

Democracies In The Age Of Fragmentation

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INTRODUCTION

American democracy faces profound challenges in our era. Some of these challenges stem from features in the institutional design of democracy that are hard-wired into the Constitution; those challenges, unique to the United States, are the ones Steven Levitsky focused on in his provocative lecture. But other major challenges confronting American democracy are common to most major democracies in the West today. It is those more general challenges on which I want to focus in this Essay.

Over the last generation, democratic governments across the West, including the United States, have entered into a new era of politics that I call one of “political fragmentation.” By political fragmentation, I mean the myriad ways in which political power today is now effectively dispersed among so many different hands and so many different centers of power—political parties, organized outside groups, non-organized groups, and even individual actors—that it becomes difficult to marshal enough political power and authority for democratic governments to govern effectively.

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This political fragmentation reflects widespread dissatisfaction with the performance of democratic governments. Yet perversely, fragmentation also makes it that much harder for these governments to deliver effectively on the major issues their citizens care most urgently about. In exploring the underlying causes of the rise of political fragmentation, the most significant question is whether it is a temporary, contingent fact about democratic politics today or whether it is likely to be a more enduring one—and if so, what the consequences for democracies going forward is likely to be.

Part I describes the nature of political fragmentation and documents its rise across the major democracies of the West, including in the United States. Part II briefly explains the major economic and cultural issues that fuel the emergence of political fragmentation. Part III then focuses extensively on the role of the communications revolution—the rise of cable television, the internet, and social media—in driving fragmentation in political parties and democratic politics. After identifying the new phenomenon of political fragmentation and suggesting its major causes, this Essay concludes with the question of whether this fragmentation is a temporary, contingent fact about the nature of politics today or is more likely to be an enduring characteristic of modern democracies.

I.

THE DECLINE OF EFFECTIVE GOVERNMENT AND THE RISE OF POLITICAL FRAGMENTATION

In political and legal theories of democracy, we give too little weight to the political value of effective government.¹ Democratic and legal theory tends to focus on issues of equality, or participation, or liberty, or political accountability, but not on delivering effective governance as one of the central democratic values any well-structured democracy must seek to realize.

Yet when democratic governments consistently fail to deliver on the issues many citizens care most about, it can, at a minimum, lead to anger, disaffection, distrust, and withdrawal among many citizens. Even worse, it can spawn demands for authoritarian leaders who promise to cut through the dysfunction of the political process. And at an even greater extreme, it can lead people to question the efficacy of democracy itself.

In the United States, President Biden clearly recognizes this threat. Indeed, he has defined his role in this era as having to prove that democratic governments can deliver effective government. In his very first news conference as President, he said, “This is a battle between the utility of democracies in the 21st century

1. See Richard H. Pildes, *Political Fragmentation and the Decline of Effective Government*, in CONSTITUTIONALISM AND A RIGHT TO EFFECTIVE GOVERNANCE 235 (Yasmin Dawood & Vicki C. Jackson eds., 2022) (describing the lack of attention to the importance of effective government in modern democratic and legal theory).

and autocracies We've got to prove democracy works."² And he has repeated this often: "We're in a contest, not with China per se, . . . with autocrats, autocratic governments around the world, as to whether or not democracies can compete with them in a rapidly changing 21st century."³ Numerous metrics highlight the declining capacity of Congress to address major issues of the day.⁴ That social scientists now produce books with titles such as *Can America Govern Itself?*⁵ testifies to the nature of the challenge.

Yet analyses of democracies today have not yet sufficiently grasped the challenge posed by the emergence of political fragmentation. This fragmentation takes different forms in the proportional-representation (PR) countries of Western Europe and what's known as the first-past-the-post system (FPTP) used in the United States or the United Kingdom (the system in which a candidate who wins the plurality of votes wins the office outright). Yet the underlying economic, cultural, and technological forces fueling fragmentation are the same.

Here is what political fragmentation means concretely. In the PR democracies, we have experienced a vast unraveling of support for the traditionally dominant, center-left and center-right major political parties or coalitions that had governed in most European democracies since World War II (WWII).⁶ Voters have abandoned these major parties in droves, turning to smaller, newly emerging insurgent parties. From 2015 to 2017, over thirty new political parties entered European parliaments.⁷ Germany is a typical example: in the 1970s, the two major parties regularly combined to receive over 90 percent of the German vote; in Germany's most recent election, the two combined to receive only 49 percent.⁸

2. David E. Sanger, *Biden Defines His Underlying Challenge With China: 'Prove Democracy Works,'* N.Y. TIMES (Oct. 6, 2021), <https://www.nytimes.com/2021/03/26/us/politics/biden-china-democracy.html> [https://perma.cc/9QEK-NHRG].

3. See William James, *Biden: Democratic Nations in a Race to Compete with Autocratic Governments*, REUTERS (July 13, 2021), <https://www.reuters.com/world/biden-democratic-nations-race-compete-with-autocratic-governments-2021-06-13/> [https://perma.cc/AND4-KLD2]; see also David Brooks, Opinion, *The Heart and Soul of the Biden Project*, N.Y. TIMES (Apr. 8, 2021), <https://www.nytimes.com/2021/04/08/opinion/biden-economic-plan.html> [https://perma.cc/8DJM-GNES] (quoting senior Biden advisor Anita Dunn: "President Biden, Dunn said, believes that democracy needs to remind the world that it, too, can solve big problems. Democracy needs to stand up and show that we are still the future.").

4. Suzanne Mettler & Claire Leavitt, *Public Policy and Political Dysfunction*, in CAN AMERICA GOVERN ITSELF? 239, 248 (Frances E. Lee & Nolan McCarty eds., 2019).

5. *Id.*

6. ROGER EATWELL & MATTHEW GOODWIN, NATIONAL POPULISM: THE REVOLT AGAINST LIBERAL DEMOCRACY (2018).

7. *New Parties in Europe: A Comeback for the Parties or Just Another Symptom for Their Decline?*, EUR. CONSORTIUM FOR POL. RSCH., <https://ecpr.eu/Events/Event/SectionDetails/778> [https://perma.cc/2VGL-QFL4].

