

10/09/09

**Partisanship and Independence:
The Moral Distinctiveness of “Party ID”**

Prepared for State of the Parties Conference, October 15-16

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In 1880 Henry Adams, the historian and heir of two presidents published a novel, *Democracy*.¹ Adam’s heroine, New York socialite Madeline Lightfoot Lee, suffers from ennui. She has lost interest in salons, in philanthropy, in business, “she had resorted to desperate measures”, Adams wrote, “she read philosophy in the original German”. Still desperate, Mrs. Lee transplants herself in Washington, where enthralled by “the great game of politics”² she is revived.

That’s literature. In political theory, by contrast, the story is one of persistent antipartyism. Political parties and their partisan supporters are disparaged if not actively despised. They always have been. The canonical history of political thought is a record of relentless opposition to parties as institutions and moral disdain for partisans. I have created a typology of the “glorious traditions of antipartyism” that still resonate today.³ One abhors parties as “unwholesome parts” that disfigure what should be a perfectly unified political community. Because parties have partiality and opposition as their aim, they stand out among groups and associations as the most morally, politically, and aesthetically unabidable. The second tradition accepts political pluralism but abhors parties as magnifiers or inventors of cleavages, as fatally divisive. Parties do have one classic defender, Edmund Burke. Of whom William Goldsmith wrote in 1774 “Here lies our good Edmund. Who, born for the universe, narrowed his mind. And to party gave up what was meant for mankind.”

Democratic theorists do more than echo these traditions of antipartyism; they are creative in their loathing. They had to be. For only after elections were open to most citizens and run as contests to shape public opinion, could parties be described as

“perverters of the democratic spirit.”⁴ The charges are familiar. Parties are too responsive to powerful minorities. They are insufficiently responsive to powerless minorities. Above all, parties are routinely unresponsive to majorities. Parties are associated with personal and institutional corruption, and with the policy equivalent of patronage. The main thing dividing these dismal critics is whether they see political parties as the agents of powerful corporate predators, captured by “special interests”, or as principals advancing their own sinister interests, extortionists involved in “elaborate influence-peddling scheme[s]”.⁵ This family feud about the direction of “undue influence” divides advocates of campaign finance reform today.

Small wonder aversions predominate. Party politics is so grimy, mundane, so nakedly *political*. To arouse antipathy it would be enough to say that parties are the creatures of politicians – men and women for whom politics is a business and pleasure, and who are prepared to give and receive heavy punishment without flinching. As for partisanship, we recognize “partisan” as invective; the barb comes out of improbable mouths, a virtual reflex. While party activists battle one another each claiming they are on side of the angels, critics demonize them all and praise Independents as their undisputed moral superiors.

To orient us on the terrain of antipartyism it is helpful to understand that virtually every political pathology and every scheme for correcting the system by eliminating, circumventing, or containing parties and converting partisans into Independents has its roots in the Progressive Era. True, bribery, bossism, patronage, and fraud – key motivators of Progressive antipartyism – have been eclipsed; after the 2000 presidential election “machine politics” refers to the technology used to tabulate votes, not Boss Tweed. Still, there is a remarkable continuity of progressive antipartyism up to the present.

Thus, contemporary democratic theorists who describe their work as “nonideal theory” (deliberative theorists, neo-republicans, theorists of epistemic democracy) are progressives’ heirs. They write – often expressly -- as if we could have democracy without parties and partisanship. Proponents of deliberative democracy, for example, favor decision-making by specially created Deliberative Polls and Citizens’ Juries

removed from conventional political arenas, with participants chosen to represent “lay citizens and nonpartisans”.⁶

Progressive roots and borrowings are also pronounced in election law, or “the law of democracy”, which has emerged in the last decade as a legal specialty. The leading scholars in the field are professed progressives, who see the “civic religion” of the two-party system as pathological, an impediment to “the ritual cleansing born of competition”⁷. They adopt a standard progressive theme: the major parties are a legal duopoly, a cartel. There is no electoral state of nature, they argue; legal barriers to political competition from third parties, fusion parties, write-in voting, and independent candidates are the work of partisans in control of state legislatures and Congress in what amounts to self-entrenchment. The pay-off from the “cartel” analogy is that it directs the course judicial intervention should take: applying anti-trust law to the major parties.

From the Supreme Court, where justices have consistently expressed the view that elections are about choosing an individual to hold public office not choosing a party to control office, to palpable public distaste for parties (a third of voters prefers that “candidates run as individuals without party labels.”⁸) we get a sense of the flavor and scope of antipartyism.

My focus in this essay is more circumscribed than antipartyism, though. It is *antipartisanship*, narrowed further to the U.S.. Antipartyism and antipartisanship are separable. We can appreciate partisanship in the general sense of organized advocacy – “partisans of a cause” -- yet despise parties as vehicles, just as we can concede the usefulness of political parties and despise partisanship. Democratic theorists might glumly concede that parties are convenient mechanisms for “reducing the transaction costs” of democracy and that while partisans are not admirable, some of them are indispensable to realize the value of parties. But at the same time they echo Progressives who insisted that if we must have parties at least voters should be nonpartisan and who made “Independent” an honorific status. Even this minimal concession is pragmatic, unexhuberant, unphilosophical, grudging.

My theme, then, is antipartisanship, more specifically opposition to ordinary voters’ identification with a political party, and efforts to foster the political identity

Independent. I am going to take sides -- not between opposing partisans but between partisanship and Independence. I chip away at the moral high ground claimed by Independents, and provide “party id” an iota of dignity. I cast partisanship as the morally distinctive political identity of representative democracy. The commonplace of contemporary democratic theory -- that an “intelligently and progressively democratic” system depends on the ability of its supporters to attain a nonpartisan spirit -- is exactly wrong.

I’m going to make three points each about Independence and partisanship. My focus, again, is on “civilians”, “we partisans”, though similar arguments apply to partisans in government.

