

Dimitrios Efthymiou

**Political Lying
in Newey and Bellamy**

INTRODUCTION

Are states justified to lie to their citizens? Before delving into what Glen Newey thought about this question, here is an example from current affairs: the story of the Ukrainian Journalist Arkady Babchenko (BBC 2018). Ukraine staged his murder to foil his assassination by Russia allegedly. More specifically, the authorities announced his death only to present him alive, and well, 24 hours later. The case of Arkady Babchenko besides attracting wide press coverage and amusing headings such as: ‘you only live twice’, it also raises questions that are at the core of Newey’s work as well as of Bellamy’s paper on political lying in this volume: were the Ukrainian authorities justified in staging his murder and lying to their people and their allies? Was their decision a case of Machiavellian virtù or a rather clumsy and inept exercise of political will? And if it was inept, why was it inept? Was it because in this way the Ukrainian authorities undermined their democratic credentials by resorting to tactics that are no better than those deployed by their adversaries? Was it because they undermined the ideal of liberal democracy that requires politicians not to fool their citizens by spreading fake news and aiming at least instead of being truthful to them?

The article tries to answer this question by providing a qualified defence of Newey’s work on political lying and defend a revamped version of his position from several objections. The structure of the article is as follows. Section 1 lays out Newey’s consent-based argument against political lying as well as his views on when political lying is permissible. It provides an analytic and revamped reconstruction of that argument that remains faithful to what it takes to be the key normative kernel of his critique of political lying and

it distinguishes between three types of qualifications to its scope. Section 2 shows, contra Bellamy, why Newey's argument does not constitute "too high a standard" but a rather moderate, if not too timid one by showing that Newey's core argument i) survives a rejection of a *consent-based* objection to political lying as a violation of the agreed terms of democratic association; ii) it is in some respects *less realist* than Bellamy's preferred approach while more demanding in others; iii) it leaves enough space for *civic virtue* as a means to robustly safeguarding democratic politics from deception and finally; iv) it provides us with more robust safeguards from political rhetoric and spin than Bellamy's preferred approach creating in that sense the needed space for genuine agreement based on rationality and empirical knowledge consistent with the democratically approved wishes of the electorate.

I. NEWEY'S THESIS ON POLITICAL LYING

To better understand Newey's thesis on political lying, and Bellamy's criticisms of it, one needs to examine in some detail some key passages, and arguments, from his earlier work. Let us call them P and Q. In his last book, Newey says that:

(P) = There is no free-speech-based right to lie in the public sphere because free speech is based on freedom of association whereas lying on the terms of association precludes joining agency with others on mutually agreed terms.

Deception clearly disrupts association because the proposition to which agreement is being sought differs from that on which the proposer aims to act.

There could be, however, cases or conditions in liberal democracies where politicians are permitted if not required to lie. Newey's earlier article on political lying also sets out these conditions:

(Q) = to have a claim-right to something is to have a claim-right to whatever is a necessary condition of securing the thing that the right is a right to.

Therefore, in virtue of (Q) it is justified that citizens are lied to when they have consented via their vote to a policy that successful implementation of which requires lying. As Newey puts it:

If D is a legitimate democratic decision-procedure, it is a condition of respecting the citizens' autonomy that their D-approved wishes (expressed through the ballot, etc.) are respected, i.e., that the D-approved policies are implemented. But citizens may, via D, approve some policy (e.g., relating to official secrecy), whose implementation demands that they are lied to.

Newey here seems to follow a tradition in political theory that emphasises the importance of consent in democratic legitimacy. The rest of this section focuses on where Newey keeps and breaks rank with that tradition. This type of analysis matters not for cartographic purposes but because it will help us assess the force of his argument as well as that of the criticisms levelled against him. Like Hobbes, Locke and Rousseau Newey appears to share the view that a state is democratically legitimate only if it comes about with the consent of those subject to its authority (Christiano 2006; Estlund 2009, 119; Pettit 2012). In that sense, Newey can be read as subscribing to a consent-based theory of democratic authority that could be generally stated as follows:

There is no democratic authority over a person without that person's consent to be under that authority.

This consent-based conception of democratic authority has been criticised as implausible and Bellamy does a good job in his article in reminding us of some of these criticisms (Bellamy 2019; Christiano 2006 and 2008). This focus on consent is not, it will be argued, a fair criticism of the *spirit* of Newey's argument. Newey, in the passages mentioned above, takes for granted that there is a legitimate democratic decision-procedure in place, possibly brought about by the consent, actual, hypothetical or tacit, by all those participating in that decision-making procedure. This claim is not, nevertheless, the normative core of Newey's argument. Its normative core is a particular *nullity proviso* that renders consent on the part of the ruled conditional (Estlund 2007, 119). The relevant nullity proviso could be stated as follows:

Consent on the part of the ruled or governed does not establish legitimate democratic authority over them when it is brought about by lying or deception.