8. Sophie Andrews, Peter Andringa, Alexis Barnes, Aaron Brezel, Jason Bemert, Lenny Bronner, Mohar Chatterjee, John Cherian, Hong Du, Armand Emamdjomeh, Alanna Flores, Holden Foreman, Dylan Freedman, Simon Glenn-Gregg, Daniel Hoerauf, Jason Holt, Aditya Jain, Emily Liu,

Similarly, in France's two most recent elections, 2017 and 2022, neither of the main center-left (the Socialists) or center-right (the *Républicains*) parties was able to garner sufficient support to get a candidate into the final round of France's two-round presidential election system. Previously, one of these parties had governed France every year since WWII.⁹ By 2022, the two major parties had collapsed completely: in the first round, their candidates received a mere 1.75 percent (Socialist) and 4.78 percent (*Républicain*) of the vote.¹⁰ Disaffection from these long-dominant parties was so great that in 2016, Emmanuel Macron was able to create a new party virtually overnight, which then vaulted him into the Presidency and captured majority control of Parliament.¹¹

This fracturing of power across new and smaller parties not only makes putting together effective governing coalitions more difficult—it also makes the political sphere more volatile. New parties pop up almost overnight and grab slices of power, including parties that style themselves as “anti-parties.” These “anti-parties” reflect a view that politics should somehow do away with parties altogether. Between 1970 and today, for example, the number of new political parties in Western Europe grew from four to twenty-eight.¹² The resulting fragmentation has several effects that make effective government far more difficult: forming governments is more difficult; the governments that result are less stable; and the governing coalitions are more riven with ideological conflicts.

First, it makes it harder to form a majority capable of governing in the first place. Germany has been considered the most stable country in Europe, yet after its 2017 elections, it took six months to put together a governing coalition—the

Paige Moody, Deblina Mukherjee, Anthony Pesce, Erik Reyna, Jeong Shin, Ashlyn Still, Kavya Sukumar, Susan Tyler, Madison Dong, Jess Eng, Shana Hadi & Isabelle Lavandero, *German Election 2021*, WASH. POST (Sept. 28, 2021), <https://www.washingtonpost.com/elections/election-results/world/germany-election-results/> [<https://perma.cc/CU27-PE8V>]. This is down from 53.5 percent in 2017. See Stefan Wagstyl, Guy Chazan & Tobias Buck, *Merkel Wins Fourth Term but Far-Right Populists Make Gains*, FIN. TIMES (Sept. 24, 2017), <https://www.ft.com/content/12de72a0-a11c-11e7-9e4f-7f5e6a7c98a2> [<https://perma.cc/DN5U-493L>].

9. *French Election 2017: Who Are the Final Candidates?*, BRIT. BROAD. CO. (Apr. 24, 2017), <https://www.bbc.com/news/world-europe-38220690> [<https://perma.cc/Q37P-P3G4>] (noting that the runoff was historic “because the top two defeated the ruling Socialists and centre-right opposition Republicans [that] have dominated French politics for decades”).

10. Aurelien Breenen & Constant Méheut, *Are Traditional Political Parties Dead in France?*, N.Y. TIMES (Apr. 28, 2022), https://www.nytimes.com/2022/04/28/world/europe/france-socialists-republicains.html?utm_source=pocket_mylist [<https://perma.cc/RCR9-UA9K>].

11. Claudia Chwalisz, *En Marche: From a Movement to a Government*, CARNEGIE EUR. (April 6, 2018), <https://carnegieeurope.eu/2018/04/06/en-marche-from-movement-to-government-pub-75985> [<https://perma.cc/8UZD-CY3B>].

12. Luciano Bardi, Enrico Calossi & Eugenio Pizzimenti, *Which Face Comes First?: The Ascendancy of the Party in Public Office*, in ORGANIZING POLITICAL PARTIES: REPRESENTATION, PARTICIPATION, AND POWER 62, 68 tbl.3.3 (Susan E. Scarrow, Paul D. Webb & Thomas Poguntke eds., 2017).

longest since the creation of Germany's post-WWII democracy. Last year, it took the Netherlands nine months.¹³

Second, the governments that form are more likely to collapse because the multi-party coalitions that must be cobbled together to create them are inherently more fragile. In 2021, for example, Sweden's Prime Minister lost a no-confidence vote for the first time in Sweden's modern political history.¹⁴ This fragility has also triggered the need to hold repeated national elections. Spain, for example, had been governed by either a major center-right or center-left party since it became a democracy; but once these traditional parties fragmented, Spain was forced to hold four national elections from 2015 to 2019 just to try to form a stable government.¹⁵

Third, if these challenges can be surmounted, the governments that do manage to form are likely to lack the kind of political coherence and mandate needed to take on major issues effectively. The new post-Merkel German government, for example, is a coalition of the Socialists, the Green Party, and the Free Democrats—a libertarian, free-market party. We will have to see how effectively that coalition can govern. To be sure, few events generate more internal political unity than an external threat, and Russia's invasion of Ukraine has drawn Western democracies closer together while also, for the time being, generating unity on that issue across many of the party divisions within individual democracies. But that unity is unlikely to extend to issues beyond responding to Russia's invasion.

FPTP systems, as in the United States, create large structural barriers to forming more than two significant parties. But the forces fueling fragmentation are just as significant in these systems. The UK was forced to function from 2010 to 2015 with its first coalitional government since WWII. That period was soon followed by the UK's longest period of minority government in modern times: from June 2017 until the December 2019 election (first led by Theresa May, then

13. *Netherlands: Dutch Parties to Form Government 9 Months After Vote*, DW NEWS (Dec. 13, 2021), <https://www.dw.com/en/netherlands-dutch-parties-to-form-government-9-months-after-vote/a-60109396> [<https://perma.cc/WY9B-UMUT>]. In the prior, 2017 elections, it had taken a then-record 225 days. Aamna Mohdin, *It Took a Record 225 Days for the Dutch to Get a Government*, QUARTZ (Oct. 26, 2017), <https://qz.com/1112509/the-dutch-took-a-record-long-225-days-to-form-a-government/> [<https://perma.cc/Y4JG-YBC9>].

14. Magnus Blomgren, *Sweden's Political Crisis: How We Got Here and What's Next*, LONDON SCH. ECON. & POL. SCI.: EUROPP BLOG (July 2, 2021), <https://blogs.lse.ac.uk/europpblog/2021/07/02/swedens-political-crisis-how-we-got-here-and-whats-next/> [<https://perma.cc/9FY2-WHVE>]; Jon Henley, *Sweden Gets New Government Four Months After Election*, GUARDIAN (Jan. 18, 2019), <https://www.theguardian.com/world/2019/jan/18/sweden-gets-new-government-more-than-four-months-after-election> [<https://perma.cc/2W6B-8ZNZ>]; Rafaela Lindeberg, *Sweden's Far Right Party Surges Into First Place in Shock New Poll*, INDEPENDENT (Nov. 28, 2019), <https://www.independent.co.uk/news/world/europe/sweden-far-right-democrats-jimmie-akesson-party-election-a9207741.html> [<https://perma.cc/MR36-C8Z6>].