1. The Civic Ideal of Independence.

In the U.S today, Independence is a distinct political identity. That is, while over 90% of survey respondents agree with the statement “the best rule in voting is to pick the best candidate, regardless of party label”⁹, only some people elevate this profession into proud self-designation as Independent. The author (and former editor of *Christian Retailing* trade magazine) of the recent manifesto *We the Purple* put it nicely: “We’re not undecided. We *have decided* to be independent.”¹⁰ (10)

Plainly the label itself is inviting. “Independence” has a certain luster. The positive moral resonance of Independence here owes to a civic ideal of self-reliance as a virtue in economic and social life. Citizenship requires “men who have been accustomed to independence of action and that breadth of view which only the responsibility of directing their own affairs can produce.”¹¹ This long-standing civic ideal was later transplanted in the soil of electoral politics. In one formulation: citizens [must] “be independent persons in both their political and civil roles, who give and withdraw their votes from their representatives and political parties as they see fit.” As voting became *the* ritual expression of citizenship, Independence became associated with political conduct and meant nonpartisan. From early on, then, partisanship was cast as degraded citizenship, as abject dependence rooted in clientelism, capture, or dumb loyalty. And enthusiasm for Independence was rooted in the conviction that it was both a laudatory disposition and predictor of responsible political behavior. Independents were voters

persuaded, partisans were voters bought. Independents were the hope for “good government” and “clean elections”.

The civic ideal of Independence so pronounced in American political thought lends luster to Independence as antipartisan. This is the permanent structure of antipartisanship in American political life. That said, with the surge of Independence in the last few decades several variations have emerged clearly. Each one was articulated in the election of 2008.

Fundamentalist Independents avow that their independence is not the result of dissatisfaction with current parties. They see party divisions as inherently too rigid to allow personal judgment to be exercised over time.¹² *Circumstantial Independents* present as a separate type. They see current parties as creating the wrong kind of divisions – not those that in their individual judgment are politically important. One recurrent complaint has been that parties are undifferentiated: mongrels, hodge-podges. I like to quote Justice Powell’s opinion in a case deciding whether the national Democratic Party should be required, in violation of its own rules, to seat delegates from Wisconsin chosen by an open primary.¹³ Powell wrote: “If appellant National Party were an organization with a particular ideological orientation or political mission...the state law...open[ing] the organization to participation by persons with incompatible beliefs [might] interfere with the associational rights of its founders. The Democratic party, however, is not organized around the achievement of defined ideological goals.” Things change, and today Circumstantial Independents’ animus is captured by the equation partisan = ideological = extremist. The only thing of note is how swiftly a political analysis with the title *Off Center* supplanted *Dead Center: the Perils of Moderation*.¹⁴ Independents will not identify with these errant conglomerations, nor, it should be said, with any feasible or even conceivable party division. As such, they merge in practice with fundamentalists.

A third type, *Pragmatic Independents* want to bypass partisanship because it thwarts practical solutions to problems. The adjectives these Independents attach to partisan are nasty diminutives: “pettiness”, “bickering” and “smallness”. Just fix it” is, of course, a perennial feature of American a-political thought. Pragmatic Independence is captured by the designation of certain model officials as “The New Action Heroes”¹⁵,

politicians like Arnold Schwarzenegger who plays the role of fixer in a style approaching “camp” and who repeats at every turn: “How about being realistic and just solving the problem?”

Independence is a distinct political identity, then, and all Independents share a positive, even heroic self-image that invokes a civic ideal. In the words of one proud Independent: “We’ve decided that we cannot be anything other than independent-thinking, which is what drew us to this political persuasion in the first place.”¹⁶

2. ‘*Escape from the Deadly Groove*’

Progressives introduced the influential view that where the partisan is seduced or bought, the Independent is a free agent. Supporters of party organizations were characterized as ignorant, inert, set in some “deadly groove” and under some affective thrall. The “good people” are herded into parties, Henry Adams wrote, and stupefied with convictions and a name, Republican or Democrat...¹⁷ Lincoln Steffens was blunt: “I don’t see how any intelligent man can be a partisan.”¹⁸ Today, the contrast is posed in cognitive as well as moralistic terms. Where partisans are “judgment-impaired”, crippled by perceptual bias, the Independent is a nimble “positive empiricist”, “cognitively mobilized.” The author of the odd book *Party Crashing: How the Hip Hop Generation Declared Political Independence* quotes Charisma, a black woman in her twenties: “I’m a registered independent because I’m an independent thinker.”¹⁹

These assertions do not stand up to empirical scrutiny. “Far from being more attentive, interested, and informed, Independents tend as a group to have somewhat poorer knowledge of the issues, their image of the candidates is fainter, their interest in the campaign is less, their concern over the outcome is relatively slight”.²⁰ This forty year old assessment still holds. “Pure Independents” are the least interested in politics, the most politically ignorant, the lightest voters. To the extent that they “escape from the deadly groove” they disregard partisan reference points and arguments in their own thinking, and because they spend less time attending to politics and have fewer hooks for taking in new information, Independent’s considerations are more likely to be chaotic and ad hoc than more coherent. Even a presumably informed subgroup of Independents (as “leaning Independents” or my Harvard students are said to be) do not appear to have or

use more, different, or better information than partisans, to be more deliberative or “cognitively mobilized”.

If Independence begins to lose some of its luster, it is readily burnished by claiming an affinity to certain aspirational moral types that figure in political philosophy. It is hardly surprising that philosophers vaunt independence. Whether the ideal perspective is subversive Socratic questioning, Humean impartiality, or a transcendent “view from nowhere” it is the antithesis of a partisan perspective. So several laudatory self-representations of Independence invoke these poses, and deserve skeptical note.

