

The Ethics of Electioneering*

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THE stump is the protean site of democracy. Candidates take positions that follow them into the legislature. Their words, directed at potential voters, can find their way into laws. But if we dwell on the machinery of elections, it's difficult to make sense of the thought that electioneering—seen as a complex practice—can be more or less democratic. On one leading view, elections are aristocratic in character.¹ Upstream from Election Day is a set of activities that has escaped the scrutiny of democratic theory. There are media appearances, photo-ops, debates, town hall meetings, and the ubiquitous get-out-the-vote. The diversity of these practices can make the omnibus concept, “electioneering,” seem theory-resistant.² Deliberative theorists have tended to silo campaigning, treating it as an activity not subject to their proposed rules of talk.³ Epistemic democrats have considered political systems as a whole, paying little attention to the epistemic function of competitive elections.⁴ So we should be wary about

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¹Bernard Manin, “The aristocratic character of election,” *The Principles of Representative Government* (Cambridge: Cambridge University Press, 1997).

²See, for instance, Dennis Thompson's “Election time: normative implications of temporal properties of the electoral process in the United States,” *American Political Science Review*, 98 (2004), 51–63. There the site is election laws, rather than the underlying morality of campaigning.

³For a prominent example of this “siloeing” of campaigns, consider this representative claim: “The attitudes and practices of campaigning—emphasizing the sharp differences with opponents, refusing to find common ground or look for ways to compromise, and concentrating on defeating rather than cooperating with opponents—are not deliberative but may be appropriate, even necessary, in a campaign.” Jane Mansbridge, James Bohman, Simone Chambers, Thomas Christiano, Archon Fung, John Parkinson, Dennis F. Thompson and Mark E. Warren, “A systemic approach to deliberative democracy,” *Deliberative Systems*, ed. John Parkinson and Jane Mansbridge (Cambridge: Cambridge University Press, 2012), pp. 1–26. In Section II, I will discuss a broader sense of deliberation that has been brought to bear more directly on campaigning.

⁴Consider two exceptions. Keena Lipsitz's “Democratic theory and political campaigns,” *Journal of Political Philosophy*, 12 (2004), 163–89, considers the democratic values that bear on election law. Second, Alvin Goldman's *Knowledge in a Social World* (Oxford: Clarendon Press, 1999) takes up the point of view of the citizen's minimal knowledge to cast a meaningful ballot in an election, rather than the point of view of the candidate in need of action-guidance. These two pieces take up the point of

assurances that campaigns are efficient “epistemic engines,” with democratic properties “baked-in.”⁵ The democratic candidate is left without the most basic action-guidance. How can I permissibly run for legislative office? This question includes prerogatives: What sorts of promises or even pledges can I justifiably make? And it raises obligations: What kind of assurances must I make within this competitive practice?

This article grounds the practice of electioneering in the normative transactions between candidates and constituents. My argument comes in five parts. In section I, I note the limits of three models of electioneering. The first sees the stump as a suspended context. Candidates aren’t able to tell the truth or lie within a practice where there isn’t reasonable expectation of the truth. The second model reduces the activity to a bare competition for legislative authority. The third views the activity of campaigning as exhaustively epistemic. Section II defends an alternative model of electioneering. The relational theory is unified by two characteristic kinds of commitments generated by candidates: testimonial and promissory. The exercise of these normative powers is closely connected. Each involves the solicitation of trust. That, I argue, is the core element of electioneering. The next three sections defend my account. Section III offers an argument from vulnerability. *If* we value a democratic relationship between citizens and their authorized representatives, we have reason to adopt this model. I then run two kinds of checks on the relational view. Section IV shows how the relational model avoids Goldilock’s dilemma. How can candidates avoid committing to too much or too little? Section V tests the theory’s explanatory power. Can it account for what is troubling about campaign infractions, including pandering, lying, bullshitting, and mudslinging?

The relational model reveals the democratic potency of the stump. Our joint “say” in politics shouldn’t be reduced to the single slice of time on Election Day. The second-personal transactions that precede that moment provide us with leverage against those who we install into high office, who inevitably claim to act in our name. Campaigns are made up of just words. But they open up channels of communication that allow us to hold representatives answerable for their attempts to solicit our trust. If reliable, these channels make it possible for us to elicit commitments that manage the power imbalances built in representative democracy. Seen in this way, the incurred commitments of the stump can help offset the chronic vulnerability of citizens. That’s the democratic promise of the

view of, respectively, the institutional designer and the citizen who is deliberating among candidates. Here I consider the distinctive point of view of the candidate who is seeking a legislative office.

⁵Elizabeth Anderson, “The epistemology of democracy,” *Episteme*, 3 (2006), 8–22 argues that democratic systems use society’s epistemic resources efficiently, but elections are folded into the broader system of representation without further explanation. Bernard Manin’s *Principles of Representative Government* (Cambridge: Cambridge University Press, 1997) offers the most sustained analysis of the practice of electioneering. He rejects commonplace thought that elections are characteristically democratic procedures, stressing what he takes to be the aristocratic character of elections.

model. But these channels of communication can break down. At their worst, campaigns deepen the inequality between co-citizens and their representatives. They make us principals in name only.⁶

I. THREE MODELS OF THE STUMP

Campaigns are composed of strings of speech acts, sold in bulk and on the cheap. Surely the point of campaigns is communicative. Candidates seem to traffic in propositional content. Even political scientists accept that campaigns are “information environments”—sometimes rich, often blighted, but still fundamentally involving epistemic exchange.⁷ If we assume without argument that the point of campaigning is principally epistemic, we risk begging the question. So let us first consider two models of campaigns that discount their epistemic role, either wholesale or retail.

A. THE SUSPENDED MODEL

We know what political speech looks like when it’s unregulated by truth. Legislators deny that a claim they made was “intended to be a factual statement.”⁸ The *suspended model* rejects the claim that the practice of democratic campaigns is capable of communicating truth-linked concepts. For Jason Stanley, this is because democratic elections are no longer warranting contexts.⁹ Where there is no expectation of the truth, candidates lack the ability to make assertions to constituents. This entails the conclusion that lying isn’t even available within the practice of stumping. Notice the strength of this conclusion. There just isn’t a sense in which candidates can lie if they lack a vocabulary to

⁶Here I bracket the problem of material inequality in electoral politics. My reason turns on money’s distorting influence. We first need to understand the democratic potential of campaigning without introducing this powerful gravitational force. Only then we can address head-on the permissions and obligations of candidates acting within a corrupted system. One reason for political theory’s inattention to the obligations of candidates has been its rightful focus on institutional corruption. This work has been fruitful, but I’m suggesting an alternative method for thinking about the ethics of electoral politics. We can make progress by engaging in initial idealization and abstraction. We first inspect the point of a practice, and search for an account that explains the paradigmatic wrongs within it. Then we will be in a better epistemic position to understand the reforming responsibilities that candidate have when they are operating under corrupt conditions. For two theories of institutional corruption, see Dennis Thompson’s “Two concepts of corruption,” *Edmond J. Safra Working Papers*, No. 16; and Larry Lessig, *Republic, Lost* (New York: Twelve Books, 2011).

⁷Even among legislative scholars there is the widespread premise that campaigns should serve as truth-conducting mechanisms. Here’s a representative example: “Political campaigns are expected to inform voters about issues of the day, to reduce their dependence on simplistic labels, and to enable them to reach reasoned choices; Stephen Ansolabehere and Shanto Iyengar, *Going Negative: How Political Ads Shrink and Polarize the Electorate* (New York: Free Press, 1996), p. 15.

⁸Elizabeth Lesly Stevens, “Big deal. I just said it. I didn’t say it was true,” *New York Times*, May 14, 2011.

⁹Jason Stanley, “Silencing speech with propaganda,” *New York Times*, June 25, 2011.

assert and deny propositions. The most unequivocal way to deny that campaigns have an epistemic point is to reject that belief-implicating concepts play any role in this practice. Political speech is left to play other roles that don't involve the conveyance of truths. Its audience has no epistemic warrant to treat candidates as telling the truth.¹⁰ No matter that they give their word.

