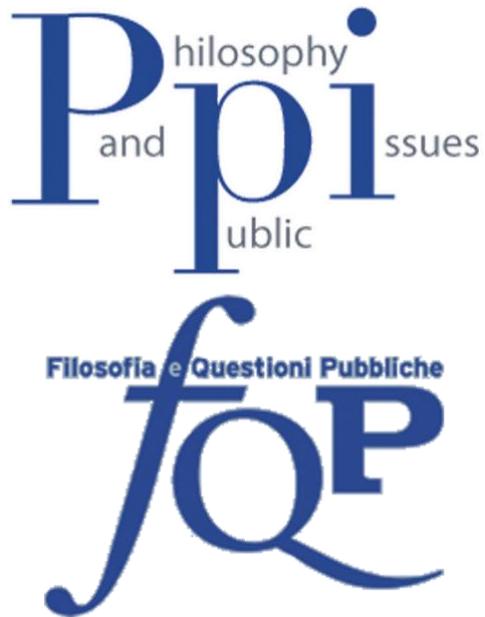


SYMPOSIUM
PARTISANSHIP AND PUBLIC REASON



PARTISANSHIP AND POLITICAL OBLIGATIONS

BY
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Partisanship and Political Obligations

Fabian Wendt

In the first chapter of his wide-ranging book on political parties and political liberalism, Matteo Bonotti defends the claim that partisans have political obligations grounded in their partisanship. Political obligations are moral obligations with a ‘political’ content; prime example is the duty to obey the law.¹ Bonotti argues, first, that some partisans incur political obligations by giving their consent to them when becoming partisans. Secondly, he argues that – at least given certain background conditions – it would be unfair of partisans not to accept the restrictions of their liberty that have to be widely accepted among partisans if the benefits of party politics are to materialize. This is a second source of political obligations. Bonotti doesn’t discuss a third alternative, namely that partisans have political obligations understood as associative obligations owed to their co-partisans.² While I think that there might be something to be said in favor of this third alternative, I am skeptical about

¹ I will use “duty” and “obligation” interchangeably.

² He leaves open whether they do (Bonotti 2017, 12). On associative obligations and partisanship see White and Ypi 2016, Ch. 5.

Bonotti's consent – and fairness – based arguments in favor of partisan political obligations. In the following I will explain why.

I

Partisans' consent

The argument from consent starts with the observation that there are certain “positional duties” associated with partisanship. The positional duties of partisans can be legal duties (either specified by a formal political parties' act or something similar [Bonotti 2017, 9] or as part of the broader legal system, in particular the criminal law, *ibid.*, 11), but they can also be associated with a more informal “ethos” of partisanship. While the content of these positional duties may vary from country to country, Bonotti suggests that their core will typically be the “duty to promote partial demands while complying with the basic values, institutions and procedures for gaining power of the polity in which they operate” (*ibid.*, 9). This duty, among other things, will also imply a general duty to obey the law (*ibid.*, 6, 12). The argument from consent suggests that the positional duties associated with partisanship get *moral force* if and because partisans give their consent to accept them when becoming partisans. The positional duties thereby become proper moral duties.

Bonotti himself acknowledges some limits of this argument. He points out how “partisanship” is a somewhat vague and fuzzy concept, and how formal party members, activists and supporters are partisans to different degrees and in different ways (*ibid.*, 13-14). In the end he seems to suggest that only partisans who formally joined a party have given the consent that is necessary to generate the respective moral duties.

But even that moderate claim is hard to defend. Of course, by formally joining a party one incurs *some* duties, e.g. the duty to pay one's membership fee (when there is such a thing), or the duty not to join another political party – everything one literally signs by joining the party. And it is *possible* that some party somewhere makes new members sign that they will promote partial demands while complying with the basic values, institutions and procedures for gaining power of the polity in which they operate. But most parties do not do that, and so arguably partisans do not give *express* consent to incur the political obligations Bonotti has in mind.

Maybe they *tacitly* consent to promote partial demands while complying with the basic values, institutions and procedures for gaining power of the polity in which they operate (or similar other alleged positional duties)? Tacit consent is tricky, of course. John Simmons has argued that “all consent [...] should be understood to be consent to all and only that which is necessary to the *purpose* for which the consent is given, unless other terms are *explicitly* stated.” (Simmons 1998, 167). What the purpose of an act of consent is can of course not just be decided unilaterally, neither by the person giving consent nor by others. It requires established conventions to determine what the purpose of consent should be taken to be in a certain type of situation. When ordering a meal in a restaurant, for example, one tacitly consents to pay the bill after eating, but one doesn't tacitly consent to be extra-friendly to the waitress, to leave a nice review for the restaurant, to help cleaning the dishes, or to return to the restaurant in the following week. This is the common understanding of what is tacitly implied in ordering a meal; it's part of a convention that is probably accepted more or less worldwide.