Consent serves more here as a safeguard for the effective control over the *kind* of promises rulers could make to the ruled rather than as a normative prerequisite for every type of democratic decision-making. It is better, therefore, to read Newey here as not primarily concerned with consent to a particular pol-

icy or procedure but with whether voters' authorisation of a particular policy via democratic means is nullified when that policy is the product of lying. This nullity proviso is what this article takes to be the normative kernel of Newey's position.

Reading Newey's argument in this way brings him closer to some arguments put forward by Philip Pettit (2012) in his later writings.¹ There Pettit, like Newey, explains how lying amounts to deception over the choices available one has (Pettit 2012, 54-55). Deception on the part of those who are, or wish to win, political office, amounts to an effort to unilaterally control the will or preference of voters by mispresenting policy choices that are available as unavailable (or choices that are unavailable as available) or, more often, by giving policy choices qualities that they do not have. An example here could help to illustrate the point and highlight the similarity between Newey's position and Pettit's. Following Newey and Pettit we could formulate the following claim:

A gives her vote to B believing that B will deliver P with qualities x, y, x+,x- etc.

A has an interest in knowing whether B is truthful about delivering P with qualities x, y, x+x- etc.

When politicians are not held accountable for lying then, voters lose effective control over their policy choices as it becomes difficult for them to know whether a policy P has the qualities politicians claim it has or not. When deceived voters choose "x" after being led to believe that "x" is "Great X" only to find out later that what is presented to them as "Great X" is nothing but "little x" instead. If one substitutes "vote" with "money" above, one gets the analogy sought by Newey between deception in the exercise of political rights and deception in the exercise of consumer rights. Lying, in both cases, is a form of unauthorised and undisclosed interference with the choices one has.

At this point, one needs to draw three distinctions that follow from the above definitions and that will help to motivate the discussion that follows in the rest of this article. They also add three qualifications to Newey's position. First, there is a set of options that are incompatible with democratic decision-making that voters are not entitled to exercise. If this is true, then

¹ See also Goodin (1980) for an account of manipulation in politics.

political lying has a restricted domain of application in well-ordered democracies and concerns those options voters have a right to exercise. For example, politicians may be permitted to lie about whether they intend to ban a neo-Nazi political organisation if that is *necessary* to foil the neo-Nazi group's plot to take over power by a military coup as this not an option that citizens are entitled to exercise in a democratic decision-procedure.² Newey's position is compatible with this mild first qualification of his thesis as it does not preclude that a concern for political lying operates within a domain framed by democratic ideals.

Second, a distinction needs to be drawn between first-order and second-order political decisions. A D-approved wish, in Newey's terms, is a first-order decision over the kind of policy that a democratic government should pursue. It is imperative that voters are not deceived on what that policy exactly is. A second-order decision, on the other hand, concerns the choice of the means to pursue the D-approved wish. It is possible that voters approve some means and not others or that they prefer some means more than others. As long as all preferred means do not contradict D-approved wishes and are compatible with democratic ideas, there is no conflict between the preferred D-approved wishes and the preferred means. Politicians may be justified to lie to voters about successful conditions of implementation if and only if voters *irrationally reject the only means available* to implement what they are deeply committed to as expressed in their D-approved wish. We may say that Newey was a weak paternalist concerning second-order decisions because he thought that it is permissible for politicians to interfere with means that voters choose to achieve their stated ends if those means are likely to defeat those ends (Dworkin 2017). This is the second qualification of Newey's thesis that explains why Newey thinks that political lying in some cases is permissible.³

Third, there could be cases of political lying where state officials do not lie to their citizens but politicians, and citizens, of other states. This case is a hard case that Newey does not discuss in detail. One could argue that politicians

² See Christiano (2006) for a discussion of internal limits to democratic decision-making.

