

Parties and Public Reason

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Abstract: Ferrara discusses Bonotti's *Partisanship and Political Liberalism in Diverse Societies* from a largely sympathetic Rawlsian perspective. While overall appreciating Bonotti's effort to analyze the relation of parties to public reason, Ferrara raises two observations. First, the list of functions played by parties could be completed with parties' contribution a) to conjectural arguments, b) to narrowing political differences, and c) to exploring frontiers of political possibility. Second, the consequences of Rawls's ground-breaking liberal principle of legitimacy should be included within Bonotti's discussion of parties.

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Matteo Bonotti's book *Partisanship and Political Liberalism in Diverse Societies* (2017) is a very interesting contribution to an ongoing effort, on the part of several authors, to update the Rawlsian legacy of *Political Liberalism* and improve its traction in contexts other than the original one. These contexts, understandably falling outside the theoretical agenda pursued by Rawls in 1993, are related to hyperpluralism, to the challenges of integrating citizens coming from non-liberal comprehensive cultures (Ferrara, 2014), of facing up to the upsurge of populism and contexts where political parties play a more important and influential role than in the United States (Badano and Nuti, 2018; Ferrara, 2018). There, they exist as electoral committees and then, after elections, give birth to caucuses and groups. But they do not exist as separate organizations with an ongoing organizational life, in the guise of European parties. If they exist, no one knows who the "secretary general" or the members of the executive board of the democratic or republican party are. Only local and national electoral committees exist.

Bonotti, instead, calls our attention to the mainly European predicament of parties qua Janus-like organizations, partly private and partly public, which are neither institutions nor simply private associations. As carriers of comprehensive conceptions, religious or secular, parties are Janus-faced also in the following regard: they articulate their rank and file's vision from a legislative and, when in power, also from an administrative point of view, but it is also incumbent on them to "translate" this vision, and the related aspirations and preferences, into the language of public reason – the only idiom that counts should these visions, aspirations and preferences bid to become binding for everybody. Parties are no factions: they speak the language of the common good or of the general interest. They advocate the vision put forward by their rank and

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file as being in the general interest – as legitimately interpreted by the party – and not just in the interest of the party’s voters, militants, sympathizers. My remarks, in this paper, are meant as sympathetic criticisms aimed at improving Bonotti’s argument.

Three additional functions of parties. Bonotti maintains that political parties articulate “public-reason reasons” *horizontally* when, in addressing institutions and other parties, they translate the comprehensive reasons articulated by their militants and supporters into “reasons accessible to all”, internal to public reason and susceptible to contribute to “pro tanto justification” (Bonotti, 2017, pp. 128-133). However, parties also operate in a *vertical* way, when they connect the public reasons offered in support of the binding decisions made in the public forum with the comprehensive reasons endorsed by their rank and file (in view of *full justification*) (Bonotti, 2017, pp. 133-138). In playing this twofold function – Bonotti argues – parties contribute both to the cohesion and to the democratic quality of society. They free their militants, voters and sympathizers from the perhaps excessive burden imposed on them by the Rawlsian paradigm, which is creatively modified by Bonotti, but at the same time parties educate their constituencies to the use of public reason.

I fully agree that from the standpoint of ideal-theory Bonotti’s picture is quite plausible. Furthermore, if we combine this picture with the context of a hyperpluralistic society – in which public reason needs to be by and large supplemented by *conjectural reasoning* addressed to partially liberal/reasonable *constituencies* (i.e. to constituencies that endorse only a subset of *constitutional essentials* out of reasons of principle) (Ferrara, 2014, pp. 67-87) – then a third function of parties is to elaborate *conjectural arguments* aimed at showing to other political subjects (parties, associations within civil society, other electoral constituencies) the reasons they might have, consistently with their comprehensive vision, for accepting *constitutional essentials* out of reasons of principle.

