

Democracy Without Political Parties

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From the Republic's first breath, political scientists have debated the merits of parties. Despite constitutional barriers and vociferous opposition from some of the founding fathers, political parties developed and became virtually indispensable institutions of American government.

George Washington and James Madison were among those firm in their opposition to parties. President Washington's parting message as he left office warned of "the baneful effects of the spirit of party generally."<sup>1</sup> Madison was equally distrustful of "factions." In Number 10 of the Federalist Papers he recognized that men with freedom would inevitably form inherently oppressive parties. Because the causes of faction cannot be removed without destroying liberty, Madison argued that the only relief was in controlling the effects of faction through a system of representation.<sup>2</sup>

Federalist 10 depicts the constitutional theory of political parties. Consequently, the Constitution created an atmosphere that at the same time allowed the formation of factions by preserving civil rights but invited the parties to strangle themselves through a complicated system of separation of powers. The theory was that the parties would exhaust themselves in futile attempts to work their way through an elaborate division of powers within an intricate governmental structure.<sup>3</sup> To accomplish any goals would require so much time and effort that the impetus for cohesion would be exhausted. Nevertheless, American parties developed outside the institutional framework of the Constitution and became the most stable political parties among the Western democracies.<sup>4</sup> Two hundred years later, the debate persists over whether democracy demands strong parties and the implementation of reforms to resuscitate the decaying party system.

## I. The Decline Of American Political Parties.

### A. **Five Factors of Societal Change Have Hastened the Decay of the Major Parties.**

Party strength, at its peak during the immediate post-Civil War years, has been waning since the turn of the century.<sup>5</sup> When the parties were at their apex, party loyalty was deep. People inherited their politics as they did their religion. The party system enjoyed real connections with people and drew organizational strength from established churches and unions.<sup>6</sup> The consensus among scholars now is that the strength of parties to compete

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<sup>1</sup> George Washington, The Baneful Effects of the Spirit of Party, in American Party System 22, 23 (John R. Owens & P.J. Staudenraus eds., 1965).

<sup>2</sup> The Federalist No. 10 (James Madison).

<sup>3</sup> E. E. Schattschneider, In Defense of Political Parties, in American Party System 32, 35 (John R. Owens & P.J. Staudenraus eds., 1965).

<sup>4</sup> John R. Owens & P.J. Staudenraus, American Party System 57 (1965). For a comprehensive discussion of the development of the party system in America see M. Ostrogorski, Democracy and the Party System (1910).

<sup>5</sup> Arthur M. Schlesinger, Jr., The Crisis of the American Party System, in Political Parties and the Modern State 71, 74, 78 (Richard L. McCormick ed., 1984) [hereinafter Schlesinger, The Crisis of the American Party System].

<sup>6</sup> Id. at 74.

politically is nearly exhausted.<sup>7</sup> This steady weakening of the party system can be attributed to changes in society since the high water mark of party power and influence, roughly 1880.

### 1. Technological Change.

Technological developments improving mass communication have enabled candidates and activists to circumvent the parties. In the past the party played a major role in communicating with the voters. The organization communicated face-to-face, disseminated literature, and held political rallies to carry their message to the voters. However, this role has been rendered virtually superfluous by the mass media. Today, television and radio allow candidates to communicate directly to the electorate. The national press has supplanted the party as the principal source of candidate information.<sup>8</sup> The telephone opened new channels of communication to by-pass the formal party organization.<sup>9</sup> Candidates no longer need to rely on the party network to organize political rallies, for example, because they can communicate with the voters through their own organization over the telephone without involving the party. Mass mail solicitation has replaced traditional party fundraising activities.<sup>10</sup> Finally, computer polls discern the opinions of the electorate – information that candidates previously relied on the party to obtain.<sup>11</sup> All of these developments could have facilitated party communication with the electorate. However, because it became so easy for a candidate to gain access to the mass media, enabling him to reach thousands of voters at the same time, the party was no longer necessary as an intermediary between the candidate and the people. Thus deprived of a major function, the parties atrophied.

While party strength dwindled as a result of these technological developments, the media's influence on the electorate escalated. The focus shifted from party bosses to professional journalists, public relations specialists, and media technicians who served any candidate regardless of ideology.<sup>12</sup> Since the mass media is such a pervasive and captivating medium, people have a tendency to believe things they see and hear in the press. Thus the media, and those candidates who use it, have enormous power to shape the views of the electorate.

Media control over politics has disastrous consequences for democracy independent of the damage from displacing the parties. The news reports and political advertisements of television dominated politics focus on the candidate's personality rather than the issues.<sup>13</sup>

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<sup>7</sup> Ostrogorski, supra note 4, at 442; Gerald M. Pomper, The Contribution of Political Parties to American Democracy, in Party Renewal in America 1, 3 (Gerald M. Pomper ed., 1980) [hereinafter Pomper, The Contribution of Political Parties]; Donald M. Fraser, Democratizing the Democratic Party, in Political Parties in the Eighties 116, 126 (Robert A. Goldwin ed., 1980).

