CHAPTER THREE

Wrongful Voting

In this chapter, I argue that citizens have an obligation not to vote badly. They should abstain rather than pollute democracy with bad votes.

I use “bad voting” as a term of art. By “bad voting,” I do not mean “the kind of voting that by definition one ought not to do.” So, when I say people ought not vote badly, I say something interesting and substantive, rather than something trivial and tautological. I am concerned with two kinds of bad voting, which I label “unexcused harmful voting” and “fortuitous voting.”

Unexcused harmful voting occurs when a person votes, without epistemic justification, for harmful policies or for candidates likely to enact harmful policies. (I discuss what it means for policies to be harmful more in depth in chapter 5.) For example, a person who votes to ban gay marriage because she finds it disgusting would, except in extraordinary circumstances, be guilty of harmful voting. This kind of voting is collectively, not individually, harmful, because individual votes have insignificant expected utility or disutility. Fortuitous voting occurs when citizens vote for what are in fact beneficial policies or candidates likely to enact beneficial policies, but they lack sufficient justification to believe that these policies or candidates are good. In other words, fortuitous voting occurs when a person makes the right choice for the wrong reasons or for no reason at all. For example, suppose David Duke mistakenly believes that (someone who is in fact a good) candidate will impose racist policies, and so Duke votes for that candidate. In this case, Duke voted for the right person, but for the wrong reasons. I argue Duke should abstain instead.

The arguments for why harmful voting and fortuitous voting are wrong are slightly different. I first explain why there is a moral duty not to engage in harmful voting and then explain why there is a moral duty not to engage in fortuitous voting. If I am wrong about one, I might still be right about the other. The upshot is that people have to be justified in believing that the candidates or policies they vote for will promote the common good.

Irresponsible individual voters ought to abstain rather than vote badly. This thesis may seem antidemocratic. Yet it is really a claim about voter responsibility and how voters can fail to meet this responsibility. On my view, voters are not obligated to vote, but if they do vote, they owe it to others and themselves to be adequately rational, unbiased, just, and informed about their political beliefs. Similarly, most of us think we are not obligated to become parents, but if we are to be parents, we ought to be responsible, good parents. We are not obligated to become surgeons, but if we do become surgeons, we ought to be responsible, good surgeons. We are not obligated to drive, but if we do drive, we ought to be responsible drivers. The same goes for voting. Political virtue is hard.

My view contrasts with those who think we have no obligations regarding voting: we are obligated to vote, but any or nearly any vote is acceptable; we must vote well; and (the comparatively rare view that) we ought not vote at all.

Unexcused Harmful Voting

Harmful voting occurs when people vote for harmful or unjust policies or for candidates likely to enact harmful or unjust policies. However, I am not going to argue that all such instances of harmful voting are morally wrong.

One might vote for what is in fact a harmful policy but be justified in doing so. For instance, imagine that the past two hundred years of work by thousands of epistemically virtuous, independent political scientists points toward a particular policy being good. The policy might still end up being harmful, though everyone was justified in thinking it would not be.

So, let us say that unexcused harmful voting occurs when people vote, without sufficient reason, for harmful policies or candidates likely to produce harmful policies. The label “unexcused harmful voting” sounds moralized. However, unexcused harmful voting is not by definition morally wrong. In the next section, I make a substantive argument that shows that such voting is wrong. So, when I say that voters ought not to cast unexcused harmful votes, this is a substantive claim, rather than a tautology.

One might vote for a harmful policy but not be negligent in doing so. I have compared voters to surgeons: not everyone has to be a surgeon or a voter, but if a person is a surgeon or a voter, she should be good one. Surgeons make mistakes. Some mistakes are excusable. We do not typically blame them when they misdiagnose an unknown, extremely rare disease that has all the symptoms of a common disease. We do not hold it against a surgeon today that she is not using better techniques that will not be invented until the next century. Because she has performed properly by a reasonable standard of care appropriate to
the current level of knowledge, she is not culpable. On the other hand, some mistakes result from negligence, from falling below a reasonable standard of care.

In medicine and other professions, standards of care are usually defined as what a normal, prudent practitioner would do in similar circumstances. However, note that typical quality of care from a surgeon 1,000 years ago was so low that one might reasonably claim that all surgeons at that time were culpable for doing surgery. Accordingly, this definition of a standard of care in medicine presupposes that average levels of competence are generally high. Thus, we should not use this definition of standard of care for voting—it might be that normal, prudent voters are incompetent.

Instead, voters can be said to have voted well, despite having voted for what turned out to be harmful policies, only if they have a sufficient epistemic justification for their votes. They vote well when they vote for policies or candidates who they are justified in believing will promote the common good. (In chapter 5, I explain why the common good, rather than self-interest, should be the proper target of votes. In this chapter, I take it for granted.) Otherwise, they make unexcused harmful votes when they vote without sufficient reason for harmful policies or candidates who are likely to enact harmful policies.

Rather trying to settle the exact standards for justified belief here, I leave that to be determined by the best epistemological theories. My argument then rests upon there being such a thing as unjustified political beliefs, but it need not be committed to any particular epistemology. On any reasonable epistemological view, there will be such a thing as unjustified beliefs about political matters.1 On any reasonable epistemological view, the kinds of beliefs I use as examples of unjustified beliefs are counted as unjustified beliefs. For example, no plausible epistemological theory holds that beliefs are justified when such beliefs are based on wishful thinking, motivated reasoning, or despite overwhelming countervailing evidence.

The most common forms of unexcused harmful voting are voting from immoral beliefs, from ignorance, or from epistemic irrationality and bias. I do not mean to give a new formula for bad voting. Sometimes, as per the characterization of bad voting given here, voting on the basis of these three forms does not count as bad voting.

For an instance of voting from immoral beliefs, suppose Alex believes that blacks are inferior and should be treated as second-class citizens. This is an unjustified, immoral belief. If Alex votes for policies because he wishes to see blacks treated as inferiors, he votes badly.

As an instance of voting from ignorance, suppose Bob is completely ignorant about a series of propositions on a ballot. While he desires to promote the common good, he has no idea which policy would in fact promote the common good. In this case, if he votes, he votes badly.1

As an instance of voting from epistemic irrationality and bias, Candice votes with the goal of increasing the nation’s material prosperity. However, she formed her beliefs about what stimulates economic growth via an unreliable, biased process. She finds a candidate espousing a regressive neomercantilist (i.e., imperialist, protectionist) platform emotionally appealing and votes for that candidate despite the evidence showing that the candidate’s platform is inimical to the goal of creating prosperity. In this case, Candice has false means-ends beliefs on the basis of irrational belief formation processes. When she votes on these beliefs, she makes an unexcused harmful vote.

The Duty to Refrain from Collective Harms

I argue that one has the duty not to vote on unexcused harmful beliefs because this violates a more general duty not to engage in collectively harmful activities. A collectively harmful activity is a harmful activity caused by a group or collective, where individual inputs into the harmful action are negligible. (Note: I do not define “collectively harmful activity” as an activity that would be harmful were many people to do it.) For instance, producing air pollution is a collectively harmful activity. As a group we do a lot of damage, but as individual polluters we do negligible harm.

Note that my argument relies on the empirical premise that politicians generally attempt to give people what they ask for.1 I do not defend this premise here (though I offer citations for it in the notes).

An outline of my argument is:

1. One has an obligation not to engage in collectively harmful activities when refraining from such activities does not impose significant personal costs.
2. To cast an unexcused harmful vote is to engage in a collectively harmful activity, while abstaining imposes low personal costs.
3. Therefore, one should not cast an unexcused harmful vote.

Later in this chapter I make the argument in a more complete manner and consider various objections. I consider additional objections in the next chapter.

The duty to refrain from harmful voting is not generally grounded in the harmfulness of individual votes. As we saw in chapter 1, individual votes have vanishingly small expected utility. This means that a bad vote has vanishingly small disutility.
Harmful voting is collectively, not individually, harmful. The harm is not caused by individual voters but by voters together. (In this respect, voting is unlike surgery or driving.) When I refrain from harmful voting, this does not fix the problem. Still, it is plausible that I am obligated to refrain from collectively harmful activities, even when my contribution has negligible expected cost, provided I do not incur significant personal costs from my restraint. I argue that this is the reason I ought not vote for harmful policies and candidates.

Consider, as an analogy, a thought experiment called Firing Squad.

A ten-member firing squad is about to execute an innocent child. All shots from the squad will hit the child at the same time. Each shot, by itself, would be sufficient to kill him. You have the option of joining the squad and shooting the child with the others. No one is forcing you to join the squad—you are free to walk away.

Most people have the intuition that joining the squad and participating in killing the child is wrong, even though he will die regardless of whether you shoot. Why would they think this? It is not clear that by shooting him you cause him to die. After all, he would die anyway. Still, most people have a strong intuition that it is wrong to join the squad and shoot the child. Here is one plausible explanation of why joining the squad is wrong: there is general moral prohibition against participating in these kinds of activities, even if one's individual inputs do not make a decisive difference. I wish to explore this idea in my argument against bad voting.

What does morality require of us in a collective action problem, especially in cases where we are acting in collectively harmful ways? Suppose the problem can be solved only if everyone or the vast majority of people acts differently. Morality does not require me, as an individual, to solve the problem. One reason is that I am unable to solve it. If, for example, I am in a prisoner's dilemma or a tragic commons (see appendices I and II at the end of this chapter), restraining myself from contributing to the problem fails to solve the problem. Rather, my restraint exposes me to exploitation as a sucker and can exacerbate the problem.

In some cases, I might be able to solve the problem through extraordinary personal effort. Suppose I live in a small village where everyone except me litterers. If I spend ninety hours a week picking up litter, the town will be clean. Here I can solve the problem as an individual, but it is implausible to think morality requires me to do so. That I have to clean up after everyone else is too much of a burden and is unfair.

It is more plausible that morality requires something weaker. When there is a collective action problem, I do not have to solve the problem, but I should not be part of the problem, provided I can avoid being part of the problem at a low personal cost. When people are engaged in a collectively harmful activity, I should not participate in the activity, provided I can avoid participating at a low cost to myself. Morality requires me to have clean hands when the cost of having clean hands is low. We can dub premise 1 (from the preceding outlined argument) the Clean Hands Principle:

One has an obligation not to engage in collectively harmful activities when refraining from such activities imposes no significant personal costs.

Recall that a collectively harmful activity is harmful activity caused by a group or collective, where individual inputs into the harmful action are negligible.

In classic prisoner's dilemmas, I cannot avoid being part of the problem. (See appendix I.) My attempt to avoid causing the problem opens me up to exploitation. Also, in cases of tragic commons, I often cannot avoid being part of the problem without incurring a high personal cost. (See appendix II.) If the only way I can feed my children is to join in exploiting a common resource others are already turning to dust, arguably I am permitted to do so. However, in the preceding firing squad example, no one is forcing me to shoot the little boy. I can walk away. I should not join in.

Unexcused harmful voting, at least when there is a lot of it, is a collectively harmful activity. (I discuss voting for fringe candidates later.) But unexcused harmful voting is not generally like a prisoner's dilemma or a tragic commons. In the prisoner's dilemma or tragic commons, for me to engage in collectively harmful behavior is individually rational. A fortiori, for me to engage in the behavior is often downright necessary. If I do not contribute to the problem, I suffer a personal disaster. But harmful voting is not like that. Refraining from harmful voting has little personal cost.