15. Peter Matuscheck, *Who Learns from Whom?: The Failure of Spanish Christian Democracy and the Success of the Partido Popular*, in CHRISTIAN DEMOCRATIC PARTIES IN EUROPE SINCE THE END OF THE COLD WAR 244 (Steven Van Hecke & Emmanuel Gerard eds., 2004).

Boris Johnson).¹⁶ Similarly, in Canada, five of the last seven governments have been minority governments.¹⁷

In the United States, polls show that attachment to the two major parties is the weakest since polling on this issue began.¹⁸ As a result of FPTP, the way political fragmentation gets expressed in the United States is through internal fragmentation within the two major parties.¹⁹ We are fully aware of how polarized our political parties have become, but at the same time, it is critical to recognize how internally fragmented they are as well. In our separated powers system, political parties that are highly fragmented internally make a functional political process and effective government even more difficult to achieve.

On the Republican Party side, the most dramatic illustration of this fragmentation is the way that the party's internal divisions devoured two of its own Speakers of the House when it controlled that chamber, John Boehner and Paul Ryan. They gave up one of the three most powerful political positions in the United States government, due to their inability to manage factions within their own party. Indeed, the central theme of former House Speaker John Boehner's recent memoir is precisely how ungovernable his own party caucus was. It had come to include a sizable contingent of what he calls "insurgents" and "the chaos caucus" which, in today's communication environment, he simply lacked the power to bring together to enable unified party positions on policy.²⁰ These fissures are reflected in the party's inability over the last decade to enact legislation on one of its signature issues, healthcare, even with unified Republican control of the House, Senate, and White House.

On the Democratic Party side, the party is internally fragmented between its more moderate and progressive wings.²¹ The exceptionally bitter Clinton-Sanders nomination fight in the 2016 primaries was one sign, as were the recriminations about whether moderates or progressives were to blame for the party's disappointing performance in the 2020 elections for the House. These internal conflicts played out even more dramatically when President Biden achieved strong bipartisan Senate support for a major infrastructure bill, only for

16. Hung *Parliaments*, INST. FOR GOV'T, <https://www.instituteforgovernment.org.uk/explainers/hung-parliaments> [https://perma.cc/C6ZE-SNDU] (last visited May 31, 2022).

17. Aaron Wherry, *The Age of Minority Governments Has Arrived. Can Parties Adapt?*, CAN. BROAD. CORP. (Sept. 22, 2021), <https://www.cbc.ca/news/politics/2021-election-minority-government-parliament-1.6184512> [https://perma.cc/W9SH-QUU7].

18. *As Partisan Hostility Grows, Signs of Frustration with the Two-Party System*, PEW RSCH. CTR. (Aug. 9, 2022), <https://www.pewresearch.org/politics/2022/08/09/as-partisan-hostility-grows-signs-of-frustration-with-the-two-party-system/> [https://perma.cc/Z45H-8FRW].

19. See Richard H. Pildes, *Romanticizing Democracy, Political Fragmentation, and the Decline of American Government*, 124 YALE L.J. 804, 808 (2014).

20. JOHN BOEHNER, ON THE HOUSE: A WASHINGTON MEMOIR 21, 167 (2021).

21. See, e.g., Julie Hirschfeld Davis & Emily Cochrane, *House Passes Senate Border Bill in Striking Defeat for Pelosi*, N.Y. TIMES (June 27, 2019), <https://www.nytimes.com/2019/06/27/us/politics/border-funding-immigration.html> [https://perma.cc/JXC5-DE9J] (describing bitter conflicts in Democratic Party over immigration bill).

the bill to then languish for months in the House as factions within the party insisted it be coupled with a major social spending and climate bill, “Build Back Better.” The inability of the Democrats to deliver on any of that legislation led to plummeting support for Biden and the party in public opinion polls and major defeats in state elections for Democrats in the fall of 2021.²² Only the shock of those losses created enough fear to generate consensus within the party to decouple the two bills, which finally led to passage of the bipartisan infrastructure bill. Even this success took Republican votes, since some Democrats still refused to support the bill.²³

Even during rare periods of unified government, internal political fragmentation makes it difficult for party leaders to bring their parties together to produce effective government. And this is the deep perversity of political fragmentation in democracies today. Fragmentation results from voter dissatisfaction with the ability of their governments to deliver on the issues they care most about. But fragmentation, in turn, makes it even less likely democratic governments will be able to do so.

II.

THE ECONOMIC AND CULTURAL FORCES DRIVING FRAGMENTATION

This is not the place to explore in-depth the major economic and cultural issues driving fragmentation across Western democracies. Put briefly, in the economic realm the main factors are globalization and its effect on working- and middle-class incomes, as well as the 2008 financial crisis and its aftermath.²⁴ In the cultural sphere, conflicts over immigration have played a major role in changing the structure of politics throughout Western democracies.²⁵ In the United States, issues around race, distinct from immigration, add another significant element.

22. Barbara Sprunt, Caitlyn Kim & Deepa Shivaram, *Biden Says Final Passage of \$1 Trillion Infrastructure Plan Is a Big Step Forward*, NPR (Nov. 6, 2021), <https://www.npr.org/2021/11/05/1050012853/the-house-has-passed-the-1-trillion-infrastructure-plan-sending-it-to-bidens-des> [<https://perma.cc/Y3LH-DGRJ>] (reporting that “[s]ome Democratic lawmakers [had] criticized the party for not being able to pass the bill ahead of [the gubernatorial race in Virginia,] where Democrats ultimately sustained a major loss”).

23. *Id.* (noting that the “bill’s journey . . . to Biden’s desk has been a long and tumultuous one”).