<sup>8</sup> William Greider, Who Will Tell the People 247 (1992); Schlesinger, The Crisis of the American Party System, supra note 5, at 80; Everett Carl Ladd, Political Parties, "Reform," and American Democracy, in Challenges to Party Government 22, 30 (John Kenneth White et al. eds., 1992).

<sup>9</sup> Frank B. Feigert, et al., Parties and Politics in America 385 (1976).

<sup>10</sup> Nelson W. Polsby, The News Media as an Alternative to Party in the Presidential Selection Process, in Political Parties in the Eighties 50, 55 (Robert A. Goldwin ed., 1980).

<sup>11</sup> Schlesinger, The Crisis of the American Party System, supra note 5, at 80.

<sup>12</sup> Polsby, supra note 10, at 55; Arthur M. Schlesinger, Jr., Can The Party System Be Saved?, in The American Constitutional System Under Strong and Weak Parties 115, 120 (Patricia Bonomi et al. eds., 1981) [hereinafter Schlesinger, Can The Party System Be Saved?].

<sup>13</sup> Schlesinger, Can The Party System Be Saved?, supra note 12, at 137. See also Section I.A.4. infra.

Furthermore, the issues that are presented are not discussed by voters who passively receive the messages isolated in their homes. The electorate gains less benefit from community dialogue and must rely on the commentary of strangers in the press to form opinions. Media centered politics places extraordinary emphasis on money because of the exorbitant expense associated with running a national mass media campaign. To campaign for a House of Representatives seat may cost in excess of \$500,000, while a Senate campaign costs an average of \$2 million. The greatest portion of campaign funds will usually go toward broadcast media, with the cost of air time as great as \$25,000 for a 30 second prime time spot.<sup>14</sup> It has become prohibitively expensive for the common man to run for national office, leaving nothing to prevent a tiny minority of wealthy people from dominating the political system.<sup>15</sup>

Additionally, the political information reported to the electorate by the news media may be distorted. While the party is motivated by ideology and election success, the media is driven primarily by competition. This competition is beneficial to the extent that it drives news entities to be the first to uncover candidate skeletons or government abuse – consider Watergate for example. However, competition also skews the information disseminated to the public. Time constraints force journalists to compress the bulk of information they receive into highly stereotyped stories. Information may be exaggerated because competition encourages the press to maximize the impact of the news on its audience. The need to get as close as possible to news sources, in order to get an edge on the competition, jeopardizes the independence and objectivity of the press. Furthermore, this competitiveness intensifies the effects of mass decision making by distorting the presentation of who or what issue is popular, and by overemphasizing small victories and de-emphasizing major ones. As the number of presidential candidates increases, the limited resources of the media prevent them from thoroughly covering each. So the press focuses on bizarre campaigns or the candidate most likely to win. Early results, such as the New Hampshire primary, become more important. The media can't digest complex results, so winning on a day in which there is only one primary is more advantageous than performing well on "Super Tuesday." Finally, the amplification of short-term trends of opinion leads political leaders to believe that weak views are sustained fervently by the electorate.<sup>16</sup>

## 2. Proliferation of Interest Groups.

The enormous growth of special interests is both a cause and an effect of weak parties. Interest groups precipitated party decline because they competed directly with the parties for influence and because the parties abandoned grass roots members for a client-based constituency.

The narrowness of pressure group interests gives them enormous advantage to compete with parties for influence on government officials. With the increasing emphasis on mass media in political campaigns, moneyed special interests can virtually buy access to representatives. Donations that used to be distributed through the party are now given directly

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<sup>14</sup> Maxwell Glen, Focus on Fund Raising, National Journal, Dec. 7, 1985, vol. 17, no. 49, at 2798; see also Carol Matlack, Elections You Can Afford, National Journal, June 24, 1989, vol. 21, no. 25, at 1630.

<sup>15</sup> Greider, supra note 8, at 286.

<sup>16</sup> Polsby, supra note 10, at 57-66.

to the people who make decisions that affect the interest group.<sup>17</sup> This maximizes the impact of special interest money since it is easier to influence a legislator's vote on a single issue than on an entire party platform. Private donations filtered through the party apparatus, on the other hand, may dilute its influence on issues of import to its contributor because parties attach a bundle of interests to campaign donations – party leadership will expect conformity with its whole agenda. Therefore, the parties have lost influence because candidates no longer rely on them for campaign funds.