Why does morality require me not to be part of the problem, at least in cases where there is little personal cost in not being part of the problem? The principle that one should not engage in collectively harmful activities (when the cost of restraint is low) need not be grounded in any particular moral theory. It is a freestanding idea that is implied by a variety of plausible background moral theories.

For example, here is what a rule consequentialist might say about the Clean Hands Principle. Brad Hooker's sophisticated rule consequentialism holds that an action is wrong if it violates the code of norms whose internalization by the overwhelming majority of people would lead to the best consequences. A pro tanto norm against engaging in collectively harmful activity when the cost of restraint is low would almost certainly
form part of this code. For any two codes that are otherwise identical, if one code has a requirement against engaging in collectively harmful activity when the cost of restraint is low but the other code lacks such a requirement, the first code can be expected to generate better consequences than the second. (After all, people abiding by the first code will do less frivolous pollution, will not participate in firing squads, etc.) So a norm against engaging in collectively harmful activity when the cost of restraint is low would be in the code selected by Hooker's rule consequentialism.

Kant's moral theory holds that an act is wrong if and only if it is based on a plan of action that a rational agent cannot will to be universal law. A Kantian might argue that engaging in collectively harmful behavior is not universalizable. Imagine a maxim of the form, "I shall feel free to engage in collectively harmful behavior when there is little personal benefit to doing so." If everyone followed this maxim, it would be harmful to almost everyone. The maxim would thus fail the "contradiction in the will" test, because no rational agent would will that everyone behave according to that maxim.

Eudaimonistic virtue theory holds that an action is wrong if it is not the kind of action that a virtuous agent, acting in character, would perform in that context. A virtuous agent would not be willing to engage in collectively harmful activities without good reasons. Instead, only a person of defective character would participate in collectively harmful activities when the cost of restraint is low.

For illustrative purposes, I discuss at greater length how a duty to avoid engaging in collective harms could be grounded in plausible views about fairness. Consider the problem of harmful voting is analogous in many respects to the problem of air pollution. Rita Manning asks: "Why then does it sound odd to suggest that each driver is morally obligated to control air pollution? Presumably because air pollution is not caused by any one driver and cannot be ended by the single actions of any one driver. If I were the owner of the only car in America, I could drive to my heart's content and not cause any [significant] air pollution."

Of course, polluting and bad voting are not completely analogous. (The surgery and driving analogies are not perfect either.) If I am the only small-scale polluter, my pollution makes no significant difference. However, if I am the only voter, my vote makes all the difference. Still, when I am one of many bad voters or many polluters, my individual contribution is negligible, but I am nonetheless part of the problem. Yet, if I stop voting badly or polluting, the problem does not go away.

Individual drivers are part of the group causing the problem. Individual obligations derive from finding fair ways to solve the problem. Suppose pollution would be at acceptable levels if cut in half. One way to achieve this could be to require half the population not to drive, while the other half may continue to drive at its current levels with its current high-polluting cars. One could be assigned driver or nondriver status by lottery. This solution is unfair because it burdens some but not all who cause the problem. The default moral position is that everyone causing the problem should bear at least some of the burden of correcting it. More controversially, one might claim that people should bear this burden either equally or in proportion to how much they contribute to the problem, at least in the absence of countervailing conditions.

Fairness is one way to bridge the gap between collectively harmful behavior and individual action. We should pollute less because pollution harms us all, but I should pollute less because, all things being equal, it is unfair for me to benefit from polluting as I please while others suffer the burden of polluting less. Ceteris paribus, we should share the burdens of not polluting. The duty not to vote badly could follow this pattern. We bad voters should not vote because it is harmful to everyone, but I, the individual bad voter, should not vote because it is unfair that I benefit from polluting democracy as I please while others suffer the burden of polluting democracy less. Ceteris paribus, we should share the burdens of not polluting the polls.

If restraining oneself from voting caused significant personal harm, then individuals might be permitted to vote in harmful ways. In fact, such restraint does have costs. Individual voters receive various psychological payoffs from voting—it makes them feel good about themselves for a short time. If they were prohibited (by morality) from voting, they lose this payoff. However, elections decided by harmful voters mean that people have to live with racist and sexist laws, unnecessary wars, lower economic opportunities, and lower levels of welfare. The type of harm or loss of pleasure suffered by the voter from abstention seems relatively trivial compared to the type of harm suffered by the person who bears the burden of bad policy. The voter's pleasure in voting is not sufficient to counterbalance a potential duty to refrain from polluting the polls. By voting, bad voters consume psychological goods at our collective expense.

In parallel, an individual might drive a gas-guzzling Hummer to promote his self-image and get real pleasure from this activity. I do not take his pleasure to be sufficient to counterbalance the harms imposed on all by smog and global warming. This is not to say that one must never drive, or even that one may not pollute in the pursuit of pleasure. We all have reason to favor principles that allow us to lead happy lives. Rather, it is to say that at some point, the pursuit of individual pleasure is outweighed by the need to preserve the healthy environment that makes pleasurable lives possible.
There are also possible collective costs from bad voters staying home. Perhaps widespread voting produces greater social cohesion. Perhaps when bad voters vote, this tends to make them care about voting more, and this may inspire them to become better voters. I think these opportunity costs are likely to be outweighed by the benefits of reducing bad voting, but it is hard to say without something like an empirical study of the indirect positive effects of bad voting.

Another complaint is that taking democracy seriously is hard when most voters abstain from voting. Perhaps so, but it is even harder when most voters vote badly. Regardless, democracy performs better, even with low voter participation, than its competitors (oligarchy, etc.) do. So, at worst, low voter participation means we are not able to take democracy as seriously as some people would like to, but this does not mean we must replace democracy with something else.

Note that this argument allows that one might sometimes be justified in voting for the lesser of two (or more) evils. Putting Mussolini in power is harmful, but not as harmful as putting Hitler in power. We can imagine scenarios under which voting for the equivalent of Mussolini is the best alternative as compared to abstaining from voting or voting for the equivalent of Hitler. If the individual voter has sufficient justification in believing that this is so, then she may vote for Mussolini.

This argument also allows that one might be justified in voting for a policy or candidate whose probable degree of harmfulness is unknown, provided this helps prevent a known-to-be dangerous policy or candidate from winning. So, if I had to choose between Stalin and a random unknown person, I could be justified in voting for the unknown person as opposed to abstaining or voting for Stalin. This characterization might also allow that a good voter can sometimes vote for otherwise unknown candidates on the basis of party affiliation, if the voter has sufficient reason to believe that most members of that party would promote the common good if elected.

This argument also allows that one might be justified in electing someone, even if one does not know which policies are good. Suppose I know that Audrey is omniscient, omnibenevolent, and good at getting things done. I thus know that she will make a good leader, without knowing what she will do as a leader. So I am justified in thinking that she will promote the common good, without knowing how she will do it.

Note also that there is a difference between casting a blank ballot and voting per se. These two actions are different and should be evaluated separately. Suppose my theory implies that you should abstain rather than vote, because you are too irrational or ignorant to choose a candidate. If so, it might still be permissible for you to cast a blank ballot. (It might also be impermissible to cast a blank ballot, if doing so violates the Clean Hands Principle).

The Fringe Voter and the Individual Litterer

Some people vote for fringe candidates who have no significant chance of winning. John Taylor Bowles was the National Socialist Movement's candidate in the 2008 U.S. presidential election. Had Bowles been elected, this would have been a disaster, though probably not as much of a disaster as when Hitler came to power. Would it be wrong to vote for Bowles, given that he had so little chance of winning? I am not sure how many write-in votes Bowles received, but I am sure it was fewer than 10,000.

Someone might claim that votes for Bowles do not count as real votes, any more than the sixty-two votes for Santa Claus count as real votes. However, Bowles's supporters presumably wanted him to be president. When they voted, they were sincere. Perhaps the sixty-two Santa Claus voters were also sincere (or deluded), though it's more likely that they intentionally spoiled their ballots. For the sake of argument, I count all sincere votes for real, living people as genuine votes. Otherwise, we are faced with the problem that any vote for a minority candidate with a significant disadvantage could be counted as "not a real vote." Green Party candidate Ralph Nader did not have a real chance in 2008, and in some sense, the Republican Barry Goldwater did not have much of a chance in 1964, but I want to count their supporters as making genuine votes.

So, what should we say about voters for fringe parties? Votes for had candidates with a real chance of winning have insignificant expected disutility, so clearly votes for terrible fringe candidates have no significant expected disutility either. But the argument I have been making does not rely on the disutility of individual votes.

The Public Goods Argument held that everyone has a duty to vote because good government is a public good (i.e., a non-rivalrous, non-excludable good), and not voting free-rides on the provision of this good. In the preceding chapter, I showed that abstention did not necessarily count as free-riding, and so even if members of the community have a duty to do their part, this does not necessarily show that it is their part to vote.

However, the Public Goods Argument's first premise is correct. Good government is a public good. Some obligations arise from the fact that the good government is a public good. Consider that parks are a public good. This does not imply that everyone who benefits from the good must actively maintain it by mowing the lawn, cleaning up litter, spreading
fertilizer, and the like. However, everyone (including those who do not benefit from the good) has an obligation not to despoil the park. Littering in the park is wrong. For you to litter in the park is wrong, even if you are the only litterer, and even if you litter in an obscure spot where it is unlikely someone will see the litter. Littering is not horribly wrong, as committing rape or murder is, but it is wrong.

If we want the park to remain clean, we do not want people to take it upon themselves to judge whether their litter will not be discovered. A rule of the form "feel free to litter provided that you believe others won't see the litter or be bothered by it" invites people to litter too much. The way we get clean parks is by having a more categorical prohibition against littering.

If you litter in an otherwise clean park, you take advantage of others' good behavior. For others to bear the cost of putting trash in its proper place when you do not is unfair. People who litter take advantage of the rest of us who do not. We bear the costs of keeping the park clean. They enjoy the benefits but do not bear the costs.

Sincere voters for bad fringe candidates are litterers. Good government is a public good. Even though they do not have a duty to provide good government, they should not pollute the system. When they vote for harmful candidates, they impose a differential burden on other voters (to use Lomasky and Brennan's term). Every time someone votes for John Taylor Bowles, it becomes imperative that at least two other people vote for some better candidate. People who vote for Bowles take advantage of the rest of us who vote for worthy candidates. The Bowles voters enjoy the benefits of living under a system of decent governance, rather than having to suffer under the social system they think they prefer. While most of the rest of us bear the cost of being sufficiently rational to provide decent governance, they do not bear this cost. We do not want people to feel free to vote for harmful candidates, just because they think it will not lead to bad consequences. The fact that people feel free to do so is itself likely to lead to bad consequences, just as it will lead to bad consequence if people feel free to litter when they believe it will not have bad consequences.