For one, ‘escape from the deadly groove’ does not make the Independent bravely Thoreauian, guided by conscience, doing in every case “what I think right”. After all, conscientious or not (and there is no reason to think that Independents are more moved by moral considerations much less by commands of conscience than others), Independents are reduced to choosing among courses arranged by others. Nor is there warrant for casting Independents as Hume’s “impartial observer” who brings appreciation of the limitations of each side and balanced information to bear. As if Independents are judicious umpires inclining victory to this side or that “as they think the interests of the country demand”. The Humean characterization of Independents as uniquely motivated and equipped to judge the nation’s interest²¹ conforms to Independents’ self-description as in: “‘Patriot’ and ‘partisan’ may share a few letters, but partisans owe allegiance to a political faction, while patriots put the nation’s welfare above their own.”²² Finally, there is no warrant for viewing Independents as Millians attuned to the dynamic by which every position derives its utility from the deficiencies of the other, so that in J.S. Mill’s words truth is “a question of the reconciling and combining of opposites... and it has to be made by the rough process of a struggle between combatants fighting under hostile banners.” On this view, Independents are the beneficiaries and carriers of the corrections that emerge from the clash of partisans, “persons who actually believe [half-truths], who defend them in earnest, and do their utmost for them”.²³

Have I focused on real life voters and not grappled with Independence as a regulative ideal? What if Independents *were* disinterested deliberators of the public interest? Or intrepid citizens presenting themselves as benign antidotes to the furies of partisan extremism? Or impartial observers and correctors of the deficiencies of every party?

What if Independence described actual voters in contexts contrived to provide balanced information and deliberative decision-making? Independence does not stand up in any case, for even the most admirable Independent in a hypothetically reformed system lacks the moral distinctiveness of party id I describe shortly. Moreover, Independents are politically detached and weightless.

3. Weightlessness.

Along with Independence as a general civic ideal and escape from the deadly groove is the third item: weightlessness. Partisanship is identification with others in a political association. “We partisans” organize and vote with allies, not alone. If Silone is right that the crucial political judgment is “the choice of comrades”, Independents do not make it. They are as detached from one another as they are from parties. The Independent demands to be “recognized as a unique individual who could express herself significantly in public and in private.”²⁴ This is not quite romanticism, but it comes close. As recently confessed “conservative Independent” columnist David Brooks wrote: “There is the repulsive force of teamism, which is the great corrupter of modern politics. It’s the way people crush their own personalities and views in order to fit in with the team...”²⁵

Independents are weightless, but they can be forgiven the illusion of efficacy and a hint of smugness because they are the object of tender solicitude -- made vivid in the 2004 “town meeting” Presidential debate between George Bush and John Kerry to which only “undecideds” and Independents were invited. The headline of PEW’s 2009 study *Trends in Political Values and Core Attitudes: (1987-2009)* reads “Independents Take Center Stage in Obama Era”. Since the 2008 election the percentage of Americans self-described as “independent” has increased to 36%, compared to 35% Democrats and 23% Republicans.

But PEW also confirms that “as a group independents remain difficult to pin down.”²⁶ This confirms their self-reporting: “I’ve met independent voters whose political views span the entire ideological spectrum, from ultraconservative to ultraliberal....[independent voters] are impossible to pigeon-hole”.²⁷ Weightlessness comes from the fact that whatever their numbers, Independents are not sending a coordinated message (even if analysts are in the business of interpreting what their votes meant). On occasion nonpartisan voters may decide an election, but to say that they throw

the election one way or the other is misleading because there is no “they” there. Simply, the vicissitudes of their votes have that unplanned, uncoordinated effect. Independents do not assume responsibility for the institutions that organize public discussion, elections, and government and are not responsible to other like-minded citizens. They do not owe or offer justifications to any group. The Independent is politically unreliable, though political science is too polite to portray this as querulousness, in Henry Adams’ words as “[a mask] for political vacillation, weakness, inconsistency of temperament, or an excuse for self-indulgence.”²⁸ Atomism is an overworked metaphor, but it applies to Independents: atoms of the unorganized public bouncing off the structures of a party system.

Nevertheless, a potential army of Independents appeals to the political imagination of antipartisans. Every new wave of voters arouses hope that they will be correctives to partisanship. Early feminists were vocal on this point. Frances Gilman described political parties as institutional expressions of “inextricable masculinity” and anticipated that once women were enfranchised “a flourishing democratic government [could] be carried on without any parties at all.”²⁹ Which is why weightlessness is the perennial concern of those who imagine independents as the agents of democratic reform. Teddy Roosevelt warned against what he called “mere windy anarchy”. Schemes for creating a new “Independent Party” typically fail among other reasons because learning to act “in accordance with a script they don’t write themselves”³⁰ is the core of political organizing, and just what Independents can’t abide.

Still, the Progressive goal of giving weight to Independents persists, most notably when it comes to their chief reform, the direct primary. The idea was to replace “backroom” party caucuses with legally mandated direct state primaries in the “open air. Hopes for organizing Independents and seizing control from partisans are one force behind current battles over the form primary elections should take and over who should decide. California’s Proposition 198 was passed by popular referendum in 1996. It changed the state’s system from a traditional closed party primary to a “blanket” primary, which required the state to list candidates randomly on a single ballot, and allowed voters regardless of their party affiliation to vote for any candidate from any party for any office. This means that elections to choose a party’s nominee are open to Independents,

undecideds, and cross-over voters from rival parties -- to those “who, at best, have refused to affiliate with the party and, at worst, have expressly affiliated with a rival”³¹ and whose votes are potentially decisive. ”³² A more benign characterization than “strategic raiding” is simply this: an amorphous group of non-partisans selects the nominee that carries the party’s name. In any case, producing nominees and positions other than those partisans would choose if left to their own devices was the whole point.”³³ California’s traditional closed primary system, advocates insisted, “favors the election of party hard-liners...and stacks the deck against more moderate problem-solvers

Plainly, the California initiative exhibited more than a whiff of aversion to partisanship. It charged parties with turning off voters and depressing participation. It identified partisan voters with extremists. It described those who would not affiliate with a party in order to vote as “disenfranchised.” It would have used electoral laws to lock-in a particular theory of party competition – “centrism”.³⁴ Democratic, Republican, and several minor party leaders challenged the law, which was struck down by the S.C. in 2000. (Prompting something potentially more threatening to parties: the “nonpartisan primary” enacted by referendum in Washington state.)

