan that whereas all other parties were secretly corrupt, they would be openly corrupt (a comedian actually became mayor and, by most accounts, did a more than decent job). Like all good satire, satirical parties point to a truth, or at the very least make people think; or, as one lower US court once put it, the right to vote for Donald Duck must be constitutionally protected, for it could be intended as a "serious satirical criticism of the powers that be". Joke parties need not be a joke; the worry that people could completely misunderstand their nature grossly underestimates citizens' judgment.

Even more patronizing is the view that people could become confused if there are too many parties.<sup>20</sup> This notion has served as a reason for US courts to allow the two main parties to make registering new parties exceedingly onerous. It is simply assumed that there is no alternative to the

19 In the important case *Figueroa v. Canada* (2003), the Canadian Supreme Court provided reasons against requiring parties to field candidates in at least fifty constituencies and, more broadly speaking, for the role of smaller parties in the democratic process, as they "enhance the meaningfulness of individual participation".

20 Such a line of reasoning can also be deployed against an antitrust approach to political competition: a duopoly is acceptable, as long as it is beneficial to voters as "consumers of politics" (in parallel to Robert Bork's argument that monopolies are acceptable as long as they benefit consumers).



rotation of two moderate parties with established and easy-to-understand “brands”; everything else could result in “irresponsible government” or factionalism. In theory, such an approach is premised on the ideal of two stable, centrist parties absorbing all political demands from society. In practice, it has allowed the beneficiaries of the “two parties as responsible government” view effectively to “lock down political markets” (Issacharoff/Pildes 1998).

Arguments against wider access rely on the notion that citizens need to be able to properly assess the options in front of them. That intuition also applies to media organizations and the public sphere in a broader sense: the problem is not that particular views are spread by Russian bots or sock puppets; the problem is that people don’t understand that they’re looking at bots and sock puppets. According to one study, half of Twitter accounts discussing “reopening America” in the spring of 2020 may have been bots, a potentially massive influence operation of which very few citizens were aware (Young 2020). Having fake followers – and pointing to them as evidence of popular support – is akin to publishing opinion polls falsified in one’s own favor (Cagé 2020: 239).

True, transparency is a bit like education: everyone is in favor of it, and it always seems to be the solution to everything. But with parties and professional news media organizations, the concern is justified. What we see is not always what we get in politics and what we see should really be what we see. Citizens need some assurance about the autonomy of what they are opting for, be it a political formation or a source of news and opinion. This call for autonomy is not the same as a demand for impartiality. By definition, parties are not impartial, but journalists can also legitimately place their reporting in a frame of values they pursue *as long as* that frame is clearly acknowledged and assessable. Timothy Garton Ash has coined the term “transparent partiality”; an

example would be an Orwell who made it absolutely clear to the readers of *Homage to Catalonia* that his reporting on the Spanish Civil War was presented from a particular point of view, an engaged partisan – there was no pretense of a “view from nowhere” (Ash 2017: 204). As Garton Ash observes, we believe him precisely because he does not claim to be “fair and balanced” (Peck 2019).<sup>21</sup>

What does autonomy mean more concretely? Most intermediary institutions do not pay for themselves: in general, parties cannot survive just on membership fees; all large-scale newspapers and TV channels need more than individual subscriptions to be financially viable (not to speak of being profitable). It would seem, therefore, that autonomy must be compromised: there will be financial dependence on something or someone; the only question is whether it will be the market or the state (or oligarchs, for that matter). The dependence of British and Australian politicians (including nominally left-wing ones like Tony Blair) on Rupert Murdoch, who has systematically used political influence for financial gain, trading publicity for policy, is only the most obvious example in the West (Peck 2019: 69–70).

If powerful private actors can use intermediaries to increase their power further, a distinctly public approach promoting equality of opportunity would seem the obvious solution: some democracies conceive of parties and broadcasters as something like “public utilities” and they finance and regulate them accordingly (Epstein 1986/van Biezen 2004). Parties and reliable news sources are clearly acknowledged as part of what one might call the necessary infrastructure of democracy. After all, they’re producing “public goods”, and the nature of public goods is that nobody can be excluded from them (think of national defense

21 To be sure, the self-presentation of Fox News oscillates between objectivity (“we report, you decide”) and supposedly transparent partiality, as when Bill O’Reilly claimed to offer news and analysis from a distinct working-class point of view.

or roads in most countries). This also means, though, that such goods will never be provided adequately by anyone observing solely the imperative to make a profit.<sup>22</sup>

The obvious drawback of public provision of news is that “public” here means the state, and the state effectively means the government and that ultimately means the parties themselves. The object of regulation happens to be the subject of regulation, and the danger is precisely the formation of party cartels, for which keeping newcomers out completely is more important than getting into office oneself in a given contest (Katz/Mair 1955).