The suspended model relies on an analogy from the epistemology of silencing. If men come to believe that a woman's refusing a sexual advance isn't conveying non-consent, women can lose the capacity to refuse advances.¹¹ The denial of uptake can morally compound the situation of the silenced individual. That she isn't believed may lead her to experience a special—and profoundly warranted—insult. We can put this kind of testimonial injustice in a more general form.¹² A person is susceptible to being silenced when two conditions hold: (1) she is not believed by an audience; and (2) this disbelief is a response not to evaluating the content of her claims and finding them incredible, but treating her speech acts as lacking any propositional content at all. Here are the basic parts of Stanley's argument, as imported into democratic practice:

Uptake Premise: The audience of the contemporary practice of campaigning does not expect candidates to engage in truthful speech acts.

Silencing Premise: If there's no expectation of truth-telling within a practice, participants lack access to truth-linked concepts, including assertion, inference, and the charge of falsity.

Conclusion: Candidates are not capable of telling lies—or asserting truths—within the practice of campaigning.

The first premise puts forth an empirical claim, which then interacts with the epistemological claim of the second premise. My response has three parts. First, we can reject the set of views about public attitudes in the Uptake Premise. In its defense, we are told that the general public “no longer expect consistency and honesty from politicians,” nor do they “blame politicians for making false statements or statements that obviously contradict that politician's beliefs.”¹³ *Expectation* has a predictive and normative sense. I may expect that you'll forget our long-planned lunch. But when you show me up, I still feel like you've misled me by making a commitment you couldn't keep. My worry is that Stanley's picture of public opinion conflates these two notions. Citizens who don't expect to be reliably told the truth—taking expectation in the predictive sense—may still be warranted in experiencing reactive attitudes towards candidates who lie to them. The famously low esteem of the public for legislative bodies doesn't coexist

¹⁰For an analysis of suspended contexts, see Seana Valentine Shiffrin, *Speech Matters: On Lying, Morality, and the Law* (Princeton, NJ: Princeton University Press, 2014), pp. 16–20.

¹¹Rae Langton, *Sexual Solipsism* (Oxford: Oxford University Press, 2009).

¹²Miranda Fricker, *Epistemic Injustice* (Oxford: Oxford University Press, 2009).

¹³Stanley, “Silencing speech with propaganda.”

peaceably with the thought that candidates are epistemic innocents, lacking access to even the most basic testimonial channels.

Second, there's a mismatch between the strength of the Uptake and Silencing Premises. A practice bears epistemic material when its participants think they are being told something. It isn't enough for the participants to be extremely skeptical of what is said. To the contrary, on this model, citizens can't experience skepticism towards certain candidates, for that implies that there the practice allows certain trustworthy candidates to successfully tell us something—anything. It isn't enough for the Uptake premise to rely on claims about whether ordinary citizens typically believe the speech acts of candidates. For the argument to be valid, the first premise must bear witness to a stronger empirical claim: the practice of campaigning isn't an environment where it's possible for a candidate to secure uptake from an attempted assertion. How can we reconcile this with Stanley's claim that candidates routinely "make statements that contradict even their most well-known beliefs"? The possibility of non-contradiction, after all, isn't available if we see the campaign trail as a suspended context.

The suspended model, then, proves too much. If we accept its two premises, we are committed to the view that the participants of elections—citizens, interest groups, journalists, and watchdogs—are "silenced." For the argument can't cabin its conclusion to the expectations we have *towards candidates*. If the practice of campaigns is resistant to truth-telling, participants lack testimonial powers. The citizen who challenges the claim of a candidate is guilty of a category mistake. If candidates aren't capable of communicating through truth-linked terms, their audiences lack access to the charge of falsity, which serves as the "sharp end of a critique of injustice," as Bernard Williams put it.¹⁴

When combined, the two premises serve as a universal acid. Return to the analogy that inspired this model. On a plausible-sounding view, silencing occurs when attempts to assert non-consent are taken as lacking content. Silenced individuals could rightly be seen as victims of epistemic injustice. They are persistently disbelieved because of their gender or status.¹⁵ This denies them access to an essential vocabulary. But it is difficult to think of candidates as co-victims of a practice that denies them the ability to make assertions. Here the analogy breaks down. If citizens come to hold a default posture of disbelief towards candidates, there is no sense in which they are unjustly silencing individuals competing for their votes. If there is a principal victim in this epistemically defective practice, surely it is individual citizens tasked with selecting candidates whose relationship to asserting and assuring can be one of mere convenience. The model is forced to treat citizens—the audience of

¹⁴Bernard Williams, *Truth and Truthfulness* (Princeton, NJ: Princeton University Press, 2002), p. 209.

¹⁵Fricker, *Epistemic Injustice*, pp. 12–7.

candidate speakers—as *enablers* of a practice that has left truth behind. In so doing, it displaces the epistemic responsibility of candidates for their tellings and assurances.

B. THE COMBAT MODEL

A second model is built around zero-sum, competitive character of campaigns. Political scientists have compared campaigns to prizefights, where greater intensity of conflict increases participation, or hardball, where a certain amount of injury is inevitable.¹⁶ This model makes no direct reference to the epistemic function of campaigns. It lends itself to the thought that the epistemic norms that apply to candidates are less stringent than ordinary interpersonal relationships or the norms of officials acting in office. The candidate may have permission to engage in speech acts that would be impermissible on the floor of the legislature. At least certain species of misleading, overpromising, and ungrounded attacks will be taken to be an acceptable cost of campaign practice. Lawmakers face sanctions for “unparliamentary language.” They can face exile from the chamber for serial ad hominens. Candidates face no such regulations.¹⁷

Competitive campaigns can create a faulty incentive structure. Speech acts that are intentionally vague or badly false can serve the interests of candidates. Those who treat truth-governing norms as purely optional may have an advantage over truth-tethered rivals. Alvin Goldman thinks this follows from the epistemic vulnerability of ordinary voters. Candidates will resort to any string of speech acts that will “persuade a majority that they are the preferable candidate, whether or not these communications are true or accurate.”¹⁸ That the epistemic obligations of candidates are more lenient has a long, if scandalous, history. Edmund Morgan’s *Inventing the People* showcases candidates in the early American republic who saw themselves as licensed to engage in lies and even threats that would be impermissible if made within elected office: “Things were said and done that would not be permitted at another time, and it was bad form to take serious offense at them.”¹⁹ The idea is that by voluntarily standing for an office, candidates open themselves up to epistemic treatment that would be

¹⁶Robert Goodin, “Perverting the course of politics,” *British Journal of Political Science*, 40 (2010), 725–39, at p. 735, considers a version of this view, which he ascribes to the hard-bitten realist: “It is enough that if we voluntarily consent to play a game with known rules, then we cannot complain when other players act in accordance with those rules.” Ansolabehere and Iyengar, *Going Negative*, p. 116, qualify the analogy: “Political campaigns, however, are not nearly as orderly as professional boxing matches. No ropes keep the audience from joining in.”

¹⁷An Ohio law banning false political speech is the one exception in the United States, and it may well be struck down in *Susan B. Anthony List v. Driehaus*. See David Hawkings, “Can you lie in politics? Supreme Court will decide,” *Roll Call*, April 14, 2014.

¹⁸Goldman, *Knowledge in a Social World*, p. 184.

¹⁹Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W. W. Norton & Company, 1989).

unacceptable in nearly every other domain of life. It's a familiar contextualist defense, one that some observers begrudgingly have come to accept.