24. See, e.g., David H. Autor, David Down & Gordon H. Hanson, *The China Shock: Learning from Labor-Market Adjustment to Large Changes in Trade*, 8 ANN. REV. ECON. 205, 228 (2016); Hanas A. Cader, *The Evolution of the Knowledge Economy*, 28 J. REG’L ANALYSIS & POL’Y 117 (2008); Manuel Funke, Moritz Shularick & Cristoph Trebesch, *The Political Aftermath of Financial Crises: Going to Extremes*, VOXEU (Nov. 21, 2015), <https://voxeu.org/article/political-aftermath-financial-crises-going-extremes> [<https://perma.cc/G9YR-JW9K>]; Amory Gethin, Clara Martínez-Toledano & Thomas Piketty, *Brahmin Left Versus Merchant Right: Changing Political Cleavages in 21 Western Democracies, 1948–2020*, 137 Q.J. ECON. 1, 18 fig.2 (2022).

25. See, e.g., ERIC KAUFMANN, WHITESHIFT: POPULISM, IMMIGRATION, AND THE FUTURE OF WHITE MAJORITIES 209 (2018); Jens Hainmueller & Daniel J. Hopkins, *Public Attitudes Toward Immigration*, 17 ANN. REV. POL. SCI. 225, 231–32 (2014).

Over the past decade or so, these broad structural factors have generated the greatest reconfiguration and realignment of politics and political parties throughout the West since the New Deal in the United States and since WWII in Europe. Until recently, politics in the West had been structured through two dominant parties of the center-left and center-right (in the United States) or two such dominant coalitions (in Europe).²⁶ The differences between the parties were perceived primarily in economic or class terms, and were reflected in each coalition's base of support. The coalitions of the left tended to be supported by less well-off, less highly educated voters; the parties and coalitions of the right, by more affluent and more highly educated voters. Throughout the West, that structure has undergone a radical inversion: the parties of the left have become those of the more affluent, more highly educated voters, while the parties of the right now draw substantial support from working-class, less highly educated voters.²⁷

The history of this transformation is too lengthy to recount here, but its origins trace to the 1990s, when the elected leaders in the West from the parties of the left—Clinton, Blair, and Schroeder—began to realign their parties toward what they called “The Third Way” (in the United States and UK) or the “New Middle” (in Germany). The parties of the left had languished for years in the electoral wilderness: for eighteen years before Blair in the UK, and for sixteen years before Schroeder in Germany. In the United States, Democrats had been out of power for twelve years until Clinton's 1992 victory (or perhaps for twenty-four years, since 1968, other than the brief interlude of the post-Watergate, one-term Carter presidency). This electorally successful re-orientation of the parties of the left involved embracing globalization—including by endorsing China's entry into the World Trade Organization—and rejecting the long-standing resistance of labor unions to free trade, along with reducing the role of the state and regulation in various sectors. As a result of these and other changes in the policies of the dominant parties of the left, working-class voters (particularly White working-class voters in the United States) withdrew from political participation or eventually shifted to supporting conservative parties.²⁸

This realignment across the West has two related consequences for fragmentation. First, the parties and coalitions are still struggling to work out precisely where they need to locate themselves to cobble together nationally winning electoral coalitions, considering the shifts in their parties' bases. Second, this realignment creates new lines of tension and factions within the

26. Astute political scientists began seeing these new patterns emerging as early as the mid-1970s. See generally Everett Carl Ladd, Jr., *Liberalism Upside Down: The Inversion of the New Deal Order*, 91 POL. SCI. Q. 577 (1976–77).

27. In the United States, the dynamics are more complex because working-class ethnic and racial minorities, particularly African Americans, continue to vote in large percentages for the party of the left.

28. For fuller analysis, see Richard H. Pildes, *Political Fragmentation in Democracies of the West*, 37 BYU J. PUB. L. (forthcoming 2023).

parties. The parties now must struggle with how to pursue policies their main bases of support want, without alienating too many of their legacy supporters.

III.

HOW THE COMMUNICATIONS REVOLUTION FUELS FRAGMENTATION

In addition to the major economic and cultural issues driving this process, I want to focus the rest of this Essay on the way that today's communications revolution further contributes to the rise of political fragmentation. By the communications revolution, I mean the rise of cable television initially, then the emergence of the internet and social media. These technologies have dramatically reduced the costs of certain forms of political participation by bypassing traditional intermediary organizations.

The challenge the communications revolution poses for democracies, in my view, goes beyond now familiar issues of disinformation, misinformation, or the amplification of outrage (though these are serious problems). Even if these problems could somehow be solved, the very nature of the new technology age might inherently undermine the capacity for broadly accepted, legitimate, and sustainable political authority. France's philosophically inclined President recognizes exactly this. As Macron has observed, democracies are undergoing a "leveling that destroys the principle of authority," without which effective governance becomes far more difficult.²⁹

Indeed, the communications revolution has enabled the rise of a bewildering array of forms for expressing and mobilizing political opposition—both to the status quo, as well as to efforts to change it. Some of these are new forms altogether; others are familiar structures of political expression whose effectiveness technology has dramatically enhanced. Although these technological changes have taken different political forms in Europe and the United States, they reflect similar political transformations and contribute mightily to the increasing fragmentation of the political sphere.

Consider this brief taxonomy, starting with the European examples, of some ways the communications revolution contributes to the fragmentation democracies now confront:

A. *The New Political Power of Atomistic Individuals*

Nothing more dramatically demonstrates the previously unimaginable political power individual actors can now attain than the story of Germany's "Rezo," a twenty-six-year-old music producer on YouTube (his real name is unknown). One week before Germany's 2019 elections for the European Parliament, surrounded by his guitars and synthesizers, he produced a slick, fifty-

29. Roger Cohen, *Macron Tells Biden That Cooperation with U.S. Cannot Be Dependence*, N.Y. TIMES (Oct. 28, 2021), <https://www.nytimes.com/2021/01/29/world/europe/macron-biden.html> [<https://perma.cc/RHL9-CRGB>].

five-minute mash-up video that mixed analysis and expletive-filled polemics in a relentless attack on Angela Merkel's ruling Christian Democratic Union (CDU), as well as the Social Democrats and other parties.³⁰ Laced with quick cuts, sound effects, and charts of data—and interspersed with segments of parliamentary debates meant to make them look boring—Rezo's video proclaimed it time to destroy the mainstream parties in Germany. He described the video as a “personal rant” meant to be a “destruction video.”³¹

Rezo's video was seen a staggering nine million times in the week before the election, though he had no previous political involvement. The Christian Democrats thought his video was filled with lies, distortions, and misleading information, but addressing it quickly became a crisis. Scrambling to respond effectively, the party published an open letter—if you can imagine—addressing each line of Rezo's attack. In the final week when the video appeared, the CDU plunged 7 percent in polls.

