

SYMPOSIUM
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PARTISANSHIP AND POLITICAL LIBERALISM
IN DIVERSE SOCIETIES

A PRÉCIS

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A Précis

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I am very grateful to *Philosophy and Public Issues* and to the contributors to this symposium for the privilege and opportunity to discuss my book *Partisanship and Political Liberalism in Diverse Societies*.

The book originated from years of reflection on the place and role of political parties within John Rawls's (2005) theory of political liberalism. Rawls's work, it is well known, aimed to develop a conception of political legitimacy grounded in the idea of public reason, in order to explain how political power could be rightfully exercised in societies characterized by the fact of reasonable pluralism. As well as having a profound impact on the literature on political legitimacy and public justification, since its publication Rawls's work has also influenced debates on toleration, multiculturalism, and democratic theory, among others. Nevertheless, neither Rawls nor political liberals more generally ever developed a systematic analysis of political parties and partisanship within the context of their theories. This is somewhat surprising, given that parties still occupy a central role in the

political life of liberal democracies, despite their alleged crisis. Rawls does occasionally refer to political parties but those references are sporadic and underdeveloped, and fail to clearly articulate a vision for their role and functions within political liberalism.

Conversely, the growing literature on parties and partisanship in normative political theory (Portis et al. 2000; Rosenblum 2008; Muirhead 2014; Bonotti and Bader 2014; White and Ypi 2016; Wolkenstein 2019) has usually paid little attention to the relationship between political parties and political liberalism. One exception is Russell Muirhead and Nancy Rosenblum's short article "Political Liberalism vs. 'The Great Game of Politics': The Politics of Political Liberalism," which highlights the role of parties as 'shapers and articulators of public reason' (Muirhead and Rosenblum 2006, 104). While having the merit to sketch the first account of the role of parties in political liberalism, however, Muirhead and Rosenblum's analysis is brief and does not engage in a systematic way with the literature on public reason in political theory. Muirhead and Rosenblum especially fail to address two key questions that are central to the relationship between political parties and political liberalism. First, since public reason prevents citizens, and especially legislators, from appealing to comprehensive doctrines when justifying political rules, how can parties find a space within this framework, given that their role is precisely to channel citizens' controversial values and conceptions of the good into the political realm? And, second, how should the standards of public reason be understood in order for political liberalism to make space for a plurality of political parties and avoid flattening political differences via an ideal consensus? More specifically, since public reason liberals distinguish between three main conceptions of the structure of public reason – 'shareability', 'accessibility' and 'intelligibility' – which of these conceptions

provides the best normative framework for parties and partisanship within the boundaries of political liberalism?

Like Muirhead and Rosenblum, Jonathan White and Lea Ypi, who have examined extensively the issue of public justification in connection with parties and partisanship (White and Ypi 2011; 2016), also fail to offer an answer to these questions. White and Ypi (2016, 61) defend the idea that parties and partisans should provide ‘accessible’ reasons to justify their proposed laws and policies. Yet, they do not engage with the literature on accessibility, do not explain whether accessibility is sufficiently inclusive of party pluralism, and do not consider alternative conceptions of public justification, i.e. shareability and intelligibility.

The fact that the aforementioned authors fail to engage systematically with the literature on public reason does not detract from the quality of their works, which are valuable in many other ways. However, it helps to carve a distinctive space for my book within the broader normative literature on partisanship, halfway between the sketchy account of parties and public reason provided by Muirhead and Rosenblum and the wide-ranging theory of parties and partisanship offered by White and Ypi. As well as providing a more detailed analysis of the relationship between parties, political liberalism and public reason, however, *Partisanship and Political Liberalism in Diverse Societies* also aims to make a contribution to other debates in contemporary political theory, including those on political obligation and freedom of speech.

The book’s central argument is that political liberalism and political parties are not hostile to each other. Instead, political liberalism needs and nurtures parties and partisanship, for a number of reasons. For a start, partisanship engenders distinctive political obligations, which supplement any political obligations citizens might have more generally in a liberal democracy. Moreover, despite what many of their detractors argue, political

liberalism and public reason offer a capacious political space for party pluralism and partisan advocacy, not least because their normative goals overlap with those of parties and partisanship at their best. And, relatedly, parties can help to connect citizens' comprehensive doctrines with a political conception of justice, thus sustaining the overlapping consensus that is central to Rawlsian political liberalism. Finally, political liberalism allows significant space for disagreement and democratic contestation on socio-economic, religious and ethical issues, thus providing a fertile terrain for party politics. The analysis in the book proceeds in the following way.

In Chapter 1 I defend the view that partisans have special political obligations. First, I endeavour to ground these obligations in the idea of consent, and particularly in the view that partisans voluntarily decide to take on the distinctive positional duties associated with partisanship. However, after acknowledging the limits of this consent-based approach, I articulate a different account of partisan political obligations grounded in the idea of fair play (or fairness). Fair play partisan political obligations, I contend, arise because partisans benefit from their participation in party politics. This generates a duty for them to comply with the positional duties of partisanship – which include obeying the laws of their state – as this helps to produce and sustain the very benefits they enjoy.