Voters for bad fringe candidates also sometimes can be seen as expressing morally bad attitudes through the act of voting. As Brennan and Lomasky say, to "cast a Klan ballot is to identify oneself in a morally significant way with the racist policies that the organization espouses." They compare this to when the audience in the Roman coliseum cheers as lions devour Christians. Cheering does not harm the Christians any further, but cheering is still wrong. It is wrong to express approval of wrongful actions. If I sincerely say, "I think the KKK should run the country," I express racist attitudes and thereby do something wrong. A single vote for a KKK party candidate is inconsequential, but it is morally repulsive of

me to endorse that candidate's values through my vote. (Note: Freedom of speech is not an issue here. We are not discussing whether one has the right to express contemptible attitudes, but instead whether expressing contemptible attitudes is right.)

**Fortuitous Voting**

Sometimes voters vote the right way for the wrong reasons. This is not unusual. People believe the right things or do the right things for the wrong reasons all the time. Unreliable methods of reasoning need not always arrive at the wrong answer. Mathematics teachers have students show their work because students often accidently arrive at the right answer through a series of fortunate mistakes. A person who treated Mein Kampf as a sacred, indubitable text would come to have some correct beliefs about politics, because Hitler sometimes says true things.

For the sake of argument, assume Obama was the better of the two major U.S. presidential candidates in 2008. Still, many of his supporters were not in a position to judge his or McCain's policy proposals or character. They voted for him because of his rhetoric, because of his emotional appeal, for self-image, or because they were pressured to do so by their peers. Or, to take a hypothetical case, suppose a deluded person votes for Obama because he is convinced Obama will destroy the United States, and this deluded person wants to see the United States destroyed.

In this case, people vote the right way for the wrong reasons. I refer to this as fortuitous voting. For the voters vote the right way for the wrong reasons. I refer to this as fortuitous voting. Fortuitous voting occurs when citizens vote for what are in fact beneficial policies or candidates likely to enact beneficial policies, but they do not have sufficient justification to believe that these policies or candidates are good.

Fortuitous voters do not know they are voting fortuitously. To know they are voting fortuitously, they would have to know that they are not justified in believing that their vote will serve the common good, but also to know—and therefore to be justified in believing—that it will serve the common good.

**The Duty Not to Impose Unacceptable Risk**

People have an obligation not to vote fortuitously, even though, by hypothesis, if most people do vote that way, good things will happen. Fortuitous voters by definition pick a good choice. Still, they have an obligation to abstain from voting rather than to vote fortuitously.
Fortuitous voting is wrong because it imposes unacceptable risk. Sometimes people should refrain from certain activities—even when those activities lead to good consequences—because engaging in those activities usually leads to bad consequences. When good things happen, it is by accident.

Suppose I have severe bronchitis. My physician consults a witch doctor for treatment advice. The witch doctor burns some animal fat, then tosses in some alphabet soup, and reads the patterns of letters. Miraculously, the letters spell "prednisone." My physician writes me a prescription for prednisone, which just happens to be the right medicine. Here, the physician's prescription is fortuitous. Following her treatment will lead to good consequences. However, she has done something wrong. She used a highly unreliable decision method to arrive at her prescription. Her use of this method puts me at serious risk. In this case, I was just lucky.

Or suppose I decide to build a nuclear reactor in my basement, despite having little training in nuclear engineering or physics. This reactor has a 90 percent chance of exploding and killing my neighbors, but, fortunately, it does not do so. Here I have done something wrong—exposing my neighbors to too much risk of harm—even though I did not in fact harm them.

Now, suppose government leaders used similarly unreliable and risky methods to make political decisions. If so, they act negligently toward citizens, much as my physician was negligent toward me in the previous example. Even if they accidently pick a good policy, they still have done something wrong. By using unreliable decision-making procedures, they exposed citizens to undue risk of harm.

When voters vote for good things for bad reasons, they are behaving wrongly in much the same way as the people in the foregoing examples. They impose undue risk on their fellow citizens, but luckily no one is harmed.

The electorate has a collective obligation to the governed not to expose them to undue risk in the selection of policy. The governed have a right not to be exposed to undue risk. When elections are decided on the basis of unreliable epistemic procedures or on the basis of unjustified moral attitudes, this exposes the governed to undue risk. Therefore, the electorate (as a collective body) ought not to decide elections that way.

The argument for why individual voters should not vote for bad reasons works much the same as the argument for why individual voters should not vote harmfully. The ethics of participation in collective activities applies here. Individuals should not participate in collective activities that impose undue risk provided that refraining from such behavior imposes little personal cost. Refraining from voting fortuitously imposes small personal costs. Therefore, individuals should not vote fortuitously.

While the majority of the electorate owes it to the governed not to impose unnecessary risk upon them, we individual voters owe it to each other to avoid participating in collectives that impose undue risk.

These arguments rely on the notion of undue risk, but what counts as undue risk? Robert Nozick asks, "Imposing how slight a probability of a harm that violates someone's rights also violates his rights?" More broadly, we can ask how significant a probability of harm we are allowed to impose on others before the imposition counts as wrong.

We need to allow some risk imposition if we are going to live and flourish together. Every time I drive I impose some risk on innocent bystanders and other drivers, but that does not normally count as wrong. However, drinking and driving is wrong.

I am not going to give a full theory of acceptable risk here. The argument against fortuitous voting relies upon the notion of unnecessary, unacceptable risk, but I cannot give necessary and sufficient conditions for something to count as unacceptable risk. (That said, we are sometimes adept at distinguishing things even though we cannot give necessary and sufficient conditions for them. I can distinguish dogs from cats with near perfect accuracy despite not being able to articulate necessary and sufficient conditions for doghood and cathood.)

Still, other philosophers have made some advances on producing a theory of unacceptable risk. Sven Ove Hansson, a leading theorist on risk, argues for a principle like this:

Exposure of a person to a risk is acceptable if and only if this exposure is part of an equitable social system of risk-taking that works to her advantage.

I'm not sure if Hansson's view is right. However, if need be, I will just piggyback on his work here.

We need to allow risk taking. Risky behaviors are morally assessed as a kind rather than as individual acts. We ask, "Does a norm of allowing that kind of behavior tend to hurt people or help them? Of those it harms, does it harm them as a means to benefiting others, or is the harm accidental? How bad are the harms and how are the benefits? Is allowing this kind of risk a form of exploitation?" A given kind of behavior that imposes risks on others is justified to the extent that it is beneficial to all (especially to those upon whom the risk is imposed) and nonexploitative.

When people with political power make decisions using unreliable belief-forming procedures (such as wishful thinking or forming beliefs on the basis of peer pressure), this imposes a high level of risk on the governed. It tends to harm the governed, though it sometimes works to their benefit.
REDUNDANCY

The explanation of why fortuitous voting is wrong also implies that unexcused harmful voting is wrong. Unexcused harmful voting also involves imposing undue risk. Harmful voting occurs when people vote using unduly risky decision-making methods, and the methods lead to bad results. Fortuitous voting occurs when people vote using unduly risky decision-making methods, and the methods lead to good results.

However, this redundancy should be excused. One reason for redundancy is that the argument against fortuitous voting relies upon complicated, controversial issues of undue risk. So, if that argument fails to show that fortuitous voting is wrong, the previous argument might still succeed in showing that unexcused harmful voting is wrong.

Unexcused harmful voting arguably has an additional count against it. Taken collectively, fortuitous voting and unexcused harmful voting both impose undue risk, but unexcused harmful voting also imposes harm.

The difference between harmful voting and fortuitous voting is much like the difference in tort law between mere negligence and liability. One is negligent when one violates a duty of care toward a person. But one is liable when one is negligent and this negligence results in damages toward a person. Fortuitous voting is negligence that does not result in damages, but unexcused harmful voting is negligence that does result in damages. In tort cases, in general, one owes compensation for the latter but not the former. For example, suppose we are in a car accident, and I am at fault. If the collision does not hurt you or your property, then you cannot collect against me. If, somehow, the collision not only did not damage you but made you better off, you could not collect against me. But if it damages you or your property, then you can collect against me.

Religious Voting

There is considerable debate right now about whether citizens may use religious convictions in political deliberation and decision. Religious voting is nothing special. The same norms that govern nonreligious voting govern religious voting. If a voter votes for X but is not justified in believing that X will promote the common good, then she does something wrong, regardless of what role religion played in her vote. If she is justified in believing that X will promote the common good, she acts rightly, regardless of what role religion played in her vote.

For the purposes of this argument, I consider a religious voter to be someone who votes on the basis of beliefs in any kind of supernatural or magical entity or property. This broad definition can include, among others, Abrahamic monotheists, Hindus, most Buddhists, New Age spiritualists, and believers in qi or Chakras. (Note that a person who has religious beliefs, but whose beliefs do not influence her vote, does not count as a religious voter on this definition.)

Consider four different religious voters:

1. Betty believes in supernatural stuff on the basis of faith, that is, without evidence or despite overwhelming contrary evidence. Betty is thus unjustified in her beliefs about the supernatural.

2. Chris rejects faith as a means to belief. He believes in supernatural stuff on the basis of evidence, using reliable methods of reasoning. His belief in the supernatural is no different from a physicist’s belief in quarks. According to normal epistemic standards, Chris is justified in his beliefs about the supernatural.

3. David tries to be like Chris but fails. He rejects faith as a means to belief. Instead, David believes that the evidence points strongly to supernaturalism. However, David has misinterpreted the evidence such that he is not justified in his beliefs. While David has made a mistake, it is an honest one. He has had a slip of irrationality, but he has a genuine commitment to rationality and overall is of high epistemic virtue.

4. Edward sees himself as being like Chris, but is not. Edward is deluded about his own rationality. Edward regards himself as believing on reason but in fact believes on faith. Edward spends much of his time rationalizing his supernatural beliefs, but his arguments are unsound and his evidence is poor. While David makes an honest though culpable mistake in his reasoning, Edward is intellectually dishonest and corrupt.

We might characterize these four voters as follows: Betty is a faith-based theist, Chris is a successful rational theist, David is an unsuccessful rational theist, and Edward is a pseudorational theist. Note that when I say David is unsuccessful, I do not mean that his beliefs are false. Rather, I mean that given his evidence, he should not believe in supernatural entities. My concern here is not with the truth of their beliefs but their level of justification for those beliefs, regardless of whether the beliefs are true.

According to my theory of voting ethics, Betty, David, and Edward vote wrongly when they vote on the basis of their religious beliefs. Betty, David, and Edward are all unjustified in their religious beliefs. When they vote, they are either unexcused harmful voters or fortuitous voters. In contrast, according to my theory of voting ethics, Chris does nothing wrong in voting from his religious beliefs.

In the abstract, religious voting is not particularly interesting. The test of whether one may vote from religious convictions is different from the test of whether one may vote from social-scientific beliefs. The more
interesting question is what real religious voters are like. What proportions of them are like Betty, Chris, David, or Edward? My theory just says that Chris is a good voter and the others are not. Officially, this book takes no stand on what actual religious voters are like. To take that stand, I would need to take the correct epistemological theory and use it to evaluate real voters using good social-scientific surveys and interviews.21

Objection: People Vote for Character, Not Policies

One objection to my position is that voters tend to vote for character, not for policies. They might be quite good at judging the character of candidates, even if they are bad at judging the efficacy of different proposed policies for achieving different ends. If so, the objection goes, then most voters do not act wrongly when they vote.