The combat model's relaxed treatment of epistemic norms may find implicit support in just war theories. Suppose soldiers who freely enter military service join a practice where it is permissible for them to be killed or to kill.²⁰ Within the theater of war, they are consenting adults engaged in coordinated violence, where ordinary prohibitions on harming, maiming, and even killing are much less stringent. In some cases they are fully waived. Violence and epistemic injustices have conspired in campaigns. In a 1786 election to the Maryland legislature, the opponent of an establishment candidate scurrilously denounced him. The day after the election he challenged his denouncer to a duel. His opponent agreed to this form of politics by other means, but was taken aback, for he couldn't believe that "a man should be called out for anything that passed at an election."²¹ He had assumed that electioneering was a suspended context. His opponent didn't grasp the rough and tumble permissions of the practice.

But the problems that plague combat models of war have even greater force against this picture of campaigning. The professional boxer consents to be subject to actions that, outside of the ring, would constitute assault and battery. Has the citizen who presents herself as a candidate implicitly accepted the view that much less stringent epistemic norms apply to her and her competitors? Does she forgo her complaint about scurrilous untruths? Even if the analogy could be extended, the two views share the problem of third-party wrongs. Modern wars aren't fought between two neatly composed consenting groups but among many more individuals who wear no uniforms and agreed to nothing. So, too, members of the *audience* of a campaign have not consented to a practice with lax epistemic norms. They can be betrayed by intentional deception, even if candidates have forfeited their right to complain.

Unlike the suspended view, this model doesn't rule out the possibility that candidates will traffic in propositional content. Indeed, the only way to make sense of our Maryland candidate's reactive attitudes is to see him as regarding his opponent's speech acts as propositional. The combat model refuses to insist that campaigns have any essential epistemic point. It welcomes an environment in which the usual epistemic constraints on speech acts are greatly relaxed, or even suspended. This brand of agnosticism is a core element of Schumpeter's view of democracy, where "individuals acquire the power to decide by means of a competitive struggle for the people's vote."²² If we take this as exhausting the

²⁰Thomas Hurka, "Liability and just cause," *Ethics and International Affairs*, 20 (2007), 199–218, at p. 210. Michael Walzer defends a version of the combat model in *Just and Unjust Wars* (New York: Basic Books, 1977). For a sustained challenge to the "combat model" implicit in just war theorists, see Jeff McMahan, *Killing in War* (Oxford: Oxford University Press, 2009).

²¹Morgan, *Inventing the People*, p. 201.

²²Joseph Schumpeter, *Capitalism, Socialism and Democracy* (New York: Harper and Row, 1956), p. 269.

necessary and sufficient conditions for a democratic system, it is hardly “elitist”—unless it expands into an accordion term. If the elite are simply those who succeed in acquiring power, this doesn’t pick out the usual target of the term. Of course, a traditional view of elites sees them as having access to the most reliable means of acquiring the largest pile votes. What marks this account is the combative means it imagines securing power. Candidates compete for votes through a market-like mechanism. This exhausts the central properties of an election. Schumpeter doesn’t exclude truth-linked speech acts. He just doesn’t build these acts into his picture.

C. THE FORENSIC MODEL

A third model sees campaigns as displays of evidence by auditioning parties. Candidates engage in speech acts that can provide evidence for believing their claims. In the absence of more direct and reliable modes of evidence—unearthed private journals and secretly recorded audiotapes—we fall back on the testimony of candidates. But notice that, on this view, we treat their speech as just another form of evidence. Participants in the practice know that candidates have strong incentives to exaggerate, mislead, and outright lie. So they don’t go in for accepting the testimony of candidates. Sure, they can treat a candidate’s speech acts as evidence of certain commitments—a party plank or policy position. But this evidential approach is a different way of relating to another person’s speech acts.²³ In contrast, the *relational model* makes speakers vulnerable to the reactive attitudes of resentment and betrayal when they testify falsely or renege on a promise.

To see the force of this distinction, consider a candidate who makes a promissory commitment about her legislative agenda. Most of her constituency, however, refuses acceptance. A surface advantage of the forensic model is its dismissive treatment of campaign promises. Seana Shiffrin notes that while “many are cynical about [campaign promises’] sincerity and more doubt the likelihood of their fulfillment, their status as promises is rarely challenged. Yet they do not seem accepted by their audience.”²⁴ The audition account is well equipped to explain both phenomena. It suggests that citizens on the receiving end of a promise do not generally have reason to accept them. But it acknowledges that *attempts* at promissory speech acts frequently occur on the

²³For a forensic picture of trust, consider Philip Pettit’s account in *Rules, Reasons and Norms* (Oxford: Oxford University Press, 2002), p. 357. He holds that the “trustee is likely to have a desire, intrinsic and instrumental, for the good opinion of the trustor and of witnesses to the act of trust. The desire for that good opinion will tend to give the trustee reason to act in a way in which the trustor relies on him to act.”

²⁴Seana Valentine Shiffrin, “Promising, intimate relationships, and conventionalism,” *Philosophical Review*, 117 (2008), 481–524.

campaign trail.²⁵ An audience doesn't need to accept a promissory commitment to treat it as a piece of evidence. They may think of such a speech act as making it slightly more likely that the candidate will vote according to their announced intention.

Suppose a candidate is skilled at impression-management, and cares deeply about avoiding discrediting herself when she runs for reelection. The fact that she explicitly committed to devote political capital to a policy end should not be discounted altogether. Even though we—her audience—shouldn't accept her promise, we may still treat it as a consideration that bears on our vote. When, in office, the promise is broken, we may be disappointed if we thought it was a credible piece of evidence. But if we stay faithful to the forensic model, we won't have reason to confront the legislator with reactive attitudes like resentment and indignation. Unless we accepted the speaker's assertions or promises, we don't acquire a right of complaint. In the absence of uptake, we haven't made ourselves susceptible to being wronged when the commitment isn't honored.

The forensic model, then, conceives of a campaign's audience as holding a distanced posture towards candidates. We don't typically take them at their word or accept their promissory gestures. There is some limited evidence that citizens discount campaign pledges and rely a candidate's track record to determine what they *expect* if the candidate wins office.²⁶ For those who see campaigns as streams of evidence, the goal isn't to identify a candidate whose stated position most closely maps on to their own. They will draw upon all forms of evidence to find the candidate most likely to produce their favored policy results.²⁷ Perhaps the audience recognizes that legislators must act together to accomplish anything, so they rely on a proxy of past legislative productivity as a better heuristic than the candidate's own testimony about their past success and future plans. This brings out the forensic model's default suspicion towards speech acts in campaigns. Not only is there nothing privileged about knowledge acquired second-hand through the words of candidate, but it treats speech as meriting higher scrutiny. Speech is an imperfect way of getting at a candidate's beliefs, and assurances that one is saying the truth can further complicate how we handle a public assertion. More direct evidence, like a candidate's blushing or his "tell" when lying, takes center stage.

The forensic model struggles to explain what candidates see themselves as doing. Suppose a candidate tells members of her constituency something about

²⁵For now, we can put aside whether a promise without uptake can retain its status. For Judith Jarvis Thomson, *The Realm of Rights* (Cambridge, MA: Harvard University Press, 1992), pp. 296–8, a promise's audience must "receive[s] and accept[s] the invitation."

²⁶See, for instance, Morris P. Fiorina, "Divided government in the American states: a byproduct of legislative professionalism?" *American Political Science Review*, 88 (1994), 304–16.

²⁷Michael Tomz and Robert P. Van Houweling, "Candidate positioning and voter choice," *American Political Science Review*, 102 (2008), 303–18.

policy or her own political convictions. Typically *she aims at being believed*. She doesn't just want to be evaluated as one truth-gauge among many in the campaign. She takes the kind of assurances she is offering as meaningful. They implicate her, as the speaker, in a direct way. The forensic model struggles to capture the wish to have one's word taken seriously. It doesn't have the resources to explain the epistemic responsibility that candidates—as solicitors of trust—take on. If the candidate's audiences don't accept her vouching for assertions and assurances, they deprive her of liability for her policy commitments. The worry is that the candidate isn't able to take responsibility for her speech acts on the campaign trail. Put under scrutiny, the forensic model revealed its own inadequacy. If we are hiring someone to play a part, we can have candidates audition behind a one-way mirror or pre-record a performance. We don't need them to make promises to us, or to give us assurances of the truth of their claims. The audition tapes can be enough. But if we want to register campaigning as an authentically democratic activity, it can't look like this. Or so I will argue.

