



Pluralistic Partisanship

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Abstract

This essay explores and criticizes Matteo Bonotti's argument that parties and partisans in a publicly justified polity should appeal primarily, if not exclusively, to accessible justificatory reasons to fulfill their political duties. I argue that political parties should only support coercive policies if they rationally believe that the coercive law or policy in question can be publicly justified to those subject to the law or policy in terms of their own private—specifically intelligible—reasons. I then explore four practical differences between our two approaches. In contrast to Bonotti's accessible reasons approach, the intelligibility approach (1) facilitates the provision of assurance between citizens and political officials, (2) requires that parties and partisans support fewer coercive policies, (3) allows more exemptions from generally applicable laws, and (4) facilitates logrolling and alliance formation.

Keywords Political liberalism · Public reason · Partisanship · Democratic theory · Partisanship

Public reason liberals have discussed the ethics of citizenship at length since Rawls (2005), Larmore (1999), Gaus (1990), and others began to study the idea of public justification a generation ago. These discussions typically concern the duties of citizens, and they sometimes address the duties of legislators and judges. Thus far, however, public reason liberals have ignored another set of political actors: partisans and political parties. Bonotti's (2017) recent book draws much needed attention to the ethics of partisanship and political parties. Given the central role of political parties in democracy, Bonotti's new application of the ideal of public justification is welcome.

Bonotti's approach to civic ethics has several distinctive features. First, like Laborde's (2017, p. 125) recent book, *Liberalism's Religion*, Bonotti (2017, pp. 125–126, 130–132) rejects imposing principles of restraint on ordinary citizens, allowing them to appeal to whatever reasons they like in political practice. For this

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reason, Bonotti's account of appropriate partisanship and party behavior is free from traditional concerns about the burdensomeness of restraint raised by public reason's religion-friendly critics (Wolterstorff 1997; Eberle 2002). However, he does insist that partisans and parties appeal only to *accessible* reasons in dealing with one another and promoting particular policies (Bonotti 2017, pp. 113–115). On his view, partisans and parties must only appeal to reasons that can be accepted by all, even if everyone does not accept them. Thus, justificatory reasons must be ones that all can evaluate and potentially accept as their own according to common evaluative standards. Parties, for instance, can appeal to debatable scientific theories to ground their preferred policies, so long as those theories are seen as rooted in common evidence and modes of inquiry appropriate to those scientific fields.

My aim is to explore and criticize Bonotti's case for an accessibility requirement as applied to political officials and, in so doing, to follow his lead in applying political liberalism to political parties. I agree with Bonotti that partisans and political parties should abide by principles of restraint, but I disagree with his account of the principles they should follow. I will argue that political parties should only support coercive policies if they rationally believe that the coercive law or policy in question can be publicly justified to those subject to the law or policy in terms of their own private—intelligible—reasons. Thus, I reject an accessible reasons requirement, and apply restraint to proposals rather than to the reasons given for those proposals. Call Bonotti's principle an *accessible reasons* standard and my principle an *intelligible proposals* standard.¹

Bonotti criticizes views that allow intelligible reasons into public justification on the grounds that partisans and political parties have an internal normative commitment to advance the common good and to use accessible reasons to demonstrate and ensure their commitment to the common good. He argues that an intelligible reasons requirement will allow partisans and political parties to act like *factions* that try to command governmental power to promote sectarian ends. I argue that this is not the case; intelligible proposals standards significantly restrict sectarian behavior among partisans and political parties. I will also explore the practical differences between the two standards. In many cases, they will yield similar recommendations, but there are four important differences: the intelligible proposals standard will (1) enable the provision of assurance between citizens and political officials, (2) require that parties and partisans support fewer coercive policies, (3) allow more exemptions from generally applicable laws, and (4) facilitate logrolling and alliance formation.

I first review some important distinctions between types of restraint. I then explore and reject Bonotti's criticisms of intelligible reasons requirements as they relate to partisanship and political parties. Next, I explore the four differences which I have mentioned between the accessible reasons and intelligible proposals standards that may lead political liberals to favor one standard over the others. Before

¹ Throughout this paper, I will use the terms 'convergence view' and 'intelligible reasons standard' interchangeably, as convergence views typically adopt an intelligibility requirement on justificatory reasons, or something near enough.

I conclude, I address the concern that the intelligible reasons standard will excessively alter the character of democratic politics.

