

A Partisan Right to Harm? : “Rights Talk,” Mass Polarization and Public Opinion on Public Health Based restrictions on Liberty

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Abstract

American politics is characterized by two trends. On the one hand, social problems tend to be framed as issues of competing rights which tends to obscure the costs and obligations associated with the exercise of individual rights. On the other hand, partisan sorting has led to partisan polarization and negative partisanship. This study claims that when issues are framed in terms of partisan rights, partisans are likely to assert co-partisans’ “rights” to engage in socially destructive behavior but deny the same “rights” to out-partisans. We test these hypotheses using three framing experiments referencing both politicized and non-political issues. The results show that partisans deny out-partisans’ right not to wear a mask, but assert co-partisans’ right to smoke in public. When it comes to a partisan right to own guns over out-partisans’ right to be free of gun violence, Republicans both deny democrats gun rights and assert their own, while Democrats only deny Republicans’ right to arms.

Introduction

The coronavirus epidemic has infected more than six million, killed more than 190,000 Americans, disrupted the economy, closed schools, and forced states to impose “stay-at-home” orders. As these orders are gradually being relaxed even though there is no effective treatment or vaccine in sight, public health experts say that the best weapons we have against COVID-19 are washing hands and wearing masks when interacting with others outside the home. For the vast majority of citizens, wearing a mask is a low cost measure which could protect them and others from infection.

Yet, for several months, many citizens resisted masks appealing to rights (The Washington Post 2020). Conservative protesters have stressed their “individual right” to control what they put on their bodies (The Washington Post 2020, Lithwick 2020). In fact, resistance was so deeply felt that, across the nation, confrontations, sometimes violent, have emerged over the requirement to wear a mask in public. Researchers documented 245 anti-lockdown and anti-mask protests in April and early May 2020 (Chenoweth et al. 2020). Media reported instances of citizens who assaulted (and in more than one case murdered) those seeking to enforce rules about wearing masks in commercial establishments. State and local public officials reported harassment and intimidation attempts by citizens opposing mask requirements.

The pandemic has occurred at a time when American politics is characterized by two potentially reinforcing trends. First, political controversies have come to be framed—almost exclusively—in terms of individual or group rights, subordinating both responsibilities and harms resulting from the unconstrained exercise of entitlements (Glendon 1991). Second, partisan polarization has spread to the public leading to negative partisanship and intensely negative feelings between partisan groups. Thus partisanship cues have become important even in social life (Iyengar et al. 2019).

The contemporary emphasis on rights framing has prevailed within both the left and the right (Decker 2016, McGarity 2013). As a result, the number of issues that have come to be represented in terms of rights or liberties is vast. This framing has also fueled the ongoing “culture wars” that has pitted Americans embracing distinct value systems against each other (Jacoby 2014). The over-emphasis on rights which often presents entitlements as absolute and non-negotiable makes bargaining and compromise difficult, in part, because it incentivizes people to think of political issues in zero-sum terms and ignore the costs and harms associated with the exercise of rights (Glendon 1991, Lakoff 2007). Equally important, the focus on rights has subordinated other American political traditions, such as those that draw on religion or civic humanism, which have a much more robust emphasis on duties and responsibilities (Hofstadter 1989[1948], Smith 1997, Schildkraut 2007). Given the focus on justice and entitlements, rights discourses have been used both by progressive and reactionary movements to mobilize through emotions, and

especially resentment which adds to the challenges (Bob 2019, Cramer 2016, Dudas 2008, Filindra and Kaplan 2016).

At the same time as “rights talk” has taken over our public discourse, scholars have documented the strengthening role of partisanship and its spillover in non-political behaviors and attitudes. Today, partisan affiliations operate as social identities and have major influence on public attitudes and behavior (Mason 2018). Partisans have come to harbor increasingly negative feelings towards out-partisans and strong positive feelings toward co-partisans, a phenomenon known as “affective polarization” (Abramowitz and Webster 2018, Iyengar and Westwood 2015, Levendusky and Malhotra 2016). The consequences of partisan attachments are broad (for a review, see: Iyengar et al. 2019). Among them are intransigence, unwillingness to compromise, and aggression (Kalmoe, Gubler, and Wood 2017, McLaughlin et al. 2016). Early evidence suggests that resistance to public health measures meant to combat the spread of COVID-19 is polarized along partisan lines (Gadarian, Goodman, and Pepinsky 2020, Green et al. 2020). Furthermore, partisanship is strongly implicated in responses to gun rights (Joslyn 2020).