Support by loyal members dedicated to narrow issues rather than broad ideology has given pressure groups a competitive edge over parties. With organizations such as the National Rifle Association and the American Association of Retired Persons that boast of millions of letter writing, contributing members, party membership is comparatively small.<sup>18</sup> Interest group lobbyists have also gained influence because they usually have considerably more expertise in their narrow area of interest than party leaders and legislators.

Interest groups also attempt to affect public policy through the parties. Party leaders have responded by abandoning their ideology and the interests of rank-and-file members in order to serve the economic interests of elite clients. In Who Will Tell the People, a Requiem for American Democracy, William Greider argues that both the Democratic and Republican Parties are controlled by Washington elites who use their access to Congress in order to take care of client's needs. When party ideology and client interests conflict, ideals are discarded, and the clients are served. The GOP abandoned its belief in balanced budgets and fiscal responsibility to institute regressive tax cuts for businesses and wealthy individuals and to escalate defense spending. Furthermore, the Democrats did nothing to avert the financial crises of the 1980s because Wall Street was a major source of financing for the party and because many banks and finance companies were clients of the Washington lawyer party leaders.<sup>19</sup> The triumph of economic interests forecasts disaster for the nation. Greider concluded, "short-run demands of elite interests do not add up to a workable scheme for governing the economy on behalf of the nation's long-term well-being. The powerful win their narrow victories; the country loses."<sup>20</sup>

As party strength wanes, interest group influence is magnified. Single-issue factions can more easily gain access to governmental decision-makers. On the other hand, if parties effectively served their function of democratic intermediary, pressure groups would be rendered superfluous.<sup>21</sup> The expansion of pressure group control over politics is detrimental to democracy. Although they are efficient at advocating single issues, special interest groups are an inadequate replacement for parties because pressure groups aren't representative in the aggregate. They contribute to political inequality because many interests are unsupported by pressure groups. For many Americans such as consumers, non-union laborers, and farm workers, there is no group to join at all.<sup>22</sup> Moreover, the group's power is often used to advance the leaders' interests rather than to represent the membership. For example, the American

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<sup>17</sup> Greider, supra note 8, at 252.

<sup>18</sup> Id. at 248.

<sup>19</sup> Id. at 245-86.

<sup>20</sup> Id. at 285-86.

<sup>21</sup> Feigert, supra note 9, at 322; Kay Lawson, Political Parties and Democracy in the United States 99 (1968).

<sup>22</sup> Lawson, supra note 21, at 105, 126.

Medical Association resisted government assistance in financing medical care even though many commentators argued that the position was against the best interests of the average doctor. Similarly, the AMA has been accused of maintaining a shortage of physicians in order to keep incomes high while general practitioners, who make up the majority of physicians, want more competition to reduce their overwhelming work load.<sup>23</sup> Special interest groups seem to more closely resemble Madison's factions than parties do. A strong, properly functioning party can be expected to consider the interests of the nation more than a single-issue organization "united and actuated by some common impulse of ... interest, adverse to the ... permanent and aggregate interests of the community."<sup>24</sup>

### 3. The Importance of Money.

Central to the ascension of the mass media and interest groups in national campaigns is the dominance of money. The media, special interest, money trio works symbiotically to curtail party strength – candidates rely on special interest money to pay for expensive mass communication. Additionally, changes in election finance laws allow wealthy individuals and corporations to contribute unlimited funds through a network of political action committees (PACs).<sup>25</sup>

The increased cost of campaigning nationally<sup>26</sup> together with the proliferation of PACs has loosened party control over nominations and policy making. While contributions by parties to House campaign funds has decreased to less than 5% in 1988, PAC contributions have steadily increased.<sup>27</sup> The party loses control over nominating and campaigning because they are unable to provide funding equal to special interest organizations. A politician with PAC money or his own organization to raise funds independent of the party can circumvent the party organization. Furthermore, PAC money is interested money. Corporations, individuals, and special interest groups contribute campaign funds through PACs with the expectation that they will have access to the official and that their interests will be accommodated. A recipient is therefore likely to tailor his campaign messages and decision making in order to please special interest donors.<sup>28</sup> For example, a Senate candidate that receives a substantial contribution from the NRA is likely to campaign and vote against gun control. Reformers maintain that channeling all contributions through the parties would restore their control.<sup>29</sup>

### 4. New Electoral Techniques.

Commensurate with the development of instruments of mass communication, new electoral techniques evolved that focused on the personality of the candidate rather than the issues. Mass appeal became a more important qualification for office than education or

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<sup>23</sup> Id. at 120-23.

<sup>24</sup> The Federalist No. 10 (James Madison).

<sup>25</sup> Martin P. Wattenberg, The Decline of American Political Parties 1952-1988 109 (1990).

<sup>26</sup> See text accompanying note 14.

<sup>27</sup> William M. Thomas, Where's the Party?, in Challenges to Party Government 154, 158-59 (John Kenneth White et al. eds., 1992).