II. THE RELATIONAL MODEL

There's a line as old as democratic elections: "I'm asking for your vote." We usually take it as a courteous, if empty, way of putting the candidate into a supplicant relation to the ordinary citizen. Beneath this slogan is a grain of truth. The relational model starts by conceiving a candidate's speech acts as addressed to a particular audience. Campaign speech acts are forms of second-personal address. They empower the audience—inviting trust or assurance—that cannot be understood apart from a person-to-person claim. In inviting their audiences to trust them, candidates aren't "simply pointing to a reason holding in normative space."²⁸ This model marks out interpersonal exchange as central to the practice. Candidates are attempting to tell an audience something, or to register their commitment to action. They are not offering up free-floating claims—"P is true" or "P will happen." Their speech acts have a more directed character, soliciting trust from their target audience.²⁹

The relational model sorts electioneering into two kinds of normative transactions.³⁰ The first is testimonial. Candidates *vouch for p*—whether p is a political conviction they claim to hold or a bill they intend to co-sponsor.

²⁸See Stephen Darwall, *The Second-Person Standpoint* (Cambridge, MA: Harvard University Press, 2009), p. 259. To put Darwall's paradigm case into our parlance: "I'm asking for you to get your foot of my toe."

²⁹For analogous directed appeals, consider the way inviting reliance has force in contract law, or the role of inviting trust in fiduciary law. Thanks to Bob Goodin for pointing me to these nearby examples.

³⁰For a discussion of the class of second-personal transactions, see Stephen Darwall's "Authority and second personal reasons for acting," *Reasons for Action*, ed. David Sobel and Steven Wall (Cambridge: Cambridge University Press, 2009), pp. 134–54.

You vouch for p that what you say is true. The second is promissory. You vouch p by assuring that you will *make p true*, registering your authentic practical commitment. Note that I use “promissory” to pick up a broader class of assurances than an official appeal to the practice of promising. Often this class of assurances is glossed first-personally: “I will do a ; trust me.”³¹ But this is overly restrictive for candidates seeking legislative office, where all activity is, in one way or another, jointly performed. More common forms of assurance will take on this form: “I will do a with x , y , z ; trust *us*.” Given that legislative action is joint all the way down, we shouldn’t expect candidates to make many explicit promises in a campaign. The semantic awkwardness of the phrase, “we promise,” is telling. If an explicit promise is something that we need some reasonable degree of control over, legislatures are hostile habitats for would-be promisors. The degree of coordination explains the intuitive thought that all-out promises shouldn’t be a regular occurrence on the campaign trail.

To take G. E. M. Anscombe’s picture of testimony, candidates are asking their addressees to “trust [them] for the truth.”³² This invitation makes use of two normative powers. By vouching they assume responsibility for their tellings and assurances, we say that candidates “give their word.” They assume a special kind of responsibility, guaranteeing the truth of their stated beliefs and discharging their promises.³³ The candidates incur responsibility for their words that is owed to their particular audience. It has candidates invite their audience to “take it from me.” If the audience accepts a candidate’s testimony, the fact that it has been addressed *to them* is significant. The way of relating to one’s audience is built into the relational model—its structure is necessarily “bipolar.”³⁴ The tellings and assurances accumulate over a campaign. They explain the familiar accounting that we demand of lawmakers when they seek reelection. The directed character of electoral speech acts is missing from the previous models. Even the view of campaigns as forensic exercises isn’t properly directional. It had us assess the tellings of candidates as if we were behind a one-way mirror. Auditioners aren’t offering assurance, but bare evidence.³⁵

³¹Richard Moran, “Getting told and being believed,” *The Epistemology of Testimony*, ed. Jennifer Lackey and Ernest Sosa (Oxford: Oxford University Press, 2006), p. 273.

³²Anscombe, “What is it to believe someone?” in C. F. Delaney (ed.), *Rationality and Religious Belief* (University of Notre Dame Press, 1979), pp. 9–10.

³³Robert Brandom, “Asserting,” *Noûs*, 17 (1983), pp. 637–50.

³⁴Michael Thompson, “What is it to wrong someone? A puzzle about justice,” *Reason and Value*, ed. R. Jay Wallace, Philip Pettit, Samuel Scheffler and Michael Smith (Oxford: Oxford University Press, 2004), pp. 333–84.

³⁵For an attempt to incorporate deliberation into campaigns, consider the proposal in Bruce Ackerman and James Fishkin’s *Deliberation Day* (New Haven, CT: Yale University Press, 2004). Citizens are encouraged to attend a day of sessions on the central public policy issues. The topics are pre-selected by candidates, but the exchanges are principally among citizens, not candidates and citizens. Deliberation day, then, supplements campaigns by encouraging deliberation among citizens, but it doesn’t provide a unifying account of the practice of campaigning. The relational account, I hope, is capable of explaining the appeal of exchanges among citizens during campaigns.

Even when non-relational models manage to explain a candidate-speaker's self-understanding, they don't supply the right kind of reason.³⁶ To see this objection, suppose a candidate's constituency is in the grip of the forensic model. And suppose they are convinced that this candidate is a perennial liar. The twist is that he knows that they have this view of him, and they know that he knows this. So our candidate engages in a "double-bluff." He announces his strong support for a bill pending before the assembly, fully expecting that he will be disbelieved in this announcement. His audience will assume he is falsely announcing his support to bluff them, so they arrive at the correct belief that the candidate supports the bill. His double-bluff is successful, and his speech act has transmitted accurate information to his audience. What should the forensic model say about the double-bluffing candidate? His speech acts, after all, are being treated as a kind of evidence. They reliably result in correct belief. But this circuitous route to correct belief is morally significant. The forensic model isn't easily able to register the fact that the candidate isn't being believed.³⁷ What's absent in Anscombe's Double-Bluffer and our own candidate is a shared understanding between the speaker and audience. The audience doesn't believe the speaker, and his route to getting them to hold a correct belief is torturous.

If we see candidates as trying to solicit our trust, can we explain the competitive character of the stump? My view holds one pairwise relationship as central: the link between candidate and individual voters. This invites the objection that it can't explain the conditions under which candidates can compete against each other. The combat model took competition as a constitutive feature of campaigning, with its plentiful metaphors of war rooms and hardball politics. In dwelling on candidates' attempts to assure us and, eventually, to act jointly with us, does it overlook their dogged efforts to defeat each other?

It does not. On the relational model, candidates compete by challenging the normative transactions between candidates and citizens. The site of their competition is precisely the channels of communication—testimonial and promissory—that all candidates make use of. They don't challenge each other to play any given competitive game—say a televised chess match. They compete over their use and misuse of these channels, calling out opponents for renegeing on commitments, or accusing opponents of insincerity. In this sense, negative campaigning is typically part of the process of soliciting truth. The candidate points voters to a pairwise comparison between *her* assurances and tellings and her opponent's use of these epistemic mechanisms. This suggests an explanatory advantage of this model. The combat view struggles to make sense of the candidate

³⁶Edmund L. Gettier, "Is justified true belief knowledge?" *Analysis*, 23 (1963), 121–3.

³⁷Anscombe, "What is it to believe someone?" p. 9 describes the double-bluffer in this way: "[S]uppose I were convinced that B wished to deceive me, and would tell the opposite of what he believed, but that on the matter in hand B would be believing the opposite of the truth. By calculation on this, then, I believe what B says, on the strength of his saying it—but only in a comical sense can I be said to believe *him*."

who seeks reelection unopposed. Why not stay home? For the relational view, one can still engage in recognizable campaign activities without an opponent. At the same time, it gives us the resources to worry about a system where almost one third of candidates run unopposed in the general election. Without rivals to challenge their speech acts, unopposed candidates will be in the position to take advantage of the communicative channels of the electoral process.