Exclusion, Restraint, and Justificatory Reasons

Readers of this symposium need no introduction to the nuts and bolts of political liberalism. So I begin with the reminder that political liberalism is typically understood to include two types of moral principles. The first concerns the way that state coercion can be justified or legitimate (that is, made permissible and perhaps obligatory). Such principles usually specify the sorts of reasons that comprise an adequate justification for the exercise of state power. A key feature of these justificatory principles is that they *exclude* certain kinds of reasons from justifying coercion, in particular reasons that persons cannot psychologically access or see as their own. In other work (Vallier 2014, p. 50), I have called these *principles of exclusion*.

The literature contains three classes of exclusion principles: shareability, accessibility, and intelligibility requirements (104–111; Vallier 2018, 2.3). Shareability standards exclude from justification all reasons that citizens do not share, or do not share after some form of idealization. Accessibility standards exclude all reasons that citizens cannot assess based on common evaluative standards. Intelligibility standards exclude much less, as they allow private reasons to figure into public justifications so long as the public can see the reasons as reasons for those who offer them according to those persons' own evaluative standards. Note that all shared reasons are accessible, and all accessible reasons are intelligible, but not the other way around.

Principles of exclusion are often associated with principles of *restraint* (Eberle 2002, p. 75).² These are discursive principles that govern the behavior and motives of citizens and political officials. Restraint principles vary along the same lines as principles of exclusion, since restraint can forbid all unshared reasons, or forbid the somewhat smaller class of inaccessible reasons, or simply forbid the much smaller class of inaccessible reasons. Theorists most often defend accessibility and shareability forms of restraint, since intelligible restraints seem so open-ended that they may not be considered restraint at all.

Principles of restraint can vary along two other dimensions. First, they can apply to a large or small number of people. Sometimes restraint applies to all citizens, but in other cases, restraint is restricted to public officials like legislators, judges, and candidates for public office. Second, restraint can apply to the *reasons* one appeals to or to the *proposals* one supports. Reason restraint restricts the relevant set of persons to using certain kinds of reasons in political life, whereas proposal restraint prohibits persons from supporting proposals that can only be justified according to the reasons identified by principles of exclusion. Typically, public reason liberals adopt reason restraint and apply it to citizens as well as officials.

² Eberle calls these principles 'doctrines' of restraint, which he contrasts with principles for *pursuing* public justification.

It has become clear over the last five years or so that one can adopt principles of exclusion without adopting principles of restraint. For instance, one can adopt an *indirect* model of public reasoning that imposes no restrictions on which reasons citizens can offer and act upon in public life. I have defended such an approach (2014, p. 51), and, as noted, Bonotti (2017, pp. 125–126, 130–132) and Laborde (2017, p. 125) have also embraced it as well.

I differ from Bonotti in two respects. I adopt an intelligible reasons requirement, whereas he adopts an accessible reasons requirement. I focus entirely proposal restraint, whereas Bonotti focuses on reason restraint.³ I will now contrast our two positions—the intelligible proposals standard and the accessible reasons standard.

Bonotti's Case for Accessibility

Bonotti (2017, p. 100) seeks to vindicate the claim that ‘parties and partisans have a duty to present and justify their claims on the basis of reasons that all citizens could accept’ which he understands as an accessible reasons requirement. This is because partisans and parties, as kinds of social group, embody ‘normative conceptions’ that have an ‘intrinsic commitment to public reason’ (p. 108). Thus, if religious groups politicize religious values and make religious demands, they are violating a democratic society’s own conception of what being a good partisan and a good party consists in. Promoting private values thus transforms parties into factions that are not engaged in the practice of public reasoning in a democratic society. Bonotti thinks that we cannot easily distinguish between sectarian factions and true political parties without noting the intrinsic commitment to public reason that is present in the latter and lacking in the former. Thus, the ‘convergence’ approach that I advocate, which amounts to the intelligible proposals standard, fails to recognize that ‘parties, unlike factions, ought to justify their claims and policy proposals to the whole political community rather than to a mere part of it’ (p. 116).⁴ This is because factions fail to integrate citizens’ interests into a ‘wider normative vision addressed to the good of the political community at all’ (Bonotti 2017, p. 117). Because political parties are simply understood as groups that aim at ‘promoting the good of the whole political community’ they necessarily advance ‘political proposals grounded in reasons that are accessible’ and then explain to the public how their preferred policies contribute ‘to the realization of broadly shared political values’. The intelligibility view, as a result, is consistent with having a political system *entirely dominated by factions*, ‘each of which supports and opposes legislation by appealing to their *private* reasons, that is, to their partial and sectarian comprehensive doctrines and evaluative standards, without the need to take the common good into account’. Accessibility constraints, then, are an internal part of partisanship, which we can see once partisanship ‘is understood as a distinctive normative category’ (p. 120).

