

The Ethics of Asymmetric Politics

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Abstract

The primary problem with American politics is the Republican Party. Republican officeholders put partisan advantage above the public interest. Republican voters are animated by contempt for their political rivals and by the defense of their own social superiority. The party as a whole is mounting a wide-ranging campaign of voter suppression and its members have resorted to violence in the face of electoral defeat. This paper is about why all this matters. I argue that it transforms the obligations of non-Republicans. My core claim is that two kinds of relationship—civic friendship and non-subordination—underpin critical democratic norms. Republican misbehavior has severed cross-partisan civic friendships. Their authoritarianism forfeits their claim to non-subordination. The former means that non-Republicans need not justify policy on public grounds. The latter undercuts Republicans' claim to enjoy minority vetoes when out of power and it gives their rivals reason to disobey the laws that Republicans make when they are in power. In short, since the Republican Party has trampled on the proper norms of democratic politics, their opposition is not bound by these norms.

Keywords— Polarization · Political justification · Political authority · Civic friendship · Non-subordination · Non-ideal theory

1 A Brief History

In the 1990s, the Republican Party went off the deep end. At a first and very rough approximation, we can pin the blame on Newt Gingrich. Gingrich had been elected to the House of Representatives in 1978. The problem with the Republican Party at the time, he said, was “that we don’t encourage you to be nasty” (PBS, 2021). Accordingly, he led the censure of Democratic Congressman Charles Diggs in 1979 and took down Democratic Speaker Jim Wright, on a barrage of ethics charges, in 1989. In his resignation speech, Wright decried how “grievously hurtful to our society [it is] when vilification becomes an accepted form of political debate and negative campaigning becomes a full-time occupation” (American Rhetoric, 2001). Poignant words, given what was to come. In the run up to the 1994 midterms, Gingrich gave his fellow party

members a list of words they should use when describing Democrats: *bizarre, decay, anti-flag, anti-family, pathetic, cheat, radical, sick, traitors* (Mann and Ornstein, 2013, 39). The Republican Party subsequently won a majority in the House of Representatives for the first time in forty years.

The midterm victory gave Gingrich the speaker's chair. He would use his newfound power to attack the Democratic president, Bill Clinton. Gingrich's first assault consisted in a pair of government shutdowns. He closed the government first for five days in 1995 and then again for twenty-one days in 1996, furloughing 800,000 workers and 284,000 workers respectively (Brass et al., 2018, 16–17). The consequences were serious: Three hundred and sixty-eight national parks were closed; 200,000 passport applications went unprocessed and \$3.7 billion of federal contracts were adversely affected (Brass et al., 2018, 27). Eventually, in the face of a public backlash, Gingrich agreed to reopen government. His second big assault came in 1998. He organized the first impeachment of a president in over a century. This time the public backlash would cost him the speakership: he resigned after a poor Republican midterm performance in 1998. But by then Gingrich had inaugurated the principle that, for Republican politicians, partisan warfare should take precedence over good government.

This principle reemerged starkly after the 2008 election. Barack Obama's main policy goal was healthcare reform. Republicans were implacably opposed. In explaining his opposition, South Carolina Senator Jim DeMint said that “if we're able to stop Obama on this it will be his Waterloo. It will break him” (Smith, 2009). Later Senate Minority Leader Mitch McConnell said that “[t]he single most important thing we want to achieve is for Obama to be a one-term president” (Barr, 2010). It wasn't primarily the policy they objected to, but rather its political dividends for Obama. Gripped by such partisan animus, House Republicans in 2011 and 2013 held the raising of the debt ceiling hostage. In 2011 they demanded budget cuts in return for maintaining the full faith and credit of the United States government. In 2013 they demanded that Obama defund his signature policy, the Affordable Care Act, in return for authorizing the further issuance of debt. Both bits of brinkmanship lead to the downgrading of the U.S. government's credit rating. After the first of these crises one retiring Republican staffer, Mark Lofgren, lamented that his party has become “like an apocalyptic cult” (Lofgren, 2011). Republican representatives were willing to imperil the global financial system if it meant defeating Democrats.

Such partisan rancor at the elite level percolated down to the mass public.¹ By 2010 half of Republicans declared unhappiness at the prospect of their child marrying a Democrat (Iyengar et al., 2012, 418). Such people wanted to close themselves off from their opponents: by 2014 over half of people with consistently conservative political views declared that it was important for them to live among those who shared their views. Almost two-thirds said that their close friends did indeed share those views (Pew, 2014, 12). At the same time, four out of every five Republicans had unfavorable views of the Democratic Party and thirty-six percent saw the Democratic Party as a threat to the na-

¹For this direction of causation, see Levendusky (2009).

tion's well-being (Pew, 2014, 11). These attitudes were most extreme among the most politically engaged Republicans (Pew, 2014, 34–35). Republican voters had, in part, been radicalized by their representatives. But their radicalization made compromise by their representatives untenable (Hacker and Pierson, 2008, 109–134). Together, this made contempt for Democrats a pervasive part of Republicans' attitudes. It was one of the dominant forces in Republican Party politics.

Things got worse in 2016: Donald Trump was elected 45th president of the United States. The initially remarkable thing about Trump's tenure was how quickly, under his leadership, the Republican Party sloughed off key tenets of conservative ideology. From the time that conservatives had captured the Republican Party, it had orientated itself around small government, moral traditionalism, and foreign policy interventionism (Nash, 2006). Under Trump, it came to instead orientate itself around certain group identities. Racial appeals suffused Trump's rhetoric both before and after his election (Leonhardt and Philbrick, 2018). In the Republican primaries, white voters more attached to their white identity were much more likely to vote for Trump (Jardina, 2019, 235–38). He won the general election with a majority of fifteen points amongst white voters. Again, white racial identifiers were most likely to vote for him (Jardina, 2019, 239–45). Trump's rise cemented the fact that the Republican Party should not, on the mass level, be understood as an ideological party. Rather, it is a party committed to defending the status of historically privileged groups: especially white men (Schaffner et al., 2018).

On the 3rd of November 2020, Trump lost re-election. He received about seven million fewer votes than his Democratic opponent: Joe Biden. Yet he refused to accept the results of the election. At 12:49 a.m. that night, he claimed that “[w]e are up BIG, but they are trying to STEAL the election” (Kessler and Rizzo, 2020). Republican officials had been leveling such unsubstantiated claims for twenty years (Anderson, 2018, ch.2), but Trump was the first presidential candidate to employ them. He would go on to push these claims at press conferences, on Twitter and during rallies for the next nine weeks. On January 6th, 2021, this culminated in a mob storming the United States Capitol Building. Their aim was to overturn the election results. Five people died. Nonetheless, Republican support for Trump remained stalwart (Liesman, 2021). This support bled into support for radically antidemocratic actions. A majority of Republicans now say that they support violence in support of certain Republican policy goals (Cox, 2021, 6). Republican state legislatures have proposed hundreds of bills restricting voting access (Center, 2021). Republicans seem willing to tear down democracy for partisan advantage.