To a significant degree, voting for character is voting for the wrong reasons.22 When we elect someone, we give him power. That power can be used for good or bad. The office of the presidency is not an honorific meant to show we respect that person’s character. Giving someone the presidency is not bestowing a medal or a certificate of commendation but giving him (some) control of the state, an institution that makes rules, and forces innocent people to comply with these rules using violence and threats of violence. We need to be sure he will do a good job controlling it.

So character-based voting is acceptable only insofar as it is a proxy to the quality of the governance a candidate is likely to produce. To what degree good character and good policies are correlated is largely an empirical question. If someone is morally corrupt, there is a pretty good chance he will use the power of the state for personal benefit rather than to promote the common good. Yet, a virtuous politician with a powerful sense of justice might still be deeply misguided and committed to all sorts of counterproductive, harmful policies. Having the right values is not sufficient for making good policy, because it requires social-scientific knowledge to know whether any given set of policies is likely to achieve those values. Just as an incompetent surgeon can be still a virtuous person, so an incompetent politician can be a virtuous person. If there is good evidence that a politician is likely to enact harmful policies, one should not vote for her (without sufficient reason) even if she is a good person. Voting on the moral virtue of a candidate counts as good voting only to the extent that the candidate’s moral virtue is evidence that she will enact good policies.

The objection might be recast in terms of political skill rather than moral virtue. Politicians extol their years of experience and ability to work across party lines in generating outcomes. Still, even if voters are good judges of such political skills and vote accordingly, such skill could mean bad policies will be enacted. A senator might excel at getting bills passed, but perhaps all of the bills have been harmful. Just as voting on moral character is not obviously a reliable way of generating good policy outcomes, neither is voting on this kind of political skill.

Objection: Expressive Voting

Jerry Gaus argues that voters do not have a duty to vote for good political outcomes. He says that this takes too narrow a view of the purposes of voting. Sometimes voting is not about producing good outcomes but about expressing attitudes.

Gaus is a justificatory liberal, that is, he thinks laws must be justified to the reasonable people subject to those laws. Given this, one might expect him to hold that citizens should not vote for laws that cannot be publicly justified. Surprisingly, he argues against what he calls a “minimal duty of civility”:

The Minimal Duty of Civility: If Alf thinks that L is not publicly justified, Alf violates the duty of civility if he publicly advocates L (in a political forum), votes for L, etc., unless Alf [justifiedly] thinks that advocating L (voting for it, etc.) would help bring about a publicly justified outcome.23

(Note that the purpose of the “unless” clause in this definition is meant to allow for strategic voting.)

Gaus complains that not all voting is instrumental. People do not always vote in order to produce good policy outcomes. Sometimes they vote for expressive and symbolic reasons. Sometimes they vote to express dissatisfaction with the current state of affairs or to express concern for the poor. Sometimes the point of voting is simply to communicate one’s interests.

I agree with Gaus that, as a matter of fact, voters often vote for expressive and symbolic reasons. However, even if true, that does not imply it is acceptable for them to do so. On my view, they should vote instrumentally or not vote at all. Or, more precisely, they may have whatever motive they please when they vote, but they are required to vote in ways that they justifiedly believe will promote the common good.

Gaus says, “Voters have expressive political concerns, and precluding them from politics needs strong justification; given the indirect links between voting and legislative outcomes, it is not obvious that such a justification is forthcoming.”24 Gaus adds, “Voters employ their political
liberties to convey their concerns and aspirations. In this sense, [the political arena] is an information-gathering system as well as a decision-making system."

So Gaus's argument seems to rest on two claims. First, because voting does not lead directly to legislative outcomes, why would voters have a duty of civility? Legislators, not voters, pass laws. (Of course, sometimes voters do directly decide laws, as in California's 2008 Proposition 8.) Legislators, not voters, bear ultimate responsibility for the laws. Second, voting provides information for political leaders. Leaders can use this information to determine what to do.

Even when voters choose among candidates rather than among potential laws, they choose who governs. My argument in this book relies on the empirical premise that candidates generally try to give voters what they want. Empirical work shows that this is to be so. candidates of course routinely break promises and misrepresent themselves. Yet, in general, electing candidates of certain ideological bent tends to produce outcomes conforming to those bents.

The voters who put the National Socialists in power in Germany in 1932 could not be held responsible for everything the new government did, of course. But much of what the government did was foreseeable by any reasonably well-informed person, and so their supporters were blameworthy.

Gaus's second claim is that voting is an information-gathering system. Unfortunately, what Gaus means by this is unclear. An example of something he might mean is this: if there is higher-than-average participation during the election, elected officials should see this as showing discontent and should make some changes to alleviate this discontent. The changes they should make might not be the ones that the voters ask for—after all, Gaus is arguing that voting should not always be regarded instrumentally. However, Gaus's second claim is as problematic as the first. When voters vote to convey their concerns and aspirations, but do not vote well, this tends to harm the common good.

Because voting "determines outcomes as serious as war and peace, liberty and oppression, poverty and equality," we should not "regard individual votes as a form of flamboyant self-expression." Citizens should vote for instrumental reasons, rather than expressive ones, because voting decides who leads. Voters have other, better opportunities to express themselves. They can write letters to newspaper editors, protest, attend rallies, send money to causes, write books and articles, blog, make movies, paint, talk to one another. They have many outlets for self-expression that do not lead as directly to political outcomes as voting does.

Suppose the majority of you vote for an obviously bad presidential candidate for expressive reasons. Perhaps you were rightly dissatisfied with the status quo. Still, you did not bother to research the candidate, his preferred policies, and the likely outcomes of those preferred policies. As a result of your vote, the candidate now has significant power. He implements a number of harmful policies, some of which harm me. I have a moral complaint against you: how dare you impose bad governance on me as a means to expressing yourself? If you're upset, write a poem!

Or consider another case. Suppose Sanda is a Burmese immigrant to the United States who has recently become a U.S. citizen. The next election will be her first chance ever to vote. Sanda wants to vote but does not know enough to qualify as a good voter. (Though she recently passed the U.S. citizenship exam, most of the questions on the civics portion of the exam consisted of trivia and fun facts, which are irrelevant to assessing potential policies.) She is excited about living in a democracy, because she sees democracies as a good means for promoting the common good and securing social justice. She wants to express a commitment to the democratic system of government. Voting will enable her to feel a sense of solidarity with her fellow Americans. Though she will vote badly, the probability that this will harm anyone is vanishingly small. Is it permissible for Sanda to vote?

The subject matter of morality is not just the rightness and wrongness of actions but also the goodness and badness of different motives. You can do the right thing for the wrong reasons, and even sometimes do the wrong thing for the right reasons. According to the theory I have presented here, if Sanda votes, she acts wrongly. Even if so, this does not imply that she has badly defective moral character. She might be doing the wrong thing for the right reasons. Her action is strictly speaking wrong, but her motives are not contemptible.

Sanda votes in part as a means to express good attitudes—a commitment to democracy as a means to producing social justice. Despite that, her behavior is also somewhat bizarre. She wants to express a commitment to democracy, but for whatever reason, in her very first chance ever to vote, she failed to place herself in a position to vote well. This is somewhat perverse. If someone wanted to express a commitment to democracy through voting, we might expect her to invest the time to vote well. Imagine I told you, "I want to express a commitment to democracy. In order to express my commitment, I'm going to vote tomorrow for a bunch of candidates I know little about who take various stances on issues I do not understand. For all I know, it would be disastrous for the country if I got my way. Good thing I'm not the only voter!" If I said that, you would find my behavior repellant or at least odd. Sanda would not describe herself this way, but nevertheless, this is what she is doing.
By voting badly, Sanda participates in a collectively harmful activity. In general, taking pleasure in voting or having the desire to express oneself does not excuse bad voting. Taking pleasure or having the desire to express oneself does not excuse littering in public parks or participating in the Firing Squad either. It may seem that voting badly is no so bad as littering in public parks or participating in the Firing Squad. However, we need to remember that democracies make life and death decisions and impose rules upon innocent people through violence and the threat of violence. Sometimes voting for the wrong candidate is very much like being an extra shooter in the Firing Squad thought experiment. For example, if you elect a candidate who intends to criminalize an activity that the state should not criminalize, then however noble your intentions and expressive desires might be, you are helping to oppress innocent people.

That said, sometimes voting expressively is also a way of voting instrumentally. Sometimes, a group of voters might justifiedly believe that voting for a fringe party (even a bad one) or for certain candidates is a way of serving the common good, because voting this way can be expected to make mainstream parties behave better. Sometimes, voters justifiedly believe that expressing discontent through voting will promote the common good. In these kinds of cases, voters are said to vote strategically. My theory of voting ethics allows for strategic voting. (See chapter 5 for further discussion of this issue.)

The kind of expressive voting that Gaus defends and which I criticized here is different from this more sophisticated form of expressive voting. In this section, we have been discussing voters who vote to express themselves, but do not have any idea what effect their self-expression will have.

Objection: This Thesis Is Self-Effacing

I argue that people who would vote badly should not vote. However, the people I describe as bad voters are unlikely to recognize that they are among those obligated not to vote. To confirm this in at least one instance, as an unscientific experiment, I discussed my thesis with a person who I believe exemplifies bad voting. He agreed that other people should not vote. Even worse, if good voters were to hear that bad voters should not vote, they might stop voting out of fear of doing wrong.

Thus, my position in this chapter might be self-effacing. However, even if this were so, my thesis is simply that people should not vote badly. I do not claim that advertising this thesis to the general public would make the world better. Whether telling the truth about morality makes the world a better place depends on many contingencies. Sometimes people are corrupt enough that hearing the truth inspires bad behavior.

A self-effacing position need not be false. For instance, suppose certain critics of utilitarianism are correct when they claim that if people accepted utilitarianism, this would make the world worse by utilitarian standards, simply because most people are not good at employing such standards. If so, this does not show that utilitarian standards are false. Rather, it just shows that we should not advertise them. As David Brink notes, there is a difference between a criterion of right and a method for making decisions. The former is about what makes actions right or wrong, but the latter is about figuring out how to do what is right or wrong. A good method for Alex might be different from what is good for Bob because they have different cognitive abilities. Alex is good at making calculations while Bob is not. But the standard of right action is the same for both. The point of the decision-making method is to help them get to the right action. In this chapter, I articulate a criterion of right, not a method for making decisions.

Despite this, one might still argue that self-effacement harms my position because ought implies can: people ought to X only if they can X. People have a duty only if they can follow the duty. One might pose the following dilemma. Either people cannot recognize they are bad voters, in which case they cannot obey the principle and thus are not subject to it, or if they do recognize they are bad voters, they use this recognition to turn themselves into good voters, and thus are no longer subject to the duty.

This appears to be a false dilemma. In moments of clarity we sometimes recognize that we have bad character or tend to act badly in certain ways, but realizing our errors does not fix them—we easily slip back into old behaviors. For instance, one might notice that one has been repeatedly dating people with the same flaws, but this rarely fixes the problem.