Independents should not be ceded the moral high ground. As PEW reports, they are fickle, ungrounded, and liable to mistrust; they are distinctively of two-minds about the scope and role of government. They vote for one or another candidate, but they remain in fundamental ways “undecided”. Lack of partisanship is one source of instability and lack of direction in democratic politics today. Independents make it dizzying for elected officials to advance their understanding of the public welfare, for it is difficult to articulate and advance bold and expensive policy changes (or even, for that matter, incremental ones) not only because of partisan divisions but also because of solicitude for Independents.

Posed against the luster of Independence is partisanship. What is there to appreciate? Political scientists have pointed to systemic positives like the role partisans play in organizing legislatures and governing or the demonstrable relation between party id and high levels of participation.^{35 36} If we think that “the simple act of voting is the ground upon which the edifice of elective government rests ultimately,”³⁷ we might expect that

when the percentage of nonvoters is often high enough to raise the alarm of democratic failing, partisanship would have defenders. Even here, few democratic theorists find anything to appreciate in the fact that without partisans pronouncing grievances, pointing up dangers, arousing resentment, and naming enemies, it is unimaginable how [citizens] become agents with opinions, rallied for the contest.³⁸ My appreciation of partisanship takes a different turn, though, and focuses on the moral distinctiveness of party id. So now for three notes of appreciation for partisanship, corresponding to the three elements of the ethic of partisanship I propose in the larger work of which this is part.³⁹

1. *Inclusiveness.*

The first is the inclusive character of party id, which is characteristic though not unique to partisanship in the U.S.. At its most basic, partisanship is identification with Democrats from Florida to California and with political competition at every level of government. No other political identity is shared by so many segments of the population as measured by socio-economic status or religion, and partisans are not clumped tightly together on an ideological spectrum.

This is not to say that all partisans have a deep moral commitment to inclusiveness -- only that they are ambitious to be in the majority. Understand that claiming a majority is more than a requirement of democratic institutional design. After all, partisans want to win elections, but a plurality can suffice. They want to have their policies enacted, but there are other effective avenues of political advocacy and influence. Rather, partisans want the moral ascendancy that comes from earning the approval of “the great body of the people”. Persuading a majority of the people is a triumph. In this respect, partisan inclusiveness is a conscious democratic value.

Party candidates may have short-term strategic interests or safe seats that allow them to speak only to “the base” or to “activate” only certain voters (so that nonvoting is an effect of misnamed mobilization, not its antithesis). But ordinary civilian partisans aspire to persuade and mobilize as many as possible to identify with them. Their horizon of political expectation extends beyond a single election cycle, and they aim at an inclusive “we”.

2. *Comprehensiveness.*

The second element of an ethic of partisanship and ground for appreciation is attachment to others in a group with responsibility for telling a comprehensive public story about the economic, social, and moral changes of the time, and about national security. Of course, partisans sometimes focus on a specific issue or event and their party's competence to deal with it. Of course, partisans pursue partial interests, though this is not unreconstructed interest group pluralism since they share a complex of concerns and connect particular interests and opinions to a more general conception of the public interest. Just as partisanship in government is the condition for coordinated political decisions, so that not every decision is a unique negotiated agreement, voters' party id is the condition for a degree of coherence and continuity of some conception of the public good.

It would be overstating the case to say that partisans assume the obligation John Rawls articulated: to advance a conception of the public good that is situated in the most complete conception of political justice we can advance.⁴⁰ It would be understating the case to say merely that in contrast to members of interest and advocacy groups, including self-styled public interest groups, partisans are not single-issue voter. Partisans do not hold to a single value or policy as uniquely important but identify with a complex of concerns continuously balanced against one another.

An important consequence of comparative comprehensiveness is that adhering single-mindedly to one dominant idea has little appeal, and ordinary partisans are seldom extremists (though parties are sometimes vulnerable to capture by a faction). The extremist is one-eyed, monotonic, not just right, but right on a particular matter of such singular urgency that it eclipses all competing matters, suppresses all cautions, and rationalizes unfortunate consequences. Extremism is an erroneous and destructive charge when leveled wholesale and used as a synonym for partisanship. On the other hand, it would be wrong to think of the current discourse of extremism as a thoughtful reference to a position on an ideological spectrum, for it can be applied to partisans of every stripe. The valid meaning of extremism when it is applied to American parties today is to indicate a falling off from the elements of what I identify as the ethics of partisanship. Extremist signals failure to be inclusive –to take responsibility for persuading and mobilizing voters other than purists. It signals failure of comprehensiveness: single-

mindedly taking one idea or aim to its limit and unresponsiveness to the range of concerns facing the nation. And by its failing extremism points to the third element of an ethic of partisanship: compromisingness as a moral disposition.

3. *Compromisingness.*

Inclusiveness and a comprehensive account of what needs to be done are only possible if partisans also demonstrate the disposition to compromise. We know what that typically entails: tolerance of small gains, getting less than we want in order to get something, settling for less in order to prevent even worse. In democracies compromise is the essential political act. We also know that very often the hardest compromises are intra-party, and compromise with fellow partisans is an obligation, part of creating, acknowledging and sustaining the partisan “we”. Extremists “cant about principles”. They represent intransigence as a virtue. They do not find failure ignominious. Consider the Republican New Right’s contest with the first President Bush : “There’s not a single piece of legislation that needs to be passed in the next two years for this president. In fact, if Congress wants to come together, adjourn, and leave, it’s all right with us.”⁴¹

Of course, compromise can be evidence of abject pandering or raw opportunism. If you are partisans, you know for yourselves, I suspect, that working out the bounds of reasonable compromise is part of the stern discipline of partisanship. Intra-party conflicts rage over every aspect of campaigning, governing, and opposition. What interests and issues are the crucial lines of division? What message is communicated by a certain position in the politics of the moment? What ideas or candidates fall outside the bounds and are unfaithful to “the soul of the party”?

Political theorists have written very little on the subject of compromise,⁴² and almost nothing on the justifiable *political* grounds for compromise in contrast to moral and constitutional limits. J.S. Mill set out criteria for sound compromise, among them: the time is not ripe for the preferred alternative; the agreement could facilitate future cooperation; concessions would not set back progress already made.⁴³ On these points, of course, partisans, like philosophers, will disagree. For the most part, however, this element of my ethics of partisanship –compromisingness -- is spurned by political theorists in favor of consensus. Or they give the name “compromise’ to a settlement that

rests on principled agreement and common ground rather than on in which the sides give up something significant.