³ Newey could also be read as a soft paternalist with respect to first-order decisions, at least to the extent that one reads his thesis on political lying as implying that politicians have a duty to ensure, or at least a duty to make it more likely, that voters opt for a policy knowledgeably and hence voluntarily. More on this point below at II.3.

are only bound to tell the truth about policy options to citizens of their state and even that they are required to lie to members of other political communities if that is necessary to serve the D-approved wishes of their citizens best. This course of action may make sense in times of war, especially with undemocratic regimes and it is also consistent with the requirement of just war theory but it also has its limits.⁴ It explains, for example, why it was permissible for the allies to deceive Nazi-Germany over the precise time and location of D-day but it does not explain why it was wrong for Japan to deceive the USA about its intention to declare war to the USA in order to successfully launch its surprise attack in Pearl Harbor. Can Newey's argument about political lying be given an international scope and apply consistently at least in times of peace among democratic states? Prudential considerations could motivate politicians to be truthful in their discussions with their counterparts in other countries (Bellamy 2019, 20; Mearsheimer 2011). But it is hard to see why such considerations could prove robustly reliable over time, especially between states that are asymmetrically positioned due to inequalities in military or economic power. It seems difficult, therefore, to value Newey's concern for political lying in isolation from other normative considerations. The case of international relations between democratic states in times of peace makes that clear. Concern for political lying within a given democratic society alone without invoking normatively thicker considerations such as *equal and reciprocal respect* for the D-approved wishes of other political communities and their rights to democratic self-determination and political non-domination is difficult to defend without succumbing to brute realism.⁵ This is not to say that political lying is never justified in international relations among democratic states. Lying to one's citizens could be justified *when unequivocally necessary to preserve democratic self-determination and non-domination not just domestically but also internationally* as these are the very commitments on which democratic politics is based (see also above). This final point is the third qualification to Newey's argument I would like to defend. His thesis on

⁴ On just war theory see e.g. Walzer 1977.

⁵ I use 'brute' here to distinguish between realists, on the one hand, that appeal directly and exclusively to the national interest or self-interest of the relevant agent and forms of realism that are more inclusive and critical of current inequalities of bargaining power between states or individuals, see e.g. Kennan (1985) vs. Rossi and Sleat (2014) respectively.

political lying has independent merit, as thinly formulated, but it becomes more forceful when combined with these normative considerations rather than when examined in isolation from such considerations.

It is important to emphasise at this point that in all of the above cases, and the qualifications discussed, lying remains wrong according to Newey's thesis* and therefore something to be avoided whenever possible.⁶ Political lying does not, however, in those special cases and only in those cases, nullify the consent or authorisation given by citizens to politicians via a democratic procedure to pursue a particular policy P.

II. DEFENDING NEWEY'S THESIS* AGAINST FOUR CRITICISMS

II.1

Bellamy's article in this volume associates Newey's work on political lying with what he dubs the liberal democracy ideal (Bellamy 2019, 2); the ideal of democracy that Bellamy associates with Newey is that democracy requires consent and that lying removes consent. Bellamy argues that we need to take some critical distance from the ideal of liberal democracy and instead examine how truth and truthfulness play out in the circumstances of politics. As he puts it in the following representative quotations:

Although truthfulness in politics will be shown to rest on persuasiveness and opinion as much as logic and facts, it will be argued that distinctions can be drawn between private interests and public reasons; deception and delusion; honesty and dishonesty; if not between lies and truth per se (Bellamy 2019, 4).

There may be no secure epistemological grounding of the objective truth and morality of most political opinions but that does not mean politicians can simply say and act as they please so long as the electorate are willing to believe and support them. Rather, we can expect them to offer a minimum

⁶I use "thesis*" here and throughout the text to signify that this is my revamped version of Newey's thesis based on my interpretation of the quoted passages. This interpretation is based only on some of Newey's writing (Newey 2013; 1997) and it is closer to some of his writings (Newey 2013) than others (Newey 2000; 2001) and it is in some respects inconsistent with his most realist moments (Newey 2010) albeit consistent with his commitment to freedom as undetermination and nonheteronomy (Newey 2018).

of reasoned and evidence-based arguments for their views and actions that, even if not conclusive, can be assessed independently and freely by voters, opponents and the media with regard to their likely strengths and weaknesses (Bellamy 2019, 4).

Although both logical and factual truth play an important part in political reasoning, they cannot fully determine it. As John Rawls noted, practical reasoning on political issues has a normative dimension and consequently labours under what he called the “burdens of judgment” (Rawls 1993, 55-56) (Bellamy 2019, 15).