Another worry is that my theory requires irrational voters to possess knowledge about themselves, which they might be unable to possess. If so, then my theory violates ought implies can—it asks people to do something they cannot do. Philosophers generally conclude that a person cannot have an obligation to do X if it is impossible for her to do X. So, if the theory presented here asks voters to do something they cannot do, then the theory is false. For instance, suppose Bonnie votes regularly but is so deeply irrational about politics that she could not stop being irrational even if she tried. She is so irrational that she is unable to know that she is irrational. She believes herself to be a good voter and is unable to think otherwise. One might worry that my theory requires her to know that she is irrational and thus know that she should not vote. Yet, by hypothesis, Bonnie cannot know this—it goes beyond her abilities. If so, then my theory appears to violate the principle that ought implies can.

This objection is mistaken. I have argued that irrational voters ought to abstain from voting. This does not imply, and I have not argued, that
they have a duty to know that they are irrational, or to know that they should abstain from voting. Similarly, I have argued that voters should not vote for things that would promote the common good. This does not imply, and I have not argued, that they should not know they are good voters. My theory says that citizens should vote well or abstain. It does not say that they should know that they are good or bad voters. Thus, this theory does not ask citizens to do anything that they cannot do. The theory says that Bonnie should not vote, which is easy to do. It does not say that she should know that she should not vote, which is hard to do.

Still, one might object that one cannot have a duty unless one knows that one has a duty. This does not seem right. Suppose I am a soldier and receive orders from my superior in an envelope. The orders require me to X. I never bother to open the envelope, and so never learn that I have a duty to X. Despite that, I still have a duty to X, even though I am unaware that I have a duty to X.

In another version of the objection, suppose one cannot have a duty to X unless one can know that one has a duty to X. (After all, the soldier in the preceding example could know what his duty is, but perhaps irrational voters cannot know they have a duty not to vote.) This version of the objection also seems wrong. Suppose I am driving drunk and a child is crossing at a crosswalk. Because I am drunk, I am unable to see the child, and so I am unable to recognize that I have a duty to stop. Still, I have a duty to stop. Though I am unable to know I have a duty to stop, I am not relieved of the duty, because I had a responsibility not to make myself unable to recognize my moral duties. That I cannot know that I have a duty to stop is my fault, and thus I still have a duty to stop. Insofar as Bonnie is like the drunk driver, she is still blameworthy for voting.

A final variation on this objection holds that one cannot have a duty to X unless one can know, in principle, that one has a duty to X. (After all, the drunk driver could have known, in principle, that he had a duty to stop, if only he had not been drunk, and he could have chosen not to drink so much.) This seems more plausible than the other versions of the objection. If Bonnie cannot know, even in principle, that she has a duty not to vote, and if it is not her fault that she cannot know this (i.e., if it is not her fault she is irrational), then perhaps she might be excused from the duty not to vote badly. Still, very few bad voters will be like that. Most bad voters can know that they are bad voters, and even among those who cannot know they are bad voters, most of them are at fault for not being able to know this. Most people could be more rational if only they chose to put in the effort.

The view that bad voters should not vote does have a practical upshot. We sometimes can minimize the effects of some vices even when we cannot not rid ourselves of them. For example, overeaters sometimes realize that in future moments of temptation, they will rationalize eating any junk food in easy reach. Thus, some overeaters do not keep junk food in their homes and take alternative routes to work to avoid passing fast-food restaurants. If a person could recognize that she tends to be a bad voter, she might take action to improve her voting behavior, or at least choose to abstain, just as I have in cases where I was not in a position to vote well.

Summary and Conclusion

Voters should justifiably believe that the policies or candidates they support would promote the common good. Otherwise, they should abstain from voting.

This chapter presents a theory of when it is morally permissible for a person to vote. However, it is not a theory of whether it is permissible to induce others to vote, or whether one might have an obligation to try to stop them from doing so. So suppose Steve is an irrational but fortuitous voter. He happens to support the right candidate for the wrong reasons. My theory says Steve should not vote—it is wrong for him to do so, and he would be blameworthy for voting. Still, even if it is wrong for Steve to vote, it might be permissible for Terrence to encourage Steve to vote (because Terrence happens to know Steve will vote fortuitously). More broadly, it might be acceptable to be a community organizer who induces lots of irrational, ignorant voters to vote, provided one is sufficiently justified in believing they will vote fortuitously. My theory says that the fortuitous voters are blameworthy for voting, but it does not say that you are blameworthy for inducing them to do a blameworthy thing.

I see myself as a defender of democracy. I wish to keep the voting process free of pollution, and what defender of democracy wishes to see her favored system polluted? Many democrats are concerned with both democratic procedures and democratic values. Not just any outcome produced by democratic procedure is acceptable, nor is every outcome aligning with democratic values acceptable regardless of what procedure produced it. Universal voting by bad voters might make procedures more democratic than massive abstention by people who would vote badly. Yet this does not mean the outcome of this procedure will align better with democratic values, and thus does not mean that opposing universal voting is inherently undemocratic.

When people call for universal or extended participation, we have to ask what would be the point of the institution of universal participation. If we are passionate lovers of democracy, we might celebrate what
universal participation would symbolize. Yet, in the real world, we have
to ask how institutions would function. Institutions are not people. They
are not ends in themselves. They are not paintings, either, to be judged
by their beauty, by what they symbolize, or who made them. Institutions
are more like hammers—they are judged by how well they work. Good
institutions get us good results; bad institutions get us bad results.

APPENDIX I

The Prisoner’s Dilemma

The prisoner’s dilemma game gets its name from a hypothetical story
in which two suspects are given the opportunity to stay silent or rat on
one another. In the abstract, the game works as follows. There are two
players, each of whom has two moves, cooperate or defect. They move at
the same time. The payoffs are depicted in Figure 3.

In the prisoner’s dilemma, cooperation is a win-win scenario. Both par-
ties are made better off if they cooperate with each other and remain
silent. Nevertheless, if both players try to maximally benefit their self-
interest, the players do not cooperate. They both defect. Player 1 defects
because no matter what player 2 does, player 1 is better off defecting. If
player 2 cooperates, player 1 gets a huge gain by defecting. If player 2 de-
fects, player 1 would suffer a huge loss if she cooperates, and so is better
off taking the smaller loss from defecting. This holds for player 2 as well;
she is also better off defecting no matter what. In the language of game
theory, defection is the dominant strategy—the optimal move regardless
of what the other player does. The prisoner’s dilemma interests political
philosophers because it shows something seemingly paradoxical: both
players, in the attempt to arrive at an optimal result for themselves, arrive
at a suboptimal result.

\begin{tabular}{|c|c|c|}
\hline
 & Player 2 cooperates & Player 2 defects \\
\hline
Player 1 cooperates & 1 gets small gain & 1 suffers major loss \\
\hline
 & 2 suffers major loss & 2 suffers small loss \\
\hline
Player 1 defects & 1 gets large gain & 1 suffers small loss \\
\hline
\end{tabular}

Figure 3
Chapter Four

Deference and Abstention

I have argued that citizens have duties to abstain rather than vote badly. This chapter considers a number of objections to the argument of the previous chapter. Each objection is related to issues of deference and abstention.

Objection: Does Abstention Imply Epistocracy?

My position is elitist. Some forms of elitism are bad. Some are not. Yet claiming that only competent people should undertake certain activities is not obviously a bad sort of elitism. While it is elitist to claim that a person with an unsteady grasp of comparative advantage should not vote on trade policy and immigration reform, it is also elitist to claim that a person with an unsteady hand should not perform surgery.

David Estlund defines "the epistocracy of the educated thesis" (a view he rejects) as the view that when "some are well educated and others are not, the policy would (other things equal) be better ruled by the giving the well educated more votes." This seems to be a bad form of elitism. I am not here arguing on behalf of unequal voting rights. Instead, I am arguing that some citizens should not exercise their right to vote by voting. "I have the political right to X" does not imply "It is morally right for me to X." However, because I claim that some people should not vote, perhaps Estlund's arguments against epistocracy would count against my position.

Estlund says to the potential epistocrat, "You might be correct, but who made you boss?" Good voters have no more right to rule than bad voters. Estlund argues that universal suffrage is a default because any other system invites "invvidious comparisons." Making political wisdom a condition of the right to vote would not be generally acceptable to the people under the government's authority. The theory I have presented here is compatible with Estlund's view. My position is not that the good voters should rule by right, or that the bad voters are by right forbidden from ruling. Rather, bad voters should exercise their equal right to rule in the way that is most advantageous to themselves and others; by abstaining from politics. I have argued that people should
not vote badly, but I have not argued that someone should force them not to vote badly.

Some philosophers worry about people having unequal voting power. Yet one can hold that people should have equal voting power, but many people should not exercise the power they have. Still, someone might object that not exercising power is equivalent to not having power. Thomas Christiano worries that when citizens allow others to make decisions, this results in a society in which the few rule and the many obey. This need not be so. In committees, clubs, and at the polls, I have been asked to vote on issues I did not understand, have much knowledge about, or about which I was biased. My concern was to do the right thing and help make sure the best policy goes through. If I do not know what I am talking about, or if I know that I am prone to error and bad judgment about a given issue, one way of respecting my fellow citizens, committee members, and the like is to abstain. The times I have abstained were not losses of power. While I permitted other people to make the decisions, they did not rule me. After all, I permitted them to make the decision.

Abstention is not like relinquishing one's right to rule. On the contrary, abstention can be a way of voting indirectly. Suppose I am from out of town and visiting all of you. We are deciding on a restaurant. I prefer that we eat at the best place. However, I know little about the local restaurants, while you all are connoisseurs. Despite your greater knowledge, a concern for fair and respectful procedure entails that we should each get an equal say. You do not have the right to tell me where to eat. You know better, but no one made you boss. Though ignorant, I could vote directly for a specific restaurant. Yet, because I want to pick the best restaurant, I could also say, "I vote for the best restaurant, but I do not know which one that is. Because the rest of you know better, I vote that my vote reflects your collective wisdom." Then abstain but, in effect, vote indirectly.

**Objection: Abstention Causes a Loss of Autonomy**

Some might see abstention as a violation of autonomy, perhaps even slavish. To abstain means to cede political judgment to others and to give up one's own independent judgment.

This seems mistaken. First, deferring to others does not always involve a troubling loss of autonomy. Second, the idea that voting gives the voter significant autonomy or control is implausible anyway.

The first problem with this objection is that deference is not necessarily a loss of autonomy. So long as I have an equal right to vote, choosing not to vote can be an autonomous act, a way of expressing my will that the best outcome be achieved. Because I retain a right to vote, I am an equal citizen and the democratic decision-making procedure remains generally acceptable.

Julia Driver considers a similar issue, asking whether deferring to moral experts shows a lack of autonomy:

When an agent decides to accept the testimony [of the moral expert] the agent is acting autonomously. There is an autonomous decision not to make one's own decision. So, one does display independence of thought at this level. If the worry is that one is failing to make up one's own mind, then the worry involves a confusion over levels of decision-making. If I decide to trust the expert, I have made an autonomous decision. The trust is not like infant trust nor does it involve the blind deference of one who has been cowed.

Driver acknowledges that some people are overly deferential or indiscriminately cave in to pressure or to putative authority. These people are not autonomous. However, that does not mean that all deference shows a lack of autonomy.