But what if the public actually meant the people? What if caring for democracy’s infrastructure did not rest exclusively with its constitutive parts, such as parties, and instead we asked citizens themselves to maintain it?

Democracy costs substantial amounts of money, from the actual machinery of voting (shockingly outdated in parts of the US) to the transportation of mail-in ballots (shockingly under-funded in parts of the US) to parties and actual campaigns (shockingly over-funded in the US).<sup>23</sup> The question is: who pays? In the US, public funding has effectively stopped at the federal level (even Bernie Sanders rejected it); it is owners of concentrated wealth – as well as some citizens making small contributions – who bankroll campaigns today.

While everyone is aware that the costs of such campaigns are mind-boggling, citizens of other

democracies are not necessarily entitled to turn up their noses at the crazy Americans. In Western Europe, donations are also highly concentrated among the wealthiest (as well as large companies in countries where corporate donations are permissible: for instance, the German car industry and Philip Morris, the cigarette maker, spend lavishly on the two largest left-wing and right-wing parties with the tobacco giant also sponsoring party conventions and “summer parties” in Berlin – expenditures which, needless to say, are easy to hide).<sup>24</sup> For the British Labour Party, large private donations eventually became more important than membership fees (but dried up under the leadership of Jeremy Corbyn).

True, many countries offer public funding of parties, but those same countries often set very weak limits on private contributions.<sup>25</sup> Less obviously, where states seemingly put funding directly into the hands of the people in a more democratic manner – offering tax deductions for spending on our system of self-rule, so to speak – the effect is highly skewed. As the wealthier pay much higher taxes, they also disproportionately benefit from such schemes. As the French economist, Julia Cagé points out in an important study of *The Price of Democracy*, the poor end up subsidizing the political preferences of the rich (who tend to be much more conservative in economic matters, of course). In France, according to Cagé, the average donation of the bottom 10 percent of French citizens was EUR 23; meanwhile, the wealthiest 10 percent received EUR 29 million in tax relief (Cagé 2020). It is as if democracies had returned to a version of property qualifications for political participation: you get one vote at the ballot box, but some get to vote again (and again) with their

22 The supervision of party and media systems should ideally be delegated to politically balanced or outright depoliticized boards. The task of such non-partisan bodies is not to reduce partisanship but to regulate political and professional rivalry. In practice, this will mean regulatory bodies staffed by figures associated with different political directions. Authoritarian populists like Poland’s PiS immediately moved to make the staffing of regulatory bodies a matter of simple parliamentary majorities.

23 According to Lawrence Lessig, the relevant funders in the US are fewer than 0.5 per cent of the population.

24 In France and the UK, 10 per cent of “megadonors” account for more than two thirds of the total of donations, according to Cagé’s study.

25 Public funding is, not surprisingly, under attack from populists. M5S brought about a situation in which public funding of parties effectively stopped.

wallets (reminiscent of the 1820 French election law, where the richest literally could vote twice) (Cagé 2020: 248).

Cagé, as well as a number of US constitutional lawyers (and even a few Congressmen on the Democratic side), has proposed an alternative for funding what one might call democracy's critical infrastructure (Ackerman/Ayres 2004; Lessig 2011): individual vouchers, which citizens can distribute incrementally (or all at once) to parties and candidates of their choice, with the additional possibility of contributing cash up to a strict limit (a commonly cited figure is USD 250);<sup>26</sup> all larger donations – and corporations buying themselves a political voice – are to be outlawed. There would be an initial hurdle to qualify for receiving such vouchers: new parties should be able to raise funds from a sufficient number of citizens or demonstrate non-trivial support in polls. Unused vouchers could be distributed according to the last election outcome (in the same way that funding in many countries is currently decided).