Inclusiveness, comprehensiveness and compromisingness set the contours for an ethic of partisanship. They provide grounds for criticism of partisanship. Finally, they point to the overarching achievement of partisanship and to the moral distinctiveness of “party id”.

The Achievement of Partisanship

Inclusiveness, comprehensiveness, and compromisingness enable the distinctive work of partisanship: drawing politically relevant lines of division and shaping the system of conflict that orders democratic deliberation and decision. Party antagonism focuses attention on problems, information and interpretations are brought out, stakes are delineated, points of conflict and commonality are located, the range of possibilities is winnowed, and relative competence on different matters is up for judgment. Without party rivalry, “trial by discussion” cannot be meaningful. It will not be if the inclusion of interests and opinions is exhaustive and chaotic; parties are about selection and exclusion. Nor will it be fruitful if interests and opinions are disorganized and are not brought into opposition, their consequences are not anticipated, argument is evaded. Shaping conflict is what partisans do, and what will not be done, certainly not regularly and reasonably coherently in the way representative democracy requires, without them. The claim that partisanship “fundamentally damages the political process” is fundamentally wrong.⁴⁴

This speaks directly to contemporary theorists who prize deliberation that includes a “variety of perspectives” while rejecting partisanship. In fact, “the clash of political beliefs, and of the interests and attitudes that are likely to influence them,” which Rawls and other political philosophers concede is “a normal condition of human life,”⁴⁵ do not spontaneously assume a form amenable to democratic debate and decision. I’ll repeat this point: drawing lines of division is the achievement of partisanship. Great or small, parties are not simply reflections of cleavages “there” in society any more than they adopt fully developed conceptions of justice that exist antecedent to political activity.

Politically salient positions are unlikely to be cast as Mill's "serious conflict of opposing reasons" unless partisans do the work of advocating on the side of the angels.⁴⁶ Party competition is constitutive, then; it creates a system of conflict.⁴⁷ It "stages the battle". That is, partisans do. Attempting to capture this, Maurice Duverger used language that moves back and forth between metaphors of natural and artistic creation: parties crystallize, coagulate, synthesize, smooth down and mold. Creativity in politics is rarely a subject of political theory, and then it is identified with founding moments or constitutional design, with higher law-making or transformative social movements or revolution, and not with "normal politics".⁴⁸ Partisanship is the ordinary not (ordinarily) extraordinary locus of political creativity.

This achievement of parties is regularly disparaged, and to bring the point home I'll return to the blanket primary case, *California Democratic Party et al v. Jones*. The question for the Court was whether the asserted state interest in "increasing voter turnout" outweighed the parties' claim that the blanket primary was "compelled association" in violation of their First Amendment right of association. That is, the right of parties to determine for themselves how inclusive the process of candidate selection and agenda-setting should be at what stage. Primary elections are often critical arenas in which partisans enact inclusiveness, comprehensiveness, and compromise. The effect of a legally mandated blanket primary could be not only to alter the identity of the nominee, but to subvert the business of partisanship more broadly. The Supreme Court ruled California's blanket primary unconstitutional, siding with the parties strictly on the basis of a constitutional right of association, constrained by its own precedents. The larger democratic consideration here is the significance of party autonomy: the worth of the right to vote does not exist apart from the institutional framework in which it is exercised. The meaningfulness of the vote is dependent on the political identity of parties and candidates; centrally, it depends on the achievement of parties in drawing lines of division.

The Moral Distinctiveness of 'Party ID'

I have proposed three elements of an ethic of partisanship and identified the overarching achievement of parties. Finally I have to make good on the title of the talk, “the moral distinctiveness of party id”. I can state it simply. Commitment to political pluralism, to regulated political rivalry, and to shifting responsibility for governing makes party id the morally distinctive political identity of representative democracy. While thinking they should speak to everyone, partisans do not imagine they speak for the whole or that their victory is anything but partial and temporary.

True, partisans are on the side of the angels, offering a satisfactory account of what needs to be done. But however ardent and devoid of skepticism, there is this reticence. That is the moral distinctiveness of party id: partisans do not imagine that their party speaks for the whole. Even in power, they are not the nation. Tocqueville observed that parties in America know, and everyone knows, that no party represents everyone, or even a permanent majority. “This results from the very fact of their existence”.⁴⁹ It requires stern self-discipline to acknowledge partiality even when there is a powerful urge to claim the mantle of the nation and pretend to represent all thoughtful Americans. On N.H. Primary Night, Jan. 8, 2008 Barack Obama exhibited this reticence when he said: “You can be the new majority who can lead this nation out of a long political darkness – Democrats, Independents, and RepublicansOur new *American majority* can end the outrage....”

Partisanship accepts regulated rivalry and the fact that the political conflict is iterative. They keep the losing side alive, on the ready not just to alter a particular outcome but to have their party take responsibility for governing. They don’t secede, revolt, or withdraw in defeat, and “elections are not followed by waves of suicide.” True, “greatness is made of sterner stuff than successfully facing the exigencies of the electoral cycle”.⁵⁰ But political aspirants must channel their ambitions through this collective, constraining, typically unheroic, institution. They endure the “terror” of the opposition’s vigilance and exposure. And for ordinary citizens, partisanship entails the knocks of compromise and defeat.

Partisanship is *the* political identity that does not see political pluralism and conflict as a glum concession to the ineradicable “circumstances of politics”. The moral distinctiveness of partisanship lies in democratic commitment to political pluralism and

to the task of shaping a system of conflict. We might think that the vicissitudes of political fortune and the limits of human volition make this existentially true, a felt experience. Or we might say that all democratic citizens have a part in this moral distinctiveness, as they do, formally. We see, however, that many citizens see political argument as unnecessary and political conflict as illegitimate, and value Independent aloofness or pragmatism or consensus. We may know that in political life partiality and disagreement are inescapable, and so are groups and associations of all kinds organized in opposition to one another. But we tend to forget that political parties and partisanship are not inevitable, and should not be taken for granted. Between high minded disapproval on the one hand, and taking parties and partisanship for granted on the other, we are liable to lose sight of the achievement.