Bellamy takes as his point of departure that Newey’s argument that lying is morally bad because it removes consent yet potentially democratically permissible when we consent to it. He finds, however, these standards too demanding and proposes some less stringent standards. He argues that the rejection of political lying and deception, as incompatible with democracy, is simply too much to ask from democratic theory; an overly demanding baseline that needs to be abandoned. He associates this demandingness of this baseline with contract-based attempts to render our moral judgements not just informed and coherent but also compatible with more demanding normative standards (Bellamy 2019, 11). Bellamy devotes a section of his paper defending that claim and attempts to enlist Rawls on his side. This is, however, a rather bold claim given that one could read Rawls’s theory as an attempt to limit the domain of political agreement by highlighting the importance of considerations of impartiality and reciprocity in our political judgements (Rawls 1993; 1999).⁷ For Rawls, therefore, as I read him, the range of reasonable disagreement is rather narrow as it excludes views that reject the equality and priority of basic liberties as well as their resourcing via a social minimum required for their effective exercise such as traditional utilitarianism and libertarianism respectively (Rawls 1993; Freeman 2007). Burdens of judgement do not directly lead to a state of reasonable disagreement as simply a condition where rationality and empirics do not any more alone favour one side of the argument more than the other *irrespectively* of how partial and un-reciprocal or unreasonable that side is.

Further, Rawls believed that the two principles of justice laid out in “A Theory of Justice” was the expression of the *most reasonable* conception of jus-

⁷ On the role and political implications of reciprocity in Rawls’s theory, see Efthymiou 2019a.

tice for liberal democracies even if it is proven difficult for everyone to agree to those principles in actual and foreseeable liberal and democratic societies (Freeman 2007). Finally, Rawls (1999) believed that moving from the realm of principles to actual policies requires a good deal of empirical knowledge that may vary from one society to another (e.g. decisions concerning “the role of different social and moral factors in crime, and hence of the most appropriate forms of punishment and policy responses”). Hence, I disagree with Bellamy on his use and interpretation of Rawls’s work but do not want my criticisms just to be a matter of nailing my colours to the mast on that particular point. Instead, and given that I share the broadly republican approach he is committed to, I aim for an internal critique of his criticisms of Newey in an attempt to defend what I take to be the *spirit* of Newey’s argument (see section I above).

So, here is my first point. Even if we were to reject consent-based or more broadly contract-based accounts of liberal democracy and adopt the thinner conception of democracy favoured by Bellamy, for example, a way to aggregate preferences in order to reach a decision that reflects equal influence and the opinions of the majority in conditions of genuine reasonable disagreement, we will still have very similar and as stringent reasons as before to care about political lying and deception. Political lying simply amounts to misrepresenting options, and as voters, we have an interest in knowing whether we have option X or Y and how attractive to us these options are. Whatever rhetorical techniques are used (only because it is more convenient or self-serving to politicians) to give political choice characteristics that it does not have (or even that are irrelevant to the political choice in question) amounts to deception in the domain of first-order decision making. As explained in some detail in section 1 political lying is a way of tricking us to choose one particular option as opposed to another that better matches our set of political preferences. By removing consent-based theories from the picture, we do not also necessarily remove or weaken considerations against political lying concerning the political choices we inevitably face.

II.2

Let me now move to my second point. Bellamy discusses and rejects paternalism in the paper but when it comes to discussing the example of the Good Friday agreement, his position is difficult to discern versus that of Newey. He says about the Good Friday agreement:

[...] democratic politicians have also denied negotiating with those they have hitherto condemned as ‘terrorist’ or ‘enemies’ in order not to arouse domestic opposition prior to obtaining a peace deal they believe will ultimately serve people’s interest. For example, former British Prime Minister John Major repeatedly and vehemently denied speaking with the IRA when making the initial moves that eventually gave rise to the Good Friday Agreement (Bellamy 2019, 9).

Lying may be a justified means if it can be shown to serve good ends... as most commentators believe was the case with the secret negotiations that ultimately brought peace to Northern Ireland. Some see such cases as instances of Machiavellian political virtù, in which a wrong action proves allowable when it is necessary to achieve a valid political goal such as peace and stability, from which all will benefit (Berlin 1971). (Bellamy 2019, 9).

Some commentators contend that democracy can be reconciled with deceit and lying by politicians in a parallel manner if it can be argued that voters have consented to the use of deceit and lies by governments, at least in exceptional circumstances such as these, where national security might be at stake (Bok 1978, 172, 181; Newey 2003 also advocates such an arrangement, although he notes its paradoxical character). Such consent obviously cannot be given to any particular lie or deception without being self-defeating. But it could be justified in general terms and consent given through the passing of legislation or a constitutional provision giving the executive certain emergency powers to act deceitfully (Thompson 1987, 22-23, 25-26). (Bellamy 2019, 10).

[...] granting politicians such powers depends on their being trusted to act according to their mandate. Even with controls, such as those described above, such trust may be open to abuse. Meanwhile, to use executive privilege to lie in these circumstances without the requisite evidence or justification would be deceitful and subject to the same strictures as apply to the original case (Bellamy 2019, 10).

