

## Do Voters Have a Duty to Promote the Common Good? A Comment on Brennan's *The Ethics of Voting*

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### 1. Introduction

Jason Brennan, in *The Ethics of Voting*,<sup>1</sup> argues that citizens do not have a duty to vote, but if they do vote, they have a duty to cast their vote to promote the common good. Adam Smith says, "I have never known much good done by those who affected to trade for the public good."<sup>2</sup> In the context of Brennan's book one is justified in asking whether Smith's observation about trade also applies to voting, in which case Smith's observation would appear to be directly relevant to Brennan's thesis. Brennan does make the argument that Smith's invisible hand applies to markets,<sup>3</sup> but says nothing about voting, leaving open the possibility that Brennan's thesis could remain correct regarding voting, even if Smith's observation is correct that not much good comes from those who claim to trade to promote the public good.

A part of Brennan's thesis is that citizens do not have a duty to vote, and I agree with Brennan that they do not (although perhaps not for the same reasons), so I will set aside that argument in order to focus on Brennan's claim that if people do vote, they have an ethical duty to cast their votes to promote the common good. Two sub-issues arise here. First, the ethical responsibility Brennan places on voters requires that there be such a thing as the common good; otherwise, one could not possibly vote to promote it. Second, even if there is such a thing as the common good, voters can only have a responsibility to cast their votes to further it, if there is some way they can discover what it is. Brennan offers little help here. He says, "I do not intend to give a full theory of the common good here. . . . [D]oing so goes beyond the

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<sup>1</sup> Jason Brennan, *The Ethics of Voting* (Princeton, NJ: Princeton University Press, 2011).

<sup>2</sup> Adam Smith, *The Wealth of Nations* (New York: Modern Library, 1937 [1776]), p. 423.

<sup>3</sup> Brennan, *The Ethics of Voting*, pp. 125-27.

scope of the book.”<sup>4</sup> He is telling readers they have a duty to vote to promote the common good, but apparently we have to read someone else’s book (or books) to find out exactly how we should vote.

## 2. Is There a Common Good?

Brennan takes an individualistic approach to the common good,<sup>5</sup> in that he recognizes that the welfare of a group can be nothing more than the welfare of the individuals who make up that group. James Buchanan and Gordon Tullock, in *The Calculus of Consent*, take that same individualistic approach,<sup>6</sup> but from there Buchanan and Tullock analyze politics as exchange, where people bargain with each other to achieve collectively what they could not accomplish individually. Buchanan and Tullock do not imagine that voters try to intuit the common good and vote on that basis, but rather that they use voting as a way of achieving outcomes that further their own interests, when those interests require collective action. Buchanan and Tullock do not take the normative approach Brennan does. Their goal is to analyze how the political process works, not how voters should behave. Still, their view is that there is no common good beyond the individual interests of participants in the political process.

Brennan tells readers there is such a thing as the common good, even though he does not tell readers what it is, so one would be hard-pressed to argue against Brennan’s theory of the common good, beyond saying there is no such thing. I am skeptical that there is such a thing, especially because Brennan does not tell readers what it is or even how to find it, but even if readers accept that there is a “common good,” Brennan’s argument is far from proven.

## 3. Can Voters Identify and Vote for the Common Good?

Because Brennan is so vague by what, exactly, constitutes the common good, this makes the next part of Brennan’s argument—that voters should cast their votes that way—very problematic. Even if there is a common good, voters cannot vote for it unless they know what it is. Brennan maintains, “Voters should justifiably believe that the policies or candidates they support would promote the common good.”<sup>7</sup> This appears to mean that (1) voters gather enough knowledge to cast informed votes, and (2) they believe that the way they cast their votes furthers the common good, even

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<sup>4</sup> Ibid., p. 115.

<sup>5</sup> Ibid., chap. 5.

<sup>6</sup> James M. Buchanan and Gordon Tullock, *The Calculus of Consent: Logical Foundations of Constitutional Democracy* (Ann Arbor, MI: University of Michigan Press, 1962).

<sup>7</sup> Brennan, *The Ethics of Voting*, p. 91.

though Brennan does not tell readers how to identify the common good. Indeed, Brennan tells readers they cannot really know what it is, when he says, “Harmful voting occurs when people vote for harmful or unjust policies or for candidates likely to enact harmful or unjust policies. . . . One might vote for what is in fact a harmful policy but be justified in doing so. . . . The policy might still end up being harmful, though everyone was justified in thinking it would not be.”<sup>8</sup>

Could this really be a guide to ethical voting? Brennan is saying voters should be informed about their choices, but that even when fully informed, they cannot know whether their vote does or does not further the common good. Brennan offers us no criteria by which to judge. He notes “that the theory of voting ethics presented here might allow someone to vote on the basis of the wrong conception of the common good.”<sup>9</sup> Of course this is true. In the previous section, I questioned whether there is such a thing as the common good, but even if there is, there is no way for a voter to cast a vote to further the common good, if the voter cannot know what it is (except by chance).

As I write this article I have just flipped a coin, which has landed either heads or tails. Can any reader tell me which way it landed, and justify the conclusion? No. We do know that the answer is either heads or tails, but there is not sufficient information to justify concluding either heads or tails. In the same way, even if there is such a thing as the common good, Brennan has given his readers no reason to think that voters have any way of identifying it.

Brennan realizes that not everybody has the same conception of the common good. He cites Bryan Caplan approvingly,<sup>10</sup> and even notes in his acknowledgements that if he had not read Caplan’s book, he would not have written his own book.<sup>11</sup> Caplan’s book is based on the idea of “rational irrationality,” which holds that because a person’s single vote does not affect election outcomes, he can rationally hold and act on political views that are in conflict with the common good. Caplan says that such “irrationality” is rational, and justified in the mind of the voter by the fact that one vote will not alter the aggregate outcome of an election, and Brennan says that voters must be justified in believing that they are casting their votes to further the common good. Combining these arguments, irrational votes are justified (certainly, in the eyes of the irrational voters), and often are cast in opposition to the common good.