³ In conversation, Bonotti notes that there is some motivation for him to adopt proposal restraint, given that the rationale for restraint is based on the proximity of partisans and parties to political power.

⁴ Also see White and Ypi 2011, p. 384.

We can now succinctly formulate Bonotti's criticism: a normative understanding of political parties shows that parties are committed to promoting the common good and supporting policies that can be justified to all by their own lights. If the convergence view is true, however, political parties are permitted to ignore the common good and simply promote their sectarian interests. That is not a political party; it is just a faction seeking to co-opt the government to serve its own aims.

At first glance, it looks like Bonotti claims victory over the intelligible reasons standard by stipulation. Political parties and factions are *simply distinguished* by whether the political group in question addresses the public in terms of accessible reasons. However, Bonotti's argument goes beyond stipulation. I think he is right that we have a commonsense distinction between a party and a faction or sect, and that there is a non-question-begging way to draw the distinction in a way that may *initially appear* to make trouble for the intelligibility approach.

But I think we should articulate the intuitive line between parties and factions somewhat differently. A faction is a group that seeks to co-opt political power to promote its own ends *regardless of whether its ends can be publicly justified*. A political party, on the other hand, seeks to use political power to promote ends it thinks best for the political community as a whole. Thus, it is true that a political party that coerces based on its own private reasons is a faction in disguise, but it does not follow that an intelligible proposals standard allows for this. In fact, in my own defense of the intelligible reasons standard, I insist that public officials abide by a principle of proposal restraint such that officials only support policies and programs that they believe can be justified to others based on each person's intelligible reasons (Vallier 2014, pp. 190–196).

We can extend intelligible proposal restraint to political parties along the same lines. While political parties can have their own sectarian beliefs and commitments, they are still true political parties if they refrain from imposing policies on others that they think cannot be publicly justified to them in terms of intelligible reasons. Thus, even if parties act on sectarian intelligible reasons, their preparedness to avoid coercion when their policies cannot be justified in terms of each person's intelligible reasons enables them to count as political parties rather than degrading into a sect or faction.

Bonotti can reply that, while it is certainly *better* for a group to refrain from coercion when intelligible reasons do not support it, political parties that act on their members' intelligible reasons and offer those same reasons to non-members are still normatively compromised. They are not full political parties. But this is an over-moralized conception of a political party. We see in democratic practice that political parties are frequently rooted in truly sectarian doctrines—political ideologies—that appeal to values that are controversial among reasonable persons. Communist parties and libertarian parties have very different ideologies and appeal to sectarian conceptions of equality and liberty. Perhaps that means communist parties and libertarian parties are not really parties, or are quasi-parties, but this reply really does look stipulative.⁵

⁵ Communist parties and libertarian parties may be parties if they reformulate their sectarian conceptions of the good and justice in publicly accessible terms. They sometimes do this, but not always, and that leaves their status as parties indeterminate. Bonotti could reply that 'party-hood' is a threshold con-

On my view, political parties are morally bound to support only those policies that can be publicly justified because parties affect political outcomes. But this sometimes permits them to argue in terms of their own sectarian doctrines in dialogue with other parties when doing so will help them function more effectively. To see why I allow this, first note that Bonotti acknowledges that parties have special relationships with citizens and that public reason applies to parties' public activities, not their communications with citizens. Parties can link candidates and elected officials with the public, set agendas, create political divisions, and reframe societal demands in light of challenges from other parties, and they can do so *vis-à-vis* their members in terms of a dialogue of private reasons (Bonotti 2017, pp. 120–121). Bonotti (p. 117): 'partisans ought to engage both in a horizontal process of public reasoning (involving all partisans) and in a vertical process of non-public reasoning (involving partisans and their constituents)'. So, parties can be true parties while engaging in non-public reasoning with party members and their constituents. This raises the question of why these groups cannot also *be parties* if they engage in a horizontal process of intelligible reasoning, so long as they avoid sectarian coercion. Allowing parties to use private reasoning horizontally does not seem so different than merely allowing them to use private reasoning vertically, at least not so different that they *cease being parties* if they engage in horizontal private reasoning. Our ordinary understanding of political parties in fact seems to allow horizontal private reasoning in some cases, particularly in the formulation of party alliances based on the particular interests of each party.