In this environment that combines an absolutist discourse of individual and group rights and partisanship-fueled uncooperativeness, is it likely that partisans may prioritize their co-partisans’ individual “right” to behave in their preferred way over the right of out-partisans to avoid serious harm? The question has significant implications both for our understanding of the limits of partisanship as a social identity, and normatively, as a test of the civic health of the American polity. Coupled with evidence of partisan dehumanization (Martherus et al. 2019, Cassese 2019), the emergence of a partisan “right” to harm others may suggest that our tribal politics has become dangerous for the physical safety of others.

We test the partisan “right” to harm hypothesis by leveraging three framing experiments in which an individual right to engage in potentially harmful behavior is contrasted to others’ rights to be free of harm. The experiments focus on three issues that vary in terms of polarization: 1) wearing masks to protect from the coronavirus which is currently on the agenda and was highly politicized in early summer 2020; 2) gun rights which is a long-standing partisan issue that has been framed in terms of rights for decades (Filindra and Kaplan 2016), but emerges on the agenda only episodically (Newman and Hartman 2017),

and 3) second-hand smoking which is not a partisan issue today nor is it an agenda item. In all cases, the right is contrasted to other people's (out-partisans) rights to avoid serious harm.

Our results show on an issue that is currently highly politicized, that is mask wearing to protect others from COVID-19 exposure, partisans reject the out-party's claims to a right not to wear a mask but do not assert their group's right to do so. On a non-partisan issue, second hand smoke, partisans assert their groups right to smoke in public but do not reject the other party's right to do so. On the issue of gun rights which is perennially politicized but comes to the forefront only periodically, partisans also assert their right to own guns at the expense of the out-party's risk of exposure to gun violence. All these findings are symmetric for both parties. However, when it comes to gun ownership, Republicans also reject Democrats right to own a firearm, which is not the case for Democrats.

Rights Talk

In service to democracy and equality, the civil rights movement exploited a long-standing classical liberal tradition in American politics that goes back to Locke and the Revolution and framed Black political equality in terms of rights (Locke 1884 [1690], Hartz 1991 [1955]). Subsequent progressive movements used the same framing to argue for civil and political equality for women, immigrants, and LGBTQ (Bunch 1990, Haider-Markel and Meier 1996). In response to this progressive push for equality through entitlements against the state, conservative activists used the same language for their causes (Decker 2016, McGarity 2013). The result has been that most, if not all political controversies today are framed in terms of individual rights. People claim to have rights over their body, rights to firearms and to stand their ground, rights to wear or not wear a hijab, rights to refuse to serve gays, rights to deny others contraception and in vitro fertilization. Unborn children, embryos, animals, plants, corporations, all are being discussed in terms of individual rights. In many ways, these rights are posited as absolutes, ignoring contexts in which the law clearly limits one's exercise of any and all entitlements (for a trivial example, "I can do whatever I want in my home," does not include violating city building laws) (Bob 2019, Glendon 1991).

Although respect for individual rights and the rights of minorities is an essential component of democracy (Dahl 1989), the contemporary “rights talk” may be counter-productive and corrosive to democratic norms (Bob 2019). First, the American discourse of rights is no longer complemented with any discussion of duties and responsibilities, narratives which were central to the Revolution and to continental European political thought (Bailyn 1992, Glendon 1991, Smith 1997). Even within the classical liberal or libertarian tradition itself, there are limits to the exercise of individual rights and those limits are often dictated by the likely harm that could come to other people (Mill 2002, Linklater 2006). However, the contemporary “rights talk” pays little if any attention to harms resulting from individuals’ exercising their various “rights.”

Second, because there is popular consensus that “rights” are important if not sacred and absolute, countering arguments framed in “rights talk” is very difficult (Lakoff 2007). This leads to “zero-sum” understanding of problems where compromise is impossible because any outcome other than the one preferred by a group is a “violation” of rights and the same goes for their opponents (Glendon 1991). Aided by rights frames, absolutist and confrontational politics have become a core feature of America’s “culture wars” which continue to divide the citizens (Jacoby 2014). Third, because deviations from optimality are perceived as injustices, rights politics are vested with high levels of emotion and especially resentment—the feeling of having been wronged or treated unjustly (Cramer 2016, Dudas 2008, Filindra and Kaplan 2016, Kinder and Sanders 1996). This can lead to aggression and conflict, even violence (Bob 2019, Kalmoe, Gubler, and Wood 2017).