<sup>28</sup> Wattenberg, supra note 25, at 109.

<sup>29</sup> Feigert, supra note 9, at 388.

experience. Consequently, now the electorate relates more to individual candidates than to parties.<sup>30</sup>

When voters make decisions based on the personality of the candidate, the media can influence the election, at the expense of the parties, because they are the chief source of information about the personality of the candidates.<sup>31</sup> Furthermore, the content and relevance of campaigns has become less satisfying to voters expecting genuine discussion of issues.<sup>32</sup>

#### 5. Presidential Primaries.

Progressive reforms, aimed at “democratizing” the parties through increased participation in presidential primaries, have eroded the parties’ control over one of their most important functions – nominating candidates. Office-seekers no longer need to cultivate party support in order to be viable. Today, a presidential hopeful can decide to run on his own, raise money independently of the party, operate a candidate-centered campaign, and, with the help of the national media, establish himself as the probable nominee within the first few primaries.<sup>33</sup> Thus, party leaders no longer play the dominant role in presidential nominations, and the national nominating conventions have lost their suspense and become simply ratifying ceremonies.<sup>34</sup>

### **B. The Current State of the Parties and the Effect of Their Decline.**

The deterioration of political parties is manifest by fewer of the electorate identifying with the parties and voting along party lines, by failure of the parties to fulfill their traditional functions, and by organizational problems among the leadership.

#### 1. Reduced Party Identification and Frequent Ticket-Splitting.

Following a trend of declining party identification since the middle of the century, fewer Americans than ever before now identify themselves as either Democrats or Republicans.<sup>35</sup> Among citizens who do identify with a party are those with minimal levels of participation and allegiance and a smaller core group of activists who relate strongly to party ideology. One reason for the decline in party attachment is the lack of substantial difference between the two major parties. The difference between the parties will intensify during campaigns as they attempt to distance themselves from bad governing by the other party. However, competition for votes forces them to avoid commitments to narrow interests and to return from extreme positions to consensus. Under conditions of policy consensus, party cannot serve as an instrument for identification.<sup>36</sup> Furthermore, disenchantment with government and parties

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<sup>30</sup> John Kenneth White, Mandates Without Parties, in Challenges to Party Government 84, 91 (John Kenneth White et al. eds., 1992) [hereinafter White, Mandates Without Parties].

<sup>31</sup> Ladd, supra note 8, at 30.

<sup>32</sup> Greider, supra note 8, at 272.

<sup>33</sup> Ladd, supra note 8, at 29; Schlesinger, The Crisis of the American Party System, supra note 5, at 80-81.

<sup>34</sup> Greider, supra note 8, at 250.

<sup>35</sup> White, Mandates Without Parties, supra note 30 at 91; Wattenberg, supra note 25, at 23. Gerald M. Pomper used the same figures as those asserting party identification is low to indicate that loyalty is still an article of religious faith for many citizens. Pomper, The Contribution of Political Parties, supra note 7, at 4.

<sup>36</sup> V. O. Key, Jr., Linkage and Political Parties, in Political Parties and Political Behavior 507, 521 (2d



generally dissuades voters from identifying with either party. The consequences of such low identification are the creation of a climate conducive to independent political movements, the advancement of a society of “free-floating” politics in which democracy is threatened, as well as the weakening of the party system.<sup>37</sup>

Voting behavior has changed as a result of dwindling party attachment. Party allegiance is the most important factor in determining an individual's voting behavior.<sup>38</sup> A party loyalist is likely to vote for many candidates affiliated with his party. Voters who don't identify with either party are more prone to ticket-splitting – voting for candidates from different parties for different offices. Consequently, erratic voting patterns indicate declining party attachment. Martin P. Wattenberg compared election results over several decades and examined whether voters in congressional districts elected House and Senate candidates from the same party as the presidential candidate receiving the most votes in the district. He found a steady, long-term, upward trend in ticket-splitting since the 1920s. Because increased ticket-splitting signals waning party influence, Wattenberg concluded that “partisanship has declined substantially from the perspective of its ability to structure the vote.”<sup>39</sup>

## 2. Parties Fail to Fulfill Classical Functions.

Traditionally, parties served the political process and society by aggregating interests, informing and moving public opinion, resolving conflict, and providing patronage. However, “the modern history of political parties has been the story of the steady loss of the functions that gave parties their classical role.”<sup>40</sup>

The party has lost the capacity to fulfill its primary function as a broker between the government and the electorate. Strong parties are institutions to represent the people and to mediate on their behalf. However, the major parties have gravitated toward the elite interests that dominate government, nullifying their ability to “serve as authentic connective tissue between government and citizens.”<sup>41</sup>

The parties are unable to serve as agencies of mass mobilization, candidate selection, or mass communication.<sup>42</sup> They no longer possess the resources of patronage to reward faithful supporters because of the rise of civil service and rulings by the Supreme Court.<sup>43</sup> The growth of the welfare state reduced the role of parties in supplying goods and services to the poor and helpless.<sup>44</sup> Indeed, parties are no longer relied on to provide entertainment because

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ed., William J. Crotty et al. eds., 1971).