Skeptics of my appreciation of partisanship can be forgiven, for recent experience has fueled antipartisanship. Party leaders often appear to want to destroy one another as an effective and legitimate opposition – even to the extent of trying to criminalize political differences. They are hubristic, claiming to represent the nation not a part. Compromise even with fellow partisans is not in their repertoire even if constructive policy-making is thwarted and the public business is not done. The thrust of my ethic of partisanship is critical as well as appreciative. In any case, falling off from inclusiveness, comprehensiveness, and compromisingness is not a reason to constrain or circumvent parties and partisanship or to prize Independence and anticipate “post-partisanship”. That would be a hopeless idealization, and a misguided abandonment of the distinctive political identity of representative democracy.

Coda: Bipartisanship 2009

In the face of Independents’ occupation of the moral high ground and enthusiasm for “post-partisanship”, many partisans have taken up bipartisanship as a line of defense. Bipartisanship is the partisan’s shield of armor, the way to demonstrate that while not conceding the luster of Independence, the partisan is not “just another go-along party politician”. In 2009 self-protective bipartisanship inspired Senators Obama and McCain to promise if elected to govern in a bipartisan fashion. Both avowed that they were not reflexive partisans and both offered a track record of bucking their own party as a qualification for leadership. Self-defense bipartisanship provoked political credit-taking

and premature self-congratulation: Schwarzenegger boasting that in “the nation state of California” “now Democrats and Republicans are working together.” It produced enthusiastic interpretations of history like the claim that 20th century achievements have been the result of bipartisanship under divided government, and that virtually nothing of consequence was accomplished otherwise.⁵¹

For self-styled realists, “bipartisanship is not the first instinct; it is an option to be considered within the context of perceived electoral imperatives”.⁵² That is too restricted a view. It assumes that something called “pure electoral advantage” (or “naked” partisan advantage) is divorced from policy and principle. It plays into the now-standard cynical conjunction of partisan with narrow political self-interest. In any case, it is quite at odds with invocations of bipartisanship today, which plainly promise more than political compromise for electoral advantage. Bipartisanship has been moralized, even romanticized, and is bandied about as an “aphrodisiac”.⁵³ (William Safire’s “cooperation in pursuance of patriotic, civic, or philanthropic goals”.⁵⁴) Bipartisanship is supposed to result in genuine agreement, in consensus. Or it is supposed to entail a John Stuart Millian acknowledgment that each party is a carrier of half-truths, so that “each acknowledges the reasonableness of the other side’s view while insisting on comparable recognition for its own.”⁵⁵ At a minimum bipartisanship is used to invoke simple, elementary fairness: parties “come together in the middle”; they “split the difference”. The promises of bipartisanship as an antidote to partisanship are moralized, anodyne, apolitical .

Actual accounts of bipartisanship detail political compromises that only sometimes proceed along one dimension (“more or less”) or allow for splitting the difference.⁵⁶ The middle is not “there”. The ground of compromise may not be in the middle anyway, depending on relative party or factional strengths and purposes. It is rarely common ground at all and instead each side giving up something significant.

Bipartisanship is a self-defensive step back from partisanship. It may of course be justified. My point is that the possibility of productive governing today depends less on the luster and political influence of Independents or on weariness with polarization than on the skill of party leaders. Bipartisan compromise (like intra-party compromise) is politically determined by skilled party leaders who can control the legislative process,

understand substantive and procedural hurdles, argue the merits in caucuses, rally moderates, appease, inform, guide, cajole, massage and win the support of their troops. Nothing is more common than declaring a position principled as a strategic move, or, having routinely declared a position to be one of principle finding the political costs of compromise increased. Bipartisanship requires leaders to reveal the lines they cannot lead colleagues across. The process is typically, necessarily marked by lack of transparency and the need to provide “cover”.

Political theorists are not alone in being fundamentally antipartisan and disinterested in the fact that governing in representative democracy requires skillful party politicians; they are joined by academics of all stripes. Take for example Sean Wilentz’s recent review of the historical literature on Lincoln. Lincoln hagiography touts him as redeemer-President who transcended partisan politics; radical Lincoln critics charge him with failing to transcend politics *tout court*. Wilentz corrects both camps: “[Lincoln] saw no shame in the practice of politics, and experienced no priggish discomfort about what it takes to get great things done. He was never too good for politics. Quite the contrary: for him, politics – ordinary, grimy, unelevating politics – was itself a good, and instrument for good.” He was a hard-nosed politician who sought to placate every element of his faction-ridden party.⁵⁷

I use this illustration because President Obama has tied himself to Lincoln,⁵⁸ and his ardent supporters see him “destined to be thought of as Lincoln’s direct heir”, as our national savior.⁵⁹ That is, as something other than a partisan politician. We hear that Barack Obama “ran an idealistic campaign as progressive leader ...pledged to bring Americans together, overcoming the raw partisanship that had polarized the Washington community for nearly two decades...”.⁶⁰ During and since the presidential election of 2008 we have witnessed the fantasy that Barack Obama “will transcend the grubby machinations and tawdry favor-swapping of party politics”.⁶¹ This is a misunderstanding of him and a failure to understand the achievement of partisanship. I am watching for whether President Obama is an ethical partisan: inclusive, articulating a comprehensive story of what needs to be done, able to achieve compromise among Democrats and, if there are willing partners, with the Republican opposition. The possibilities for politics will rest on his skill as a party leader, and his accomplishments will be gauged by the

difficulty he faces from both the opposition party and the internal, factional conditions of his own party.

For what we need is not Independence or post-partisanship but better partisanship.⁶² Which is all the more reason for democratic theorists to connect the practice of democratic citizenship with partisanship, and to consider the terms and conditions of better partisanship as seriously as they do impartiality, independence, and institutions designed to work without parties or partisans.

¹ (1838-1919) Henry Adams, *Democracy: An American Novel* (New York: Airmont Publishing Co, 1968).