Studies show that framing political debates in terms of rights can be politically effective for both progressive and reactionary causes. On the one hand, studies show that emphasizing a right to free speech incentivizes people to allow protests by disliked groups thus enhancing political tolerance—a fundamental democratic norm (Marcus et al. 1995, Nelson, Clawson, and Oxley 1997). Conversely, discussing gun ownership as a “civil right” has helped weaken public support for gun control (Lio, Melzer, and Reese 2008). Similarly, the transformation from “duty to retreat” to “right to stand your ground,” may have contributed to more aggressive uses of firearms (Humphreys, Gasparini, and Wiebe 2017). Furthermore,

framing discrimination on the basis of sexuality as a “religious right” has encouraged the expression of anti-gay attitudes (Kazyak, Burke, and Stange 2018). Anecdotal evidence from the mask controversy in recent months also suggests that framing not wearing a mask as “a right to do what I want with my body,” has motivated conservative objectors to public health ordinances, on occasion, leading to resentful angry and even violent responses (The Dallas Morning News 2020, Lithwick 2020).

Partisanship and Polarization

The adoption of the Civil Rights agenda by the Democratic Party in the 1960s led to a mutually reinforcing process of elite and mass sorting (Carmines and Stimson 1989). This realignment had important consequences. First, elites became more polarized (McCarty, Poole, and Rosenthal 2006) and elite polarization accelerated sorting within the electorate (Abramowitz and Saunders 1998, Levendusky 2005). Second, the process of sorting within the electorate led to the alignment of partisanship and racial, gender, and religious identities transforming partisanship into a potent social identity (Mason 2018). Third, the development of strong identification with a party has led to affective polarization, or negative partisanship, essentially the expression of strong positive feelings toward the in-party and hostility toward the outparty (Abramowitz and Webster 2016, Abramowitz and Webster 2018, Iyengar and Westwood 2015). These negative feelings can be so intense that a portion of the partisan electorate dehumanizes out-partisans (Martherus et al. 2019, Cassese 2019) and harbors aggressive and violent intentions toward them (Moore-Berg, Hameiri, and Bruneau 2020).

In a polarized environment, partisanship influences co-partisans’ support for policy and confidence in their preferences (Druckman, Peterson, and Slothuus 2013). It also influences people’s choice of online and online networks (Druckman, Levendusky, and McLain 2018). Partisanship is also implicated in dating and marriage decisions (Huber and Malhotra 2017, Nicholson et al. 2016), and in economic transactions (McConnell et al. 2018). Recent studies show that partisans may be open to embracing candidates who subvert democracy (Graham and Svobik 2020, Svobik 2020). More germane to the issue of public health, partisanship influences health attitudes and behaviors in the context of the pandemic, with Democrats being

more supportive of social-distancing and other public health measures than are Republicans (Gadarian, Goodman, and Pepinsky 2020, Green et al. 2020). In the domain of gun rights and gun control, scholars have also identified partisanship as a key driver of preferences (Joslyn 2020, Wolpert and Gimpel 1998). Republicans more so than Democrats report owning firearms and supporting gun rights over gun control (Pew Research Center 2017).

The combination of the absolutism of “rights talk” which incentivizes no compromise positions, and strong attachments to parties which also encourages intransigence suggests that when issues are framed as competing rights of partisans, people may be motivated to defend the “rights” of the in-party even when it is made clear to them that this right comes at cost, that in fact the exercise of such a right can *harm* members of the out-party.

We hypothesize that relative to the non-partisan control framing of each issue, partisans will *be more supportive* of their co-partisans’ right to harm over the out-partisans right to be free of harm. Therefore Democrats (Republicans) will be more supportive of a Democratic (Republican) right to do something harmful to others, over the Republicans (Democrats) right to avoid harm (*Hypothesis 1*).