<sup>37</sup> Wattenberg, supra note 25, at 24-25.

<sup>38</sup> Feigert, supra note 9, at 99; Daniel Katz & Samuel J. Eldersveld, The Impact of Local Party Activity Upon the Electorate, in American Party System 116, 117 (John R. Owens & P.J. Staudenraus eds., 1965).

<sup>39</sup> Wattenberg, supra note 25, at 18-23, 27.

<sup>40</sup> Schlesinger, The Crisis of the American Party System, supra note 5, at 77.

<sup>41</sup> Greider, supra note 8, at 245.

<sup>42</sup> Schlesinger, Can The Party System Be Saved?, supra note 12, at 121.

<sup>43</sup> Branti v. Finkel, 445 U.S. 507 (1980). In that case the Supreme Court held that the First and Fourteenth Amendments prevented the removal of two Republican assistant public defenders solely because of their party affiliation.

<sup>44</sup> Schlesinger, The Crisis of the American Party System, supra note 5, at 78; Schlesinger, Can The Party System Be Saved?, supra note 12, at 121.

the “development of the modern mass entertainment industry gave people more agreeable diversions than listening to political harangues.”<sup>45</sup>

### 3. Organizational Collapse.

Both the Democrat and Republican Parties manifest signs of organizational collapse. They share many of the same problems: “a client-based Washington establishment, a very weak party structure, and the same preoccupation with political money.”<sup>46</sup> The party elites have lost control leaving no power center. Without a central organization local parties are left without a unifying leadership. Washington lawyers, who dispense political advice and raise funds for congressional candidates, have replaced the old bosses as the party establishment.<sup>47</sup> The Democratic organization has broken down to the extent that they no longer know who their members are. Albeit, the Republicans, with their mass marketing mentality, don’t seem to be concerned about the identity of their membership, perceiving voters simply as consumers.<sup>48</sup>

### 4. Party Deterioration Is Likely To Continue.

The major parties will probably get worse before they get better as attachments become weaker and parties fail in their functions more. Donald M. Fraser described a downward spiral of political cohesion: “The perceptions of the voters as they view the performance of public officials reinforces their negative views, which in turn further weakens political cohesion and the capacity to act effectively.”<sup>49</sup> Barriers to reform will continue to prevent real change. Incumbent congressmen, lawyer-lobbyists, and special interest groups, which have been the receptacle of waning party power, will resist substantial adjustment because they are content with their new roles and because they have the power to prevent change.<sup>50</sup>

## II.

### Strong Political Parties Are Essential to Democracy in a Large Republic.

#### A. **Scholars View the Party System as an Essential Instrument of Democracy.**

The general agreement among political scientists is that there can be no democracy without parties.<sup>51</sup> “The parties created democracy, or perhaps more accurately, modern democracy is a by-product of party competition.”<sup>52</sup> William M. Thomas, an incumbent congressman, commented that there is no other organization in American society that can replace the citizen-based political party as a vehicle for self-government. He has proposed several reforms aimed at revitalizing the parties including increasing limits on party contributions to candidates and developing a stronger role for local parties.<sup>53</sup> Edmund Burke argued that

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<sup>45</sup> Schlesinger, The Crisis of the American Party System, supra note 5, at 78.

<sup>46</sup> Greider, supra note 8, at 273.

<sup>47</sup> Id. at 253, Polsby, supra note 10, at 56.

<sup>48</sup> Greider, supra note 8, at 247, 270.

<sup>49</sup> Fraser, supra note 7, at 127.

<sup>50</sup> Greider, supra note 8, at 267.

<sup>51</sup> Ladd, supra note 8, at 25. Another scholar commented: “Parties . . . or something like them are widely seen as essential instruments of democracy.” Donald A. Robinson, The Place of Party in Democratic Ideas, in Party Renewal in America 18, 18 (Gerald M. Pomper ed., 1980).

<sup>52</sup> Schattschneider, supra note 3, at 34.

<sup>53</sup> Thomas, supra note 27, at 155, 163-65.

orderly decision making cannot proceed without partisan organizations. He deemed it impossible for legislative bodies to make policy without forming coalitions.<sup>54</sup> After arguing that strong political parties perform functions that no democracy can survive without, Gerald M. Pomper urged party reform, concluding that “if we value democracy, we must take action to renew our political party system.”<sup>55</sup> This consensus has developed because parties strengthen democracy by replacing less democratic institutions, by performing functions essential to democracy, and by creating an atmosphere that facilitates participation and stability.