In short, the story of modern American politics is an asymmetric one. Over the past thirty years, the Republican Party has trampled over the norms of democratic politics. This has consisted in three big transitions. First, from the 1990s onwards, Republican officeholders have favored partisan advantage over the public good. Second, from the 2000s onwards, ordinary Republicans have felt a deep contempt for their Democratic opposition and increasingly become the party of white, and especially white male, identity. Third, since at least 2016,

the Republican Party has been sliding into authoritarianism. It has begun to favor winning power over preserving democracy. The Democratic Party has, of course, itself radicalized in response to these changes. But it has not become nearly as extreme, nearly as destructively partisan, as has the Republican Party. In this sense, politics in the United States is asymmetric.

This paper is about why this all matters. In particular, it is about how Republicans' contravention of democratic values changes the normative position of other Americans. My view is that it transforms how non-Republicans are obligated to act politically: it undermines the demands of public justification (§3), it forfeits Republican claims to non-subordination (§4) and it erases the authority of Republican legislators (§5). In the rest of this paper, I'll substantiate these claims. The main point of doing this is a concrete, practical point: it illuminates the obligations of actual political actors in the real world of American politics. But this project also has a more abstract, philosophical pay-off. It is an important general question how the transgressions of one's political opposition affects one's own normative position. This question has concrete application in many democracies. And it is an important, even more general, question about how different democratic values ground different political obligations. We will learn about all these issues in the course of the paper.

2 The Contours of Asymmetric Politics

Let us start by laying out more systematically the three phenomena that make up what I am calling asymmetric politics.² The first of these occurs at the elite level of U.S. politics, among elected officials. From the 1970s onwards, Republican legislators got more ideologically extreme (Theriault 2008, ch.2; Hacker and Pierson 2008, 28–30). This happened because Conservative activists captured the Republican Party. In the 1950s Conservative thinkers had fused together various strands of conservative thought (Nash, 2006). Over the next two decades, Conservative activists took over key parts of the Republican Party apparatus (Rosenfeld 2018, ch. 4,6; Noel 2014) and by the late-1970s entrenched their control of the party's platform and nomination procedures (Schoenwald 2001). The result was Republican legislators came to have relatively extreme policy views. But the issue I want to focus on is not really the ideological extremity of these legislators. It is their willingness to sacrifice good government for partisan advantage.

The driving idea here is that legislators can use the tools of government to damage their opposition, albeit often at the cost of worse policy. In the previous section, I gave some examples of the increasing Republican use of such tactics. More generally, such behavior seems to have inculcated among House Republicans from the late-1970s and then carried by them over to the Senate (Lee 2009, ch.3; Theriault 2013). Republicans who came from the House to the Senate during this time were more likely to resist nominees from opposition

²My use of the term draws some inspiration from Grossmann and Hopkins (2016), although I use it quite differently.

presidents than was anyone else (Theriault, 2013, ch.8). They were much more likely to stall legislation by voting against cloture (ibid). They often shifted their stated positions to avoid compromising with Democrats: they negotiated in bad faith. And they offered, and supported, an exceptionally large number of non-legislative amendments on bills (Theriault, 2013, ch.9). These are amendments that are proposed not to be made into law, but rather to delay the legislative process. Combined with debt ceiling brinkmanship and government shutdowns, this all sacrifices the production of good policy for party advantage. It exemplifies the fact that the *modus operandi* of Republican officeholders is now one of partisan warfare: victory over the opposition takes precedence over making good policy.

The second phenomenon concerns the attitudes of Republican supporters. This really bifurcates into two issues. On the one hand, there is the contempt ordinary Republicans now hold for ordinary Democrats (Iyengar and Westwood, 2015). This is not entirely asymmetric: Democrats have come to have contempt for Republicans too. But such attitudes are more extreme among Republicans than Democrats. Republicans feel substantially more unfavorably about the Democratic Party than Democrats do about the Republican Party. Republicans are more likely to see Democrats as a threat to the nation's well-being than vice versa (Pew, 2014, 11–12). Plausibly, this was caused by the increased alignment of parties with social identities, and especially ideologies (Mason 2015), as well as by the rise of partisan news media (Levendusky, 2013). Both things most characterize the Republican Party: since the 1970s, the Republican Party has been the more ideological party and Republicans are far bigger consumers of partisan media than are Democrats (Grossmann and Hopkins, 2016, ch.2–4). So, although the contempt is not unidirectional, it is asymmetrically distributed: Republicans likely loathe Democrats more than vice versa.

On the other hand there is the basis on which ordinary Republicans support the Republican Party. It is becoming increasingly clear that many people support the Republican Party because they want to defend the social superiority of their identity group. One could see this initially in the opposition to Barack Obama. When you asked people (almost always Republicans) why they supported the Tea Party, they would often suggest that their country was slipping away from them. They saw America as at its core a white, male, Christian society: Obama's elections, they thought, threatened the status of such groups (Parker and Barreto, 2013). More recently, Trump's presidential support was closely connected to white identity (Jardina, 2019, 235–45) and both racism and sexism seemed to drive those voting for him (Schaffner et al., 2018). This is a patently asymmetric phenomenon: there are no obvious counterparts to such motivations on the side of ordinary Democrats. Republicans alone are motivated by the defense of privileged groups.

The third phenomenon is best documented at the level of policy. Since the mid-2000s, Republican politicians on the state-level have enacted policies aimed at suppressing Democratic turnout (Anderson, 2018, ch.2). One class of such policies are voter identification (ID) laws. These laws usually require people to present a government-issued identification in order to vote. Millions of

Americans, especially poorer Black Americans, lack such identification (GAO, 2015, 21–27). This imposes an extra cost on such people in order for them to vote. Monetarily, the cost is small but not trivial: A Government Accountability Office report suggests that such IDs cost up to \$58, dependent on state and type of ID (GAO, 2015, 126).³ But the cost in time and effort can be large. This is because, while imposing such requirements, Republican governors often shut down local offices, such as offices of the Department of Motor Vehicles (DMV), from which people can get identification (Anderson, 2018, ch.2). This means that people have to travel tens or even hundreds of miles to get identification. That is often unfeasible for those who rely on public transportation. Such laws probably depress turnout by between two and four percentage points (GAO, 2015, 35–57), and so tilt races towards Republican candidates.