We also suggest that relative to the non-partisan control framing of each issue, partisans will be more likely to *reject* the out-partisans’ right to harm over their co-partisans right to be free of harm. We expect that the introduction of partisan cues will influence responses in both politicized (COVID-19 masks and gun rights) and non-politicized (second hand smoke) issues (*Hypothesis 2*).¹

Data & Methods

We seek to determine whether partisanship influences the mass public’s endorsement of a right when it is made clear that this right comes at significant harm to out-partisan others. Our experiments were embedded in a survey (n=2,042) which was conducted May 5-9, 2020 using sample procured from Lucid. The sample was drawn to match the demographic distribution of the U.S. population, but this is not a

¹ Our research design and hypotheses were preregistered with www.aspredicted.org prior to fielding the survey (May 2020).

probability sample. Lucid samples have been used for a number of major surveys and evaluations of Lucid data attest to high quality and representativeness (Tausanovitch et al. 2019). The average length of the interview was 14 minutes. The order of the experiments was randomized and so were the conditions within each experiment. All three experiments included three conditions: a control and two partisan conditions (Democrat/Republican).²

We probed people's partisan reaction to the choice of individual rights over harming others in three distinct domains with varying degrees of public health consequences: second hand smoking, exposure to COVID-19, and gun violence. Second hand smoking is not a partisan issue, so this is our "hard" test of our hypothesis. The coronavirus is both partisan and currently at the top of the agenda with immediate implications for most people's health and economic situations. The issue of gun rights and gun violence is a long-standing partisan issue (Filindra and Kaplan 2016), but tends to appear on the agenda episodically, for example when mass shootings occur (Newman and Hartman 2017).

Respondents were asked a version of the following question:

Which of these comes closer to your views?

*A person's right to smoke in the office [The Democrats/Republicans right to smoke on the House floor] is **a lot more important** than another person's [Republicans'/Democrats'] right to avoid being harmed by second hand smoke [For the COVID-19 version: not wear a face mask/ exposure to COVID-19] (1)*

*A person's right to smoke in the office [The Democrats/Republicans right to smoke on the House floor] is **somewhat more important** than another person's [Republicans'/Democrats'] right to avoid*

² The gun rights experiment included a fourth condition which is not relevant to the topic at hand so we are not including it here. That condition tested changes to the typical question wording used by the Pew Center in its' gun control opinion surveys.

being harmed by second hand smoke [For the COVID-19 version: not wear a face mask/ exposure to COVID-19] (2)

*A person's right to smoke in the office [The Democrats/Republicans right to smoke on the House floor] is **somewhat less important** than another person's [Republicans'/Democrats'] right to avoid being harmed by second hand smoke [For the COVID-19 version: not wear a face mask/ exposure to COVID-19] (3)*

*A person's right to smoke in the office [The Democrats/Republicans right to smoke on the House floor] is **a lot less important** than [Republicans'/Democrats'] another person's right to avoid being harmed by second hand smoke [For the COVID-19 version: not wear a face mask/ exposure to COVID-19] (4)*

For these two experiments, we chose to focus on the House of Representatives for several reasons. First, it provides a reasonable equivalent to a workplace or an office. Republicans and Democrats directly interact in that setting and presumably the public thinks that they are entitled to be free of harm. Second, the setting allowed for an easy and logical transition to a political framing. Placing Republicans and Democrats in a different workplace or a generic office may have been viewed as strange by the respondents. Third, the issue, at least for masks, actually emerged in real life (The New York Times 2020, The Dallas Morning News 2020), which adds legitimacy and face validity to the experiments.

The gun rights experiment had a slightly different wording. Specifically, it did not mention a location in any of the treatments and it had a somewhat different structure.³ We opted not to include a location because the issue of gun rights/gun violence is not framed in such a way. Location is important for

³ These choices relate to the original purpose of this experiment which included testing aspects of the Pew Center wording. Given the consistency in results across experiments, we do not think that the differences in wording have had a substantive impact on the results, but it is impossible to preclude that possibility.

public health measures dealing with contagion because proximity is a key facilitator of infection spreading. However, it would be strange to introduce a specific setting for gun rights, and even more so a political setting.⁴ The wording was:

What do you think is more important - to protect the right of Americans [Democrats/Republicans] to own guns, OR to protect the right of Americans [Democrats/Republicans] to be free of gun violence? (4-point scale as above).

For all three experiments, the dependent variable is rescaled from zero to one (4pt scale) with “1” denoting strongest support for a right to harm. Models with Descriptive statistics and balance tables for each of the experiments can be found in the Appendix.