## **B. Strong Political Parties Democratize Government and Society.**

### **1. Vigorous Parties Usurp Control of Politics From Less Democratic Institutions.**

If political parties performed their traditional functions energetically, the institutions that have replaced them would lose their influence. It is difficult to argue that the media and special interests would become totally irrelevant by the revival of the party system because the mass media is such a powerful and pervasive medium, and campaigns will always require significant funding. However, strong parties can overcome the special advantages of the media and pressure groups. The key to wresting control over politics from these institutions is to make it impractical for candidates to circumvent the party. For example, areas with strong local party organizations have been able to overcome the dominance of the media in campaigns; because they were perceived as being able to influence the vote, candidates and voters relied on the party, rather than the media, for nominations and information.<sup>56</sup> Candidates would rely on parties rather than pressure groups for campaign money if the parties were wealthy or if donations were funneled through them. Furthermore, donations from the party, collected from numerous contributors with diverse interests, dilutes the influence of special interest PAC money.<sup>57</sup>

Parties are more democratic than the media or special interest groups because the people can hold them accountable. The Democrats and Republicans must go before the people each November to face criticism and take responsibility for their actions. There is no analogous mechanism to force the media and pressure groups to take responsibility for their misuse of influence. Indeed, such an attempt could prove counterproductive if, for example, the electorate voted with their dollars by turning off the CBS Evening News or refusing to purchase the Washington Post. This would probably encourage more sensationalism by the press rather than responsible journalism.

### **2. Healthy Parties Aggregate Interests, Resolve Conflict, Move Public Opinion, and Check Abuse – Functions Viewed as Necessary To Democracy.**

The central challenge of democratic government in a large, heterogeneous society is to represent a multitude of diverse interests and aggregate them into coherent public policy.<sup>58</sup>

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<sup>54</sup> Edmund Burke, Parties are Necessary to the Performance of Public Duty, in American Party System 24, 27 (John R. Owens & P.J. Staudenraus eds., 1965); Thomas, supra note 27, at 154.

<sup>55</sup> Pomper, The Contribution of Political Parties, supra note 7, at 15.

<sup>56</sup> Wattenberg, supra note 25, at 102-05.

<sup>57</sup> Thomas, supra note 27, at 159.

<sup>58</sup> C. B. Macpherson, Social Conflict, Political Parties and Democracy, in Political Parties and Political Behavior 22, 23 (2d ed., William J. Crotty et al. eds., 1971).

Accordingly, political parties act as brokers, linking the government and the electorate, and sifting the demands of different factions or interest groups to translate these mass preferences into a unified public policy. Performance of these “linking” and “sifting” functions is essential for the survival of democracy. Without it, the prospects for faithful representation are reduced and democratic malfunction results.<sup>59</sup> Parties and government are harmonizing and organizing institutions whereas special interest groups emphasize their interests over all others. Pressure groups have interests that they should reasonably advance in elections. However, only political parties have the capacity to equitably balance the myriad interests and aggregate them into a rationale program for governing.<sup>60</sup>

Similarly, parties provide a forum for democratic dialogue and resolution of conflict that makes it possible to form national policy. The party system channels and structures conflict among the electorate and candidates by setting the rules and providing the stage for competition. Meaningful divisions between the parties give the electorate clear alternatives and bring order to politics for voters.<sup>61</sup> In the governing context, parties are a mechanism through which consensus can be developed and consistent policies may be adopted year to year.<sup>62</sup> They are instruments to coordinate the legislative and executive branches in order to overcome the impediment of separation of powers.<sup>63</sup>

In addition to providing a forum for developing consensus, parties act as movers of political opinion. Large-scale democracies need an institution to educate the electorate and organize public opinion. Indeed, party systems evolved in response to extension of the franchise and the concomitant need for a mechanism to organize political support among the voters.<sup>64</sup> Parties now serve as the primary instrument for informing, mobilizing, and empowering citizens, a role that interest groups cannot fulfill.<sup>65</sup>

Political parties are essential to democracy because they check abuse of power by elites and keep the government accountable. Because the law is ineffective at holding officials responsible, parties undertake to control public authorities. They disturb relations and transfer power within the regime.<sup>66</sup> The party in government checks abuse by its own members and maintains party discipline by excluding nonconformists from powerful, high profile positions important for re-election and withholding patronage projects from their districts. Competitive political parties monitor each other and expose abuse in order to gain advantage in the election. C. B. Macpherson noted that a multiparty system checks abuse by government officials by providing an alternative body of occupants for the commanding positions. He concluded, “[a] flourishing party system is the most effective deterrent [of government abuse] that has been found, and may thus be considered essential to the maintenance of democracy in such a

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<sup>59</sup> Ladd, supra note 8, at 25.