Deferrance can be autonomous when done the right way. When I was a graduate student, I received plenty of practical advice (about writing, presenting, networking, etc.) from my dissertation supervisor and other faculty. I was in a position to grasp the truth of some of this advice but not all of it. Some of the advice could be shown true only through experience. Still, when I accepted this latter kind of advice, I was not thereby acting non-autonomously. I did not just take their word for it. Rather, I accepted their advice because I came to an independent, autonomous judgment that they were trustworthy and reliable advisers. Even as I followed their advice, I remained prepared to stop following if I came upon strong enough evidence that they were wrong.

The second problem with this objection is that it appears to overstate the degree of autonomy that voting confers. I take it for granted that in some sense a person who lacks a right to vote is, all things being equal, less free than a person who has the right to vote. I am not sure if the kind of freedom in consideration here has much to do with autonomy. A person who lacks the right to vote might still be a self-controlled, self-legislating person, just as a person who has the right to vote might be slavish and blindly deferential.

However, the issue here is not whether having a right to vote makes one more autonomous, but whether the act of voting makes one more autonomous. A person who abstains might still be self-controlled, self-mastered, and self-legislating, just as a person who votes might be slavish and blindly deferential. Indeed, many of the people I have argued should not vote should not vote precisely because they are slavish and
blindly deferential—they vote on the basis of peer pressure and emotional impulses rather than on good reasons. They unjustifiably defer to others.

If there is a connection between voting and autonomy, it must be something like this: by voting, a person is in part the author of the laws. If she abstains, then she has no authorship over the laws, and thus the laws are in some way imposed upon her. I have already explained why the claim that “the laws are imposed upon her” seems false. But the claim that a voter is in part the author of the laws needs further examination. First of all, if abstainers cannot be considered authors of the law, then it seems that neither can voters for losing candidates and policies. So, at best, voting confers autonomy on you only if your side wins. However, even then, it does not confer any significant autonomy.

I have made many autonomous decisions in my life. I have made autonomous decisions over petty things: what to wear each day, what to eat, what color toothbrush to have, what to watch on television. I have made autonomous decisions over important things: what to write about for my dissertation, where to go to college and graduate school, which job offers I would accept. I have made autonomous decisions over momentous things: whom to marry, whether to have a child, what to choose for a career.

Suppose these choices had been subject to democratic decision making. We would regard that as taking the choice away from me and giving it to the democratic body. Even if I had an equal vote in this body, it would be a severe loss of autonomy. Even if the democratic body did not just vote, but actively deliberated over the best choices (and listened to me give my reasons), having it make the decisions would mean a severe loss of personal autonomy for me.

It is not just that I have more autonomy when I make decisions alone as opposed to when a democratic assembly (of which I am a member) makes the decisions. Rather, when a democratic assembly (of which I am a member) makes the decisions, I don’t have much autonomy at all. Making decisions collectively requires me to submit to and appeal to the judgments of others rather than to my own judgment. This is one of the main reasons why liberal societies recognize and protect an extensive set of private rights for each citizen. To protect citizens’ autonomy, certain things—such as what to believe, where to work, what to worship—have to be taken off the political bargaining table. When people come together as a deliberative democratic body to decide these things, this strips citizens of their autonomy.

Robert Nozick illustrates this point with a story called the “Tale of the Slave.” Nozick describes the changing conditions under which a slave lives and asks his readers to point out when the slave stops being a slave.

Say you are the slave. At first, you live under a cruel master, who beats you arbitrarily. Then the master posts a set of rules and punishes you only when you violate the rules. The master then starts allocating resources among all of his slaves on kindly grounds, considering their needs, merit, and other factors. The master then decides to allow the slaves to spend four days doing whatever they please and requires them to work only three days on his manor. The master then decides to allow the slaves to live in the city or wherever else they like, as long as they send the master three-seven of their income. The master also continues to regulate many of their activities and can call them back to the manor for defense. The master decides to allow his 10,000 slaves—other than you—to make decisions among themselves about how to regulate their behavior and how much of their income they must send the master. You are bound by their decision, but cannot vote or deliberate.

When the master dies, he leaves all of his slaves, including you, to each other as a collective body, except for you. That is, his 10,000 other slaves collectively own everyone, including you, but you own no one. The other 10,000 slaves decide to allow you to advise them about what rules they should pass. These rules govern both their behavior and yours. Eventually, as a reward for your service, they allow you to vote whenever they are evenly divided—5,000 to 5,000—over what to do. You cast a ballot in an envelope, which they agree to open whenever they are split. Finally, because they have never been evenly split, they just include your vote with theirs all the time.

At the end of the story, many readers think the slave never stopped being a slave. This is disturbing because by the end of the story, the situation very much resembles modern democracy. I don’t invoke the story here to prove that we are all slaves in modern democratic societies. Even though I agree that modern democratic societies abuse their citizens in certain ways and do not afford them as much freedom as citizens by right should have, we are clearly more free than the slave at the beginning of the story. (Notice, for one, that Nozick’s tale does not mention whether the 10,000 slaves recognize and protect rights.)

Instead, what I think we should learn from Nozick’s story is that being a member of a rule-making body, especially a large one, does not give one much control. Each slave in the tale of the slave can legitimately claim that everyone else makes all the decisions and that the decisions the body makes would have occurred without her input. Democratic politics can sap us of autonomy in part because democratic bodies often rally around charismatic leaders and split into warring tribes. But even when political power remains equal, and even when democratic outcomes result from the equal input of all, there can be feeling of an utter lack of power. Our voices and votes are lost.
In parallel: I went to Mardi Gras one year. At night, the streets were so congested that I couldn't move to the corner to see anything. Everyone in the crowd shared the same predicament. We were all equals. Our individual movements equally decided the collective movement of the crowd. Yet, we were each powerless.  
Benjamin Barber, a long-time proponent of what he calls strong democracy, does not seem to grasp this point. He says, "We want what we want privately, but we want more to be able to choose the public agenda that determines what our private choices will be." Barber provides no empirical evidence that this is so. (That is, he did not do or cite any surveys, etc., to establish that this is what people want. Instead, he simply assumed that most people want what they want.) However, if we grant that having the power to choose the public agenda is important, it is still unclear how modern democracy provides me with any significant ability to choose the public agenda. As Michael Walzer says, "Isn't the vote itself a kind of power, distributed by the rule of simple equality? A kind of power, perhaps, but something well short of the capacity to determine destinies and risks... A single vote... represents a 1/n share of sovereignty... in a modern mass democracy, it is a very small share indeed." When I make a choice about what to wear, I end up wearing what I choose. When I make a choice about the public agenda and express this choice through voting, it makes no significant difference. It never has and it never will.

One further point about deference and autonomy: we cannot control or have a say over everything that happens in our lives, so we have to choose where we make a stand, where we think it's important to be authentic. Politics is one place to make a stand, but it is not the only or obviously best place.

Consider an analogy. Chris was a punk rock kid who rode the bus with me in ninth grade. One day Chris complained about my manner of dress: "You wear the Gap just like everyone else. You don't try to be original or true to yourself." Chris, in contrast, had chosen to conform to the punk rock subculture. I responded with something like this, "I don't care that much about how I dress. So I go along with how others dress. It's not that important to me, and how they do it is good enough." (In contrast, it was very important to Chris to dress a certain way.) In this case, it is implausible to say that I was inauthentic or lacked self-control because I deferred to the crowd on how to dress. Sometimes this deference is a way of being authentic, or as authentic as it is reasonable to be, because deferring prevents one from wasting time on unimportant things.

There is no obvious reason why politics cannot be like that. A self-controlled, authentic, autonomous individual might defer to others on politics because she recognizes that others will produce good enough outcomes, and within that range of likely outcomes, the outcomes just are not that important to her. Or she might defer because she accepts not having control over everything and finds more important places to make her stand.

In summary, to make a conscious decision to abstain does not involve any serious loss of autonomy—in part because one can autonomously choose to defer to others' decisions and in part because the act of voting does not confer any significant degree of autonomy upon the voter; so abstention has little opportunity cost in terms of autonomy.

Objection: Should I Always Defer to Superior Voters?

Another objection to my argument is this: my theory implies that we should always defer to voters who are epistemically and morally superior. After all, if the bottom 1 percent of voters (in terms of their morality, rationality, and knowledge) should defer to those above them, should the next 1 percent also defer, once the bottom 1 percent drops out? If so, this cycle of abstention and deference would continue until only the very best voters remain.

This objection seems to be confused about what I have argued. I have not argued that the bottom 1 percent should defer to just anyone with better epistemic and moral credentials. My theory implies that if people in the bottom 1 percent lack good epistemic credentials, they should abstain. I have not said that people in the bottom 1 percent must abstain because they are in the bottom 1 percent. After all, we can imagine societies where even the bottom 1 percent has sufficiently good credentials to vote well. Also, I have not argued that you should always defer to someone who is better than you. Rather, I have argued that if you are going to vote badly, you should abstain. Someone might be a better voter than you but still be bad. In that case, you should not defer to her. You should abstain. That is not the same thing as deferring to her. She should not vote either. If she does, she does something wrong. If you vote, you do something worse.

Despite these caveats, my main response to this objection is simply to grant it. Under certain conditions, you should defer to those who have better credentials.

Suppose Aubree is the wisest, most rational, most virtuous, and best informed among us. This would not imply we should all defer to her. Though she would make a better voter than any one of us, many of us together might do better than she would do by herself. Similarly, a given professor might know more about philosophy than any of the third-year students, but...
graduate students, but the third-year graduate students might collectively know more than the professor. Sometimes, though not always, many weaker minds are better than one strong mind, though it is not yet well understood when this is the case and when not. 12

So suppose instead not only that Aubree is wiser and more virtuous than each of us but that she is better than all of us collectively. If we ask Aubree how government should be structured, she is more likely to arrive at the correct answer than the rest of us would, regardless of what method (voting, deliberation, etc.) we use to arrive at a collective decision. Finally, suppose we all justifiedly believe that Aubree is wise, well informed, and virtuous. (That Aubree is in fact wiser than we are is not enough; we need to be justified in believing this. Otherwise, if we deferred to her, it would be fortuitous.) 13

In this case, we ought to ask Aubree what we should do and then do it. 14 After all, by hypothesis, the best decision method is to follow Aubree's advice. She, of course, does not have the right to rule just because she is more likely to be right, but because she is more likely to be right, we should take her advice. Ex hypothesi, her view on what we should do is the best view to be had. (Suppose she were omniscient and omnibenevolent. In that case, she has not only the best answer but the right answer. If we disagree with her, we are wrong.) So, if we can count on everyone to abstain rather than to vote against Aubree's view, then we should abstain and have her vote by herself. Or, alternatively, we should ask her how we ought to vote, and then voters should vote that way. Or perhaps we should just make her queen.

If we do not defer to Aubree—if we do not vote the way she says we should—then we substitute a less reliable decision procedure in place of a more reliable one. We increase the probability of arriving at harmful and unjust policies.

From a personal point of view, perhaps there are limits to how much deference is desirable. Suppose a daemon, via telepathy, constantly gives me correct advice about what I ought to do. It is at least arguable that developing independent thinking skills and other virtues of practical wisdom would be worthwhile for me, even though strictly speaking I do not need these virtues. 15 However, there is a difference between deferring to an expert on every aspect of one's life and deferring to experts on some aspects. So, if we collectively defer to Aubree on the issue of how to govern, we might still each be autonomous, independent thinkers in other, more important aspects of our lives.