Analysis

Our focus is whether partisans support for an individual right over others’ right to be free of harm increases when the issue is framed in terms of one’s own party and whether it declines when the issue is framed in terms of the out-party members’ right to act in a harmful way. As such, we are interested in the interaction between the treatment and the respondent’s partisan affiliation. The partisanship variable is a categorical variable where the base category is Independent and the highest category is Republican. In all cases, we included as partisans those who identified strongly or weakly with a party. Given the ordinal nature of our dependent variable, for all three experiments, we specified linear regression models. OLS has the added benefit that interactions are directly interpretable which is not the case for non-parametric models (Williams 2009).

Experiment 1: COVID-19

⁴ Guns were allowed in Congress in the 19th century which led to various instances of violence and intimidation within the chamber. Such rules no longer exist and they are counter-normative for a 21st century public (Freeman 2018)

First, in the control condition, mean support for a right not to wear a mask is 0.37 (SD=0.146). There is no statistically significant difference in means across conditions ($M_D=0.363$; $SD=0.145$; $M_R=0.366$, $SD=0.143$). These null results are also evident in the Base Model in Table 1. The second model in Table 1 includes interactions between the treatments and the respondent's partisanship. The base category for party is independent. The model shows that the F-test of joint significance for the interaction between the treatments and partisanship is statistically significant ($F=1.94$; $p=0.059$). For ease of interpretation of the results, we split the sample into Democrats and Republicans, the groups of interest. First, contrary to our first hypothesis, Democrats are no more likely to support a right to not wear a mask in the "Democratic right" condition which is contrasted with a right of Republicans not to be harmed than they are in the control condition. However, consistent with our second hypothesis, they are less likely to support a "Republican right" not to wear a mask when contrasted to a democratic right to avoid harm relative to the control condition which does not include partisan cues ($b=-0.079$; $p<0.05$). The results are symmetrical for Republicans. They are no more likely to support a "Republican right" not to wear a mask than in the control condition. But they are significantly more likely to reject the Democratic right to not wear a mask relative to the control ($b=-0.064$; $p<0.10$). Overall, the results from the COVID-19 experiment suggests that when it comes to a highly politicized issue with high and visible harms, partisans seek to restrict the harmful exercise of the rights by the out-partisans but they do not support unfettered exercise of the right by their own group. Given the social pressure that exists currently when it comes to masks, partisans are ready to police the rights of out-partisans but indifferent to policing their own right to harm others.

[TABLE 1-HERE]

Experiment 2: Gun rights

In this experiment, we explore partisan responses to the choice between gun rights and others' right to be free of violence. The Pew Center (2017) has documented that Americans are split on support for gun rights, but there are vast differences between Democrats, 21% of whom support the protection of gun rights over control of gun ownership, and Republicans, 80% of whom support gun rights. In our experiment, mean

support for gun rights over the right of others not to be harmed by gun violence is 0.53 (SD=0.017). In this experiment too the results show no difference in the mean support for gun rights in the “Democratic right” condition (M=0.53; SD=0.016) or the “Republican right” condition (M=0.56; SD=0.017). The Base Model in Table 2 show the null effects. The interaction Model in Table 2 shows that the interactions between the treatments and partisanship are jointly statistically significant ($F=15.51$; $p<0.001$). Once again, we split the sample by party to facilitate interpretation of the results.

Consistent with our first hypothesis, that partisans will privilege their group’s “right” to do something potentially harmful, Democrats are more likely to support gun rights when framed in terms of a Democratic right ($b=0.169$; $p<0.01$). However, we find no evidence of our second hypothesis, as the result suggest that Democrats are indifferent to a Republican right to own guns. For Republicans, we find evidence in support of both of our hypotheses. First, consistent with our first hypothesis, Republicans are more supportive of gun rights when the right is associated with their party ($b=0.092$; $p<0.05$). Second, consistent with our second hypothesis, Republicans are less supportive of gun rights when the issue is presented as a “Democratic right” ($b=-0.223$; $p<0.001$). Here, unlike it is the case with masks in the case of COVID-19, we see evidence that members of both parties are willing to assert their group’s right to harm, while the Republicans are also willing to police the right of Democrats to cause violence on others.