I conclude that Bonotti's argument against an intelligible reasons requirement is unsuccessful. An intelligible proposals standard may therefore be able to furnish the conceptual basis for a distinction between parties and factions.

Differences Between Intelligibility and Accessibility Standards

I am not sure how differently parties will behave under Bonotti's accessible reasons standard than my own intelligible proposals standard. In many cases, intelligible reasons and accessible reasons will favor or undermine the same policies. Certain forms of sectarianism will be out of bounds on both views because neither accessible nor intelligible reasoning typically vindicate sectarian coercion; so on both views, pure factionalism is prohibited. Further, while parties on my view may allow for intelligible reasoning, their need to send a consistent message to everyone will give them a powerful incentive to appeal to common arguments and shared modes of discourse so as to avoid the hard work of tailoring their message to diverse groups in the political language of each group.

However, I can envision four differences worth noting. First, following recent work by Kogelmann and Stich (2016), parties and politicians may benefit from

Footnote 5 (continued)

cept, where a group counts as a party when it engages in a certain amount of reformulation of their sectarian values. Bonotti does not address this possibility, but it is open to him.

having members that specialize in speaking to groups with different comprehensive doctrines in their own languages. Convergence reasoning, where a politician speaks in terms of the unshared values of a sectarian group, can serve as a ‘costly signal’ because it takes great effort for a political official to learn the language and values of those groups. This will convey to those groups that the official is more likely to advance their interests. Thus, Bonotti’s stress on accessible reasons may deprive politics of ways of promoting social cooperation. Bonotti can allow for convergence discourse *within* political parties, but he rejects convergence discourse between officials in one party and outside groups, which deprives them of a powerful signaling tool.

Second, allowing intelligible reasons into public justification and requiring that parties take intelligible reasons into account when advocating policies will both lead them to oppose coercion more often than they would on Bonotti’s standard. Parties can use intelligible reasons to defeat coercion on my account, whereas, on Bonotti’s account, parties will lack defeaters for state coercion if they lack accessible reasons to object. Thus, the intelligible proposals standard is likely to allow for more defeaters for coercive policies and proposals, and so yield a more classically liberal politics. While the intelligible proposals standard will acknowledge more defeater reasons for coercion, however, it is unclear whether this will lead to a more classically liberal politics if we recognize reasonable disagreement about when property rights are coercive. If most members of the public understand classical liberal property rights as relatively less coercive than egalitarian policies, then more defeaters will yield more classical liberalism. But we can easily imagine reasonable disputes about which sorts of economic regime are more coercive than others, such that many may find egalitarian regimes relatively less coercive than classical liberal regimes (Gaus 2011, pp. 497–506).

Third, in many cases, the best way to address intelligible defeater reasons is not to refrain from supporting a law or policy, but rather to support legal exemptions for persons with intelligible defeaters in order to allow the rest of the public to benefit from the law or policy. So in some cases, the law will not be defeated, but political parties will be morally required to support exemptions for certain minority groups. This runs the risk of creating controversies that often arise about religious exemptions in particular, though these concerns are somewhat mitigated because the intelligible proposals standard also requires exemptions for secular conscience (Vallier 2016, p. 24). It is hard to tell how often intelligible defeaters will undermine laws or simply call for exemptions. This is because the case for exemptions depends both on the strength of the majority’s reasons to want the law or policy and the strength of the minority’s reasons to oppose the law or policy. Nonetheless, it still seems fairly clear that the intelligible proposals standard will yield more legal exemptions than Bonotti’s accessibility standard.

There is an oft-unnoticed connection between whether the intelligible reasons requirement supports classical liberalism and whether it supports extensive legal exemptions. Insofar as politics can pursue exemptions, then to that extent they can keep more laws on the books, which will presumably allow states to be larger and more intrusive for most citizens than classical liberals would allow. As noted, whether a law must be repealed or whether states must exempt certain citizens from

the law depends on a number of factors, which raises complications that I cannot resolve here, but bear mentioning all the same.