Are there conventions about what joining a political party involves, what one tacitly consents to when joining a political party? Maybe there is some vague sense that one commits to some

loyalty toward the party one joins, but my personal impression is that there is not much beyond that. Most people joining a political party do not feel that they violate a moral duty when they do nothing much after joining the party, and neither do parties act as if there's anything wrong with party members who just do nothing.

Why are there no conventions that associate joining a party with the duty to promote partial demands while complying with the basic values, institutions and procedures for gaining power of the polity in which they operate (or similar other alleged positional duties)? The problem, I think, is that the notion of partisanship is fuzzy and vague not just because formal party members, activists and supporters are partisans to different degrees and in different ways, but also because different formal party members are partisans to different degrees and in different ways. Someone who is a Member of Parliament somewhere is a partisan in a different way than a mere nominal party member who never went to any party meeting and never participated in an election campaign. Accordingly, the positional duties associated with partisanship are also much fuzzier than Bonotti suggests. Only specific party offices – for example the position of a party chairman or general secretary – come with reasonably well-specified positional duties. This, in turn, arguably explains why there are no conventions that regard joining a political party as tacit consent to the (alleged) positional duties of partisanship. Consent thus doesn't ground partisan political obligations.

II

Is party politics a cooperative venture?

The second argument for partisanship-based political obligations is a bit more complex. Roughly speaking, the fairness

principle³ says that participants in a cooperative venture have a fairness obligation to accept the restraints that have to be widely accepted if the venture is to produce its benefits, at least when the burdens and benefits of cooperation are fairly distributed, and more generally if it is a *reasonably just* cooperative venture.

Bonotti argues that party politics is a “cooperative venture” in the required sense. He explains that “parties as we understand them (at least in liberal democracies) are normally engaged in the joint task of organizing societal demands into broad and coherent political platforms, and in ensuring that the latter are subject to democratic decision-making (e.g. through elections) and, when successful, translated into government policies” (Bonotti 2017, 16).

There are two claims involved here. One is that political parties have a certain function to play in liberal democracies: They organize societal demands into political platforms, and they have an important role to play in organizing democratic decision-making: They build the resource of political personnel and shape the form of elections, they allow to structure daily parliamentary processes (e.g. the assignment of time for speakers in parliament), they assign responsibility for political decisions, and they allow governments to make politics with stable majorities in parliamentary democracies. The second is that, in fulfilling their function, parties produce certain benefits. This is a separate claim, since something can have a function in producing bad things, too. Think of the function of the trigger of a gun in some destructive shooting. But I guess it is plausible that a well-functioning democratic political system is overall a good thing, and that

³ See Hart 1955, Rawls 1964, Rawls 1971, 111-112.

therefore parties indeed contribute to something beneficial because they help to organize democratic decision-making.

But these two claims taken together are not yet enough to establish that party politics is a “cooperative venture”. It is true that for political parties to fulfill their function some partisan activity is needed, and so there may be some initial plausibility in talking about “cooperation” between partisans. But compare the football example Bonotti mentions himself.⁴ It seems quite implausible to say that football players are engaged in a “cooperative venture” (and that they incur fairness obligations because of that). Bonotti’s response is that party politics and a football match are different, because party politics is not only competitive, but also producing the aforementioned benefits of channeling societal demands into platforms and helping organize democratic decision-making. This response is unconvincing, though. Football matches produce benefits, too. They tend to be good for the health of the players (well, sometimes they aren’t), and they are at the center of public events that bring experiences of joy and community to the fans (well, to many of them). So that can’t be the difference. Note also how it makes sense to ascribe different functions to the different roles that are constitutive of a football match, like the goalkeeper, the defenders, or the referee. They all have a function in the game, and thereby contribute to the production of the benefits of the game. And yet it doesn’t seem like a football match is a “cooperative venture”.

The same, it seems to me, holds for party politics. A real cooperative venture is one where the parties do what they do *in order to* produce the benefits. Cooks in a kitchen preparing a meal are part of a cooperative venture in that sense: they do what they do *in order to* produce the benefits of having a nice meal. The players

⁴ See Bonotti 2017, 15-16. The example is from Horton 2010, 90.

in the football match as well as partisans in a party system at best produce some benefits *as a side effect* of what they're doing. They do not do what they do *in order to* produce the benefits.

This doesn't mean that the function of political parties in liberal democracies is irrelevant to partisans' moral duties, of course. For example, as I argued elsewhere, political parties in multi-party parliamentary democracies (and party leaders in responsible party positions) sometimes have a duty to take responsibility in a coalition government, namely when this is the only feasible reasonable option (Wendt 2020). But this has nothing to do with fairness or party politics as a cooperative venture. It is rather a duty that is grounded in the positional duties of parties as collective agents and of specific offices (like the party chairman) within political parties.