[TABLE 2-HERE]

Experiment 3: Second-hand smoking

In this experiment we test whether partisan cues alter people’s support for a person’s right to smoke in public over others’ rights not to be harmed by second-hand smoking. Second-hand smoking is not a partisan issue at the moment, nor is it on the agenda. Over the years, smoking in the U.S. has declined significantly and people have accepted the regulation of smoking in shared public spaces such as restaurants and offices. According to Gallup, in 2018, 88% of Americans believed that second-hand smoke was “very” or “somewhat” harmful.

The mean support for a right of a person to smoke in the office over the right of others not to be harmed by second hand-smoke is 0.23 in the control condition (SD=0.012). This is approximately half of

what we saw in the gun rights experiment and 15ppt less than what we obtained in the COVID-19 mask experiment (both differences are significant, $p < 0.01$). This suggests a much greater level of consensus around second hand smoke, most likely because the issue is not politicized. When we introduce partisan cues, the expected polarization does arise. Mean support for the “Democratic right” to smoke in public ($M = 0.29$; $SD = 0.013$) and for a “Republican right” to smoke in public ($M = 0.30$; $SD = 0.013$) are both significantly stronger ($p < 0.01$). The Base model in Table 3 shows these differences in support across conditions.

The interaction model in Table 3 shows that the interaction of the partisanship measure with the treatments is statistically significant ($F = 2.80$; $p < 0.01$). To facilitate interpretation of the interaction results, we split the sample by partisanship. In this experiment, we find results consistent with our first hypothesis but not the second one. The substantive effects are small, but important given that this is a non-political public health issue. As the Democrats Model in Table 3 shows, in this experiment, relative to the control, Democrats are significantly more supportive of a Democratic right to smoke in a public space over the Republicans right not to be harmed by second hand smoke ($b = 0.118$; $p < 0.01$). This is consistent with our first hypothesis which suggests that partisans will assert their right to harm. Yet, contrary to our second hypothesis, Democrats are indifferent to the right of the Republicans to smoke in public and thus they do not police the expression this right. The results are symmetrical for Republicans: they are more supportive of a Republican right to smoke in public ($b = 0.147$; $p < 0.01$) relative to the control, but indifferent to a similar Democratic right. These results indicate that when it comes to an issue that is not politicized or polarized, the introduction of partisan cues motivates partisans to support their co-partisans’ right to behave in harmful ways and assert a partisan “right.” These results provide further evidence that when rights become politicized, partisan identities pull in directions that could contribute to serious collective harm.

[TABLE 3-HERE]

Discussion

Our experiments show that in an environment where political issues are consistently framed in zero-sum rights terms, polarized partisanship can exacerbate people’s insistence on behaviors and “rights”

that can cause grave harm to others. This appears to be the case especially for issues that are not currently on the agenda, perhaps because the lack of public discussion frees people to assert a partisan right to harm. Interestingly, Republicans but not Democrats are willing to assert a partisan right to firearms. This is not very surprising because Republicans have consistently framed the issue in terms of rights, while Democrats are far more likely to use public health framing and emphasize the harms of gun violence (Merry 2020). However, it is indicative of the polarized nature of American politics that Republicans are not willing to extend the same right to Democrats. In fact, even though Republicans are significantly more enthusiastic about guns and gun rights as a hallmark of political membership, they are willing to police Democrats' right to guns. Democrats, too, are eager to police Republicans' right to guns but show no similar intent when the right is associated with their ingroup. Interestingly, people are more reticent to assert partisan rights to harm in the case of COVID-19 masks, possibly because the issue has been under constant scrutiny and there is strong social pressure in favor of masks. In this case, both Democrats and Republicans refrain from asserting a partisan right to harm, but they do police the partisan out-group's right to do so.

Limitations

Experimental studies help us establish internal validity, but absent a probability national sample, we cannot know how prevalent this tendency to claim rights to harm others by partisans may be in the overall population. Furthermore, additional work is required to establish boundary conditions based not only the level of issue politicization, but also based on a respondent's preferences. For example, future work could start out with gauging which issues are central to each respondent's worldview and frame those in terms of rights and harms. Additionally, it is important to investigate whether pitting a partisan "right" to harm is asserted by partisans when the harms are also shouldered by the ingroup. Sample and space limitations made it impossible for us to study how partisans respond to the challenge of asserting a right that can cause harm to your own group.