There are many other voter suppression policies. The most blatant are voter roll purges. Since 2010, tens of millions of names have been removed from voter rolls (Brater et al., 2018). This has happened due to the actions of Republican Secretaries of State. The stated goal of these purges was to remove ineligible voters from voter registration lists. But many were removed because they voted infrequently, or because their name in the voter registration database did not exactly match that in the DMV database, or because they shared names with someone from another state. In other words, they were disenfranchised for poor reasons. In all these cases, disenfranchisement fell disproportionately on minority voters (Anderson, 2018, ch.3). Other policies restrict access to polling stations (Anderson, 2018, ch.4). Republican legislatures in Ohio, Indiana, Florida, and North Carolina have cut the time one is able to vote before election day. Many of these states assign fewer electoral resources per capita to minority communities. And many states have eliminated or moved polling places. This is why there are long lines in front of polling stations in minority-majority districts. All these issues make it costlier for Democrats to vote, and so likely depress Democratic turnout.

This voter suppression campaign manifests a deeper disregard for democratic institutions by elected Republican officials. Clearly the worst offender here has been Donald Trump, who attempted to overturn the results of an election he had lost. But Republican officials stood firmly behind him throughout his attempt to do this. They often echoed his unsupported claims of voter fraud, and he retained their support after the storming of Capitol Hill (Cassidy, 2021). Republican officials are complicit in Trump’s attempt to undermine the 2020 election. More generally, they also seem worryingly willing to support the more violent overthrow of those institutions: they are now much more likely to condone political violence and deny the legitimacy of their opposition than they have historically been (Lührmann et al., 2020). This is clearly not a stance shared by Democrats. The parties are asymmetric in the sense that one party alone is actively subverting the institutions of democracy. The Republican Party is sliding into authoritarianism.

³Typically, in principle, one can get free identification when one is getting it in order to vote. But often doing so requires presenting other documents, such as birth certificates, which themselves are costly to get (GAO, 2015, 31–33).

That completes my description of the contours of asymmetric politics. Republicans, of course, are disinclined to accept this description. Many think, or at least say, that restricting voting rights is a proportionate response to widespread voter fraud (Cruz, 2021). Many think that white people have become an oppressed majority: organizing around white identity is, they think, a reasonable response to this repression (Blake, 2011). These counternarratives can be dismissed relatively quickly: they collapse under the mildest scrutiny. But a third counternarrative may seem more appealing. One might think that Republican obstructionism in Congress is in fact motivated by concern for good policy. Congressional Republicans, the thought goes, think that conservative policy will be better for everyone. So they aim at partisan advantage not for their own benefit but for everyone’s benefit. They want to win power in part so they can use the tools of government to benefit Democrats. They care about Democrats’ well-being after all.

Perhaps this is what motivates some congressional Republicans. But the idea that most of them are so motivated seems to me rather doubtful. First, it clashes with how quickly most elite Republicans have been to jettison conservative policy commitments during Trump’s tenure. If congressional Republicans were so motivated by the thought that free trade (for example) was important for the public good, it is a surprise that they would agree to trade barriers so quickly (Everett and Levine, 2019). Second, it clashes with the demonizing language congressional Republicans use to talk about Democrats. They call Democrats “sick” and dub them “traitors”: this is remarkable behavior towards someone whose well-being you care deeply about. The better hypothesis, it seems to me, is that congressional Republicans think conservative policies are good for their own supporters, but that they are relatively indifferent to the well-being of Democrats.⁴

I want to underline a final point. Those who reject the story that I’ve told in this section can read the rest of the paper as investigating the question of how certain transgressions by one political actor transform the obligations of everyone else. They can take interest in the more abstract, philosophical point of this paper. So let us now turn to the normative consequences of an asymmetric disregard for democratic values.

3 Political Justification

We will start with the proper nature of political justification. It’s often thought that it is inappropriate to justify policy on partisan grounds. Imagine that Joe Biden had defended the American Rescue Plan Act of 2021 by pointing out that sending \$1,400 checks to every American would help the Democratic Party vote. There would, on the face of it, be something wrong about this. It is not the right kind of justification for government policy. Rather, we should try to justify pub-

⁴This also concurs with the fact they typically only respond to the concerns of their own supporters. See e.g. Mian et al. (2010).

lic policy on public grounds.⁵ A public ground for a policy is a consideration all reasonable citizens could accept as a sufficient reason for endorsing that policy. Here a reasonable citizen is one who has defensible beliefs. White supremacists are unreasonable; traditional conservatives are not. Someone could accept some consideration as a reason if they could rationally come to see it as such a reason without drastically changing their beliefs. In this sense, non-Democrats could not accept a policy's benign electoral consequences for the Democratic Party as sufficient reason for endorsing the policy. They think that such consequences are a reason to oppose the policy. In contrast, they might well accept the good economic effects of the policy or the fact that it relieves people of abject poverty as sufficient grounds for endorsing the policy. These then are public grounds.

What counts as a justification for a policy? There are many different notions of justification, but I have in mind a motivational notion.⁶ A consideration is someone's justification for a policy when it in fact motivates their proposing the policy. Thus there would have been an issue not merely with Biden publicly defending the American Rescue Plan Act on partisan grounds. There would be an issue with such partisan considerations motivating them. These are simply not the kind of considerations one would ideally have when acting in the public sphere. There might well be other restrictions on political justification. But the one under discussion is one that constrains the motivations of political actors. It forbids them from proposing policy for non-public reasons.

Why should we try to justify public policy on public grounds? Some think that this demand flows from the nature of coercion. The idea is that when you coerce people on the basis of reasons they could not reasonably accept, you treat them as a means or disrespect them or just more generally violate their rights. And this, the idea goes, is wrong.⁷ If that were true, then asymmetric politics wouldn't matter that much to political justification. The state still coerces citizens regardless of how untowardly they act politically. So, their untoward acts wouldn't undermine the demand for public justification. Yet I doubt that this is an adequate explanation for the demand. That is simply because, even in cases where policy is not enforced with violence or the threat of violence, it should be justified on public grounds. So, coercion alone can't explain the demand of public justification.⁸

The clearest real-world cases of this occur in pre-state communities. Such communities were often organized into different kinship groups, or clans. And

⁵Rawls (1993) made this idea prominent. He treats it as the entire basis for political philosophy. That's not my view: I just think it expresses one norm among the many that govern political competition in well-functioning democracies. My view, in other words, matches that in Enoch (2015, 138–40).

⁶For this way of thinking about political justification, see Lister (2013, 15–23) and Leland and Wietmarschen (2017). One could instead think of justification dialectically, as the reasons citizens give one another when debating policy. I take this to be Rawls's view from e.g. Rawls (1997). Adopting this view would require some changes to my argument, but the basic idea behind it would remain intact: asymmetric politics mean Democrats are not constrained by such a norm.