Our actual practice of campaigning falls short of this model. If we come to see the channels of communication of the modern campaign as seriously degraded, it's tempting to embrace the suspended model. Maybe candidates are unable to tell the truth—not pathologically, as pundits like to say, but constitutively. The relational model invites an objection to foregrounding the normative power of candidates to transfer powers to their audience. If campaign assertions and assurances lack uptake, this may explain the view that campaign promises are mere attempts.³⁸ They lack a vital success condition, failing to secure reliance.

Two answers are available. The first is empirically underwritten. There is considerable evidence that citizens are willing to punish candidates for breaking promises and pledges.³⁹ Their attitudes of betrayal are so strong that they will reliably vote against candidates even when a promise was broken taking a policy position *closer to their own*. While more evidence is needed to understand how the individual citizen perceives promissory obligations, it suggests that campaign promises are taken much more seriously than many commentators have assumed. The forensic model doesn't have a story for why candidates who are successful invest so much cognitive effort attending to their accumulated promises and cataloging available explanations to reconcile their track record and promissory commitments.⁴⁰ The second reply draws on a conception of democracy's value. If we see campaigns as suspended contexts, wholly or partially, we void their democratic potential. We write off the possibility of seeing agency in our relationships to candidates, and by extension, their legislative record. There isn't any sense in which we co-own the legislation of our shared political institutions. In what follows I will develop this argument from the chronic vulnerability of the citizen.

³⁸See, for instance, Seana Shiffrin, "Promising, intimate relationships, and conventionalism"; Julia Driver, "Promising too much," *Promises and Agreements*, ed. Hanoch Sheinman (Oxford: Oxford University Press, 2011), pp. 183–97.

³⁹Michael Tomz and Robert Van Houweling, "Political pledges as credible commitments," working paper. At the level of party planks and manifestos, the evidence that promissory commitments are kept is strong. See, for example: Ian Budge, David Robertson and Derek Hearl (eds), *Ideology, Strategy and Party Change* (Cambridge: Cambridge University Press, 1987); Ian Budge and Richard Hofferbert, "Mandates and policy outputs: U.S. party platforms and federal expenditures," *American Political Science Review*, 84 (1990), 111–31; Richard I. Hofferbert and Ian Budge, "The party mandate and the Westminster model: election programmes and government spending in Britain, 1948–85," *British Journal of Political Science*, 22 (1992), 151–82; and Hans-Dieter Klingemann, Richard I. Hofferbert and Ian Budge, *Parties, Policies and Democracy* (Boulder, CO: Westview, 1994).

⁴⁰Richard F. Fenno, *Home Style* (Boston: Little, Brown, 1978), pp. 10–24.

III. THE VULNERABILITY ARGUMENT

The relational model exposes the channels of communication—testimonial and promissory—that campaigns make available between citizens and candidates. It explains the normative power of candidates to give their word. The model can help solve a well-known bug in representative democracy: as citizens we only experience relations of co-authorship episodically. So we need to identify ways to constrain what we allow representatives to do on our behalf, to relate to our lawmakers as principals in an agency relationship. If this is where democracy's value “lives,” what does it imply for electioneering?

What distinguishes campaigns is the power they confer on the individual voters to act with their co-citizens. It is during this time slice that the balance of power favors blocks of citizens over aspiring legislators. But unless citizens have the authority to make demands on the future actions of their representatives, this co-authorial power can seem weak. If candidates aren't able to give assurances about their convictions and intentions, citizens lack the power to constrain the actions of their standing representatives. In making this claim, I'm fleshing out the normative power that testimonial and promissory speech acts share. Campaign commitment-taking involves a transfer of power. The best-known second-personal transaction is promising, where the promisor transfers the power to change one's mind to the promisee. The value of this normative power is most apparent in cases where there is an imbalance of power. So, on one plausible view, intimate relationships that contain imbalances of power and vulnerabilities are lively sites where this normative power can serve as a counterweight. Promises make possible relationships that respectfully manage forms of power.⁴¹ I think the argument from vulnerability can be run as effectively in the less-than-intimate environment of a campaign. The moment a candidate takes the oath and assumes authority, the ordinary citizen can experience powerlessness. This is potentially warranted. How can you and your co-citizens continue to be a meaningful principal in this relationship?

The relational model has a ready-made answer. Second-personal transactions make it possible to preserve a principal-agent relationship between citizens and representatives. In ordinary life, it can seem mysterious how a speaker could place oneself under an obligation by speech acts alone. Humeans have worried about “word magic,” where we generate obligations out of thin air. Seen from within the practice of a campaign, there isn't any alchemy needed. Prospective legislators already engage in extensive position-taking, expectation-raising, and the overt use of promissory concepts. Sketching the conditions for the collective uptake of assurances will be messy, and I won't pursue that here. For the vulnerability argument to work, we can assume that the addressees of campaign

⁴¹Seanna Shiffrin, “Promising, intimate relationships, and conventionalism.”

speech have the jointly held powers to engage in second-personal transactions and later to relieve promisors of obligations.

Suppose a candidate's audience accepts a promissory commitment, or takes a candidate "at her word." On the relational view, these speech-acts generate obligations that follow the candidate to the legislature. Citizens on the receiving end of second-personal transactions now hold special permissions and powers—to trust and rely on the future commitment to action, and to relieve the lawmaker of the obligation. If we see promissory obligations as transferring from candidates the power to change their mind to another party—their principal—we may have the basic materials to see how the power imbalances between the *principal* and the *agent* can be offset. I hope this initial sketch is enough to show how this device may be essential to honoring democratic values. If we care about relating to each other in ways that retain a democratic character in between elections, the power of citizens to accept binding promissory commitments may play a necessary role in the complex agency relationship of a representative democracy. Debunking views focus narrowly on the speech acts of candidates.

The vulnerability argument turns the table. It focuses on preserving the citizen-audience's power to *accept* promises, and only indirectly on the candidate's normative power to make them. To see how the indirect argument works, try to imagine a practice of campaigning where promissory obligations are conceptually impossible to generate. This is not a straightforward thought experiment, since even the most famously independent legislators have campaigned in ways that involved promissory speech acts.⁴² In 1780, Percy Charles Wyndham stood before his constituents as a candidate for parliament. He told them he would "serve them faithfully and honestly to the best of his abilities." He then sat down, at which point the town meeting chairman "informed him that he might as well said nothing."⁴³ If Wyndham has said more about his policy positions, he would have had to work hard to avoid inviting his audience to trust him.

For a sense of how to avoid promising, suppose that Jane is asked for a favor. Joseph Raz imagines her qualifying her statement in this way: "I am almost certain to offer you a lift to town tomorrow. In the circumstances it would be far wiser for you to rely on me rather than make alternative arrangements, but remember, I do not promise anything, I am merely advising you."⁴⁴ Here Jane is careful to avoid promising while intentionally inducing reliance. This cautious wording is designed to avoid the usual transfer of powers and permissions. It suggests that inducing reliance isn't a sufficient condition for promising.

⁴²Even Edmond Burke has candidates make promises regularly and with apparent uptake. See F. P. Lock's *Edmund Burke: Volume 1, 1730–1784* (Oxford: Clarendon Press, 1999).

⁴³Morgan, *Inventing the People*, p. 177. In response, Wyndham's opponent only made one promise: to "a present of thirty guineas to each voter." He won.

⁴⁴Joseph Raz, "Voluntary obligations and normative powers," *Proceedings of the Aristotelian Society, Supplementary Volumes*, 46 (1972), 59–102, at p. 99.

Now imagine Jane becomes a candidate for the assembly. When she speaks to prospective constituents, she always adds a rider. She might announce plans to co-sponsor a piece of legislation, but follow-up with the caveat, “All I can do is report my intentions.” Another favorite qualifier of hers is to end her speeches with despairing phrase: “. . . of course I might change my mind, or forget, or cease caring.”⁴⁵ Candidate Jane insists that she is never promising, only advising her audience how her future self is likely to act. It isn’t surprising to think that this overt attempt to cut off promissory obligations at the knees will infuriate campaign audiences. The relational model helps us see just how many campaign speech acts are best understood as solicitations to trust the speaker, and just how difficult it is for a candidate to abstain from promissory speech acts and say anything germane to the election at hand.