² John Rawls uses the phrase. See Russell Muirhead and Nancy L. Rosenblum, "Political Liberalism vs. 'The Great Game of Politics': The Politics of Political Liberalism", *Perspectives on Politics* 4, no. 1 (March 2006): 99-108.

³ *On the Side of the Angels: An Appreciation of Parties and Partisanship* (Princeton University Press, 2008).

⁴ Frank Sarouf, "Extra-Legal Political Parties in Wisconsin" *48 APSR* 692 (1954) at 692.

⁵ Cited in Kevin Phillips, *Wealth and Democracy* (New York: Broadway Books, 2002) at 325.

⁶ The objects of their affection include just about every institution for participation and representation except parties. Self-styled public interest groups and social movements (typically Progressive, not conservative). Direct democratic institutions like referenda. Theorists of multiculturalism value self-organized identity groups and arrangements for guaranteed representation. "Associative democracy" would devolve decision-making to "problem-solving" units like workplaces. And it is hard to find a democratic theorist of any stripe who does not look to the associations of "civil society" to cultivate civic virtue and engagement (no surprise that parties aren't included in exhaustive catalogues of mediating groups.)

⁷ Issacharoff and Pildes, p. 646.

⁸ Martin P. Wattenberg, *The Decline of American Political Parties: 1952-1992* (Cambridge: Harvard University Press, 1994) at 48.

⁹ Diana Owen and Jack Dennis, "Anti-partyism in the USA and support for Ross Perot", 29 *European Journal of Political Research* (April 1996): 383-400 at 389. "I always vote for the person who I think is best, regardless of what party they belong to cited in John Kenneth White, "Reviving the Political Parties: What Must be Done?" in John K. White and John C. Green, ed., *The Politics of Ideas: Intellectual Challenges to the Party After 1992* (New York: Rowman & Littlefield ???): 4-27 at 5.

¹⁰ Marcia Ford, *We the Purple: Faith, Politics, and the Independent Voter*, (Tyndale House, 2008) p. 86; 10.

¹¹ Cited in Michael Sandel, *Democracy's Discontent: America in Search of a Public Philosophy* (Cambridge: Harvard University Press , 1996) at 273.

¹² I am grateful to Dennis Thompson for suggesting this point.

¹³ *Democratic Party v. Wisconsin*, 450 U.S. 107 (1981) at 132. Footnote 9 adds: Of course, the National Party could decide that it no longer wishes to be a relatively nonideological party, but it has not done so. Powell continues, "insofar as the major parties do have ideological identities, an open primary merely allows relatively independent voters to cast their lot with the party that speaks to their present concerns."

¹⁴ Hacker and Pierson.

¹⁵ Michael Grunwald, June 14, 2007 TIME

¹⁶ *We the Purple* at 86

¹⁷ In the Progressive era and today, "faith in the independent voter was ...closely linked to an opposition of intellectuals to...parties as such...Since the thoughtless ones were the supporters of ...corrupt party machines, then almost by definition the thinking members of society had to become independent."Howard Penniman, *The American Political Process* (NJ: Van Nostrand, 1962) at 38 cited in Bruce Keith, David Magleby, Candice Nelson, Elizabeth Orr, Mark Westlye and Raymond Wolfinger, *The Myth of the Independent Voter* (Berkeley: University of California Press, 1992) at 38-39.

¹⁸ Steffens, *Autobiography* at 136.

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- ¹⁹ Keli Goff, Basic/Civitas Books 2008, p. 42.
- ²⁰ Angus Campbell, Philip Converse, Warren Miller, and Donald Stokes, *The American Voter* (New York: John Wiley and Sons, 1960) at 143ff.
- ²¹ After all, antipartisanship is perfectly consistent with self-interested voting as well as public interest voting. Contemporary Independence does not fault partiality *per se* but *partisanship* specifically
- ²² Christine M. Flowers, "Patriotism, not partisanship", Philadelphia Daily News, June 30, 2008.
- ²³ Mill himself imagined a new breed of honorable men who have "sworn allegiance to no political party" and who promised in his mind to constitute a prodigious gain "to our policy, to our morality, to our civilization itself". Mill, "Personal Representation," in *Collected Works*, vol. 28, 177.
- ²⁴ Shklar, *American Citizenship* at 60.
- ²⁵ David Brooks and Gail Collins "In Praise of Partisanship" NYT July 22, 2009.
- ²⁶ In particular, the public's two-mindedness about government is product of the way independents, not partisans, think. PEW, p. 2 ff
- ²⁷ Marcia Ford, pp. 1-2.
- ²⁸ Henry Adams on Independents in the 1872 campaign at 429.
- ²⁹ Cited in Eldon Eisenach, *The Next Religious Establishment: National Identity and Political Theology in Post-Protestant America* (Rowman & Littlefield: New York, 2000) at 116.
- ³⁰ Michael Walzer, *Passion and Politics*, p. 92.
- ³¹ California Democratic Party et al v. Jones, 530 U.S. 567. Scalia at 126: In first primaries following implementation of Prop 198, the total votes cast for party candidates in some races [particularly minor parties, Libertarian and Peace and Freedom parties] was more than double the total numbered of registered party members. And 1997 polls revealed significantly different policy preferences between party members and primary voters who "crossed over" from another party.
- ³² District Court at note 34. "While political scientists may disagree on the question of whether the political system is benefited when parties are more or less distinct or polarized, it is apparent that the voters have sided with less partisanship in adopting Proposition 198"; District Court at 1302.
- ³³ Scalia: , and the advocates have been "fair and candid to admit that doctrinal change is the intended operation and effect of its law
- ³⁴ Only Justice Scalia objected that there was no compelling interest in "curry[ing] favor with persons whose views are more "centrist" than those of the party base. Scalia at lexis 2; 5.
- ³⁵ Recent work by Mark Franklin argues that party id does not generate high turnout but prevents turnout from falling as much as it might in a low-turnout election, p. 164-5. When there are good reasons for voting, party id becomes less important: its importance depends on the character of elections. The principal forces for participation are whether individuals are habitual voters (determined by whether they voted in the first three elections for which they were eligible; like party id the decision to vote is established early, ie. socialization; young voters are harder to mobilize, p. 27) and whether elections are seen as important and competitive (close races likely to result in policy changes; party polarization). In *Voter Turnout and the Dynamics of Electoral Competition in Established Democracies Since 1945* (Cambridge University Press, 2004).
- ³⁶ I leave aside the several functionalist explanations for and valuations of parties, which do not in any case focus on partisans. For a concise summary see Daniel J. Galvin, "Parties and Political Institutions in American Political Development", paper for the 2009 APSA annual meeting, Toronto, September 206, 2009 on file with the author.
- ³⁷ Judith Shklar, *American Citizenship: The Quest for Inclusion* (Cambridge: Harvard University Press, 1991) , p. 25.
- ³⁸ Walzer, *Politics and Passion*, p. 93.
- ³⁹ *On the Side of the Angels: An Appreciation of Parties and Partisanship* (Princeton University Press, 2008).
- ⁴⁰ *TJ*, 195; *PRR*, 585.
- ⁴¹ John Sununu in 1990, quoted in Michael Duffy and Dan Goodgame, *Marching Place: The Status Quo Presidency of George Bush* (New York: Simon and Schuster, 1992), 82 cited in Daniel DiSalvo, "Party Factions and Presidential Governance" Paper presented to APSA, 2009 on file with the author.
- ⁴² Several useful essays are Arthur Kuflik, "Morality and Compromise" in J.Roland Pennock and John 'W. Chapman, ed., *Nomos: Compromise in Ethics, Law and Politics*, NYU Press 1979 (38-65), Joseph Carens, "Compromises in Politics", *Nomos*, pp. 123-141, Richard Bellamy and Martin Hollis, "Consensus,