There are several advantages to such a scheme: it would be a significant, if hardly perfect, check on the political uses of concentrated wealth. Less obviously, it would strengthen the open and dynamic character of at least some existing democracies, in which, currently, the funding of political parties is determined on the basis of previous election results. Newcomers could get real support even in the middle of an election cycle. Losers – let's say, traditional parties – would lose less if their supporters wanted to punish them at an election, but not see them wiped from the political map (think of left-leaning French citizens who wanted to sanction the socialist party for Hollande's less-than-glorious presidency,

26 And parties could still charge membership fees. These have never really sustained most parties, which is not to say that they don't matter: laws about public funding can be tailored in such a way that they reward the ability to attract a large membership (Germany being an example).

but still maintain an effective alternative to Emmanuel Macron). Lastly, while the numbers might seem tiny, being able to contribute something could give individuals a sense of efficacy in a democracy ("I can give and shape something, just like Gates and Soros!").<sup>27</sup> This would be even more the case, of course, if this scheme forced politicians to engage with a wider range of voters than is the case in a country like the US, where members of congress are said to spend four or more hours every day on soliciting donations from the affluent, making them more into telemarketers for a particular segment of the population than representatives of all their constituents (Markovits 2019: 53).<sup>28</sup>

Cagé's suggestion is a seven-Euro voucher for every voter. This doesn't add up to an outrageous total; it is roughly what the German state spends annually just on the foundations close to political parties which, among other things, develop policy and engage in "political education". In the US, there has been the suggestion of "democracy coupons" worth USD 100, in USD 20 increments, or "democracy dollars" of USD 50, stored on a special credit card account, according to the scheme developed by Yale Law School professor Bruce Ackerman and Congressman Ro Khanna.

There is a serious question whether individual spending decisions should be made public or not – corporations might not respond well if their workers are on record giving funds to an anti-capitalist party (or company leaders might pressure their employees to donate to a particular candidate). Cagé would stick with the idea of funding candidates or parties by using tax returns to

27 In New York City, six to one matching grants for small contributions encourage a similar attitude – except that contributions still tend to come from the top earners. In a better system, citizens wouldn't not feel their contribution has a real opportunity cost when money is tight.

28 Zephyr Teachout claims that representatives spend between 30 and 70 percent of their time every week raising money (Teachout 2014: 252).

deploy one's democracy vouchers, possibly giving special credits to the millions who earn so little that they don't pay income tax (which is at least half of eligible voters in many countries). This would prevent anyone from buying up vouchers at a premium – or even just at face value – in the way that savvy investors amassed privatization vouchers in Central Europe in the 1990s. Also, there'd be ways to erase the information after a short period, thereby providing a kind of de facto online *isoloir*.

These aren't just fantasies. One such scheme was actually implemented in Seattle for local elections. Citizens received vouchers in the mail; alas, many thought the envelopes contained junk; others left them lying around but forgot to actually contribute their "democracy dollars" (Kliff 2018). Pessimists about the capacities of ordinary people will feel good about the fact that, in the end, only 3.3 percent of Seattle residents who had received vouchers ended up using them. On the positive side, the overall number of small contributions increased, and there is some evidence that candidates without access to wealthy donors benefited from the system.

Schemes to give citizens direct financial control of democracy's infrastructure might increase their sense that elections have integrity.<sup>29</sup> It could counter the widespread (and often correct) impression that votes count, but hidden resources decide (in the pithy formulation of Stein Rokkan). The conclusion for many citizens today is not only that dependence of this kind corrupts the process; it is also that there is no point in getting engaged in politics. This passivity, in turn, gives the resource-rich yet more leverage.

29 To be sure, making perceptions of integrity a criterion is dangerous in contexts where integrity has been used as a weapon of exclusion of voters (Karlan 2016).

Of course, some vouchers might go to waste, as citizens cannot devote attention to politics or somehow find it too burdensome to actually distribute their vouchers: just as people fail to exercise their vote, they might fail to use what in effect is "free money". A less demanding alternative would be simply to base funding on something like an annual poll.<sup>30</sup> Such a poll might lend a new rhythm to democracy beyond elections. But it could also de facto turn into the functional equivalent of an election, with an added side-effect of making parties campaign annually (instead of focusing on policy), which in turn would require more resources...

Such schemes can look like they get us close to an ideal of equal access or equal influence – after all, we each only have seven Euros. But in fact, it cannot: those with more time to devote to politics, those in elite functions as heads of companies or trade unions will still have better access to the political arena and hence more influence. What George W. Bush, with his charming offensiveness (almost innocence), called "the have-mores" will still be in a different position than what Bush termed the simple "haves".<sup>31</sup>

None of this, then, promises better political outcomes as such, but it holds the possibility of opening up democracy to new representatives and, more particularly, such new claim-makers can be given a boost even before ever doing well in an actual election. Less obviously, this scheme also sends a signal that the responsibility for maintaining democracy's critical infrastructure rests not with what in the US is nowadays often

30 This proposal of a survey as a quasi-constitutional tool can be found in Ringen (2013).

31 As Bush put it at a fundraiser, surrounded entirely by elderly white men in tuxedos: "Some people call you the elite. I call you my base" (C-Span 2000, citing George W. Bush). To be fair, the annual Al Smith dinner is supposed to feature self-deprecating jokes; yet Bush's supposed self-irony here (as so many of his other remarks delivered with a smirk) plainly revealed the truth (C-Span 2000).

called “the donor class” (in effect, critics would say, the *taker* class – see the 2017 tax cut). Rather, it is firmly placed in the hands of all citizens.