⁷See e.g. Audi (1993, 701) and Larmore (1996, 47).

⁸For essentially the same point, see Bird (2014).

they were often hierarchical. Members of some clans would have more rights and privileges than those of others. These included political privileges. Certain clans decided how the community would respond to external threats or the internal transgressions of rules. This hierarchy was enforced by the fact that clans higher up the hierarchy had proprietary access to more rituals. These rituals might determine whether it was safe to fish in a certain place or, more momentously, whether a child could become an adult (and so marry). A ruling clan would threaten to withhold access to these rituals to those who displeased them.⁹ Such withholding doesn't involve coercion in any obvious sense. Ruling clans weren't threatening to kill or physically punish anybody else. They were just threatening to withdraw their spiritual services. Nonetheless even in societies such as this there is a demand for public justification. Members of ruling clan would do wrong were they to enact policies on the basis of those policies serving their interests alone. It would be inappropriate for a chief to enclose part of the commons so his flock would have more land to graze on. This would be an appeal to the chief's own private interests, rather than a public justification for a policy. So it is not the special nature of coercion that explains why there is a demand for public justification of policy.¹⁰

What else could ground this demand? Many think that it is grounded by the value of civic friendship.¹¹ We should, I think, spell this out by first thinking about close personal friendships. Consider friendship in the context of a marriage.¹² Imagine that you and your partner are deciding where to send your child to school. Your partner wants to send them to a Catholic school, because they think it's important that your child is raised in the faith. But you aren't religious. You think your child shouldn't have Catholicism thrust upon them. You want to send them to a secular public school. It would be inappropriate, in this case, if your partner enrolled your child in a Catholic school in order to make them Catholic. When their actions affect projects critical to the relationship, such as raising a child, they typically should only act on considerations you could accept. The norms of the relationship require that your partner not ignore your values. This would be to disrespect your judgment. So, friendships are subject to something like a demand of public justification. Typically, when you do things that affect the relationship you should take your friend's judgements into account.

There are atypical cases. First, suppose your partner wants to send your child to a particular Catholic school because they think it'll toughen them up. The teachers at this school provide iron discipline and (ironically) bullying is endemic. Your partner, let's imagine, thinks that this will give your child some backbone. They flatly deny there is any value in the more quotidian education that would get at a public school. They think a normal education will only

⁹For this description, see Henrich (2020, 112–21).

¹⁰Besides the case in Bird (2014), Kolodny's (2019) 'Myth of the Omittites' is a case like this.

¹¹For this sort of view, see Ebels-Duggan (2010), Lister (2013) and Leland and Wietmarschen (2017). It may also have been Rawls's view. See Rawls (1997, 772).

¹²Lister (2013, 107–108) also considers this case.

make your child weak. This is an unreasonable position, in the sense that it is beyond the pale of moral defensibility. One shouldn't inflict suffering on children because one speculates that doing so will strengthen their character. That forfeits your partner's claim for respect on this issue. That odious values ground their judgement drains that judgment of moral authority.

Second, suppose your partner exhibit clear failures of reasoning or obvious epistemic negligence. Perhaps they share your religious values. They would like the child to freely choose their religion (or lack thereof). Yet they think (bizarrely) that sending them to Catholic school is the way to do this. Such failures of reasoning excuse you from taking account of their judgment. In this case, as in the first case, unilaterally enrolling your child in the public school would not be objectionable. So let us put the relevant demand of public justification more precisely. The idea is that there are many things that can affect our relationships with our friends: these can affect the projects constitutive of those relationships or their norms. When we do things that affect our relationships in such a way, we have weighty reason not to act on reasons our friends would reject, unless they reject them on the basis of unreasonable values or due to clear failures in reasoning.

We can now extend this to the civic case. The key thought here is that co-citizens can stand in something like the relationship of personal friendship. They can stand in an egalitarian relationship of mutual concern, respect, and affection. It is valuable when they do so. Such relationships are civic friendships. There are of course differences between personal friendship and civic friendship. Personal friends usually know one another well; civic friends need not. Personal friends usually interact face-to-face; civic friends need not. But there's no obvious reason why these differences should prevent one being in a relationship akin to friendship with one's co-citizens. Not all such relationships require face-to-face contact or intimate interpersonal knowledge.¹³

What, then, do civic friendships require? First, they require mutual concern: friends must care about one another's well-being. Someone who sacrifices your well-being with little remorse or for little gain is not your friend. Second, they require mutual respect; friends must have respect for one another's judgment. The cases above are evidence of this. Third, they require mutual affection, at least in a weak sense. Perhaps friends needn't like one another, but they must not have contempt for one another. Fourth, they require both equality and a commitment to equality. Friends don't wield asymmetric power over one another, and they are committed to not wielding such power. When all these conditions are met, a civic friendship is in place. The participants of these relationships have a claim on the other participants to respect the relationship's preconditions. If your friend shows disregard for your well-being, disrespect for your judgment, or has contempt for you, then they wrong you. Civic friendship, in this sense, constitutes an ideal for political community.

The second condition on civic friendship, the one that concerns respect for judgment, underpins the demand for public justification of policy. When we're

¹³For more on this point, and on civic friendships more generally, see Viehoff (2019).

in civic friendships with our co-citizens, we should respect their judgment on issues that affect the relationship. Doing otherwise impairs civic friendship. Yet public policy surely affects our relationship with them. It affects the norms of such a relationship since those norms are in part a function of state laws. And it affects the joint projects we have with other members of the relationship. That project consists in governing the state. So, respecting our co-citizens' judgment means only justifying policy to them on grounds that they could accept. If we push policies on the basis of reasons they would reject, then we are ignoring their judgment. There are of course exceptions to these requirements. If your co-citizens have odious values, or exhibit intractable failures in reasoning, then civic friendship doesn't demand that you justify policies on the grounds that they could accept. But, in the absence of such failures, you should avoid simply inflicting policy on your co-citizens against their better judgment. You should always try to justify public policy on public grounds.

Despite these exceptions the demand of public justification may sound implausibly demanding. Surely not everyone would accept the considerations that underly, for example, the fact that the speed limit on your nearest interstate is 65 miles-per-hour. The considerations that underly such laws involve many empirical considerations. One might think any particular set of such considerations would be rejected by some reasonable citizens. I wish to make two points on this worry. First, it is often plausible that all reasonable people would accept certain *procedures* for making such decisions. These procedures might involve voting, or they might involve expert judgment. It would be unreasonable to reject such procedures for deciding disputed matters. And accepting such procedures then makes it reasonable to accept their output. Second, people don't always have decisive reason to avoid infringing the demand of public justification.¹⁴ In some cases, for example when quick action is important or when weighty issues rest on complicated (but clearly sound reasoning), such violations may be permissible. So we don't always have decisive reason to respect the judgment of our co-citizens. But we have weighty reason to do so, and so weighty reason not to advance policies on non-public grounds.