IV. GOLDBLOCKS DILEMMA

The relational model can escape a routine dilemma of campaigns. What kinds of commitments are candidates permitted or even required to undertake? A credible answer must avoid both under- and overcommitting. But escaping this Goldilocks dilemma is difficult. On the first horn, consider a candidate who we have strong reason to think is sincere but unlikely to make good on her solicitations to trust. Perhaps the forensic model’s refusal to accept second-personal transactions avoids the inevitable betrayal that candidates frequently bring. It focuses on whether we can reasonably expect an unreliable candidate to act in ways consistent with her announcement of intentions. Since the audience has no expectation that she will act in this way if elected, the audition view suggests that the candidate who signals a commitment lacks any obligation to meet these obligations. Suppose the series of wildly unrealistic promises of this candidate suddenly become easily dischargeable. Given this legislator’s past reputation, she isn’t on the hook for these past commitments. But surely her failure to conform to these promises is morally significant. The forensic model’s allowance that promissory speech acts can serve to generate expectations can be misleading. In T. M. Scanlon’s analogous example of Profligate Pal,⁴⁶ Pal borrows from us, offering a sincere promise to pay us back with interest. That fact that his promise is unlikely to be honored doesn’t seem to affect the moral significance of Pal’s refusal to repay. The absence of expectations doesn’t neatly cancel the transfer of power of a promisor. Even a promise made unrealistically isn’t self-voiding.

The other horn is no less appealing. Imagine a candidate who not only accepts, but fully embraces, the suspended model. His speeches sounds like a parody of the emotivist. There are plenty of boos and yeahs, but no proffers of content that

⁴⁵Moran, “Getting told and being believed,” p. 24.

⁴⁶T. M. Scanlon, *What We Owe to Each Other* (Cambridge, MA: Harvard University Press, 1998), p. 321.

is propositional. He even reminds his audiences: “I’m not really making any assertions in this speech.” We can bracket whether this utterance invites the electoral version of the liar’s paradox. For surely this qualifying statement is meant to convey propositional content. The first way to avoid second-personal transactions, of course, is to refuse to engage in any claiming at all. This is a cardboard figure, but I think that it reminds us of the worry that this model proves too much. The more familiar version of the under-promisor is the candidate who refuses to engage in any kind of promissory transactions. This kind of hedging, I suspect, would not be welcomed by an audience. My argument turned on the democratic reason to retain certain forms of power over representatives in between elections. In a campaign where no second-personal transactions occur between the candidate and audience, citizens can lose their right to complain. They can’t insist that they were given assurances that a policy would be pursued.

For a working model of the non-committal candidate, consider “gyroscopic” lawmakers.⁴⁷ They are chosen as representatives not on any assurances they make to us, but based on our predictions about the kind of policies they are likely to bless. The forensic model is perfectly content with this kind of figure. We assess their convictions and form a reliable prediction about their policy path. If our expectations are well-founded, we can select a representative that doesn’t need to be subject to the transfer of powers and permissions entailed by normative transactions. The relational model helps clarify a worry about this mode of representation. Consider two possible outcomes of gyroscopic selection. If, despite our best empirical predictions about their position-taking, we have misunderstood the internal compass of this lawmaker, there’s no recourse on our part. We don’t stand in any special relation to them, since they never offered, nor did we demand, that they make assurances to us. Suppose some of Immanuel Kant’s neighbors organized their schedules around his daily walk. He never invited them to do so, but over years their reliance was great. When Kant is in the grip of *Émile*, and skips his walk, they had no right to complain. If, on the other hand, all goes well, and the lawmaker reliably tracks our political commitments, is there any leftover concern? What could be troubling about this form of representation?⁴⁸

The relational model gives us grounds to think that there is something missing here. When our representative happens to vote in a way that doesn’t fly in the face of our political commitments, the underlying “wiring” still matters. If we care about relating to legislators in a way that involves the sharing of authority, the democratic concern becomes clear. Since there is no responsibility, however small,

⁴⁷Jane Mansbridge, “Rethinking representation,” *American Political Science Review*, 97 (2003), 211–39.

⁴⁸I’m grateful to Bob Goodin for raising this objection. For an empirical picture compatible with the gyroscopic model, see Warren E. Miller and Donald E. Stokes, “Constituency influence in Congress,” *American Political Science Review*, 57 (1963), 45–56.

to act on behalf of *our* convictions, we can count ourselves lucky when our lawmaker sticks to her predictable convictions. In voting for this candidate, we took a bet. This picture of citizenship as a moral gamble isn't alien; Henry David Thoreau compared the voter to a gambler.⁴⁹ But our model suggests that the gyroscopic representative who "stays to course" arrives at the right verdict for insufficiently democratic reasons. For we can't say that it is our felt political convictions that are playing any role in their decision-making. What is missing from this relationship is our credible experience of agency. It's not at all obvious that these lawmakers have grounds to see themselves as acting on our behalf or in our name. They act in ways we appreciate, but we lack a crucial relationship with them and their actions. In what sense can we be said to own their actions?

Taken together, these two characters remind us of the delicate equipoise that we demand from electoral candidates. On one horn, if they attempt to over-promise, their audiences rightfully react with suspicion. They may well reject the promise. The relational model conceives normative powers as second-personal, necessarily directed at particular persons. So the audiences' sense of betrayal isn't fully captured by the failure to conform to the particular intention that has been reneged on. It is compounded by the abuse of the normative powers available to candidates and citizens. They degrade our basis for accepting warrants—whether testimonial warrants that transmit true beliefs or promissory warrants that ensure fidelity to future commitments.

The relational model excels in explaining the other horn of the dilemma. Candidates who ask for their audience's votes without vouching for their assertions and assurances are also looked upon with reasonable worries. They avoid taking the characteristic responsibility that we associate with a speaker-audience relation. Since they are speaking in the service of attaining a position of disproportionate power over prospective constituents, our implicit concerns about their refusal to transfer some powers to their audience can now be explained. The vulnerabilities that citizens feel after Election Day—the ones that led Rousseau to claim that a representative system is an occasionally punctuated democracy—are genuine. The principal way of managing these differences in power is for candidates to make *use* of this normative power, giving citizens the opportunity to accept promises and retain partial control across time over agents tasked with acting in a way we authorize.

For many representatives, the pursuit of election ceases only in death.⁵⁰ Until now the commitment argument considered candidates in pursuit of an open seat in the legislature. But our model should be limber enough to speak to the responsibilities of incumbents. In seeking reelection, sitting lawmakers face two

⁴⁹Henry David Thoreau views voting as "a sort of gaming . . . and betting naturally accompanies it." See his "On the duty of civil disobedience," in "Civil disobedience," *Collected Essays and Poems*, ed. Elizabeth Hall Witherell (New York: Library of America, 2001), pp. 203–24.

⁵⁰I borrow from the language of Hobbes's propriety theory of power.

kinds of continuous demands. First, they owe justification for their voting record. But no less significant is an account of the speech acts—testimonial and promissory—from their last campaign. It is this second kind of normative pressure that the relational account is uniquely placed to register. Candidates cannot remind their constituents that campaigns are suspended contexts. They won't be able to recast their past assurances as mere predictions. These postures towards campaigning are politically untouchable. The relational view is flexible enough to explain the distinctive features of campaigning for reelection. When a lawmaker has reneged on a previous second-personal transaction, it's not enough for her to point out that this vote was favored by reason, all-things-considered. Failing to honor these normative transactions will trigger further obligations to those citizens who believed the candidate's testimony or came to rely upon their assurances. Whether changing one's mind on a non-trivial policy or falling short in meeting a promissory commitment, reelection campaigns force incumbents to answer for the speech acts of their past selves.⁵¹ Candidates for reelection must show more than synchronic integrity. They are on the hook for their diachronic integrity as well.⁵²

V. EXPLAINING CAMPAIGN INFRACTIONS

The relational model can seem objectionably rosy when compared to debunking accounts of campaigning. In one sense, the model is guilty as charged. We put it together with aim of finding the democratic possibility inherent in this practice. To respect the principal-agency relationship of democracy, we asked, how must candidates relate to prospective voters? This led us to the idea that campaigning involves the solicitation of trust—both in the truth of one's statements, and the raised expectations about one's future actions. But we know well that actual candidates fall short of this model with alarming frequency. So the model owes us a convincing explanation of the presumptive wrongness of familiar campaign infractions.