B. *Enabling the Rise of Spontaneous, Non-Organized Pop-Up Groups*

The *Indignados* in Spain, the Yellow Vests in France, the Gezi Park protesters in Turkey, the Tea Party movement in the United States,³² and others illustrate the new technology-fueled power of lightly organized, nearly spontaneous, political groups that can now pop up in rapid time. But the organizational philosophies underlying these digitally organized groups also limits their constructive capacities.

The Spanish *Indignados* provides a good example. In May 2011, between twenty thousand and fifty thousand young, middle-class Spaniards spontaneously decided to camp out and occupy a major public square in the heart of Madrid. Coordinated online, through Facebook and Twitter, the idea spread quickly. *Indignados* were soon camping out in more than fifty cities and towns across Spain. These demonstrations lasted a month. The suddenness of the movement's emergence took the country and political leaders by surprise.³³

30. Peter Kuras, *German Politics Discovers YouTube*, FOREIGN POL'Y (June 4, 2019), <https://foreignpolicy.com/2019/06/04/german-politics-discovers-youtube/> [<https://perma.cc/QB89-UHJJ>]; Christopher F. Schuetze, *Youth's Video Takes Aim at Merkel's Party in Run-Up to European Elections*, N.Y. TIMES (May 25, 2019), <https://www.nytimes.com/2019/05/25/world/europe/rezo-cdu-youtube-germany.html> [<https://perma.cc/E7SS-EEVE>].

31. See Schuetze, *supra* note 30.

32. The Tea Party movement began with a spontaneous polemic to a small audience on one cable channel, which was then picked up by online bloggers and quickly went viral through YouTube videos. RACHEL M. BLUM, HOW THE TEA PARTY CAPTURED THE GOP 7 (2020).

33. Guy Hedgecoe, *Spain's Happy Indignants*, POLITICO (May 13, 2016), <https://www.politico.eu/article/spain-happy-indignants-indignados-15m-elections-podemos-pablo-iglesias-ciudadanos-albert-rivera-manuela-carmena-ada-colau/> [<https://perma.cc/76Q7-XYF7>]; *Ten Years After Spain's Indignados Protests*, ECONOMIST (May 6, 2021), <https://www.economist.com/europe/2021/05/06/ten-years-after-spains-indignados-protests> [<https://perma.cc/75JH-W3ZP>]; Eoghan Gilmartin, *The Indignados Movement Changed Spanish*

Spain was more than two years into a severe economic crisis, in which national unemployment was at 21 percent (and rising) and the unemployment rate for young people was above 40 percent.³⁴ A year earlier, the Socialist Prime Minister José Luis Rodríguez Zapatero had implemented austerity measures “recommended” by the European Union in order to avoid a Greek-style bailout.³⁵ The *Indignados* movement was, at a minimum, an expression of outrage about the situation and the country’s political leaders; it was an anti-party movement of negation. As a sociologist who took part put it, it “was a great outburst of dismissal The consensus was on what we didn’t want.”³⁶

Yet many of these technology-born new movements also reflect a technoutopian vision of politics—a vision that enables them to disrupt but limits their ability to be politically effective. Believing that politics should entail no hierarchies at all, the *Indignados* refused to acknowledge leaders and spokespersons. People gathered in what were called “general assemblies,” where no moderators were allowed and anyone could speak on any subject. With a vision of democracy as romantic as that of Rousseau’s, it considered majority votes to resolve issues “an abomination of democracy.”³⁷ As one of its founders put it, it was “a movement born with a lack of historical memory, structure, program, or leadership”³⁸ The movement lacked a connection to any of the political parties, the country’s labor unions, or other political organizations.

Although the movement demanded change, its demands were nebulous. The “key message” of the protesters, wrote a participant and later student of the movement, “was a rejection of the entire political and economic institutions that determine people’s lives.” Faced with a movement without leaders, who does government engage with, both to understand the movement’s demands and potentially address them?³⁹ When the movement eventually generated a

Politics Forever: An Interview with Juan Carlos Monedero, JACOBIN MAG. (May 15, 2021), <https://www.jacobinmag.com/2021/05/indignados-podemos-15m-pablo-iglesias> [<https://perma.cc/X392-8EP7>].

34. Sylvia Poggoli, *Youth Protests Sweep Spain as Unemployment Soars*, NPR (May 26, 2011), <https://www.npr.org/2011/05/26/136683688/youth-protests-sweep-spain-as-unemployment-soars> [<https://perma.cc/6YRM-K5JN>] (noting that the “jobless rate among Spain’s generally well-educated young people has reached nearly 45 percent, a record in any industrialized country”).

35. *Spain’s Zapatero Pledges Financial Austerity*, VOA NEWS (Nov. 26, 2010), <https://www.voanews.com/a/spains-zapatero-pledges-financial-austerity-110906594/168943.html> [<https://perma.cc/NVX8-HA6H>] (“Spain’s Prime Minister is pledging to forge ahead with budget austerity measures to stem fears that his nation might eventually need an international financial bailout like Greece and Ireland.”).

36. *Ten Years After Spain’s Indignados Protests*, *supra* note 33.

37. Gilmartin, *supra* note 33.

38. *Id.*

39. On the leaderless nature of the Canadian trucker protests, which made negotiating any resolution difficult, see Andy Blatchford, *How does Canada end the truckers’ mess?*, POLITICO (Feb. 10, 2022), <https://www.politico.com/news/2022/02/10/canada-trucker-blockade-road-map-out-00007997> [<https://perma.cc/ANR8-DZGF>].

manifesto, one of its few positive proposals was cast at this level of abstraction: “An Ethical Revolution is Needed.”⁴⁰

The movement had at least one major political consequence: it spawned the fragmentation and paralysis of Spanish politics, described above, in which governments were so unstable that four national elections had to be held in four years. Despite strong economic growth from 2014 to 2019, trust in Spanish institutions and politicians became among the lowest in Europe.⁴¹

In France, the Yellow Vest insurgency ironically disrupted Macron’s government soon after he was elected. Macron himself—a political novice, who formed his own party just a year before his election—had come to power as “*le disrupteur*” of French politics.⁴² Yet the Yellow Vests, set off initially by Macron’s proposal to raise taxes on diesel fuel as a means to combat climate change, staged fifty-two consecutive weekly protests and manned roundabouts throughout the country night and day. They roiled French politics for nearly a year (some violent confrontations resulted in deaths). Macron became effectively trapped in his office, trying to remain “invisible,” because any public appearance would lead to the nearly instant mobilization of spontaneous, yet somehow organized, large street crowds of Yellow Vest protestors.⁴³ In the new communications age, the disrupters can themselves be quickly disrupted.