Conclusion

This study shows that in an environment characterized by the dominance of ‘rights talk’ on one hand, and partisan polarization on the other, the framing of behaviors as “rights” attributed to a partisan group can influence partisans’ readiness to assert “rights” that could cause physical harm to others, but also to patrol these same “rights” when attributed to the outparty. These patterns may have significant consequences for issues of public health: when such concerns become politicized along the lines of rights, bipartisan understanding and compromise may be very difficult because rights are often perceived in zero-sum terms. The literature on political communication and public health needs to pay more attention on how these two reinforcing trends in the political environment can influence message uptake and the political behavior of citizens and how they can exacerbate conflict in politics.

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Table 1. OLS Regression Results, right not to wear mask

	Base model	Interaction	Democrats	Republicans
	b/se	b/se	b/se	b/se
Democratic right	-0.008 (0.02)	0.06 * (0.03)	-0.047 (0.04)	-0.064 * (0.04)
Republican right	-0.006 (0.02)	0.037 (0.03)	-0.079 ** (0.04)	0.014 (0.04)
Democrat	-0.021 (0.02)	0.055 (0.04)		
Republican	0.052 *** (0.02)	0.100 *** (0.03)		
Democratic right*Democrat		-0.107 ** (0.05)		
Republican right*Democrat		-0.124 ** (0.05)		
Democratic right*Republican		-0.116 ** (0.05)		
Republican right*Republican		-0.023 (0.05)		
Intercept	0.364 *** (0.02)	0.327 *** (0.02)	0.382 *** (0.03)	0.427 *** (0.03)
N	2036	2036	627	605
Adj. R ²	0.004	0.008	0.003	0.004
F	3.058	3.142	2.011 0.135	2.238 0.108
F-test for interaction		1.94 *		

Notes: Numbers in parentheses are robust standard errors

*p<0.10; **p<0.05; ***p<0.01

Table 2. OLS Regression Results, Gun rights over others right to be free of gun violence

	Base model	Interaction	Democrats	Republicans
	b/se	b/se	b/se	b/se
Democratic right	-0.008 (0.02)	0.016 (0.03)	0.169 *** (0.04)	-0.223 *** (0.04)
Republican right	0.019 (0.02)	-0.001 (0.03)	-0.045 (0.04)	0.092 ** (0.04)
Democrat	-0.13 *** (0.02)	-0.162 *** (0.04)		
Republican	0.105 *** (0.02)	0.154 *** (0.04)		
Gun in home	0.235 *** (0.02)	0.242 *** (0.02)	0.288 *** (0.04)	0.189 *** (0.03)
Democratic right*Democrat		0.155 *** (0.05)		
Republican right*Democrat		-0.243 *** (0.05)		
Democratic right*Republican		-0.041 (0.05)		
Republican right*Republican		0.093 * (0.05)		
Intercept	0.448 *** (0.02)	0.444 *** (0.03)	0.268 *** (0.03)	0.626 *** (0.03)
N	1534	1534	479	444
Adj. R ²	0.165	0.213	0.162	0.175
F	64.82	59.893	31.694	33.338
F-test for interaction		15.51 ***		

Notes: Numbers in parentheses are robust standard errors

*p<0.10; **p<0.05; ***p<0.01

Table 3. OLS Regression Results, Second-hand smoking right over others right to be free of harm

	Second hand smoking		Democrats	Republicans
	Base	Interaction		
	b/se	b/se	b/se	b/se
Democratic right	0.069 *** (0.02)	0.04 (0.03)	0.118 *** (0.04)	0.058 (0.04)
Republican right	0.073 *** (0.02)	0.055 * (0.03)	0.024 (0.03)	0.147 *** (0.04)
Democrat	0.031 (0.02)	0.015 (0.03)		
Republican	0.033 * (0.02)	-0.004 (0.03)		
Democratic right*Democrat		0.078 * (0.05)		
Republican right*Democrat		0.018 (0.05)		
Democratic right*Republican		-0.03 (0.04)		
Republican right*Republican		0.093 ** (0.05)		
Intercept	0.207 *** (0.02)	0.223 *** (0.02)	0.238 *** (0.02)	0.219 *** (0.02)
N	2038	2038	627	605
Adj. R ²	0.009	0.014	0.015	0.022
F	5.738	4.282	5.376	8.173

F-test for interaction 2.80 ***

Notes: Numbers in parentheses are robust standard errors

*p<0.10; **p<0.05; ***p<0.01