I am not sure whether authorizing more coercion (either through having more laws, fewer exemptions, or some combination) is an advantage for Bonotti's position. Most political liberals will prefer Bonotti's position because they embrace Rawls's (1971) conception of justice, justice as fairness, which frowns on classical liberal restraints on political power in the economic realm. But I regard it as an open question whether public reason leads to endorsing justice as fairness, and so whether a publicly justified polity must embrace egalitarian economic policy. If I am right, then whether a polity has a classical liberal 'tilt' is not a problem for political liberalism as such (Gaus 2011, p. 508). It is only a problem for Rawlsian political liberals who hope an egalitarian conception of social justice can be publicly justified.

Fourth, the intelligible proposals standard permits parties to engage in certain kinds of logrolling by supporting cooperation between parties based on private, sectarian reasons. This is because partisans can use intelligible reasons in politics, and in many cases logrolling is based on private considerations. Now, many reasons for logrolling will not even be intelligible, as they are not truly moral reasons at all, just reasons of pure self-interest. But intelligible reasoning will allow for vote trading in cases where Bonotti's standard will not. I think this is an advantage of the intelligible proposals view because logrolling helps to promote political compromise and social peace since it allows politicians to improve upon the set of policies they are able to offer their constituents (Buchanan and Tullock 1962; Thrasher 2016). But many democratic theorists condemn logrolling, arguing that it is inimical to the appropriate spirit of democratic politics, where politicians are supposed to focus on the common good and public reasoning (Rawls 2005, pp. 217, 226, 236, 242; Gaus 1996, p. 292).⁶

That said, logrolling is only common in some electoral systems, such as multi-party parliamentary democracies where forming a governing coalition requires compromise. The advantages of logrolling are smaller in non-parliamentary systems like the United States. So, comparing our standards will require focusing on the electoral structure of democratic polities. That said, logrolling is going to be important in legislative procedures even in non-parliamentary democracies, since there will be many opportunities for vote-trading in deciding which legislation to ratify. Logrolling is not necessary *to form a government*, but it can still be beneficial, say by helping to overcome partisan gridlock, a problem all too common in American politics.

Is Intelligibility Biased Against Real Partisanship?

Before ending, I would like to address a concern that my intelligible reasons standard will require political parties to change so much that the standard does not actually allow for more compromise, contrary to what I allege. To demonstrate,

⁶ One might consider Rawls's duty of civility as implying the impermissibility of logrolling, since logrolling typically involves legislators acting in their own interest rather than appealing to public reasons.

imagine a political party whose platform includes the imposition of certain familiar but arguably publicly unjustified laws, such as paternalistic laws that restrict the use of drugs for the good of citizens, and moralistic legislation, such as legal restrictions on homosexual sex. My intelligible reasons standard allows for private—religious or secular—defeaters for these policies, which would seem to imply that such parties are *anti-system* parties, ones that are a fundamental threat to the legitimacy of democratic governance, and not a stable, common political force within a legitimate democracy. This means such parties should either be somehow excluded from politics or must be required to greatly alter their platforms to become legitimate.

I think the legitimacy of paternalistic and moralistic parties depends on how they pursue their agenda. First, they may permissibly try and persuade people to support those legal restrictions, and engage in such persuasive speech in public. Second, they can support those policies so long as they allow for exemptions from those policies for those with defeater reasons. Most people are not strongly anti-paternalist nor oppose moralistic legislation, so parties that support these policies may be able to justifiably impose those restrictions on most people, if not all. And in some cases, paternalistic and moralistic policies can be publicly justified on other grounds, such as protecting children from harmful influences. Such parties can also support policies that better enable social groups to insulate themselves from, say, drug use in the general population, or to restrict the influence of pornographic entertainment in their communities. So, the intelligible reasons standard will require that parties accept restrictions on how they can pursue paternalistic and moralistic policies, but these restrictions need not alter the party's fundamental character.

Conclusion

Bonotti's book is an important achievement. He has successfully directed the attention of political liberals to the ethics of political parties and partisanship. I also think he has come rather close to identifying the correct ethic that political liberals should apply to political parties and partisans. However, the intelligible proposals standard survives his objections. Further, under the intelligible proposals standard, parties may behave somewhat better than they would under the accessible reasons standard. They will be able to speak to a wider range of groups and encourage cooperation between parties by being able to appeal to private considerations in politics. I also think it is a benefit that parties on the intelligible reasons standard will tend to avoid coercion more often than the accessible reasons standard, and support religious and secular exemptions for minority groups from generally applicable laws, which will help to keep those minorities engaged in the democratic process. So, I think the correct account of ethical partisanship should be friendlier to diverse viewpoints and compromise between private groups than what Bonotti allows.

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