Bellamy’s line of argumentation here appears similar to Newey’s but that is only because they *reach* the same conclusion. Notice that Newey could have agreed with Bellamy’s verdict in the case of the Good Friday agreement, but by following a very particular route to reach the same conclusion. If D is a legitimate democratic decision-procedure, it is a condition of respecting the citizens’ autonomy that their D-approved wishes (expressed through the ballot, etc.) are respected, i.e., that the D-approved policies (in this case an

approved policy for seeking peace in Northern Ireland) are implemented. However, citizens may, via D, approve some policy (e.g., relating to official secrecy), whose implementation *demand*s that they are lied to.

Is Bellamy's argument here different from Newey's? It is unclear to me whether it is, especially after one distinguishes lying in the domain of first-order vs. lying in the domain of second-order decisions. If Bellamy's position is not that different to Newey's because, for instance, peace and stability have been democratically agreed to as political goals, as in the Northern Ireland peace talks example, then Bellamy's argument is strikingly similar to Newey's argument. However, if it is so much in line with Newey's rejection of first-order paternalism, then it is not terribly original, and hard to see how it qualifies as a criticism of Newey's position.⁸ If it is different, then it must be because of Bellamy's rejection of lying tout court regardless of whether it concerns first-order or second-order decisions or because Bellamy believes that lying is justified in certain cases and specific circumstances, regardless of whether these concern first-order or second-order decisions as long as lying in such cases is democratically authorised and effectively controlled by democratic institutions. It is unclear to me how much different Bellamy's position is in relation to Newey's thesis* in the examples discussed. To see this, imagine a scenario where voters authorise politicians to lie to them on issues of peace and stability in specific circumstances as long as their actions are checked by relevant democratic institutions. But isn't that tantamount to voters saying to politicians "we authorise you to lie to us about how you go about in certain circumstances achieving what we value as our first-order D-approved policy because we recognise that in these cases lying is a necessary means to our D-approved ends and,

⁸ In an earlier version of Bellamy's article, to which this paper was initially meant to respond, Bellamy took a position that was closer to first-order paternalism in cases of peace and stability. In my first round of comments I suggested that such first-order paternalism is unnecessary if the wish for peace and stability is democratically approved. This appears to be Bellamy's line of argument in the revised version of the article published in this volume. Hence, partly, my difficulty to discern the remnants of his previous position in the revised version of his article. For example, in his 2010 article Bellamy allows more space for deceit as a permissible means to the politicians' hands. He says there: "compromise between plural demands and white or dark lies may all require political reasoning be less than public and make equivocation and deceit a virtue" and "politicians must act as foxes and keep certain things hidden".

by the way, because we do not trust you in doing that only when necessary we also authorise you to instate certain institutional safeguards against unnecessary lying”? The only difference then is that *authorisation* to lie in exceptional circumstances as a necessary means to successfully implementing a D-approved policy is necessary in the case of Bellamy’s republicanism whereas unnecessary according to Newey’s thesis*, although preferable. But this criticism of Newey sounds more like a more robust nullity proviso on democratic decision-making rather than the less demanding and more realist version Bellamy promises to deliver vs. consent-based approaches like Newey’s.⁹

II.3

Let me now move to my third and fourth criticism that is more focused on some broader aspects of Bellamy’s criticisms of Newey’s argument. Newey’s focus on political lying could be read as relying on a particular kind of civic virtue on the part of both politicians and voters that goes beyond serving self-interest. Why would otherwise politicians, and voters, provide each other with the truth if that did not serve their self-interest? It is easier perhaps to think of cases where a voter asks a politician: “is this really in my interest?” rather than the opposite and hence to argue that politicians as public servants of their electorate are bound by a duty not to lie to the electorate about what is on offer to them. Doing otherwise would be tantamount to the rulers treating the ruled as merely the object of political power as opposed to its subject; not exactly a democratic picture. This concern for abuse of power is the normative core of Newey’s thesis* on political lying. However, here the question then is whether honesty on the part of politicians is a civic virtue necessary as a safeguard against political lying? Bellamy has his doubts in his commentary. He acknowledges that:

⁹ In general, the marriage of realism and republicanism seems to me like an unhappy one and difficult to sustain without succumbing to adapted expectations and falling into some form of status quo bias. See Pettit (2017) on the compatibility of realism and republicanism and Efthymiou (2019b) for the criticism that republicans are in some cases a bit too eager to invoke indeterminacy and disagreement in levels of adequate protection against domination in order to resort to the “tough luck” test of democratic legitimacy as a procedure that does not favour the will of anyone more than any other.

If the liar and deceiver is an honourable person, then the good intentions of their lie seem at least more trustworthy as not stemming from mere self-regarding interests (Walzer 1973, 166). (Bellamy 2019, 9).