II

Irrelevant obligations

I argued that party politics is not a cooperative venture in the sense needed for fairness obligations to arise. But let us assume, for the sake of argument, that party politics *can* be understood as a cooperative venture in the required sense. This all by itself is not yet enough to establish that partisans have political obligations based in their partisanship. One also has to make plausible that accepting certain restraints on most partisans' liberty is necessary to produce the benefits of the cooperative venture. According to Bonotti, the restraints that are necessary to produce the benefits of the cooperative venture of party politics are the aforementioned moral duties, in particular the duty to promote partial demands while complying with the basic values, institutions and procedures for gaining power of the polity in which they operate: "It is by complying with such positional duties, and thus restraining their

liberty, that partisans make it possible for the abovementioned benefits of party politics to be produced and sustained” (Bonotti 2017, 16).

It is probably true that for political parties to fulfill their function in liberal democracies, most partisans will have to (more or less) comply with the basic values, institutions and procedures for gaining power of the polity in which they operate. But a lot depends on what that means exactly. If it means abstaining from violence and respecting useful laws and regulations, then one could make a case for partisan political obligations (assuming, counterfactually, that party politics can be understood as a cooperative venture). On the other hand, these things are morally required anyway. Everybody ought to comply with useful laws and regulations and to abstain from violence. These seem like perfectly “natural” duties, i.e. duties that are not voluntarily incurred, unlike obligations based on consent or the acceptance of benefits from a cooperative venture. If one thinks of softer “ethos”-based positional duties, on the other hand, it seems less clear that wide compliance is really necessary to produce the benefits of party politics. Parties could fulfill their function to channel societal demands into platforms and help organize democratic decision-making if many partisans did not comply with softer “ethos”-based positional duties, as long as they comply with the stricter duties that are natural duties anyway.

Bonotti may reply that fairness-based partisan obligations are still not irrelevant, even if they are just reproducing what everyone has a natural duty to do anyway. This is because partisans could be said to have a “more *intense and continuous* moral duty to obey the law, that is, a duty that does not allow downtimes or hesitancy” (Bonotti 2017, 21). Again I have doubts. Participants in a cooperative venture have a duty to do their share in what is necessary to produce the benefits, and if they already have a natural

duty to do exactly that, then the fairness-based duty may simply be superfluous, rather than added on top and thus “intensifying” the already existing duty. Compare another example. We all have a moral duty not to kill other people. This is, of course, a natural moral duty, not grounded in a voluntary act like consent or the acceptance of benefits from cooperation. Now when you promise your sister that you will not kill other people, this does not seem to add anything to the original moral duty. A test for the stringency of a duty is to consider how much good would be needed to override or outweigh the duty. Our duty not to kill may very rarely be outweighed, but if *a lot* is at stake (the existence of the planet, for example), it may be. And it doesn’t seem that your duty not to kill is any less easily outweighed if you also promised to your sister not to kill other people. A hypothesis would be that one’s duties in general are not altered (made more stringent or intense or continuous) when natural duties get accompanied by voluntarily incurred duties of the same content.

Things may be different when we look not at a natural duty and a voluntarily incurred duty, but at several voluntarily incurred duties. Take the example of the cooks who are engaged in a cooperative venture. One of them, say, has the fairness-based obligation to prepare the dessert. If that person now promises to his grandma that he’ll prepare the dessert, maybe the stringency of his duty to prepare the dessert *has* been raised, and more good would be needed to outweigh this duty. But, frankly, I am not sure about that either. A counterintuitive implication would be that one could deliberately strengthen one’s duties by giving more and more promises to do the very thing one already has a duty to do, and thereby protect oneself from being recruited to help produce good things that would otherwise be important enough to outweigh one’s original duties. I’ll have to leave this open here.

III

Public or private benefits?

So far I treated the benefits generated by party politics as a public good, i.e. as a good that is non-excludable and non-rival: the good of having a functioning democracy is a benefit to everyone, the “consumption” of it is non-rival, no one can be excluded, and it is the good that party politics contributes to. I also think that this interpretation is in line with Bonotti’s text. At times, though, Bonotti seems to think of the relevant benefits as private goods. He says, for example, that “a party leader who enjoys high political visibility and strong influence upon decision-making (e.g. by being close to elected MPs or being an MP herself) certainly derives greater benefits from her participation in party politics than a party activist” (Bonotti 2017, 17-18). Yet it is hard to see why a party leader should generally benefit more from living in a functioning democracy than anyone else. Of course, he may benefit from his influence as a party leader, but that is not the result of party politics understood as a cooperative venture that is beneficial because parties bundle societal demands into platforms and help to organize democratic decision-making.