Like the *Indignados*, the movement was connected through dozens of Facebook pages, but it lacked any organizational structure. Also leaderless, it did not appear to be ideologically defined all that clearly. Similarly, the Yellow Vests described themselves as “apolitical,” meaning that they rejected partisan politics, along with the traditional left-right divide. They organized debates in small-group assemblies that sought consensus.⁴⁴ They also pushed for more participatory measures, such as citizen power to trigger referendums.

Macron tried to make concessions, but without anyone to negotiate with, it was unclear what concessions would suffice. After more than a year, he found a way to defuse the initial Yellow Vest movement with certain policy changes;⁴⁵ but the Yellow Vests remain a constant, potentially disruptive force that has

40. MARTIN GURRI, THE REVOLT OF THE PUBLIC AND THE CRISIS OF AUTHORITY IN THE NEW MILLENNIUM 121 (2018).

41. See Mariano Torcal & Pablo Christmann, *Responsiveness, Performance and Corruption: Reasons for the Decline of Political Trust*, FRONT. POL. SCI. 3 (2021), <https://www.frontiersin.org/articles/10.3389/fpos.2021.676672/full> [<https://perma.cc/G6JV-KY7B>].

42. SOPHIE PEDDER, REVOLUTION FRANÇAISE: EMMANUEL MACRON AND THE QUEST TO REINVENT A NATION 47 (2018).

43. Sylvie Corbet, *As Protest Rages in France, Macron Remains Invisible*, ASSOCIATED PRESS (Dec. 7, 2018), <https://www.apnews.com/3b7d4a322df34823b448dabd46e2e03a> [<https://perma.cc/V2NN-U9KN>]. On Macron as the great disrupter of the long-dominant structure of French political parties and government, see PEDDER, *supra* note 42, at 47–79.

44. Benjamin Dodman, *A Year of Insurgency: How Yellow Vests Left ‘Indelible Mark’ on French Politics*, FRANCE 24 (Nov. 16, 2019), <https://www.france24.com/en/20191116-a-year-of-insurgency-how-yellow-vests-left-indelible-mark-on-french-politics> [<https://perma.cc/5YFX-S69M>].

45. *France’s Macron Responds to Yellow Vests with Promise of Reforms*, BBC NEWS (Apr. 25, 2019), <https://www.bbc.com/news/world-europe-48059063> [<https://perma.cc/5BSP-X4RH>].

become more a source of negation than of any affirmative vision of policy or government.⁴⁶

C. *The Emergence of Digital Pop-up Parties*

The last decade has also witnessed the almost overnight emergence of digital, pop-up political parties with major effects on politics. The most successful of these digital parties thus far is Italy's Five-Star Movement (M5S).⁴⁷ Officially launched in 2009, in the aftermath of the financial crisis, its leaders believe that representative, parliamentary democracy has run its course and that “[w]e live in an era of disintermediation, where we are bypassing the old middlemen”⁴⁸ Through the communications revolution, parliaments and political parties are envisioned to fade away.

M5S rejects being labelled a political party at all. Calling itself instead a “movement of citizens,” decision-making was to take place through an online platform, which, in keeping with the movement's anti-party views, was appropriately enough called Rousseau. Through it, supporters would be able to propose laws, debate them, and refine them online. Additionally, members would be able to offer themselves as candidates and decide who would run for office.

Initially, the movement was primarily a means of expressing disdain and opposition to all the country's traditional parties and leaders—left, right, and center. In the very first national elections it contested, in 2013, M5S won a stunning 25 percent of the vote—the second highest vote total for a single party. No party had come out of nowhere so quickly and won such a significant vote share in modern Italian history. The movement had received little mainstream media attention and had not raised much money. Around 160 of its candidates with no experience in politics became members of Parliament.⁴⁹

Then, in the 2018 general elections, M5S received the largest vote of any party. That success raised whether these largely digital parties can become more than just a vehicle for expressing opposition to the parties and leaders that govern. And indeed, M5S floundered once in government. First, it formed a government in coalition with a party of the right; when that alliance collapsed, it

46. *Déjà vu as France's Yellow Vest protesters mark three years of struggle*, RFI (Nov. 17, 2021), <https://www.rfi.fr/en/france/20211117-d%C3%A9j%C3%A0-vu-as-france-s-yellow-vest-protesters-mark-three-years-of-struggle> [<https://perma.cc/V CJ2-PSGW>] (“‘I joined this movement in the hop[e] of seeing progress for spending power of French people. Today, the movement is simply ‘anti everything’ [sic]: anti-government, anti-health pass, anti-vaccination,’ regrets Vincent.”).

47. See generally FILLIPO TRONCONI, BEPPE GRILLO'S FIVE STAR MOVEMENT: ORGANISATION, COMMUNICATION AND IDEOLOGY (2015).

48. Paolo Gerbaudo, *One Person, One Click: Is This the Way to Save Democracy?*, GUARDIAN (Feb. 13, 2019), <https://www.theguardian.com/world/2019/feb/13/digital-political-parties-democratic-m5s> [<https://perma.cc/W6P8-QFFT>].

49. Darren Loucaides, *What Happens When Techno-Utopians Actually Run a Country*, WIRED (Feb. 14, 2019), <https://www.wired.com/story/italy-five-star-movement-techno-utopians/> [<https://perma.cc/6LW2-8JHS>].

switched direction to join forces with center-left parties. This shifting back and forth between radically different alliances reflected the party's lack of an ideological core, along with inability to govern effectively in its limited time in office. Its support hemorrhaged. If M5S collapses altogether, analysts suggest it would spawn one or two new parties, further fragmenting the Italian party structure.⁵⁰ But the digital M5S movement shows how digital parties, existing largely online and emerging rapidly out of nowhere, are able to disrupt and fragment parties and governments in this new era.

In the UK, after the Brexit referendum in 2016 and the collapse of the UK Independence Party (UKIP), Nigel Farage decided to model a new UK party—the Brexit Party—directly on the Five Star model. In the words of Arron Banks, one of Farage's close collaborators, the Brexit Party was “the virtual carbon copy of the Five Star Movement.”⁵¹ Indeed, Farage and his senior advisor had gone to Italy back in 2015 to meet with the creators of Five Star. Announced in March 2019, the Brexit Party quickly became the fastest growing party in British political history.⁵²

Largely through the internet, it gained over 115,000 supporters, who paid twenty-five pounds a year.⁵³ In its first ten days, it raised over £750,000 in donations online, all in small sums of less than £500.⁵⁴ Three months after its formation, the Brexit Party promptly overwhelmed all other parties in the 2019 UK elections to the European Parliament, receiving far more of the vote than the combined vote of the two traditionally dominant parties, the Conservatives and Labor.