We are now in a position to see how asymmetric politics affect public justification. Asymmetric politics sunder civic friendships. Here, let's just focus on the effects of asymmetric partisan warfare and asymmetric attitudes. The first of our phenomena consists in the fact that Republican officeholders sacrifice good government for partisan advantage. This violates both the requirement of mutual concern and that of mutual respect. It violates the requirement of mutual concern because it manifests a lack of concern for the well-being of cross-partisans. Good government is essential to their doing well. A willingness to sacrifice good government reveals a lack of concern for their welfare. It violates the requirement of mutual respect precisely because partisan considerations drive such a sacrifice. Republican officeholders forsake good policy because they think it will help them electorally. These are not grounds that non-Republicans

¹⁴Here I differ from Rawls (1997), and much of the rest of the 'Public Reason' tradition. This tradition, in my view, attaches far too much import to public reason.

could reasonably accept. So, such partisan warfare severs civic friendships.

Asymmetric attitudes have two aspects. The first consists in the contempt ordinary Republicans, those without office, have for Democrats. Friendship of any kind requires a certain level of affection. One cannot be friends with someone who hates you. Republicans very often do hate Democrats. They see them as a threat to the nation's well-being, they do not want their children to marry Democrats and nor do they want to interact with them. Civic friendships are severed by such attitudes. The second consists in the fact that Republican voters are often motivated by defending the social superiority of their identity group. They are, for example, motivated by defending the elevated social status of white people. Such motivations are also inconsistent with civic friendship. The key point here is that friendships require a commitment to equality. One is not friends with someone who would lord it over you if they ever had the chance. But defending one's social superiority is incompatible with such a commitment to equality.¹⁵ So the motivation to do so also severs civic friendships. Thus, asymmetric politics stop civic friendships from spanning party lines. But the demand of public justification is grounded in civic friendships. So Democrats are not bound by such a demand of public justification.

Let us look at one way to resist this argument. One might deny that Republican attitudes have entirely severed cross-partisan civic friendships. After all, there is some leeway in the norms of friendship: one can feel contempt for a friend temporarily or fail to care about their welfare on certain occasions, without entirely severing the friendship. Thus, one might maintain that the norms of civic friendship still bind. There seem to me two responses to this point. First, the way in which Republicans have contravened the norms of friendship is more than temporary and occasional. We have seen twenty years of contempt ladled atop three decades of partisan warfare. I suspect such a long-lived violation of the norms of civic friendship suffices to sever those friendships. But second, even if the friendships perdure the obligations that they ground do not. When you betray a friend, you no longer have a claim on them to comply with the norms of friendship. If you inexcusably harm the interest of someone you are in a close relationship with, then you forfeit your claim for affection and respect and care from this person. Likewise, by violating the norms of civic friendship, Republicans forfeit their claim on others that they obey such norms, regardless of whether there is a sense in which the relationship perdures. Thus, one way or another, Democrats needn't justify policy on public grounds.

What, concretely, does that mean? It permits partisan justifications for certain policies. Consider, for instance, current proposals to grant Washington, D.C. and Puerto Rico statehood.¹⁶ Plausibly, there could be good public justifications for these proposals. But it is naïve to think that this is actually what motivates support for such proposals. Such proposals are advanced because their enactment would yield states that would reliably vote Democratic. That would add Democratic senators to Congress and improve the Democratic

¹⁵Lovett (forthcoming) defends this point in more depth.

¹⁶See Wines (2021) and Fineout (2021).

Party's chances in presidential and House elections. That is to say, their real justification is clearly partisan. Such a justification would be impermissible in a well-functioning democracy. It would violate one of the norms of civic friendship; the norm requiring us to respect the judgment of our fellow citizens. But such norms no longer bind non-Republicans, so such a justification can be perfectly sound in the contemporary United States.

The same point applies to current proposals to expand the size of the Supreme Court.¹⁷ Such an expansion would allow the current Democratic president, Joe Biden, to add liberal judges to bench. That would create a liberal majority, which would facilitate decisions that favor Democratic policy goals. There might be a sound public justification for increasing the number of judges in the Court. But, again, the actual motivation behind this proposal is surely not such a justification. It is the desire to advance Democratic policy goals. Those policy goals are not goals held by all reasonable citizens. So some such citizens would surely reject the claim that this consideration was a reason for such a policy. Thus, this motivation would be impermissible in a well-functioning democracy. Yet, again, it is perfectly permissible in the United States. Democrats are free to advance policies such as these on non-public grounds.

One might wonder whether Republicans are free to do the same. After all, if civic friendships no longer hold between Democrats and Republicans, then it seems that they cannot ground a demand that Republicans justify policy on public grounds. So one might think that they too are free of the demand for public justification. Here is where the asymmetric nature of the relevant phenomena is important. Republicans bear most of the blame for sundering cross-partisan relationships of civic friendship. Yet when one does wrong one should not benefit from one's wrongdoing. Rather, one is under a duty to repair the wrongdoing; in this case by repairing the friendships. This precludes Republicans from permissibly advancing policy justified on purely partisan grounds. If they were permitted to do this, they would have benefited from their own wrongdoing. Now of course that doesn't mean they will stop doing so. But it means the normative situation of Democrats and Republicans is asymmetric. The former are morally permitted to defend policy on partisan grounds. The latter are not. Asymmetric politics makes for asymmetric ethical situations.

4 Non-Subordination

Civic friendship is not the only relationship important in political communities. More fundamentally, we all have a claim against being subordinated, or dominated. This idea flows from the odious nature of relationships of subordination. Consider the relationship between a lord and a peasant or a king and a subject. Asymmetries of power characterized such relationships. Kings had much more power over their individual subjects than did individual subjects have over kings. That put the subjects into relationships of subordination. They had a

¹⁷See Herndon and Astor (2020).

weighty claim against such subordination. Thus, they had a claim against being subject to someone's asymmetric power. Those who subjected them to such power wronged them.

This claim lends normative support to the egalitarian aspects of democracy. Democracy involves distributing political power equally. It involves giving everybody an equal number of votes and, ideally, ensuring they have equal informal influence over political decisions.¹⁸ This is valuable, in part, because it helps prevent relationships of subordination. If some citizens had multiple votes, or others were entirely disenfranchised, those with more votes would have more political power. That would subject those with fewer votes to subordination. This gives citizens a claim to the institution and maintenance of democratic institutions. Their eradication threatens them with subordination.