But he then adds:

The difficulty with this argument is that the conviction that one is ‘right’ in one’s ‘heart’ is a self-legitimizing reason, that could be deployed both honestly and dishonestly, and involve a high degree of self-deception (Osborne 2005, 135-137). Virtue may not always be able to wear its heart on its sleeve, but how can we trust it if it does not? The worry is that politicians who engage in what they regard as justified strategic lying may be simply self-deceived. In these cases, the motivation makes little difference – their acts may have been well-intentioned but their unfounded and misguided lying will still be objectionable as involving unwarranted manipulation and paternalism (Bellamy 2019, 9).

I think that Bellamy is right to focus on motivation as something on which Newey’s argument partly relies on but wrong, or at least too quick, to dismiss truthfulness as a virtue, or a disposition to tell the truth, that politicians ought to have or at least to aim at.¹⁰ This is the case, I will argue, even if accept the rather non-ideal circumstances of politics, as Richard depicts them, and even something like a civilising force of hypocrisy is inevitable for the reasons he gives in his article (e.g. burdens of judgement, limits of factual claims etc.). Even in those conditions, we still have reasons to value such virtues, not just as personal qualities but also *civic* qualities. Let me explain with the use of an example:

A commitment to truthfulness as a virtue makes less likely the adoption of false positives when it comes to policies that claim to serve the common good. This is because those who act in accordance to a disposition to seek truth are more likely to spend more time double-checking facts about whether, for example, a policy “x” or “y” would actually benefit everyone economically as opposed to a particular social group. Even if truthfulness is difficult to measure, we are more secure in a world where politicians are required to aim at that ideal

¹⁰ I follow here Pettit (2015), rather than Mearshamer (2011) in his treatment of honesty as a robust good the provision of which requires telling the truth robustly rather than merely when it is for one convenient or beneficial.

than in a world where the room for rhetorical manipulation is greater. Hence, there is an argument, even a consequentialist one, for treating truthfulness as a virtue or as a disposition that politicians ought to aim at in order to deliver better policy results concerning policies from which everyone benefits. There will be a smaller number of cases of ‘false positives’ of the ‘civilising force of hypocrisy’, so to speak, when a significant number of politicians are to some extent, or fully, motivated by a concern to present their constituents with the truth about the choices they face to a world where politicians care for truth only when it suits them or when they are forced to care.¹¹ It is an advantage then of Newey’s thesis* that it relies on, or at least leaves space for, civic virtue.

II.4

One could object at this point that the room for a kind of politics that appeals to the common good is small. It is precisely because the room for such politics is limited that the scope for agreement is rather limited, the objection goes. How are we to proceed, if we were to follow Newey’s thesis*, in conditions of genuine reasonable disagreement where facts and reason alone do not favour one side more than the other? It is at this point that Bellamy takes some distance from Newey’s thesis* and its commitment to logical and empirical reasoning. Bellamy says at this point:

Part of the difficulty in determining where precisely lying starts and ends on the continuum between truth and mendacity, rests on practical judgments in the realm of human affairs not being capable of justification on the basis of either ‘rational’ or ‘factual’ truth alone. Both have their role but neither fully determines our judgments (Bellamy 2019, 13-14).

Again, one can agree with Bellamy that practical judgments in the realm of human affairs are not often argued on the basis of either ‘rational’ or ‘factual’ truth alone. This is an indisputable fact, especially in an arena increasingly characterised by post-truth and bullshitting, as rightly Bellamy points out (Bellamy 2019; Davis 2017; Frankfurt 2005). The important question here, however, is not the extent to which rational and factual truth determines our political judgements here and now but rather whether rhetoric and spin should be allowed to determine our political judgements in

¹¹ See Efthymiou 2018 on the relationship of dispositions to civic virtue.

conditions of genuine reasonable disagreement. Here are three reasons to be sceptical about that claim.

The first and broader methodological point here is that there is no difficulty on “where to draw the line” between “presenting one’s case effectively and in the best possible light and lying and deception” (Bellamy 2019, 13). To put it more succinctly: there is no problem with “presenting one’s case effectively and in the best possible light” when this is achieved by presenting valid and sound arguments, but there is a problem when this is accomplished by informal fallacies and rhetoric regardless of whether one has reached a state of genuine reasonable disagreement or not. Lying and deception is just a subset of efficacious but fallacious persuasion. Hence, a line between presenting one’s case in best possible light and deception is clearly drawn here; and it is a line fully compatible with Newey’s thesis*.