Developing practical wisdom is a good thing. It takes practice and exercise to develop it. However, the voting booth is not a good place to get this exercise. When we exercise at a gymnasium, for the most part, we internalize the costs of poor weight-lifting technique. If you are out of shape, you don't make other people suffer. However, when we vote, other people bear the costs. We externalize our bad decision-making techniques onto innocent bystanders.

John Stuart Mill hypothesized that democratic participation has an educational function—it tends to make people smarter. He appears to be wrong about this—the empirical evidence suggests otherwise. 16 However, even if he were correct, that this is a good argument for participation is not obvious. If the rest of you impose bad governance on me, it is a poor excuse to say you were pursuing the educative function of democracy. How dare you make me suffer as a result of your attempt to become smarter? Why couldn't you play Sudoku and study economics instead?

In principle, if there were someone like Aubree and we all knew this, then I agree we ought to defer to her. Doing so is not objectionable.

The reason it might seem objectionable is that in practice it is a different story. In practice, we seldom have people like Aubree. In practice, there is rarely one person who is more reliable than any other set of people. That is not to say that, if you are seeking the truth, polling everyone is always better than asking an expert. For instance, if you want to know the truth about evolution or the effects of free trade, you would do a better job asking a random biologist or economist instead of polling the populace at large. However, there is probably no biologist (or economist) who is as an individual more reliable than the top 5 percent of biologists (or economists) together.

Part of the reason for this is that within some limits, there is value in cognitive diversity. By cognitive diversity, I mean diverse perspectives ("ways of representing situations and problems"), diverse interpretations ("ways of categorizing or partitioning perspectives"), diverse heuristics ("ways of generating solutions to problems") and diverse predictive models ("ways of inferring cause and effect"). 17 Scott Page argues, using mathematical models, that when it comes to making accurate predictions, increasing the amount of cognitive diversity among decision makers is as important as increasing the predictive power of individuals within the group. 18 That is, sophistication and cognitive diversity are equally good. 19

Page does not argue that having many diverse but stupid predictions always works better than having fewer less-diverse smart predictions. On Page's account, completely unsophisticated but diverse crowds do not make good predictions. 20 Systematically biased crowds do not make good predictions. Rather, Page modestly concludes that having many diverse good predictors tends to be more successful than having just a few excellent predictors. 21 Sometimes, two smart but different heads are better than one smarter head.
Objection: Do You Need a Ph.D. to Vote?

One might object that my theory implies that only people with Ph.D.s should vote. Only they will have the expertise enough to be able to claim that they are justified in their beliefs about politics, and so only they will be justified in voting.

This objection does not accuse me of believing that all Ph.D.s are justified in their views and that all Ph.D.s should vote. That would be implausible. Many Ph.D.s are silly ideologues. They accept various political views not because of evidence but because they want to fit in with their peers or maintain their self-image. They are mixed in foolish ideas fixed. The writings of many Ph.D.s are little more than pretentious, obscurantist twaddle.22 Academics and other educated people often are caught up in intellectual fads. They accept doctrines because they are popular or seem intriguing, not because there is good evidence in support of them. For instance, many economists formulate views on the economy that are based on the sexiness of certain mathematical models. Bias and irrationality plague everyone, including scientists, social scientists, and philosophers. Perhaps highly educated people are especially prone to overestimating their own epistemic credentials, and so perhaps they vote badly in high numbers. Presumably this applies to me too. Perhaps I should not vote.

To be clear, my position is that people should vote only if they have good epistemic credentials. It might turn out that few people have good credentials (about politics), but it might not.

Social epistemology gives us some reason to think that the number of people with good epistemic credentials about politics is not vanishingly small. One can be justified in believing certain things by relying on the testimony of others, provided at least that one is justified in accepting their testimony. So, for instance, I am justified in believing that quarks exist even though I have not witnessed any of the experiments providing evidence of their existence. The reason I am justified is that I accept the testimony of physicists. Of course, I do not accept it blindly. Though I am not a good physicist, I am adept enough at distinguishing mainstream physics from quack physics and at distinguishing widely accepted physics from possibly correct but controversial physics. I am good at recognizing and remaining neutral when there is significant controversy among experts. Part of what helps me make such discriminations is that I had significant college and high school training in physics. However, I have nowhere near enough training to call myself a physicist.

Similarly, voters do not need to be experts on the issues they vote on, as long as they can reliably discover who the trustworthy experts are and vote with expert opinion. This requires significant knowledge and some critical thinking ability, but it does not require expertise. One needs to have a good enough sense of what the consensus views are in relevant fields. It helps to read contrary views as well, because knowing whether consensus and orthodoxy result from rationality or irrationality is important. Keeping up with current events will be important. It is best to read a wide variety of sources from different ideological backgrounds. Having an awareness and ability to detect different cognitive biases is an important asset to a voter. A good level of distrust of politicians and a strong ability to see through rhetoric is important as well. Being able to separate genuine experts from popular pseudo-experts is important. For example, one should be able to distinguish between Edmund Phelps and Naomi Klein on economics or between Ken Miller and Ben Stein on evolutionary biology. A good liberal education and a good, critical mind are the main assets of a good voter. Some people qualify as good voters out of high school. Some need college training. Many will not be good voters no matter how much education they obtain. Regardless, it is not obvious that my theory implies that only a small percentage of people will be justified in voting.

However, suppose I am wrong. Suppose that, on the correct theory of epistemic justification, only a few people are justified in their political beliefs, even once we count the people who justifiedly accept the testimony of others. If so, then my theory implies that only these people should vote.

What then? On one hand, this need not be a problem. If everyone behaved as my theory of voting ethics suggests they ought, then they would defer to better voters and find this deference unproblematic. It would not undermine democratic stability. Now, in practice, I do not expect this to happen. Instead, I expect bad voters to continue to vote badly.23 But that does not show that the theory is wrong. It just shows that people are not likely to act well.

Objection: The Moral Disenfranchisement of Poor Minorities

Another objection to my argument says that it suggests the moral disenfranchisement of the poor and of minorities.24 Arguably, poor blacks are less likely than rich whites to possess the proper credentials to be good voters. So my theory seems to suggest that some already disadvantaged people have a (unenforceable) moral obligation to refrain from voting. On top of the mistreatment they have received from the social system, I am now claiming that their votes are a kind of pollution. How mean! Or so the objection goes.
Now, obviously my theory of voting ethics does not say anything as straightforward as “only rich white people should vote” or “poor blacks should never vote.” Rather, the theory says that only people who meet certain epistemic criteria should vote. Yet it might turn out that in our world the people who have an obligation to abstain disproportionately are poor, underprivileged minorities. (See chapter 7 for some empirical evidence that this is so.) Note that I have not asserted that this is the case. Instead, I am simply considering whether the possibility poses a problem for my theory.

For the sake of argument, imagine that our society is divided into two races, the Blues and the Greens. All of the Blues are rich, well educated, and are good voters per my theory. All of the Greens are poor, badly educated, and are bad voters per my theory. Also, the Greens are this way because of a complex set of sociological, economic, and political factors, which in turn stem from their history of being oppressed by the Blues.25

In this society, the Greens are badly served. We should find ways of generating better education and opportunity for the Greens. The system is broken and needs to be fixed. There is a real failing of social inclusion in this society.

Still, the Greens should not vote, even if they ought to have the right to do so. By hypothesis, if the Greens vote, either they will vote harmfully or their votes will be fortuitous.26 By hypothesis, having the Greens vote en masse is unlikely to solve any problems. The Greens’ votes would help the Greens only if the Greens know enough to support policies that would help them. By hypothesis, the Greens do not know enough.

One might argue that if the Greens vote en masse, then the Blues will be forced to reckon with them and will be forced to improve the lot of the Greens. However, this is true only if the Greens are sufficiently well informed, well meaning, and adequately rational in how they vote. That is, this is true only if the Greens are pretty good voters. If the Greens are bad voters, then the Blues will only need to pretend to care about the Greens’ problems but can get away with doing nothing to solve them.27

Similarly, suppose that many Greens are born with natural talents and abilities, such that if they had been born into the better socioeconomic circumstances of the Blues, they would have become surgeons, engineers, professors, and lawyers. Instead, these naturally talented Greens are born into broken families, into crime-ridden, economically depressed areas, and into places with low educational opportunities. As a result, imagine that these Greens, despite their natural talents, are so scarred by their childhood circumstances that, when they grow up, none of them retain the ability to work as surgeons, engineers, professors, or lawyers.

If so, this is a terrible thing. Justice cries out for the problem to be fixed. But it does not follow that any of the scarred Greens should be surgeons, engineers, professors, or lawyers. By hypothesis, they are not in a position to do these jobs adequately. The very fact that they are not in such a position gives them grounds for complaint, but that does not mean they should do any of these things.

In parallel, suppose my father beat me daily when I was a child. As a result, I can no longer hold my hand steady enough to perform surgery, no matter how hard I try. If so, then I should not be a surgeon. It is not my fault that I should not be a surgeon. It is unjust that I have been placed in such a position. My father should apologize and compensate me. Still, I should not be a surgeon. Were I to perform surgery, I would hurt innocent people. Similarly, were the Greens to vote, they would hurt innocent people, including themselves. Or it would be pure luck if they did not.

So, if it turns out that poor minorities overwhelmingly qualify as bad voters on my theory, this does not mean my theory is wrong. Rather, it probably means that there is something wrong with our society, and we should try to fix the problem as best we can.

**Should We Restrict the Right to Vote?**

In most democracies, universal and equal adult suffrage is the default. That is, every citizen, upon reaching a legally defined age of reason, is granted a right to vote, and a right to vote of equal weight as everyone else’s. The wisest person has as much voting power as the fool, and the most virtuous person has as much voting power as the most wicked (except, in some countries, if the wicked person is a convicted felon). Is this a desirable or just way to distribute political power?

Suppose some voters fail to meet the standards of good voting. Does this imply that they should not be permitted to vote, or that they should be deprived of the right to vote? Should political power—including the right to vote—be made conditional on epistemic competence, political knowledge, and moral goodness? In this section, I want to explain briefly why even if we can show someone is bad voter, it does not automatically follow that she should not have a right to vote. So, in this section, my goal is just to show why if someone is incompetent or corrupt about politics, it does not automatically follow that she should thereby lack the right to vote. That is, I want to explain why the claim that some people should not vote does not straightforwardly imply that universal suffrage is unjust.
Some epistocrats hold that people should have the right to vote only if they demonstrate sufficient knowledge and rationality. The idea is that in order to register to vote, citizens must pass a competence exam showing sufficient knowledge of civics, economics, political science, and related knowledge. Bryan Caplan says, "A test of voter competence is no more objectionable than a driving test. Both bad driving and bad voting are dangerous . . . to innocent bystanders."

The idea is that voters do not just choose for themselves but for others. As a citizen, I should be able to demand that anyone who exercises political power over me be (at least minimally) competent to do so. It would be unjust if I had to submit to an incompetent or corrupt jury, judge, or police force. So too would it be unjust for me to have to submit to an incompetent or corrupt electorate.