In principle, there is nothing wrong with having a parallel voucher scheme for news media organizations except for the worry that venerable public service institutions like the BBC might all of a sudden be starved of funds if citizens could somehow be manipulated to distribute all resources to private competitors (who would have every reason to turn people against public broadcasters as “liberal elitists”, etc.). For what it’s worth as evidence, a Swiss initiative aimed at radically reducing the financing of public service broadcasters – derided as supposedly left-leaning “state TV” – failed decisively in 2018: 71.6 percent voted against abolishing the yearly fee of CHF 450 (a not so trivial indirect tax for many citizens).<sup>32</sup>

As with parties, a voucher scheme might give a much-needed boost to journalistic upstarts. It is the same Julia Cagé who suggested the creation of “non-profit media organizations”, which would combine the advantages of joint-stock companies and private foundations (Cagé 2016). Both large and small donors could “buy into” such a non-profit and receive tax deductions (though here the same problem of the poor subsidizing the preferences of the rich appear), and they could also distribute their “media vouchers” as they see fit. The obvious danger is the capture of such media organizations by wealthy individuals who donate to dominate; after all, the problem with private foundations, in general, is that they exert largely unaccountable political influence and receive tax breaks for doing so (quite apart from employing the ne’er-do-well relatives

of the founder, and the children of the friends of the founder, etc.).

Cagé’s ingenious suggestion is to *decrease* voting power in line with tax-deductible contributions, so large donors would receive significant tax benefits (and the sense of satisfaction that might be associated with helping a cause), but they would not automatically dominate. In other words, unlike with regular joint-stock companies, minorities – in particular, small donors who might join forces in what Cagé calls “readers’ societies” – could exert significant control. This would make media organizations accessible – anyone could become a member of a non-profit media organization. And it would be perfectly fine to have such organizations operate according to the principle of “transparent partiality”. In fact, that partiality might be the very reason why someone passionate about social justice (or the latest news about Catholic natural law, for that matter) might want to become a member in the first place.

Such a convergence of transparently partisan news media organizations and political parties will ring alarm bells: aren’t journalists supposed to hold politicians accountable? Do we want to politicize yet another institution from which one would expect an impartial framing of democratic politics? This worry overlooks that parties and press were often mixed in the past and not always in a nefarious manner. Many leaders of socialist parties started as journalists or even actively combined the roles of parliamentarian, agitator, theorist, and journalist. In fact, some historians have argued that the very idea of revolutionary socialist parties emerged from radical journalism (rather than trade unions, the labor movement, etc.). Karl Marx was a journalist before he ever led a party (the *Communist Manifesto* was written at a time when there was no Communist Party whatsoever; Marx and Engels wrote and reported

<sup>32</sup> The initiative still prompted the public service to undertake a number of what were presented as important reforms: more investment in information-gathering on the one hand, fewer publications freely available online on the other, so as not to engage in what private publishers had criticized as unfair competition.

it into existence) (Mudge 2018: 74–5).<sup>33</sup> In 1920, a US presidential election pitted two newspaper editors (who both also happened to be from Ohio) against each other. There is nothing inherently wrong with a party emerging from a talk show (Podemos) or a blog (Five Star) as long as what it says is accurate and what it does is autonomous. That logic also goes the other way: there is nothing wrong with a paper being produced by a party; the problem with a number of recent small-town publications in rural America, for instance, was not the partisanship, but the fact that financing and partisan orientation were hidden on purpose.<sup>34</sup>

To be sure, the set-up of non-profit media, with its structural empowerment of individual members, is no panacea. Under Cagé’s scheme, a well-organized minority with a peculiar agenda could change the orientation of a particular media organization, and more moderate large donors – who have their tax-deductible contributions locked in – could not do anything about it. Except that such a captured non-profit media might turn off citizens once that capture has become clearly visible.