A. CAMPAIGN LIES

It's tempting to focus on the *effects* of lying. So the wrong of campaign-originating lies may turn on their general tendency to deceive audiences of prospective voters. The suspended model, of course, treated campaigns as suspended contexts where the presumption of sincerity is absent. Since campaign audiences have no expectation that candidates' speech is

⁵¹For a class take on backward-facing voting, see Morris P. Fiorina's *Retrospective Voting in American National Elections* (New Haven, CT: Yale University Press, 1981).

⁵²For this distinction, see Christian List and Philip Pettit, "On the many as one: a reply to Kornhauser and Sager," *Philosophy & Public Affairs*, 33 (2005), 377–90.

regulated by truth, they cannot be deceived. The combat model doesn't deny the possibility of deceit, but it invites audiences to grant epistemic leniency for candidates, who operate in a vote market. The worry about these two views is that they aren't capable of explaining the distinctive kind of wrong that lying in the pursuit of office involves. In making this claim, of course, I'm raising an objection external to these models. My assumption is that ordinary political morality isn't so strongly contextualist about the epistemic permissions of candidates. This isn't yet an argument, just an intuitive report.

The relational model's explanation of the campaign lie has greater power. Its rivals direct our attention to the likely deceptive effects of a discrete lie. In contrast, this view invites us to focus on the candidate's abuse of the basic technology of campaigning. The audience of a campaign is a vulnerable bunch—highly dependent on the testimonial warrants of candidates, parties, interest groups, and commentators. Few of us know anything *first-hand* about significant political issues, so our only epistemic route to form judgments will be hand-me-down knowledge. Our model unifies the normative powers of testifying and promising—it holds that both involve a speaker vouching for *p*—inviting the audience to trust her in asserting a proposition or assuring her commitment to act while in office.

What is basic about the campaign lie isn't its deceptive effects. Put aside whether a lie is likely to deceive. That isn't the paradigmatic wrong picked out by the relational view. Instead, the worry is that the candidate is abusing one of the core tools that empower citizens in between elections. The site of the wrong is the impaired relationship between candidates and constituents. The normative power to vouch for *p*—"trust me"—gives them license to complain when the invitation to trust is later betrayed. Because we are so epistemically vulnerable on political issues, we have special moral reasons to protect the basis of testimonial trust. Politics is just too complicated for individual citizens to aspire to become experts. Our epistemic dependence is a permanent feature of representative democracy.

B. BULLSHIT

Lies, by design, transit a false picture of the speaker's mental contents. But there is a cavalier attitude towards the solicitation of trust that is distinct from lying. Candidates bullshit when they speak with an "indifference to how things really are."⁵³ This sets them apart from both the truth-teller and the liar, who both acknowledge the norm of truth in governing beliefs and assertions. The truth-teller adheres to the norm; the liar flouts it. What a bullshitter says might be true fortuitously, and even if it is false, a listener might not acquire a belief in the content conveyed and so be deceived. So neither of these is the distinctive

⁵³Harry Frankfurt, *On Bullshit* (Princeton, NJ: Princeton University Press, 2005).

wrong in bullshitting. We don't need to accept the view that bullshit is a greater enemy of the truth than lying because it is motivated by an indifference to the truth. What's missing is a way of capturing the distinctive wrong of being indifferent to the norm of truth itself.

But notice that this problem is visible only from the second-person perspective, where I cannot trust your testimony because you do not aim to assert that, and only that, which is true. Candidates who treat their words as causal levels, constructed solely to move an audience, are falling short of the relational model in a salient way. They are shouldering an epistemic responsibility, inviting the trust of their audience, but lacking any basis or concern for whether this solicitation of trust is warranted.

C. STRATEGIC AMBIGUITY

Candidates inflect their speech acts with ambiguity. This posture can be electorally beneficial.⁵⁴ The Democratic Party's founding platform was crafted with considerable ambiguity.⁵⁵ The forensic model isn't surprised by findings like these. It has us treat the testimony of candidates with special scrutiny to guard against intentional manipulation of this kind.⁵⁶ We need a clear account of what is morally troubling with deliberative vagueness in position-avoiding. Even if strategic ambiguity can sometimes be justified, we are tempted to think of it as at least presumptively wrong in campaign settings. Why?

The relational model offers the resources for a convincing rationale. Recall the way it diagnosed our worry about under-promisor. This candidate worked tirelessly to ensure that nothing she said would bind her future actions as a legislator. By refusing to transfer any powers to her constituents, she reinforced the inequalities in power that are built in a system of representation. The relational view treats attempts to avoid conveying testimonial knowledge in a similar manner. Strategic ambiguity allows candidates to avoid committing to political proposition A over proposition B. They can invite their audience to "see what they want to see," increasing votes and avoiding the later charge they have flip-flopped on positions. Even if a lawmaker avoids breaking a promise, they may remain open to the charge that they have changed their position without good reason.

The candidate who engages in deliberate ambiguity makes the electoral choices of citizens much more difficult. Once bright line differences fade, voters will struggle to find unambiguous policy differences. This isn't to say that they will find

⁵⁴See, for instance, experimental findings that identify circumstances in which ambiguity is strategically valuable. This includes Michael Tomz and Robert Van Houweling, "The electoral implications of candidate ambiguity," *American Political Science Review*, 103 (2009), 83–98.

⁵⁵John H. Aldrich, *Why Parties?* (Chicago: University of Chicago Press, 1995), pp. 108–10

⁵⁶For an account of manipulation that bears directly on democratic politics, see Robert Goodin's *Manipulatory Politics* (New Haven, CT: Yale University Press, 1980).

themselves in the position of Buridan's Ass, who starves without a clear reason to eat one bale of hay over another. But citizens can still worry that their ability to make demands on a candidate who has failed to inform them about a position is denied when they aren't given any kind of testimonial address. Consider one type of complaint that a constituency might make: "You told us that you believed in the reality of human-made global warming. You vouched for it and invited us to trust you. And now you have suddenly starting making skeptical claims." In cases of strategic ambiguity, this kind of record-keeping isn't available. Citizens won't have access to the charge of inconsistency without updated evidence. Muddling speech acts deprives audiences of the ability to hold a speaker epistemically responsible for their affirmation or denial of policy claims.

D. PANDERING

The oldest charge against campaigners is that they are insincerely suiting their words to different audiences, relying on a kind of "acoustic separation."⁵⁷ Say pandering is giving inconsistent testimony tailored to different audiences.⁵⁸ The auditioning view may seem best equipped to explain the wrong at stake. Imagine a candidate who espouses a public position on the roots of abject poverty, but is overheard speaking to a room full of donors expressing an inconsistent account. The audition view would treat both sets of speech acts in a forensic manner. It doesn't place any special weight on whether speech is second-personally directed at one audience or merely overheard by another. For this model, the candidate who presents two mutually inconsistent claims to two audiences has a high probability of being guilty of lying. The two speeches serve as evidence that one of two propositions that he is making is false. To be sure, there is often implicit lying in the background of pandering. But viewing campaigns as auditions misfires by treating pandering as diagnostic of a campaign lie.⁵⁹

The relational model helps us see the distinctive kind of wrong involved in pandering. When a candidate vouches for a policy proposition, she makes herself accountable to her audience. This doesn't hold in the same way when we overhear someone speaking to another audience. The intended audience of the testimony, upon hearing the audiotape directed at another audience, might raise

⁵⁷Meir Dan-Cohen, "Decision rules and conduct rules: on acoustic separation in criminal law," *Harvard Law Review*, 97 (1984), 625–77.