The third aspect of asymmetric politics matters to these relationships. The Republican Party's slide into authoritarianism is an attempt to subordinate non-Republicans. This is most straightforward when it comes to voter suppression policies. Purging voter rolls disenfranchises, and so subordinates, people directly. Voter ID laws restrict access to polling stations and increase the cost some citizens have to bear in order to influence the outcome of elections. Yet power in the relevant sense is surely sensitive to such costs.¹⁹ If it is more costly, on average, for minority voters to cast a vote, then that reduces their power to influence such outcomes. Examples make this clear. If Georgia charged Black people \$10 for voting, this would subordinate them. It would do so by making their exercise of the vote more costly, and so reducing their political power. Many voter suppression policies are just more subtle ways of imposing costs on certain groups for voting. Accordingly, they have the same import. They reduce the political power of those they impose costs on, and so they subordinate them.

There are many other ways that the Republican Party has become more authoritarian. Republican officials have begun to deny the legitimacy of their political opposition (Lührmann et al., 2020) and condone violent attempts to subvert elections results. The issue with such actions is they impose risk. By denying the legitimacy of Democrats, such officials make their supporters more likely to engage in political violence after electoral defeat. By failing to condemn such violence after the fact, such officials make its reoccurrence more like. This increases the risk that American democracy will collapse in the face of a violent mob or through a legislative coup. That imposes a risk of subordination on non-Republicans. If American democracy collapses, they will most likely be subordinated in whatever political system takes its place. So it is not just that voter suppression policies actually subordinate some citizens. Republican discourse imposes a risk of subordination on even those who evade or can easily bear the cost of voter suppression policies.

The normative upshot of this is that Republicans undermine their own claim to non-subordination. The general principle this conclusion rests on is that, if

¹⁸For this view, see Kolodny (2014). The views in Viehoff (2019) and Christiano (2008) are both somewhat different to Kolodny's. But my arguments in this section go through, *mutatis mutandis*, on either view.

¹⁹Goldman (1972, 247–57) also makes this point.

one wrongs someone (or risks wronging them) in some specific way, then one undermines one's standing to oneself complain against such wrongs. This undermines one's own claim against oneself being wronged in that way.²⁰ Thus, if you physically attack someone, you undermine your own claim against such physical attacks. The person you attack can attack you in self-defense. Others can attack you in other-defense. Equally, if you break your promises or continually lie to people, you undermine your own claim on faith and honesty. You cannot complain when others break their promises or lie to you. Likewise, if you subordinate someone, or threaten someone with subordination, then you undermine your claim against subordination. Thus, when Republicans subordinate their fellow Americans, that undermines their claim to non-subordination.

This undermining is somewhat complicated. Having subordinated someone in the past doesn't mean that one has no future claim against subordination whatsoever. To see this, consider the case of slaveowners. It is, typically, morally wrong to enslave even those who have owned slaves in the past. Former slaveowners have a weaker claim against subordination than other people but, still, they have some claim against subordination. In contrast, there is nothing wrong with subordinating someone solely to prevent them from subordinating others. Such a person, insofar as they continue to threaten to others with subordination, has no standing to complain about their own subordination. So Republicans undermine their claim against subordination in the sense that they weaken their claim against it in general and entirely erase it when subordinating them stops them subordinating others.

Let us consider one counterargument to this claim. This argument points out that it is the actions of Republican officeholders that most directly threaten their fellow Americans with subordination. So, one might accept that that such officeholders undermine their claims against subordination but deny that ordinary Republican voters undermine any such claim. The reply to this is straightforward: ordinary Republican voters are complicit in the wrongdoings of those they elect. One is complicit in wrongdoing when one does something that one knows, or should know, contributes to that wrongdoing.²¹ The anti-democracy platform of the contemporary Republican Party is no secret. Its content is widely reported. So Republican voters should know that voting for Republican candidates contributes to the subordination of their fellow citizens. The evidence that it does is freely available to them. So Republican voters are complicit in that subordination. But being complicit in a specific wrongdoing also undermines one's own claim against being subject to such a wrongdoing. So, ordinary Republican voters' claim against subordination is undermined by their complicity in subordinating others.

If this is correct, what are its political consequences? I think that it affects issues of institutional choice. American institutions currently include minority vetoes. The Senate filibuster is the most salient. Senate rules dictate that the votes of sixty senators are needed to end debate on a bill and bring it to a vote

²⁰This principle is also at the root of the rights forfeiture theory of punishment. See e.g. Wellman (2012).

²¹For more on complicity, see Lepora and Goodin (2013).

on the floor. In practice, this means that a party with a minority in the Senate can veto legislation. What could justify this institutional arrangement? I think the only obvious such justification lies in a concern about subordination. In a system without minority vetoes, the majority party has a practical monopoly on political power. Parties listen disproportionately to the concerns of their own supporters, so when one party is in power its supporters have much more power than do other citizens.²² It doesn't really matter what the supporters of the minority party think about a proposed policy. The majority party won't listen to them, and it is the majority party that decides whether legislation gets passed. This gives supporters of the majority party more power than, and asymmetric power over, those of the minority party.

That creates a genuine concern about subordination. The key thought here is that there is a claim against being under someone's temporary domination. To see that, consider the following case: imagine that two people, John and Jim, alternate between being master and slave.²³ At one time John is the master. He uses coercion to get Jim to do exactly as he says. But, at other times, Jim is the master. The situation is reversed. This is problematic from an egalitarian point of view. It would be an improvement if neither were ever master or slave. Each has a claim against even temporary subordination. The point generalizes: we have claims against being under the asymmetric power of another, even temporarily.²⁴ That underpins the case for minority vetoes. By granting more power to the minority party, such vetoes ameliorate the inequalities of power at each time. Thus, they help satisfy the claim of members of a minority against subordination.

The upshot of this is that, if Republicans undermine their claim against non-subordination, they undermine their claim to enjoy veto power when they are in a legislative minority. At minimum, this means Democratic politicians have no moral reason to respect the Senate filibuster when doing so threatens the subordination of other Americans. Thus, they have no moral reason to respect the filibuster on issues of voting rights. Republican voter suppression subordinates their fellow citizens. That forfeits their claim to a minority veto on such matters. More generally, it seems plausible that the continual Republican ability to obstruct government in the Senate aids their undermining of American democracy. That undercuts their claim to enjoy the institutional basis of such obstruction: a minority veto in the Senate. So, plausibly, Democratic politicians lack moral reason to refrain from wholesale abolition of the filibuster. Republicans have undermined the claim, a claim against non-subordination, that would underpin such a reason.

²²A large body of research supports this claim. See (Shapiro et al., 1990; Levitt, 1996; Bishin, 2000; Mian et al., 2010; Kestelc et al., 2015; Lax et al., 2019).

²³Wilson (2019) also discusses such a case. McKerlie (1989) discusses a very similar case, although in relation to distributive equality.

²⁴Bidadanure (2016) also defends this view.