At one point, Bonotti considers a well-known objection against fair play arguments with regard to public goods: that one cannot refuse public goods and that one therefore cannot be said to “voluntarily accept” them, which would be necessary for fair play obligations to arise (Simmons 1979, 125-126). Bonotti’s surprising answer is that the benefits associated with party politics *are* excludable, and he explains that “in liberal democracies [...] citizens have the freedom not to formally join or informally support a party” (Bonotti 2017, 18). This suggests, again, that the benefits associated with party politics are those privately enjoyed by partisans, not the public good that the party system supplies in helping to organize democratic decision-making.

So let us assume that it is the private benefits which the partisans enjoy as partisans that are supposed to ground their fair play obligations. The problem with *that* account would be that for an individual partisan's private benefits to be produced one need not everyone else to comply with the ethos of partisanship. One's private benefits rather depend on all kinds of contingencies within one's own party. That a party leader benefits from her influence as a party leader, for example, may depend on her being elected in an inner-party election, which again depends on her being able to give a convincing speech or to spread the right kind of gossip about other candidates, and so on. It is true that one of the background factors that makes it possible for her to enjoy the benefits of being a party leader may also be that at least *some* other partisans in her party are restraining themselves by a partisan ethos. But that need not be so, and it is unclear to what extent such restraint is necessary to produce the private benefits of being a party leader. Moreover, the worries I articulated above about what is to count as a cooperative venture still apply. Of course, hardly anyone restrains himself *in order to* bring about the private benefits the party leader enjoys, and so the activities that together bring about these benefits cannot count as a cooperative venture.

This also means that Bonotti's reply to Simmons's objection does not succeed. In other words, besides my own worries, Bonotti's theory of partisan obligations faces the old objection that the fair play argument does not work with regard to non-excludable benefits, basically because non-excludable benefits cannot be voluntarily accepted. The good of living in a working democracy, to which political parties contribute, *is* non-excludable; no one can willingly accept or refuse the good of living in functioning democracy, and this is why fairness considerations do not arise. Of course, Simmons' objection has not convinced

everyone,⁵ but it indeed seems to be part of the intuition behind the fairness principle that it is unfair to free-ride on the efforts of others, and one can hardly be a free-rider in a blameworthy sense if one is *forced* to free-ride by the circumstances.

Summary

Bonotti has argued that some partisans have political obligations based on consent, and that – at least given certain background conditions – all partisans have political obligations because it would be unfair not to accept the restrictions of their liberty that have to be widely accepted among partisans if the benefits of party politics are to be produced. In this essay I tried to shed doubts on both claims. I argued that there are no conventions that count joining a political party as tacit consent to (alleged) positional duties of partisanship; that party politics is not a cooperative venture in the sense that is required for fairness concerns to arise; that even if it would be a cooperative venture, the resulting fairness obligations would not add anything to the natural duties people already have; and that the benefits of party politics have to be understood as public goods, which is another reason to be skeptical that fairness considerations properly apply (because one cannot refuse public goods).

All this does not mean that partisans have no political obligations, of course. They have the same obligations that all citizens have, and maybe they have some associative obligations owed to their fellow partisans. But within these restraints, partisans should be taken to be at liberty to pursue their partisan goals in whatever way they see fit. It is only partisans in specific party offices (party chairman, for example) who have well-specified

⁵ Some think that voluntary acceptance is not necessary for fairness obligations to arise. See, e.g., Arneson 1982, Klosko 1992, 48-54.

positional duties and gave consent to follow them when accepting the office.

I will end with a few remarks on how my argument affects what Bonotti does in the following chapter (Chapter 2), which still deals with partisan obligations. In that chapter he argues that the political obligations grounded in the principle of fair play help reduce the potential conflict between citizens' political obligations on the one hand and values and norms associated with their comprehensive doctrines on the other hand. This is because *if* the framework of party politics is *just enough* for fairness obligations to arise at all, then partisans will have stronger political obligations than other citizens, but these stronger obligations “will be obligations to obey state laws that are in general more sensitive to their needs, values, and interests” (Bonotti, 2017, 33). If my criticisms in this essay are sound, then partisans will *not* have stronger political obligations, of course, and in that sense Bonotti's argument from Chapter 2 would be undermined. On the other hand, one could probably restate his argument without relying on the claim that partisans have stronger political obligations than others. What is crucial, in the end, is that a just framework for party politics will be more sensitive to everyone's needs, values, and interests, and *this* is what could be said to reduce the tension between citizens' political obligations on the one hand and values and norms of their comprehensive doctrines on the other hand, no matter if partisans' political obligations are stronger than those of other citizens or not.

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