The various digital parties that have sprung up nearly all promise to use technology to enable a more continual participatory involvement in decision-making than traditional political parties. For some of these parties, such as the Pirate Parties that emerged in Sweden, Germany, Iceland, and the Czech

50. Valentina Saini, *Italy's Five Star Movement on Brink of Collapse*, EU OBSERVER (July 6, 2021), <https://euobserver.com/democracy/152347> [<https://perma.cc/6AMQ-PQ65>].

51. Darren Loucaides, *Building the Brexit Party: How Nigel Farage Copied Italy's Digital Populists*, GUARDIAN (May 21, 2019) [hereinafter Loucaides, *Building the Brexit Party*], <https://www.theguardian.com/politics/2019/may/21/brexit-party-nigel-farage-italy-digital-populists-five-star-movement> [<https://perma.cc/LD4U-YGXJ>].

52. Rob Merrick, *Brexit Party Is “Fastest Growing Political Force in the Land” with 85,000 New Members and £2m in Donations, Farage Claims*, INDEPENDENT (May 5, 2019), <https://www.independent.co.uk/news/uk/politics/brexit-party-nigel-farage-members-theresa-may-deal-corbyn-conservatives-a8900356.html> [<https://perma.cc/2YQA-EZ6U>].

53. Hugo Gye, *Nigel Farage Sacks Brexit Party Staff After General Election Disaster*, INEWS (Dec. 27, 2019), <https://inews.co.uk/news/politics/nigel-farage-sacks-brexit-party-staff-after-general-election-disaster-taking-millions-from-donors-379027> [<https://perma.cc/DRD5-7GU3>].

54. Alice Tidey, “No More Mr Nice Guy,” Says Farage as He Launches New Brexit Party, EURONEWS (April 12, 2019), <https://www.euronews.com/2019/04/12/watch-live-nigel-farage-launches-uk-brexit-party-after-former-party-ukip-is-tarnished> [<https://perma.cc/6BM3-JHVX>].

Republic, that promise has been partly met.⁵⁵ But for the two major digital parties just discussed, Five Star and the Brexit Party, that promise has been deceptive. As is generally recognized by now, the image of bottom-up, organic, participatory democracy is at best an illusion, and at worst, a cynical manipulation by the movement's leaders.

For Five Star, Beppe Grillo, its co-founder, exclusively owns the movement's brand. Through his ownership he exercises complete control over the party's strategic decisions; once the party won seats in government, many elected members left the party because of Grillo's dominating control.⁵⁶ For the process of polling members online for their views on issues, M5S's leaders use the inevitable need to manage the process on Rousseau to exercise effective control over how votes come out.

Unsurprisingly, votes end up being overwhelmingly on the side of the issues that management prefers—typically, with 80 percent of the vote. Leaders decide when to consult members and on what issues: to filter user proposals deemed not in line with the party's pre-established positions; to choose how to frame proposals; and to decide on the timing of a vote. As the leading scholar of digital parties, Paolo Gerbaudo concludes, “E-ballots have often been used more as a means of propaganda, to demonstrate the cohesion of party members, rather than as an opportunity for a genuine and pluralist internal debate.”⁵⁷ As another scholar puts it, this “new model of democracy” crumbles upon inspection.⁵⁸

The same is true of Farage's Brexit Party. In speeches, Farage asserts that the party represents a new form of popular politics, in which registered supporters will shape policy, determine the party's direction, and directly interact continuously with the party's leaders. “This is going to be the most open political party you've ever seen in Britain,” Farage proclaimed.⁵⁹ Much like M5S, the Brexit Party presents itself as a platform-based party that enables direct voice for party supporters, who are purportedly able to deliberate online and vote on referenda to determine the party's policies. Supporters can apply via the online portal to become candidates.

But as with M5S, the reality is virtually the opposite. The party is organized as a corporation. It has only around eight shareholders, with Farage holding a majority of the shares. Essentially, he is the CEO, chairman, and owner of the

55. See, e.g., William Natrass, *The Remarkable Rise of the Czech Pirate Party*, SPECTATOR (Feb. 23, 2021), <https://www.spectator.co.uk/article/the-remarkable-rise-of-the-czech-pirate-party> [<https://perma.cc/T3JZ-XE76>].

56. James Newell, *What is Italy's Five Star Movement?*, CONVERSATION (Dec. 1, 2016), <https://theconversation.com/what-is-italys-five-star-movement-69596> [<https://perma.cc/M4HF-BBYD>].

57. Gerbaudo, *supra* note 48.

58. TRONCONI, *supra* note 47, at 219.

59. Loucaides, *Building the Brexit Party*, *supra* note 51.

party.⁶⁰ The party lacks voting members, executive committees, or any of the traditional structures of a political party. Farage and his allies view it as a tech-like start-up business, designed to make decisions quickly. Like other websites, the party harvests vast data about its supporters for future use. Farage himself says: “We’re running a company, not a political party”⁶¹ As an ally put it: “What the Five Star did, and what the Brexit party is doing, is having a tightly controlled central structure, almost a dictatorship at the centre.”⁶²

D. *The Birth of Free-Agent Politicians in the United States*

In the United States, the fragmenting effects of communications revolution has been most dramatically expressed through the rise of free-agent politicians who can now function effectively outside the traditional political-party structures.

An early sign of this development was the way insurgent forces within the Republican Party, led by Newt Gingrich, figured out how to exploit the new possibilities created when cable television began in the 1980s to televise proceedings on the House floor. Gingrich, elected at the same time Cable-Satellite Public Affairs Network (C-SPAN) was created, called himself the “first leader of the C-SPAN generation.”⁶³ He realized members could now bypass traditional media and that “C-SPAN’s audience would swell if confrontation rather than capitulation characterized the GOP stance in all House debate.”⁶⁴ Working through this new media, Gingrich led a “caucus of insurgents” that was able to take on the leadership not just of the Democratic Party, but of his own Republican Party as well.