5 Political Authority

Let us turn to a final issue, and one of basic import in political philosophy: the authority of the state. It's typically thought that we all have a duty to obey our state's laws. If the law tells us to pay our taxes, it's often thought that we have a moral obligations to pay them. If it forbids drug use, many think we shouldn't take drugs. But it has been difficult to pin down the basis of such a duty. Perhaps sometimes we should obey the law because doing so is just doing our fair share in producing the benefits the state gives us.²⁵ This is most plausible for taxation. Perhaps paying our taxes is doing our fair share to sustaining the state's provision of public goods. Perhaps, in other cases, we have weighty reason to coordinate on certain practices with our fellow citizens. The laws provide a salient point around which we can coordinate.²⁶ We should drive on the right-hand side of the road because the law saying we should do so means we can expect others to drive on that side too. Yet it is hard to extend these reasons for obeying some laws to a general duty to obey the law. It is opaque why we would have a fair share obligation to obey the laws forbidding drug use or why we should think of intellectual property laws, for example, as solving a coordination problem. There are, it has been said, "gaps" in the authority of the state.²⁷

Recently, many have endorsed the view that we have special reason to obey democratically-made laws.²⁸ The idea is that this fills in many of the gaps in the authority of democratic states. A democratically-made law is one over which all have equal influence. The most straightforward way to develop this idea rests on the claim that, when we ignore democratically-made laws, we set ourselves up as the superiors of our fellow citizens. That is because relationships of inferiority and superiority are in part constituted by asymmetric power. Kings are superior to subjects in part because they have asymmetric power over them. When we ignore democratically-made laws, we rob our fellow citizens of power over us. But suppose they obey such laws. This gives us power over them. So we create an asymmetry of power between ourselves and our fellow citizens. And, if what I said in the previous section was correct, they have a claim against being subject to such an asymmetry. So, our fellow citizens have a claim on us to obey democratically-made laws.

This is means that there are further implications to Republicans undermining their claim against non-subordination: it weakens the authority of the state. In particular, it undermines our duty to obey those laws over which Republicans in particular have had more influence. Consider laws that restrict access to abortion or push the tax burden onto poorer Americans. These laws are generally passed by Republican legislatures at both state and federal level. A good part of our reason to obey laws with such content, I believe, would lie in the egalitarian reasons just identified. Disobeying these laws would rob Re-

²⁵For a contemporary defense of this view, see Klosko (2005, 102–5).

²⁶This is of course the view in Raz (1986).

²⁷Viehoff (2014, 338).

²⁸See Christiano (2008), Kolodny (2014) and Viehoff (2014).

publicans of equal power over their other Americans and so threaten them with subordination. And that, in a well-functioning democracy, would give people reason to obey such laws. But that reason only holds if Republicans have a claim to non-subordination. Their attempts to subordinate their fellow citizens at minimum weakens any such claim. Thus, asymmetric politics undermines people's duty to obey laws made by Republican legislators.

Yet the issue is much more serious than that. The Republican slide into authoritarianism doesn't merely undermine their claim against non-subordination. It makes themselves social superiors. Again, the point is clearest when it comes to voter suppression policies. By disenfranchising minority voters, by making it costlier for them to vote, the Republican Party creates an inequality of power between Republican voters and these other voters. It puts the latter in a relationship of subordination. We all have reason to minimize relationships of subordination. So, we have reason to minimize the power of Republicans: indeed, others have a claim on us that we do exactly this. But obeying Republican-made laws increases the power of Republicans. So it increases the inequality of power between Republicans and those whose votes they have suppressed. That means we don't just lack egalitarian reason to obey Republican-made laws. We have positive reason to avoid obeying them: doing so avoids exacerbating relationships of subordination.

It is perhaps worth making this further point more plausible by considering a comparable case. Imagine you live in a dictatorship where one person, the dictator, makes all the laws. Obeying those laws increases the power of the dictator. It does so directly, by giving them power over you. But it also usually does so indirectly. When your fellow citizens see you obeying the law, they should usually infer they are more likely to suffer reprisals for not obeying the law. That will usually make them more likely to obey the law, and so give the dictator more power over them. Yet your obeying the law does not, in a dictatorship, give other citizens any more power. So it exacerbates the inequality of power between your fellow citizens and the dictator. And that exacerbates the relationships of subordination between them and the dictator. You have weighty egalitarian reason not to subject your fellow citizens to more severe relationships of subordination. So, you have weighty egalitarian reason not to obey the dictator's laws. Analogously, when Republican officeholders make it difficult or more costly for their fellow citizens to vote, they subordinate their fellow citizens. You have weighty egalitarian reason not to exacerbate these relationships of subordination. So, you have weighty reason to avoid obeying the laws made by Republican officeholders.

Practically speaking, what does this mean? In dictatorships, it seems plausible that these considerations give one reason to publicly flout the laws. This is for two reasons. First, the more public is one's power over someone, the more it contributes to a relationship of subordination. This is partly a contingent matter and partly not. Contingently, power over one person often gives one power over others. This is especially so in the context of obedience to the law, where one's chance of being punished for breaking the law depends on whether others obey it. More robustly, power of which people are unaware likely doesn't

contribute to subordination. Imagine that a powerful alien battleship moved into Earth's orbit, but nobody ever knew about its presence. Its power would not subordinate us. Only public power is subordinating. Second, when people do the opposite to what you try to get them to do, this instantiates less power over them in the sense relevant to social hierarchy than if they are just indifferent to you. Suppose whenever you asked anyone to do something, they did the opposite. Plausibly, this would put you in a lower social position, then if they simply ignored you. It would be a purposive negation of your authority, rather than mere indifference to it. Likewise, if people publicly flout the dictator's laws, then they reduce the dictator's status more than if they simply ignore those laws. So, in dictatorships, people have reason to performatively break such laws. This lessens the dictator's superiority over their fellow citizens.

The same reason holds, although with less weight, among those subject to Republican governments. When one party embarks on a program that puts its members in a position of superiority over their fellow citizens, that gives everyone reason to publicly flout the laws passed by legislators from that party. By so doing, they lessen the hierarchy such officeholders have sought to create. In the American case, this applies on both state and federal levels. In both cases, the power of Republican officeholders contributes to the subordination of their fellow citizens. That gives everyone else reason to deny them such power, and publicly disobeying the laws they create is a way to do this. Now of course that doesn't mean that people have all-things-considered reason to flout any law whatsoever. We obviously have very weighty reason not to physically hurt our fellow citizens. Perhaps we have weighty fair share reason to keep paying certain taxes. But there are many laws that don't enjoy such a privileged status. We don't have any obvious independent reason to obey laws restricting abortion access, protecting intellectual property, or prohibiting drug use (etc.). Thus, plausibly, many citizens have reason to publicly flout such laws, when they have been passed by Republican legislatures. Doing so helps mitigate the relationships of subordination that Republican officeholders have put in place. In other words, the third aspect of asymmetric politics gives citizens reason to engage in public campaigns of civil disobedience.