A fourth function can be derived from Rawls’s list of the four tasks of political philosophy. It is incumbent on parties, and not just the on university professors and public intellectuals, to explore whether “despite appearances, some underlying basis of philosophical and moral agreement can be uncovered” or “divisive political differences can at least be narrowed” (Rawls, 2001, p. 2). This exploration can be carried out in terms of philosophical research but also in political terms. Finally, a fifth function, coextensive with the role of “probing the limits of practicable political possibility” (Rawls, 2001, p. 4), can arguably be carried out by the think tanks and research centers that parties often found and support financially.

Two critical remarks on the function of parties. Some critics have pointed out that Bonotti’s account of the role of parties, as distinct from that of factions, is perhaps overidealized (White, 2018). From my own perspective, I endorse Bonotti’s attempt to draw from political liberalism a normative *benchmark* for assessing the action of political parties. The point of such benchmark is to enable us to gauge the distance between what parties ideally should do and what can be found on the ground. However, even from the ideal-theory standpoint, privileged by Bonotti, two critical remarks seem in order.

First, according to Bonotti, parties – if we imagine that their number, barring restrictive effects connected with the electoral system, roughly corresponds to the number of comprehensive conceptions concurring, in a given political context, to the formation of the prevailing overlapping consensus – interact on a basically *cooperative* plane, almost as though they were participants in a dialogue, under Habermasian idealized conditions, on the nature of the general interest. Parties, however, are also electoral *competitors*. This facet of their nature projects an instrumental quality onto their reciprocal recognition, when such recognition takes place, and places an incentive on their denying the reasonableness of their adversaries' platforms and proposals.

After emphasizing the two functions of party *representatives* and party leaders, Bonotti suggests that “representatives ought to monitor each other through horizontal accountability, and other public officials can also contribute to this monitoring” (Bonotti, 2018, p. 140). This statement not only is a dubious description of what goes on in practice, but also from a normative standpoint leaves unclarified how the assessment provided by a competitor should be reliable. When positive, it certainly counts as a reliable assessment. But when it is negative, why should such monitoring of a competitor's reasonability be attributed credibility?

This observation has implications with regard to the first function attributed to parties by Bonotti. That function now appears largely *self-referential*. Parties appear to pretend that their platforms are corroborated by public reasons, which in turn are anchored in political values. Then, given the competitive nature of the electoral process, what is to be expected, not only “in practice”, but also theoretically, is a clash of “self-attributions of reasonability” – the proponents of a platform or single provision affirming its reasonability, their opponents denying it.

Furthermore, a new element must be introduced: the recent upsurge of populism. One typical feature of the political contexts in which populist forces have come to prevail is the *polarization of society* and the degeneration of the public sphere (or the background culture) to a mere *public space*: the exchange of reasons is replaced by an exchange of insults and by the reciprocal delegitimation of political adversaries (Ferrara, 2018, p. 471). The competing parties reciprocally refuse one another all attestation of reasonability and legitimacy. An inversion of the first function attributed to parties by Bonotti occurs: parties become *amplifiers* of the *delegitimation* of political adversaries. They undermine, instead of buttressing, the legitimacy of the democratic process. Adversaries are thought to prevail out of contingent circumstances, without any merit. Trump *docet*. In the light of a three million vote gap relative to his opponent, isn't Trump's majority of votes in the Electoral College reputed to be the random outcome of the geographical distribution of a handful of votes, 113000 in Florida, less than 50000 in Pennsylvania, and slightly more than 20000 in Wisconsin?

Are the virtuous effects described above, then, to be attributed to the parties themselves, or are we perhaps in the presence of a spurious relation? Such spurious relation could be described as follows: a single independent variable – i.e., the integrity of the public sphere and of the democratic debate, their being infused by the democratic ethos – produces both 1) a non-distorted horizontal *cross-check* of legitimacy among party leaders and 2) significant integrative effects, through vertical *responsiveness*, for the democratic system.