<sup>60</sup> Pomper, The Contribution of Political Parties, supra note 7, at 15.

<sup>61</sup> Schlesinger, Can The Party System Be Saved?, supra note 12, at 2-3, 13.

<sup>62</sup> Robinson, supra note 51, at 25.

<sup>63</sup> Schlesinger, The Crisis of the American Party System, supra note 5, at 73.

<sup>64</sup> Feigert, supra note 9, at 16.

<sup>65</sup> Walter Dean Burnham, Parties and Political Modernization, in Political Parties and the Modern State 109, 130 (Richard L. McCormick ed., 1984).

<sup>66</sup> Schattschneider, supra note 3, at 33.

society.”<sup>67</sup> Without a check on the abuse of power, government by the people is transformed into oligarchy.

Containing the conflict of class interests in a mature capitalist world is vital to democracy. Parties overcome class barriers by providing a forum for the resolution of conflict. First, parties serve as “agencies of social escalation” that allow ambitious individuals to gain political power regardless of class or ethnicity.<sup>68</sup> Those desiring public office or party leadership may be nominated by the party based on qualifications such as education, skill, and party loyalty rather than wealth or lineage. Second, the party system undertakes representation of all classes. This is accomplished through vigorous party competition between separate parties representing different classes, or, as in the preferable American system, by each party cutting across class lines and appealing to all individuals regardless of class.<sup>69</sup>

### 3. Parties Promote Societal Stability and Political Participation.

Competitive political parties encourage widespread participation. Voter turnout is likely to be significantly higher in districts with strong local party organizations effective at getting out the vote. Additionally, parties promote a democratic lifestyle which encourages participation not only in elections but in all the affairs of the community.<sup>70</sup> Party competition fosters political equality. They work to give each citizen the right to participate in decision-making and seek to increase the number of party voters regardless of economic status or race. A consequence of consensus building among parties is the advancement of majority rule. The party system makes it easier to build a majority, while proportional representation systems, for example, make it difficult to generate majority support for any policy.<sup>71</sup>

The party system advances democracy generally by defending democratic institutions against the dangers of instability. The party system makes a strong and stable government possible, unifies society, affords continuity in evolution of opposition policies, and protects the country from external influence.<sup>72</sup> Standardization of leadership succession promotes the peaceful change of power. Party attachments facilitate both inter- and intra-governmental cooperation.<sup>73</sup> While weak parties endanger democratic institutions, a healthy party system creates a stable atmosphere for democracy to flourish.

## III. The Party System Advances Democratic Principles In A Modern Nation-State.

Our conceptions of democracy have changed even as society evolved from the Greek city-states to the immense nation-states of today. Problems of scale occur when participation in

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<sup>67</sup> Macpherson, supra note 54, at 27. Macpherson further argued that this checking function is especially important in a class-divided society in which there is a tendency for one class to dominate governmental institutions to serve their interests at the expense of the other class. Id.

<sup>68</sup> Schlesinger, The Crisis of the American Party System, supra note 5, at 73.

<sup>69</sup> Macpherson, supra note 58, at 25-27.

<sup>70</sup> Pomper, The Contribution of Political Parties, supra note 7, at 9.

<sup>71</sup> Feigert, supra note 9, at 18.

<sup>72</sup> Samuel P. Huntington, Political Parties and Political Stability, in Political Parties and Political Behavior 101, 103 (2d ed., William J. Crotty et al. eds., 1971).

<sup>73</sup> Feigert, supra note 9, at 13.

decision-making grows from several thousand in Athenian government to several hundred million in modern American government. Direct democracy becomes impossible. Characteristic of this democratic transformation is the conversion from direct participation to representation. Rather than voting on policy directly, citizens elect representatives and delegate law-making authority to them.

A universal democratic principle is that all citizens affected by a governmental action must have the right to participate equally either by voting on the law or voting for their representative.<sup>74</sup> Those who stress this participatory aspect of democracy as a fallacy of party government view parties as barriers to participation, noting that as the parties have deteriorated and as other institutions have usurped their nominating, educating, and motivating functions, electoral participation has increased. Democratizing reforms of the party system have encouraged greater citizen involvement in presidential nominations through open primaries, while contributing to the demise of the parties. The media's dominance over national politics has further cultivated citizen activism and participation. Television brings politics to people, dislodging it from the back rooms of the party bosses. The media stimulates activism by allowing groups to circumvent the party and appeal directly to the people.<sup>75</sup> There are limits, however, on how much participation is feasible in a nation-state.

The transformation from city-states to nation-states had a significant impact on democracy. Unlimited extension of the state was possible as a result of representatives displacing direct democracy. However, the size of the republic restricted opportunities for citizen participation. The average citizen today cannot participate in political life as completely as a member of a state with a population of only a few thousand. Whereas the latter could participate directly in decision-making, the former can participate only indirectly by voting for his representative, contributing money, or supporting a political party or interest group. Since there are quantitative limits on participation, the quality of democracy in a polyarchy depends upon the value of participation citizens are able to engage in.