Neutrality and Compromise” in Bellamy and Hollis, ed., *Pluralism and Liberal Neutrality*, Frank Cass: London, 1999: 54-78. ⁴² When they do, the question they address is whether the fact of pluralism and moral disagreement gives rise by itself to distinctively *moral reasons* for compromise? Does the exhibition of mutual respect, for example, provide a principled justification for compromise? Those who answer “no” insist that there are other ways to express values like respect besides compromising on principles, and that the only reasons for moral compromise are pragmatic. For a discussion and negative answer see Simon Cabulea May, “Principled Compromise and the Abortion Controversy”, *Philosophy and Public Affairs*, 33 no. 4 (2005): 317-348: “There is no reason to think that Jane’s intransigent opposition to compromise ...must represent a failure to respect her opponents...” (342) “The simple fact that compromise involves some moral loss, however small, stands as an undefeated reason against those moral compromises that are not pragmatically necessary”, 348. .

⁴³ Dennis F. Thompson, “Mill in Parliament: When Should a Philosopher Compromise?” in *J.S. Mill’s Political Thought: A Bicentennial Reassessment*, ed. Nadia Urbinati and Alex Zakaras (Cambridge, UK: Cambridge University Press, 2007).

⁴⁴ Lydia Quarles, “America as Post-Partisan” in Political Brief, March, 2007. John Stennis Institute of Government.

⁴⁵ *Theory of Justice*, 196.

⁴⁶ Partisans “bring the counter-argument into sharper relief”. Manin at 226., and Manin, “Deliberation Across the Aisle”, p. 8. Political scientists more than democratic theorists have attended to institutional design and rules that inhibit or encourage specific forms of conflict and deliberation.

⁴⁷ Lowi in *Romance* at 5.

⁴⁸ See for example Bruce Ackerman, *We the People* (Cambridge, Ma: Harvard University Press, 1991). On political creativity in connection with parties, Edward Carmines and James Stimson, *Issue Evolution* (Princeton: Princeton University Press, 1989). “The ultimate evidence of an issue evolution...is not to be found in the halls of Congress, the behavior of party activists, or even the ideological orientations of the electorate. It is to be found in the link between issues and citizens’ partisan identifications.”, p. 138.

⁴⁹ Mansfield ed. at 185; I.2.4

⁵⁰ Alan Wolfe, *Return to Greatness* (Princeton: Princeton University Press, 2005), p. 5.

⁵¹ Cal Thomas and Bob Beckel: *Common Ground: How to Stop the Partisan War that is Destroying America* (William Morrow: 2007) .

⁵² John Hilley, *The Challenge of Legislation: Bipartisanship in a Partisan World* 228

⁵³ Michael Wolfe, “The Man Who Ate the G.O.P”, *Vanity Fair*, May 2009. 86.

⁵⁴ Safire, On Language: Postpartisan, *NY Times*, Feb. 10, 2008.

⁵⁵ Arthur Kuflik, In “Morality and Compromise”, Pennock and Chapman 38-65 at 51.

⁵⁶ Think of John Hilley, *The Challenge of Legislation: Bipartisanship in a Partisan World*, on the 1997 Budget Bill.)

⁵⁷ Sean Wilentz, “Who Lincoln Was: And was not: the images and illusions of this momentous bicentennial year”, *The New Republic*, July 15, 2009.

⁵⁸ He said so himself in his 2007 announcement for President in Springfield: “It was here we learned to disagree without being disagreeable – that it’s possible to compromise so long as you know those principles that can never be compromised...” 134

⁵⁹ Henry Louis Gates, cited in Wilentz.

⁶⁰ Sidney Milkes and Jesse Rhodes, “Barack Obama: the Democratic Party, and the Future of the ‘New American Party System’”: *The Forum* vol. 7 no. 1, article 7; 2009 Berkeley Electronic Press: 1-26, p. 1.

⁶¹ Eric Zorn, “Letter to Voters a Letdown for Obama Idealists”, *Chicago Tribune*, November 2, 2006.

⁶² A serious attempt to analyze post-partisanship as a backing off from the partisan excesses of the Bush administration (in areas of appointments, administrative law, etc.) and as “a more limited philosophy than traditional bipartisanship” is David C. Weiss, “In Defense of the Post-Partisan President: Toward the Boundary Between “partisan” Advantage and ‘Political Choice’”, Draft article on file with the author. .