Citizens might not necessarily find partisanship the most attractive selling point (for their investment or distribution of media vouchers, if there were such a thing). Some of the hopes placed in “citizens’ journalism” have been disappointed, but in principle, those dissatisfied with the existing state of local news could finance outlets that give room for non-professionals in a not-too-amateurish way. The same is true of “public journalism”, which orients itself to – as the name suggests – the public (Rosen 2000). For instance, instead of the typical horse-race coverage of

elections in which there is always a suspenseful story, and journalists can maintain neutrality (after all, it is all about objective poll numbers), practitioners of public journalism would proceed differently: they would engage with citizens first, find out more about the issues that concern them, and then press politicians to engage with precisely these issues (this is what the media critic Jay Rosen has called a “citizens’ agenda approach”).

This last point shows yet again that, in the end, all possible improvements of the infrastructure of democracy depend on one thing: intermediary institutions must be not only accessible and autonomous; they must also be *assessable*, as Onora O’Neill has put it (2019). If they are to contribute to citizen judgment, it matters that citizens can also judge them: how are they financed (who owns them, in the case of new media organizations)? What agendas do they have? Might it be the case that a party is just the instrument of an individual with nefarious interests (think of Berlusconi’s party, Forza Italia)? Might the real power behind a party’s candidate be what in the US has been called “shadow parties” or “para-parties” – for instance, campaign committees pushing a candidate without spending limits, injecting unaccountable “dark money” into the political process? (Issacharoff 2017; Schlozman/Rosenfeld 2019). In turn, a “para-media” organization might appear impartial, but not truly independent (it is potentially at the whim of an oligarch); conversely, it might be independent without being impartial, a state of affairs that could be perfectly acceptable as long as there is no pretense otherwise. The problem with a station like Fox is not that it tries to speak from a “conservative working-class perspective” (according to former presenter Bill O’Reilly) – whether or not that is the case, the working class can very well decide on its own – but that it presents matters in a way that, charitably put, is inaccurate (claiming, for instance, that an unspecified “they” had dead people vote in US elections, thus backing up Trump’s

33 Arguably, Mirabeau was the first modern campaigning journalist. Gramsci would be another example and maybe Boris Johnson. Marx also eventually benefited from being bankrolled by a capitalist, i.e. Engels. Thanks to Cas Mudde here.

34 There’s also the problem that supposedly non-partisan non-profit journalism in fact relies on partisan sources (Konieczna 2018).

long-debunked assertions about widespread voter fraud).

A media company might also say one thing while doing another; and, alas, it's again one particular TV station that comes to mind: in spring 2020, Fox anchors clamored for "opening the economy" and for people to mingle in the middle of a pandemic; meanwhile, Fox's own offices were closed, and employees were instructed to stay at home. To judge the former public claim, it helps to know about the latter, private one.

Transparency is a necessary but not sufficient condition for forming judgment. The internal workings of both media organizations and parties have to be assessable; there has to be a clear enough sense of who ultimately makes decisions about the direction of an institution as a whole.<sup>35</sup> Ostensible democratization – "let the members decide!" – can be meaningless if party elites tightly control shortlists, in line with the famous observation of Boss Tweed, the nineteenth-century US machine politician: "I don't care who does the electing, as long as I get to do the nominating."<sup>36</sup>

## 6 CONCLUSION

This paper has focused on one aspect of what is today often described as a "crisis of representation", which in turn is often associated with a crisis of the "liberal script" more broadly. I have argued that structural transformations of intermediary institutions – historically associated with a liberalism that made principles of representation,

parliamentarism, and public opinion central to its model of politics – are real, but that a disappearance of these institutions remains unlikely. Hence, it is all the more urgent to re-examine the critical functions of intermediary institutions and to suggest criteria for evaluating their concrete instantiations; this is what the paper has sought to do. In addition, it has endorsed a well-known reform proposal for financing intermediary powers (after all, political theorists should follow the money, too).

Let me add that to specify functions and standards for judging intermediary powers is not to dismiss alternative ways for citizens to use their political rights in a direct manner: be it in referendums, or citizen assemblies, or other innovative forums. Arguably, the quality of the latter is likely to be higher if intermediary powers conform more to the normative standards I have laid out. After all, free professional media organizations also play a major role in referendums; and people engaged in deliberation in a citizen assembly or jury will not all of a sudden forget their picture of the political world, which has been largely shaped by the representative claims of political parties.

<sup>35</sup> It also must be possible to come to some reasoned judgment about its internal pluralism (even if we saw that pluralism is a tricky criterion: it is possible to see whether there is real possibility for debate; but we cannot mandate that partisans or journalists, for that matter, disagree).

<sup>36</sup> The basics of democratic political conflict of course also apply: opposition has its say, majority gets its way. Parties not observing such basics will rightly be seen as squabbling and pay a price at the polls.

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