Parties are superior to other institutions for enhancing the value of participation. Robert A. Dahl explains that participation requires an equal opportunity for citizens to place questions on the agenda, express their preferences, and give reasons for endorsing a particular outcome.<sup>76</sup> Healthy parties give citizens a forum for political expression, aggregate their diverse interests, and represent them before government. A citizen active in party politics may thus affect policy more effectively than by solely exercising the franchise. Direct financial contributions, on the other hand, are satisfying only to those wealthy citizens who are able to donate substantial sums. Interest groups also provide an instrument by which the electorate can communicate with government and influence policies.<sup>77</sup> Pressure groups render non-geographical representation to supplement that based on electoral districts. This enables a citizen who would otherwise be shut out, because he lives in a region or district with prevailing political views contrary to his own, to influence policy.<sup>78</sup> Although interest groups may overcome

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<sup>74</sup> Robert A. Dahl, *Democracy and its Critics* 108-09 (1989).

<sup>75</sup> Schlesinger, *Can The Party System Be Saved?*, *supra* note 12, at 120.

<sup>76</sup> Dahl, *supra* note 74, at 109.

<sup>77</sup> Feigert, *supra* note 9, at 322.

<sup>78</sup> Lawson, *supra* note 21, at 105.

the constraints of direct monetary contributions by aggregating smaller donations, many interests have no pressure group representation. The party system's ability to consider and balance all interests indiscriminately at least provides an outlet for all citizens.

In addition to enhancing effective participation, the party system fosters political equality. Equality of participation is widely viewed as a precondition for democracy.<sup>79</sup> Indeed, rule by the people is impossible when a few individuals have a disproportionate amount of influence and others are effectively shut out. A predominant theory is that minority domination is inevitable, and, therefore, democracy is a facade or excuse to disguise the reality of elite rule.<sup>80</sup> Without resolving whether elite domination is inevitable, we can nevertheless recognize that there are disparities in resources, time, knowledge, and wealth among citizens of the United States that translate into political inequality. Therefore, democratic institutions should emphasize holding elites accountable and improving opportunities for equal participation.

Just as competition prevents one business from gaining monopolistic control over the market, competitive parties prevent elites from gaining control over the government by forcing them to appeal to the majority. If the parties participate in elections and the highest offices in the government are held by those who win, then competition among political elites makes it likely that the policies of the government will respond in time to the preferences of a majority of voters.<sup>81</sup> Parties also directly contribute to political equality. When they compete with each other for membership, the parties must appeal to all voters regardless of wealth or status. Moreover, the parties attempt to equalize political power by encouraging each citizen to participate in decision-making. PACs and special interest groups, on the other hand, have the effect of widening the disparity in political equality. The importance of money in politics gives wealthy people disproportionate influence. Furthermore, elites only have to appeal to the pressure groups and their narrow interests rather than a majority of the voters.

Knowledge and access to information perpetuate inequalities between the electorate and the elites. In order to further equal participation, and to promote enlightened understanding, which Dahl considers another essential feature of democracy, it is necessary to bridge the gap in knowledge between citizens and elites.<sup>82</sup> Parties promote enlightened understanding by providing a forum for discussion of the issues and distribution of information. They educate voters about the issues in order to form a majority and mobilize the electorate. On the other hand, the mass media's fixation with the personality of candidates obfuscates the real issues and prevents them from educating the electorate effectively. Additionally, special interests are too narrow in their vision to provide enough objective information to give citizens an enlightened understanding of the issues. Dahl argues that information can be efficiently and equitably distributed to all through telecommunications. Furthermore, interactive systems would facilitate participation by allowing citizens to express their opinions, discuss the issues, and place questions on the agenda.<sup>83</sup> The party has an advantage over even this telecommunications

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<sup>79</sup> Feigert, *supra* note 9, at 15; Dahl, *supra* note 74, at 109-11.

<sup>80</sup> Robinson, *supra* note 51, at 20, Dahl, *supra* note 74, at 265-66.

<sup>81</sup> Dahl, *supra* note 74, at 275-77.

<sup>82</sup> *Id.* at 111-12, 338.

<sup>83</sup> *Id.* at 338-40.

network. Humans are social creatures, and parties satisfy social and political needs by provide genuine human contact through conventions, rallies, and patronage.

Of the many institutions that have evolved to distribute information and accommodate interests in American politics, the party is the one most able to perform those traditional functions essential to democracy. Competitive political parties aggregate interests, educate citizens, mediate on their behalf, check government, develop consensus, and resolve class and political conflict. The result is more effective and equitable participation by a more informed electorate.

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