In principle, a competence exam could be an effective instrument to improve voting outcomes in ways that benefit all, including those excluded from voting. If angels ran the exams, we would have more reason to consider them.

In practice, the competence exam is ripe for abuse and institutional capture. Competence exams would be likely used to disenfranchise people who might vote against the party in power. Special interest groups would fight to control the agency overseeing the exams. Even if the exam were fair and just in principle, it is unlikely that the exam would be administered in a fair and just way in practice. If we are looking for a practical policy instrument to improve actual democratic decision making, then we need not examine whether competence exams are unjust in principle. We can expect them to be unjust in practice. I think Caplan's own public-choice economics speaks against the poll exam rather than for it, though he disagrees. One of us is wrong, and it might well be me. Perhaps the poll exam would be abused to some degree, but we would get such good political outcomes that tolerating the abuse would be worthwhile. I will not try to settle this debate here. Instead, I just want to note that even if a competence exam were acceptable in principle, whether such an exam could be administered properly in practice is partly an empirical matter.

Even if the exam system were free of corruption, there might be no way to design an exam that could track the morally relevant qualifications. A voter votes well when she votes in ways she justifiably believes will promote the common good. She votes badly otherwise. It is not clear how we could design a test that would track whether someone's beliefs about what will promote the common good are justified. How would we punish or reward people for making bad or good choices about civil rights? If we try to test knowledge, what should we test? A good voter does not need to know trivia, such as how many U.S. states there are, or how many voting members of Congress there are. Consider this relatively modest proposal: a good voter should know basic textbook economics (even if she disagrees with it) and should be able to identify one or two platforms of the candidates for which she votes. However, even this kind of knowledge is not necessary to be a good voter, on my theory. You might be completely ignorant about the candidates and about social science, but know that candidate A is supported by people who deserve your trust and deference, and thus be justified in voting for A on those grounds. We cannot design a written test to check for justified deference to experts. So, even if exams are acceptable in principle, it is not clear whether we can design an acceptable one.

However, whether such exams are acceptable even in principle is also not clear. In a recent book, Estlund argues that restrictions on who can hold power have to be made on grounds that all reasonable people (or, more precisely, people with "qualified points of view") can accept. Here is a summary of his position: Estlund argues that if we are going to have political power, the default position is that it should be equally distributed. If we give power to some but not others, then this means those with power get to rule over those without power. We are required to justify unequal power on grounds that can be accepted by all reasonable points of view potentially subject to that power.

However, Estlund argues, there is no way to meet this requirement. There is too much reasonable disagreement about who qualifies as an expert and who does not, about which people are good and which are corrupt. Even if, for example, my own theory of voting ethics is correct, some reasonable people will reasonably reject this view. (Though, of course, that is not to say that everyone who disagrees with me is reasonable for doing so.) Thus, even if I am correct in holding that some people should not vote, that does not mean the government is permitted to exclude them from voting. The theory of voting ethics presented here—even if true—might not be the kind of thing we can impose upon everyone. To impose it upon everyone requires that there are no reasonable objections to it.

Now, perhaps Estlund is mistaken in his defense of equal voting rights. However, to defend unequal voting rights requires that one overcome his objections, and that is a complicated project. At the very least, we cannot straightforwardly infer that if some people are bad voters, they should therefore be excluded from having voting rights.

Philippe Van Parijs has argued that it might be just to remove the political rights of elderly citizens. People should have political power only to the extent that they are likely to bear the consequences of their
decisions. Because the elderly are near death, they have an incentive (and ability) to seize many costly benefits for themselves and leave future generations to pay the tab. Depriving the elderly of the right to vote might be a necessary means of preventing the elderly from violating rules of intergenerational justice. His proposal faces many of the same problems as Caplan’s. For one, at least some elderly people will qualify as good voters, and so they have a legitimate complaint if they are excluded from voting. And Estlund’s objection applies to Van Parijs’s proposal as well.

The question of who should have the right to vote is an important one. In the past history of the United States, and of other democracies, many citizens were excluded on arbitrary grounds, such as on sex and race. We made moral progress by eliminating these arbitrary restrictions on voting rights. Still, we should not just assume that universal equal suffrage is justified, or even that democracy itself is justified. This book is not a defense of democracy or of universal equal suffrage. My theory of voting ethics is compatible with universal equal suffrage, but it does not imply it or require it. (In fact, even an anarchist might accept my view. He might hold that we should not have democracy at all, but if we do, then people should abide by the theory of voting ethics presented here.)

WHY NOT EDUCATE VOTERS INSTEAD?

Here is another objection: instead of recommending that bad voters abstain, I should advocate better education such that fewer people vote badly. The problem with this objection is the word “instead.” The alternative political proposal (that people should receive better education) does not conflict with my moral claim (that bad voters should abstain).

No doubt one way to improve democratic decision making is to improve citizen’s knowledge of relevant philosophical and social-scientific issues. If every citizen had a firm grasp of basic economics, basic political science, and basic sociology, they would vote better than they now do. Perhaps public high schools should spend more time teaching statistics and economics, even if this comes at the cost of learning trigonometry and some Shakespeare. (In the United States, most high school students get their ideas about economics through history texts, but unfortunately, because of peculiarities in the discipline of history, historians often hold false beliefs about economics.) All things being equal, educational reforms that improve citizens’ knowledge and make them better voters are a good thing, and I do not oppose them.

However, if people are not well educated and as a result are not in a position to vote well, then they should not vote. It might not be their fault
perhaps there are some ways of paying debts that everyone must engage in. For example, you cannot opt out of paying taxes just because you cured cancer. In response, I would say that if tax paying were legally optional, I find it plausible that a person who makes sufficiently high contributions to society might be relieved of any obligation to pay taxes. If you save the world from an asteroid strike, perhaps you should not have to pay income taxes ever again. (This does not mean that citizens should be permitted to decide for themselves whether to pay taxes. Rather, it just means that some of them might not actually owe taxes.) Despite that, my main response is that even if the point about taxes holds, the person making the Public Goods Argument needs to show that voting is like that. She has not done so, and I have presented a significant challenge to her claims.

CHAPTER THREE: WRONGFUL VOTING

1. I will not settle on a particular account of harmfulness or injustice in this chapter. The argument made here is compatible with a wide range of views on what constitutes harm.

2. Certain defenders of epistemic democracy use Condorcet's Jury Theorem to argue that democracies will tend to make good policy choices. Such defenders might claim that one is justified in voting provided one is more likely than not to be right. For critiques of this misuse of Condorcet, see Estlund 2007, chap. 12; Gaus 2003b, 158-65; Estlund 1997, 185-86.

3. I discuss the miracle of aggregation defense of ignorant voting in chapter 7.

4. If I did define the term that way, I would run into familiar problems with Kantian generalization arguments.


6. Thanks to David Estlund for recommending I use this analogy.


12. Thanks to Julia Driver for noting this distinction.

13. Note that I have just been asking whether voting for Bowles is wrong. If we change the question and ask instead whether someone who votes for Bowles is likely to be morally vicious, the answer is more obviously affirmative.


18. What counts as exploitation? Exploitative institutions and rules make some people worse off as a method of making others better off. More specifically, they make some people better off in virtue of the existence of the targets of exploitation. So a rule disallowing rape or mugging does not exploit rapists or muggers, because it does not improve people's lives in virtue of the existence of muggers and rapists. However, a rule allowing slavery does exploit the enslaved. It makes the enslaved worse off as a method of making the slave owners better off, and the owners are better off in virtue of the existence of the targets of exploitation. See Schmidtz 1995, 169-70.

19. For example, see Gaus 2010; Eberle 2002; Greenzweig 1995.

20. Some justificatory liberals argue that even Charles may not vote on the basis of religious reasons, unless those religious reasons can be publicly justified. They may be right. If so, then we may take this as an additional requirement on top of the requirements for good voting I have articulated here.

21. Still, I would expect that the overwhelming majority of religious voters are like Beth, many are like Edward, some are like David, and few are like Chris. However, if I am wrong about this, it is probably because I am mistaken about what evidence theists possess.


28. Someone might object that poetry writing can lead, indirectly, to legislative outcomes as well. Voting is already one step removed from legislation. Poetry (or philosophy) is just another step removed. Voting chooses legislators, and legislators choose laws. But poetry helps sway public opinion and helps to determine whom voters vote for. So, does this mean that I am committed to saying that writing poetry advocating bad laws is morally bad as well? Perhaps not—the effect of voting on legislation is much stronger than the effect of writing on legislation. There is a big difference between expressing a preference or attitude through poetry and handing someone the reins of government. On the other hand, I am comfortable saying that it can be wrong to write certain things because of their effect on electoral outcomes, though I will not explore this issue at length here.

29. Thanks to Geoff Brennan for suggesting this case.


31. J. Brennan 2008 argues that moral theory's primary task is not to produce a method of making decisions but to identify criteria of right as well as answer other theoretical questions about morality.

32. Thanks to Corey Brettschneider for asking the question that led to this paragraph.


34. G. Hardin 1968.

CHAPTER FOUR: DEPERECE AND ABSTENTION

1. Estlund 2007, 212.

2. Estlund 2007, 40.
comes to people's views on economics. A further point: one problem with Page's work is that he tends to treat experts as nondiverse, as if they all have the same models of the world. But perhaps Page's work makes a better argument for having many diverse experts make decisions rather than for having many diverse nonexperts make decisions.

19. Note that Page's models work best for cases where issues are easily quantified or where qualitative answers to questions can be easily separated into distinct categories. It is not as clear how they apply other kinds of issues. Note also that Page does not mean, for example, that including more people from different vocations or different races tends to lead to group wisdom. Rather, what he means is that having many people with diverse sophisticated models of the world tends to lead to group wisdom. Also, insofar as uneducated people tend to have simplistic, unsophisticated models of the world, their input into collective decision making tends to lead to less accuracy. Page seems to recognize this at times, but often appears to overreach in how well his models of diversity apply to actual democratic decision making. See Tetlock 2007 for a quick but sharp criticism of Page on this point.


21. Page 2007, 346–47. At 147, Page says, "The best problem solvers tend to be similar; therefore, a collection of the best problem solvers performs little better than any one of them individually. A collection of random, but intelligent, problem solvers tends to be diverse. This diversity allows them to be collectively better. Or to put it more provocatively, diversity trumps ability."


23. This gives us good grounds for considering various reforms designed to insulate political policy from bad voters.

24. Thanks to Aaron Maltais for a version of this objection.


26. Caplan 2007, 157, says, "Good intentions are ubiquitous to politics; what is scarce is accurate beliefs... Though it sounds naïve to count on the affluent to look out for the interests of the needy, that is roughly what the data advise. All kinds of voters hope to make society better off, but the well educated are more likely to get the job done."

27. Arguably this describes much of the behavior of the Democratic Party toward some of its constituents.


29. Another proposal is to have plural voting. Every citizen receives at least one vote, but can obtain extra votes by completing college or doing some other activity that demonstrates higher levels of political wisdom. For an extended but sympathetic criticism of this proposal, see Estlund 2007, chap. 11.


32. For example, beginning in 2012, Arizonan high school students must pass one class in economics to graduate from high school. The Arizona Council on Economic Education spearheads efforts to improve economic literacy among Arizonan students.