In Chapter 2 I expand my analysis of partisan political obligations by arguing that in the presence of certain conditions parties and partisanship can help reduce the tension between citizens' conflicting obligations. More precisely, when citizens who experience conflicting obligations participate in party politics, and assuming that the latter constitutes a fair scheme of cooperation, two desirable outcomes may ensue. First, by participating in party politics, these citizens may be able to influence the laws and

policies which they must obey, thus rendering them more consistent (and, therefore, less in tension) with their own values, beliefs and interests. Second, and as a result, these citizens may become more motivated to obey those laws, and this can help reinforce social stability.

In Chapter 3 I illustrate how political liberalism allows significant scope for democratic contestation on many contentious issues, thus nurturing parties and party competition. I focus especially on religious matters and argue that political liberalism rules out both moderate separation and moderate establishment regimes of religious governance, since both types of regimes insulate principles of social and economic justice from democratic debate in a way that is in tension with the spirit of political liberalism. I therefore introduce and defend an alternative model called ‘democratic accommodationism’, which leaves religious issues more open to democratic contestation. In the final part of the chapter, I also argue that political liberalism rules out the entrenchment of either classical liberal rights or social rights in the constitution, thus providing further scope for democratic contestation among political parties.

In Chapter 4 I outline what I refer to as the ‘extrinsic’ view of public reason, i.e. the idea that the constraints of public reason are external to political parties and significantly hinder their agency. I explain, first, that the sites in which partisans operate are generally subject to those constraints. I subsequently claim that the standard distinction, within political liberalism, between constitutional essentials and ordinary legislative issues – only the former of which, according to many political liberals, should be subject to the constraints of public reason – collapses when it comes to political parties, since the latter normally include and combine both kinds of issues in their manifestos and programmes, and need to justify them as policy packages. I also contend that Rawls’s (2005, 453)

‘wide’ view of public reason, while more inclusive than the original view towards ordinary citizens’ demands, still imposes significant constraints upon partisans, especially those who run and/or are elected for office. I conclude by showing that the legal enforcement of the duty of civility (i.e. the duty to comply with the constraints of public reason), normally rejected by Rawls and political liberals, cannot be ruled out on the basis of merely practical reasons.

In Chapter 5 I briefly set aside the analysis of parties and partisanship in order to zoom in further on the legal enforcement of the duty of civility. More specifically, I critically assess the relationship between public reason and free speech, in order to establish whether there are any arguments grounded in the latter for opposing the legal enforcement of that duty. After considering arguments for free speech based on the values of truth and autonomy, and showing that neither of them provides a persuasive rationale for rejecting the legal implementation of the duty of civility, I argue that a democratic argument grounded in a procedural account of political legitimacy offers such a rationale. However, since this view of political legitimacy differs from the one central to Rawlsian political liberalism, I conclude that the latter is in principle compatible with some degree of free speech regulation, including the legal implementation of the duty of civility.

In Chapter 6 I reject the ‘extrinsic’ conception of public reason analysed in Chapter 4 and contend that parties and partisanship at their best are compatible with – in fact, vital for – political liberalism, since they can help citizens to connect their comprehensive doctrines with the values and institutions of political liberalism. The normative ideal of partisanship, I argue, is in sympathy with the Rawlsian ideal of public reason and with the demands of the overlapping consensus. More precisely, the

normative ideal of partisanship involves a commitment to advancing the common good of the entire political community rather than the factional and sectarian interests of specific individuals and groups within society. And this, I contend, implies a commitment to the ideal of public reason. In the final part of the chapter, I show how three empirical features of political parties – linkage function, broad multi-issue agendas, and creative agency – particularly help them to foster and support an overlapping consensus in diverse societies.

In Chapter 7 I endorse an indirect conception of public justification, according to which only public officials, and particularly elected partisans – but not ordinary citizens – should comply with the constraints of public reason. I defend a division of labour within political parties and argue that while elected partisans should monitor each other's compliance with the constraints of public reason via a process of horizontal accountability, other partisans should be responsive to constituents' non-public reasons via a process of vertical accountability, and help to find a link between those non-public reasons and public reasons that elected partisans can then employ to justify their political decisions. I conclude my analysis by critically examining the implications of two types of electoral systems, first-past-the-post (FPTP) and proportional representation (PR), for this two-dimensional process of public justification.

In Chapter 8 I address the question of whether partisans should have greater freedom of speech than other citizens, focusing especially on partisan hate speech. I argue that partisans' speech provides three distinctive contributions to political legitimacy, by amplifying citizens' views, contributing to the agenda-setting process, and helping to promote multi-issue programmes. These three contributions, I contend, provide a pro tanto rationale for

exempting partisans from hate speech laws. Nevertheless, I further contend that since a conception of political legitimacy grounded in the ideals of public justification and public reason – rather than a merely procedural conception – would often justify hate speech laws, and since partisans have a duty to comply with the constraints of public reason, partisans’ speech should ultimately not be exempted from hate speech laws.

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