My second critical remark concerns Bonotti's neglect of Rawls's liberal principle of legitimacy. In his groundbreaking formulation – power is exercised properly when it is exercised “in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principle and ideals acceptable to their common human reason” (Rawls, 2005, p. 137) – Rawls revisits the classical idea of the “consent of the governed” as the touchstone of legitimacy. His intuition is that given the institutional complexity and degree of pluralism distinctive of contemporary complex societies, it is normatively misguided to expect the consent of the governed to bless the entire plethora of legislative, administrative and judicial acts produced within a democratic polity. The consent of the governed – an ineliminable pillar of all liberal-democratic conception of legitimacy – can plausibly focus only on the essential aspects, not even the details, of a constitution. All the rest of legislative, administrative and judicial acts accomplished by the relevant authorities is to be considered legitimate not by virtue of its being the object of direct consent, but simply by virtue of conforming with the constitution or, strictly speaking, by virtue of not being unconstitutional.

This game-changing notion, dubbed “legitimation by constitution” by Frank Michelman (Michelman, 2014, pp. 1147-1149; 2017, p. 604), is radically innovative relative to more traditional accounts of legitimacy found in Habermas but also in agonistic, republican, participatory conceptions of democracy.

It is somewhat surprising that such a revolutionary aspect of Rawls's political liberalism is neglected by Bonotti (2017, pp. 35-36), given that it obviously affects our approach to the parties' contribution to legitimacy in a significant way.

If the “consent of the governed” can no longer be expected to ground the legitimacy of every single act of parliament and government, then the function of public reason is also modified. The exercise of public reason now mainly focuses on the relation of legislative or administrative acts to the constitutional essentials. This modified picture offers greater degrees of freedom to the leaders and representatives of the parties. While a certain rhetoric of public reason persists – because to admit that a provision only benefits one's own constituency would be self-defeating – by and large the legitimacy of a statute ultimately rests on an indirect, and no longer direct, kind of consent.

Another consequence of Rawls's liberal principle of legitimacy is that the opposition's chances of electoral success rest on its questioning the constitutionality of the provisions that the executive and the parliamentary majority adopt. Such strategies opens a dual avenue for success: not just traditional parliamentary opposition, but also the judicial avenue of constitutional litigation. In other words, from a normative point of view parties should not be requested to do more than they can. They are competitors in an arena in which the consent of the governed has ceased to be crucial for political justification, unless the constitutionality of the provisions and statutes under discussion is called into question.

Finally, parties are carriers of exemplarity, in a positive and negative sense. Through the merging of normative ideals and political practices – think of Gandhi's and Luther King's non-violence, of the earnest dedication of the democratic-communist militant

in “Euro-Communist” parties, of the moral profile but also self-righteousness of the Italian Partito d’Azione – parties inspire emulation. They allow the wider public to realize how the “political values” can become embodied and become lived experience of committed men and women. Without a sense of purpose, and Arendtian “action in concert”, this vivification and embodiment of partisan political ideals, and their special inflection of the common political values, fails or lasts a fleeting moment. This is yet another terrain on which parties play a crucial function in a democratic polity.

References

Badano, G. and Nuti, A. (2018), “Under Pressure: Political Liberalism, the Rise of Unreasonableness, and the Complexity of Containment”, *The Journal of Political Philosophy*, 26, 2, pp. 145-168.

Bonotti, M. (2017), *Partisanship and Political Liberalism in Diverse Societies*, Oxford: Oxford U.P.

Ferrara, A. (2014), *The Democratic Horizon. Hyperpluralism and the Renewal of Political Liberalism*, New York: Cambridge U.P.

Ferrara, A. (2018), “Can Political Liberalism Help Us Rescue ‘the people’ from Populism?”, *Philosophy and Social Criticism*, 44, 3, pp. 463-477.

Michelman, F. (2014), “Why Not Just Say No? An Essay on the Obduracy of Constitution Fixation”, *Boston University Law Review*, 94, pp. 1141-1158.

Michelman, F. (2017), “Political Liberalism’s Constitutional Horizon: Some Further Thoughts”, *Rivista Internazionale di Filosofia del Diritto*, 4, pp. 599-613.

Rawls, J. (2001), *Justice as Fairness. A Restatement*, edited by E. Kelly, Cambridge, MA: Harvard U.P.

Rawls, J. (2005), *Political Liberalism* (1993), Expanded Edition, New York: Columbia U.P.

White, J. (2018), “Partisanship and its Exemplary Force: A Comment on Bonotti”, *Contemporary Political Theory*.