6 The Open Door

If I am correct then, normatively speaking, asymmetric politics is enormously destabilizing. Its victims are freed of many democratic constraints. They are not subject to a demand for public justification. They needn't attend to claims against non-subordination. They have positive reason to flout many laws. Yet that does not mean that they are freed of all constraints. In particular, I believe that non-Republicans have a duty to allow Republicans to repair the damage that they have done to civic relationships, and to comply fully with the norms of such relationships after such repair. In other words, they have the duty to leave the door to civic friendship open to those who have sundered these friendships. This duty is grounded on the fact that civic friendship is an ideal for political

community. It is a type of relationship all members of the community have a prima facie claim to enjoy. It is no doubt naïve to think that Republicans will walk through such an open door any time soon. Yet the duty remains.

To see this, it is important to distinguish civic friendship from personal friendship. When a personal friend, through their wrongdoing, severs your friendship, you do not have a duty to leave the door to the friendship open. When a friend betrays or mistreats you, you are not obligated to give them a chance to repair the friendship. You are of course permitted to do so: doing so is rarely rationally ineligible. But it is supererogatory. Yet matters are different in a civic friendship. This is because it is possible, at least in modern societies, to avoid having much of a relationship at all with former personal friends. You can avoid mutual dependency and you can avoid having common projects with them. Yet you cannot avoid a relationship with former civic friends. You are necessarily dependent on your fellow citizens (and vice versa). You both play a role in determining the viability of your society and the justice of its basic institutions. And you ineluctably have common projects with them: governing the state. So, typically, you must be in some sort of relationship with former civic friends.

I think that, plausibly, we all have a claim against being consigned to bad relationships. Yet any relationship that falls below the minimal demands of civic friendship is a bad relationship. It is one in which the participants have little concern for the well-being or respect for the judgment of the other participants. So we have a claim against being locked in such a relationship. I doubt that that means that, when we ourselves have severed a civic friendship, others must reconcile with us without any effort on our behalf. But I suspect it means that others must permit us to repair such relationships. Thus, non-Republicans have a duty to allow Republicans to repair their relationships of civic friendship. If they sincerely took measures to do so, it would be wrong to refuse to partake in such a repair. I doubt that non-Republicans have a duty to repair these relationships themselves. They likely have some reason to do so, for such relationships are valuable. But typically when we are wronged by a friend, the onus does not fall on us to renew the relationship. Nonetheless, they have a duty to welcome such renewal.

What exactly does relational repairs look like? At minimum, such repair involves ceasing to do the things that impaired the relevant relationships. You cannot repair civic relationships at the same time as maintaining one's contempt for one's fellow citizens, failing to care about their welfare, and trying to subordinate them. I am unsure whether repairing civic friendships requires more than this. Personal friendship perhaps does. When a friend wrongs you, perhaps one thing they need to do to repair the relationship is to apologize. They need to acknowledge the wrongdoing and express regret for it. So, by analogy, one might think that repairing a civic friendship requires such an apology. Yet plausibly things can stand in for such an apology in the context of a civic friendship (and perhaps in a personal friendship too). If Republicans started fully living up to the norms of civic friendship, if they started trying to genuinely promote the well-being of their fellow citizens and took their judgment seriously, then

perhaps this could repair their relationships. Even that is a tall order. But Democrats would, I believe, be obligated to accept such an olive branch in good faith.

7 Conclusion

Let me sum up. I have focused on two sorts of relationship in this paper: civic friendship and non-subordination. My central theoretical claim is that these relationships support many of the constraints on political action in a well-functioning democracy. The import of civic friendships supports the demand of public justification. We disrespect our fellow citizens judgments when we justify policy on grounds that they could not accept. The import of non-subordination supports minority parties' demand for a voice, and it support the state's demand for obedience to its laws. Republican misbehavior undermines all these demands. Their pursuit of partisan advantage over the public interest, and their attitudes towards their opposition, severs civic friendships. This frees non-Republicans from the demand of public justification. The Republican slide into authoritarianism subordinates non-Republicans and thereby undermining Republicans' own claim to non-subordination. This means that others needn't respect their claim to minority vetoes, and indeed that others have reason to disobey Republican-made laws. My central practical claim, then, is that asymmetric politics transforms the obligations of those acting in the political sphere.

I want to make one final point. I have argued that asymmetric politics frees non-Republicans from certain obligations: that they are permitted to do things that would be impermissible in a well-functioning democracy. This does not entail that they ought to do such things all-things-considered. After all, such behavior might be strategically unwise. Perhaps abolishing the filibuster or packing the Supreme Court would lose Democrats votes in the next election. That would be a weighty reason for Democrats not to push such policies. Or perhaps such actions would hasten democratic decline in the United States. Levitsky and Ziblatt (2018) take such a view. They think that democracy's survival depends on norms of mutual toleration and institutional forbearance (2018, 102–17). Mutual toleration requires political actors to accept their rivals as legitimate. Institutional forbearance requires political actors to not use their legal prerogatives to entrench their own political dominance. They think that if Democrats take radical action in response to Republican misbehavior, then this will destroy these norms (2018, 215–20). Such strategic reasons might mean that, all things considered, Democrats should refrain from any such radical action: such actions may well have bad consequences.

Settling whether that is so requires more empirical study. I won't do that here. But I do want to sound a note of skepticism about each point. The first point is most plausible, I think, if voters often choose who they vote for on the basis of their policy preferences. Thus, since voters oppose (e.g.) expanding Supreme Court (Epstein et al., 2020), doing so would lose the Democratic Party many votes. But I doubt voters often make their vote choice on these grounds.

They choose who to vote for on the basis of group identity or how the economy is doing.²⁹ That diminishes the extent to which Democrats should fear electoral punishment as a response to such policies. On the second point, Democrats cannot single-handedly uphold the norms of mutual toleration and institutional forbearance. They need Republicans to take such norms seriously too. But the Republican Party has systematically violated these norms. Past Democratic quiescence has not discouraged such violations. It seems no more plausible that future quiescence will deter future violations than that radical actions—punishment—will deter more such violations. Playing tit-for-tat is often the best way to deter future misbehavior. So, I myself suspect that, all things considered, Democrats often ought to take the radical measures that I have outlined. Their bad consequences will not outweigh their practical pay-offs.

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²⁹Many political scientists take this position. For some contemporary examples, see Lenz (2012) and Achen and Bartels (2016). For an opposing view, see Ansolabehere et al. (2008).

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