The second point is that the use of rhetoric and spin could be justified, according to Newey’s thesis*, on grounds of weak paternalism but not because of the limits of “rational and empirical truth” in political argument. For example, if a D-approved policy P can only be successfully implemented by use of rhetoric and spin rather than “rational and empirical truth” then politicians, in such conditions and only in such conditions, are permitted to use rhetoric and spin for the same reasons they are also permitted to lie. This is what follows from Newey’s thesis* and its relevant qualifications. However, note that this applies only to the case of second-order decisions and not in cases where there is genuine reasonable disagreement over first-order decisions. This, I think, is another key difference between Newey’s position and Bellamy’s.

Third, one wonders how much that space of unresolvable disagreement and political impasse shrinks when one adopts a rationalist and empirical approach to assessing political decisions.¹² The claim that reaching an agreement requires rhetoric and spin in conditions of genuine reasonable disagreement appears false. Rhetoric and spin are not practically required to resolve a reasonable disagreement over the maximally feasible implementation of D-approved first-order principles. Instead, strategic considerations come into play and should come into play in such conditions. Here is an example:

¹² This space shrinks further if one accepts, as Bellamy (2019, 17) seems to do that democratic deliberation is more likely to deliver more accurate decisions than alternatives (List, Goodin 2001).

Assume A are voters and B politicians. Assume a subset of A, A_1 prefers policy x to y and that the only way get to x is to form an alliance with subset A_2 in order to elect the number of B_1 and B_2 politicians necessary to make it more likely that x than y. Suppose, further, A_1 and A_2 disagree over z but agree that getting x over y is more important in getting or not getting z respectively. In those conditions of irreconcilable disagreement over z there is agreement that x is superior to y. Consider now a variation of the above scenario, where A_1 and A_2 disagree not just over z but also over the degree to which x is to be preferred to y.¹³ In those conditions, members of A_1 have reasons to vote as members of A_2 (for B_2 candidates) if they have good reasons to think that by voting for B_2 candidates they will get somewhat more of x as opposed to y than if they vote for B_3 candidates that favour univocally y to x if their preferred candidate B_1 that has very limited chances to win any seats.

One could object here that these complex political decisions are oversimplified in the above example and not easy to make due to limited information and limited rationality. This is not, however, an argument for the opposite of *such* decision making.¹⁴ It is rather a call for doing our best, given these limitations to human reasoning. Even in conditions where no option could be shown to be instrumentally better than any other resorting to rhetoric and spin is worse to resort to than a lottery. Choosing randomly at least preserves the autonomy of the will of the voter whereas rhetoric and spin, even in conditions of genuine political disagreement and uncertainty, aim to defraud the voter about her will and preferences.¹⁵ Newey would agree, I think, with that conclusion and exhortation: politicians have a duty to layout a rationalist and informed strategy in light of the preferences of their voters. Voters on the

¹³ See e.g. Hamlin and Stemplowska (2012) on how the use of indifference curves could help inform such decisions.

¹⁴ For example, one could distinguish here between one scenario of genuine reasonable disagreement concerning first-order decisions where politicians use rhetoric and spin to deceive voters to choose among two options that voters are rationally indifferent to and a second scenario where voters choose rhetoric and spin as a tiebreaker between two equally good political options. But also in this second case voters' choice is based on fallacious thinking and therefore on something that lacks argumentative value. Choosing randomly, in such conditions, is at least a sign of resistance to succumbing to fallacious thinking.

¹⁵ See Efthymiou (2015) on why we can and are justified to choose randomly in such circumstances; that is when such a random choice does not affect directly or indirectly the maximum realization of our political commitments.

other hand, have a right not to be deceived about their first-order political choices regardless of the degree of disagreement and uncertainty in democratic decision-making.

CONCLUSION

In this article, I argued that Newey's writings on political lying amount to a concern for safeguarding voters' will or preferences from deceptive influence on the part of politicians. The primary motivation behind Newey's approach, consistent with his attraction to Hobbesian realism, is a concern with the darker sides of political power and the tendency of politicians to abuse that power, I argued. For Newey the antidote to manipulative manoeuvres by politicians eager to gain, or remain in, power is to place on them the burden of proof when it comes to the truthfulness of their claims. "Prove to me that it is true, that policy P that you propose has qualities x, y and z if you want me to vote for you and to be bound by my decision to opt for you and P" says Newey's citizen to the politician. It is also important that we do not (over)interpret Newey's call as a call for a wider set of comprehensive checks and balances on the exercise of political power but as a call merely compatible with such checks and balances. Newey's thesis* on political lying is not an attempt to transcend this Hobbesian side of politics. What animates his thesis is a rather modest attempt to tame that dark side of politics, if not to minimise its reach. A call meant to serve rather as a reminder that even when politics is not brutish and short, it can still be quite nasty and bullshit-ty.