Advances in the communications revolution since then have had two general effects that have catalyzed even greater fragmentation of the political parties. First, through social media and cable television, individual members of Congress are now able to find and construct their own national constituencies. They do not need major committee assignments to achieve this, nor do they need strong support from party leaders. They can now forge their own brand, independent of the party structures.

Second, the internet has enabled them to be highly effective at fundraising, particularly through small donations, to an extent never before possible. In this world, extremism is not a liability; it is the way to get attention and turn on the

60. Tom McTague, *Nigel Farage’s Startup Politics*, POLITICO (May 18, 2019), <https://www.politico.eu/article/nigel-farage-brex-it-party-start-up-politics-eu-election/> [<https://perma.cc/PAD8-9BMS>].

61. Loucaides, *Building the Brexit Party*, *supra* note 51.

62. *Id.*

63. JULIAN E. ZELIZER, *BURNING DOWN THE HOUSE: NEWT GINGRICH, THE FALL OF A SPEAKER, AND THE RISE OF THE NEW REPUBLICAN MAJORITY* 57–63 (2020).

64. *Id.*

spigot of internet-based donations.⁶⁵ For example, when new Republican representative Marjorie Taylor Greene (Georgia) was removed from all House committees because of her extremist views, she quickly raised \$3.2 million with an average donation of thirty-two dollars—a record haul for the first quarter of a non-election year.⁶⁶ In general, small donors help sustain more ideologically extreme candidates, thus further fueling political fragmentation in the United States.⁶⁷

These new technology-driven changes mean that individual members of Congress, even in their first year in office, can wield a level of power unimaginable before—and they can bypass traditional party structures and party leaders in doing so. Seven years ago, when I first made this point, I offered the examples of Senators Ted Cruz on the right⁶⁸ and Elizabeth Warren on the left, both of whom, in their first year or two in the Senate, were able to exercise levels of power that would have been unheard of at such early stages of a Senate career in the past.⁶⁹

A more recent striking example is Representative Alexandria Ocasio-Cortez. She won the primary that launched her political career with just under sixteen thousand votes, then easily won general elections in a safe Democratic district. But she entered Congress as a social media master and had nearly nine million followers across the main social media platforms (Twitter, Facebook, and Instagram). At that level, she can instantly reach an audience three times the size of even the most popular prime-time cable news shows.⁷⁰

Compare that to other Democratic members of Congress, including those in leadership positions or major legislative roles. Speaker Nancy Pelosi had 3.6 million followers. The next most for a House Democrat was the Majority Leader, Steny Hoyer, with an anemic 220,000 followers. In just a few months into her first House term, Ocasio-Cortez was able to make herself one of the most nationally known Democrats. Representative Madison Cawthorn, elected at twenty-five, understands this new form of power; he built his office around

65. See Richard H. Pildes, *Participation and Polarization*, 22 U. PA. J. CONST. L. 341 (2020) [hereinafter Pildes, *Participation and Polarization*].

66. Olivia Beaver & Melanie Zanona, *MTG's Eye-Popping Fundraising Haul*, POLITICO (April 7, 2021) <https://www.politico.com/newsletters/huddle/2021/04/07/mtgs-eye-popping-fundraising-haul-492390> [https://perma.cc/3B7C-B539].

67. Richard H. Pildes, *Small-Donor-Based Campaign-Finance Reform and Political Polarization*, 129 YALE L.J.F. 149, 158–59 (2019).

68. SAMUEL L. POPKIN, *CRACKUP: THE REPUBLICAN IMPLOSION AND THE FUTURE OF PRESIDENTIAL POLITICS* 71 (2021) (describing Cruz's ability to defy party leadership and successfully build his own brand through cable, internet, and social media).

69. Pildes, *Participation and Polarization*, *supra* note 65, at 356.

70. The most popular cable television news station is Fox News, which averages about 2.1 million viewers a night. See Ted Johnson, *Fox News Gains In Total Day Viewers In July; 'The Five' And 'Tucker Carlson Tonight' Top Shows*, DEADLINE (Aug. 3, 2022), <https://deadline.com/2022/08/fox-news-viewership-july-tucker-carlson-1235084361/> [https://perma.cc/RL2F-8DQN].

communications aides, not legislative ones,⁷¹ and says his experience shows “the advent of social media” means “you can really sway a lot as a freshman.”⁷²

These technology-driven changes mean that party leaders no longer have as significant leverage over their rank-and-file members. Being on particular committees is less critical than before. Rising through the ranks is no longer necessary to visibility or money. Nor is going along with the judgment of party leaders as to what positions are in the best interest of the party overall. Party leaders thus have fewer effective tools to manage differences within the party. As former Speaker Boehner put it: “I may have been the Speaker, but I didn’t hold all the power. By 2013 the chaos caucus in the House had built up their own power base thanks to fawning right-wing media and outrage-driven fundraising cash.”⁷³ Thus, the communications revolution has helped bring about more fragmented parties along with party leaders who have less capacity to manage and contain those fissures.

CONCLUSION

With so much attention on misinformation, we do not yet recognize that the new information age has helped make political fragmentation a defining feature of, and a major challenge to, democracies today. This fragmentation is both the effect and cause of the perceived inability of democratic governments to deliver effective governance.

Perhaps this fragmentation is a temporary fact of democratic life. Perhaps, though, our era will be one in which new technologies will enable many more people to engage in forms of politics, individually and in groups or parties. Opposition to government action, or demands for the government to act or act differently, will be easy to mobilize and constant. Politics and government will be continually turbulent, but less able to deliver effective responses on the issues roiling the day.

As I said at the outset, the importance of effective government is often ignored in political and legal theory. But if democratic governments cannot overcome the profound challenge political fragmentation now poses and deliver on the issues their citizens find most urgent, dysfunction and distrust could give way to worse.

71. Abby Vesoulis, *‘He’s Saying One Thing and Then He’s Doing Another.’ Rep. Madison Cawthorn Peddles a Different Kind of Trumpism in a Post-Trump World*, TIME (Jan. 27, 2021), <https://time.com/5931815/madison-cawthorn-post-trump/> [<https://perma.cc/VYQ6-UNJY>].

72. Ally Mutnick, Olivia Beavers & Elena Schneider, *The Primary Foreshadowing the Future of the GOP*, POLITICO (Feb. 25, 2022), <https://www.politico.com/news/2022/02/25/kevin-mccarthy-primary-texas-00011683> [<https://perma.cc/J6PD-ZBV3>].

73. BOEHNER, *supra* note 20, at 167.