⁵⁸There's disagreement among election scholars just how much pandering takes place in American legislative races. Compare the discussion of the pressure to offer customized explanations of voting records to difference audiences in Morris Fiorina, Samuel A. Abrams and Jeremy C. Pope, "Polarization in the American public: misconceptions and misreadings," *The Journal of Politics*, 70 (2008), 556–60, with Richard Fenno, *Homestyle*, p. 157, who observes high levels of consistency in the explanations of Senators to diverse groups of constituents.

⁵⁹Another way to acoustically separate one's message is to rely upon implicit symbols, conveyed by dog whistles. For a democratic worry about this kind of separation, see Robert Goodin and Michael Saward, "Dog whistles and democratic mandates," *Political Quarterly*, 76 (2005), 471–6.

this objection: “You told us X, and we believed you. But when you spoke to your donor you told them Y.” What’s morally distinctive about pandering isn’t mere testimonial inconsistency. Suppose that a candidate expressed two contrary positions within the same speech to the same audience. This may be probative evidence of a confusion, or possibly a deceptive act. But the special wrong of pandering depends on the fact that the candidate has changed her assertion of a proposition in an audience-directed way. The candidate is relating to two audiences in a way designed to elicit their votes, rather than in a way sensitive to epistemic norms of consistency and basic coherence.

There’s another way of comparing the forensic and relational models. Think of the candidate who avoids taking a civil rights stance out of fear of electoral repercussions. On marriage equality, he tells us “I’m not there yet, but you should know my views are evolving.” The pandering comes in his side message to supporters. He expects some of his audience to read between the lines, inferring that he will end up publicly supporting their cause in due time. So a single speech can simultaneously speak to two audiences, with its text and subtext. Whether this kind of interior pandering is more or less objectionable will depend on the issue at stake and the risks involved in speaking in one consistent voice. The candidate’s testimony is “off” in second way. He is treating his own speech acts as having a purely forensic character. He has, he tells his audience, noticed his views seem to be changing. What is odd-sounding about this formulation of one’s own political convictions is that they are treated as entirely out of one’s control. You don’t have to be volunteerist about belief to think this way of testifying to one’s beliefs is deeply awkward. We don’t merely look after our belief about marriage equality, much like we look after a bicycle.⁶⁰ The relational model evokes a different way of thinking about how a speaker relates to one’s beliefs. Testifying speakers incur responsibility for the truth of their beliefs. They vouch for their assertions’ correctness, inviting their audience to “trust them for the truth.” In the present case, the candidate is attempting to avoid this kind of epistemic responsibility. He is using language that encourages his audience to see him as an unreliable truth-gauge, whose views are changing without a hint of agency on his part.

E. MUDSLINGING

Negative campaigning can serve candidates indirectly. It has the potential to demobilize citizens who would have voted for one’s opponent.⁶¹ This mechanism may play a key role in explaining what can make it objectionable, and under

⁶⁰Matthew Boyle offers this analogy in “Active belief,” *Canadian Journal of Philosophy*, 39 (2009), 119–47, at p. 141.

⁶¹Ansolabehere and Iyengar, *Going Negative*. For a more recent picture of social science research on negative political advertising, see Richard L. Lau and Ivy Brown Rovner, “Negative campaigning,” *Annual Review of Political Science*, 12 (2009), 285–306.

what conditions it can be a permissible part of a democratic campaign. Suppose we conceive of negative campaigning along the lines of the relational account. It can demand that an opponent answer a challenge to a testimonial commitment that they have incurred. Or it can challenge an opponent for either taking on a commitment that ought not be taken on, or failing to honor this transfer of power that they have engaged in with a constituency. Once we construe the practice of campaigning in this transactional way, it should be clear that negative campaigning, civilly executed (or, in some cases, even without civility) is a presumptive responsibility of candidates. It serves the critical function of maintaining the integrity of the testimonial channel that genuinely democratic campaigns depend on. And it can be performed on behalf of a constituency who has *accepted* a promise only to have it subsequently broken. Consider a raucous section of Abraham Lincoln's negative attack on Stephen Douglas's failure to keep a promise. The gladiatorial character of this environment is apparent from the crowd's reaction:

I dared to suggest to him that he had expressly promised in one of his public speeches to investigate that matter, and I dared to suggest to him that there was an implied promise that when he investigated it he would make known the result. I dared to suggest to the Judge that he could not expect to be quite clear of suspicion of that fraud, for since the time that promise was made he had been with those friends, and had not kept his promise in regard to the investigation and the report upon it. [*Loud laughter. Cries of "Good, good," "Hit him hard."*]⁶²

Suppose that Lincoln realized that by attacking Douglas for breaking a promise, he wasn't persuading Douglas voters to switch their vote. More likely, this kind of attack will reduce the number of motivated voters who turn out for Douglas. Put this way, all negative campaigning is presumptively objectionable. Discouraging citizens from voting seems to be a pro tanto undemocratic act—at least if they are conscientious and reasonably informed. Lincoln may reply that he isn't *intending* to depress turnout. That is merely a side effect of his attempts to make Douglas answerable for his failure to discharge a promissory commitment.

A more convincing reply starts with Douglas's relationship to his promisees. Surely they have the right to demand explanation for his failure to live up to an announced intention. In calling Douglas out, Lincoln may see himself acting on behalf of the subset of the citizenry who stand in an impaired relationship to a candidate. Recall that the relational picture of campaigns views campaign activity as essentially *joint* activity. Inviting trust through testimony and promising each demand "uptake"—a speaker and not just a *hearer* (or over-hearer) but an *accepting* party. Demanding that Douglas repay the debt he has incurred is, to be sure, a negative speech act. It should be treated as a genus of negative

⁶²For this example to work, we must suppose that the Lincoln-Douglas "campaign" was an authentic mass election for a statewide elected office, rather than selection by a state legislature to the United State Senate.

campaigning. In ordinary political morality, however, we reserve mudslinging for speech acts with a negative valence that are themselves false. With the relational view in hand, we can explain what is especially concerning about mudslinging. It involves a distinctive compound wrong. Not only is a candidate abusing our shared testimonial framework—that transmission belt that is essential for making clear our mental contents—but she is also (at least typically) threatening to deprive her target of the ability to speak in ways that result in testimonial warrant. Suppose the wronged party is painted as unscrupulous or insincere. This may undermine their credibility, in the light of some voters, to make the two normative powers available to them in the campaign.

VI. CONCLUSION

We care about the activities of lawmakers “outdoors” no less than their protected habitat. Yet democratic theory has focused on the dignity and indignity of the indoors of legislating more than electioneering. Here we’ve found a way to conceive the practice as indelibly democratic. Seen as complex forums for soliciting trust, campaigns can serve an epistemic function. But they aren’t mere transmission devices for conveying information. Missing is an appreciation of the second-personal transactions between citizens and candidates. This inattention is behind recent calls of lottocrats that we dispense with campaigns altogether.⁶³

The stump has the potential to alter the agency relationship of citizens to their lawmakers, guarding against the inherent vulnerability of the ordinary citizen in a representative system. This feature is also a bug. The normative powers invoked in campaigning are liable to abuse. They can deteriorate when exploited by candidates. The relational view owes us a story about campaign wrongs, small and large. It preserves the thought that electioneering is communicative, while explaining what is troubling when candidates lie, get things wrong, and manipulate their constituency. Nietzsche was famously puzzled that an animal could be bred that was “permitted to promise.” If my argument is right, democratic candidates are even stranger, for they are not merely permitted to engage in normative transactions, but obligated to do so.

⁶³Alex Guerrero, “Against elections: the lottocratic alternative,” *Philosophy & Public Affairs*, 42 (2014), 135–78.