REFERENCES

- BBC, "Arkady Babchenko: Ukraine Faked Murder of Journalist", <https://www.bbc.com/news/world-europe-44307611>.
- Bellamy R. (2010), "Dirty Hands and Clean Gloves: Liberal Ideals and Real Politics", *European Journal of Political Theory*, vol. 9, n. 4, pp. 412-430.
- (2019), "Lies, Deception and Democracy", *Biblioteca della libertà*, vol. LIV, nn. 225-226.
- Christiano T. (2006), "Democracy", *Stanford Encyclopaedia of Philosophy*, <https://plato.stanford.edu/entries/democracy/>.
- (2008), *The Constitution of Equality*, Oxford, Oxford University Press.

- Davis E. (2017), *Post-Truth: Peak Bullshit - and What We Can Do About It*, London, Little Brown.
- Dworkin G. (2017), "Paternalism [Electronic resource]", Stanford Encyclopaedia of Philosophy, <http://plato.stanford.edu/entries/paternalism>.
- Efthymiou D. (2015), "Sen's Idea(l) of Justice", *Jurisprudence*, vol. 5, n. 2, pp. 352-362.
- (2018), "The Normative Value of Partisanship: When and Why Partisanship Matters", *Political Studies*, vol. 66, n. 1, pp. 192-208.
- (2019a), "EU Migration, Out-of-work Benefits and Reciprocity: Are Member States Justified in Restricting Access to Welfare Rights?", *European Journal of Political Theory*, <https://doi.org/10.1177/1474885118825360>.
- (2019b), "Respect in Neo-Republicanism: A Good Too Rich or Too Thin?", *Res Publica*, <https://doi.org/10.1007/s11158-019-09423-6>.
- Estlund D. (2009), *Democratic Authority: A Philosophical Framework*, Princeton, Princeton University Press.
- Freeman S.R. (2007), *Rawls*, London - New York, Routledge.
- Frankfurt H. (2005), *On Bullshit*, Princeton, Princeton University Press.
- Goodin R.E. (1980), *Manipulatory Politics*, New Haven, Yale University Press.
- Hamlin A., Stemplowska Z. (2012), "Theory, Ideal Theory and the Theory of Ideals", *Political Studies Review*, vol. 10, pp. 48-62.
- Kennan G.F. (1985), "Morality and Foreign Policy", *Foreign Affairs*, vol. 64, n. 2, pp. 205-218.
- List C., Goodin R.E. (2001), "Epistemic Democracy: Generalizing the Condorcet Jury Theorem", *Journal of Political Philosophy*, n. 9, pp. 277-306.
- Mearsheimer J. (2011), *Why Leaders Lie*, London, Duckworth.
- Newey G. (1997), "Political Lying: A Defense", *Public Affairs Quarterly*, vol. 11, n. 2, pp. 93-116.
- (2000), *After Politics: The Rejection of Politics in Contemporary Liberal Philosophy*, New York, Springer.
- (2001), "Is Democratic Toleration a Rubber Duck?", *Res Publica*, vol. 7, n. 3, pp. 315-336.
- (2010), "Two Dogmas of Liberalism", *European Journal of Political Theory*, vol. 9, n. 4, pp. 449-465.
- (2013), "Toleration, Free Speech and the Right to Lie", in Id., *Toleration in Political Conflict*, Cambridge, Cambridge University Press, 2013, pp. 183-206.
- (2018), "Realism and Surrealism in Political Philosophy", in M. Sleat *et al.*, *Politics Recovered: Realist Thought in Theory and Practice*, New York, Columbia University Press, 2018.

- Pettit P. (2012), *On the People's Terms: A Republican Theory and Model of Democracy*, Cambridge, Cambridge University Press.
- (2015), *The Robust Demands of the Good: Ethics with Attachment, Virtue, and Respect*, Oxford, Oxford University Press.
- (2017), “Political realism meets civic republicanism”, *Critical Review of International Social and Political Philosophy*, vol. 20, n. 3, pp. 331-347.
- Rawls J. (1993), *Political Liberalism*, New York, Columbia University Press.
- (1999), *A Theory of Justice*, Cambridge (MA), Harvard University Press.
- Rossi E., Sleat M. (2014), “Realism in Normative Political Theory”, *Philosophy Compass*, vol. 9, n. 10, pp. 689-701.
- Walzer M. (1973), “Political Action: The Problem of Dirty Hands”, *Philosophy and Public Affairs*, vol. 2, n. 2, pp. 160-180.
- (1977) *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, New York, Basic Books.