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<sup>8</sup> Ibid., p. 69; internal footnote omitted.

<sup>9</sup> Ibid., p. 118.

<sup>10</sup> Bryan Caplan, *The Myth of the Rational Voter* (Princeton, NJ: Princeton University Press, 2007).

<sup>11</sup> Brennan, *The Ethics of Voting*, p. ix.

Even if one leaves aside rational irrationality, different people have different conceptions of the common good. The degree to which government transfer programs further the common good is but one example. Charles Murray argues that transfer programs in the United States have trapped welfare recipients in poverty,<sup>12</sup> and William Easterly argues that foreign aid from Western nations to the poorer countries in the world has made worse the lives of people in recipient nations.<sup>13</sup> Meanwhile, many compassionate people argue that transfer programs should be expanded. Another example is the role to which nations should use their military power to intervene in other nations. Did the U.S. invasions of Iraq and Afghanistan further the common good? There are other contentious issues, such as abortion. Is the common good furthered by protecting a woman's right to terminate her pregnancy, or by protecting the right of an unborn fetus to be born? Assuming that there is such a thing as the common good, voters should all come to the same answer on these questions. How would voters go about determining the common good in public policy issues such as these? If there is no way for voters to determine which of these opposing positions furthers the common good, then they cannot ethically be bound to vote in a way that is impossible for them.

Brennan offers an interesting example of his own when he discusses California's prison guard union, California Correctional Peace Officers Association (CCPOA), which advocates various public policies that, Brennan claims, benefit CCPOA members. He says of CCPOA advertisements: "They convince voters to favor CCPOA-sponsored candidates, even though it is not in most voters' interests to do so."<sup>14</sup> If what Brennan claims is in fact true, it would appear that voters would be justified in voting for the CCPOA-sponsored candidates. First, Brennan says that "it is not in most voters' interests to do so," but voters are supposed to vote for the common good, not for their own interests. This part of the argument appears irrelevant at best, because ethical voters vote for the common good, not their own interests. Second, Brennan claims of the CCPOA ads: "They convince voters to favor CCPOA-sponsored candidates," and if voters are convinced that this is an appropriate vote even though it is against their own personal interests, that provides the justification for voting that way. It appears to me that even though Brennan is trying to make an ethical argument against voting for CCPOA-sponsored candidates, the logic of his argument is that voters have a good justification for voting that way—they are convinced by the CCPOA ads—so ethical voters should vote for those candidates.

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<sup>12</sup> Charles Murray, *Losing Ground: American Social Policy, 1950-1980* (New York: Basic Books, 1984).

<sup>13</sup> William Easterly, *The White Man's Burden: Why the West's Efforts to Aid the Rest of the World Have Done So Much Ill and So Little Good* (New York: Penguin Books, 2006).

<sup>14</sup> Brennan, *The Ethics of Voting*, p. 123.

Brennan's argument that voters must be justified in their beliefs that they are casting their votes to further the common good does not hold up, if there is no way for voters to identify the common good. One cannot be justified if identifying the common good is an impossible task. It may be impossible, if there is no such thing as the common good, but even if there is, it still may be impossible, if there is no way for voters to discover it.

#### 4. A Minor Issue

Brennan discusses democracy as a mechanism for producing fair outcomes, saying, "Suppose you care only that political decisions be made fairly. If so, there is no special reason to prefer democracy. Instead of voting under majority rule we could flip a coin, or roll dice. . . . These methods would be fair, in fact, fairer than any real voting procedures."<sup>15</sup> Brennan here has confused "unbiased" with "fair." A coin flip is unbiased, but the outcome is not necessarily fair.

Consider, for example, a wealthy individual who specifies in her will that her entire estate would go to one of her two children, based on the flip of a coin, with the other child getting nothing. Would an outcome that gave one child everything and the other nothing be fair, even if it was unbiased? Would a fair way to allocate two pieces of cake to two children be to flip a coin and give both pieces to one child, leaving the other with nothing? No. In cases like these, it is not fair to give everything to one person and nothing to the other when neither is more deserving than the other, even if the determination of which person gets everything is unbiased. Outcomes that are unbiased are not necessarily fair. Academics have drawn the conclusion that unbiased outcomes are the same as fair outcomes often enough, as I have noted before,<sup>16</sup> that even though this is a minor issue in Brennan's book, it is worth raising here.

#### 5. An Invisible Hand in Politics?

Adam Smith famously claims that, under certain circumstances, an individual pursuing his own interest is "led by an invisible hand to promote an end which was no part of his intention,"<sup>17</sup> namely, the common good. Could this also apply to voting? There is a literature in public choice theory which argues that self-interested voting, lobbying, and other political activity is aggregated through political institutions such that the result of everyone's self-interested voting is an outcome that maximizes the common good. Gary

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<sup>15</sup> Ibid., p. 116.

<sup>16</sup> Randall G. Holcombe, "Absence of Envy Does Not Imply Fairness," *Southern Economic Journal* 63, no. 3 (1997), pp. 797-802.

<sup>17</sup> Smith, *The Wealth of Nations*, p. 423.

Becker and Donald Wittman are two of the scholars who promote this idea.<sup>18</sup> While this line of reasoning has been controversial in the academic literature, it does show that there is academic support for the idea that voting based on one's narrow self-interest can be justified as voting to further the common good.

The argument is much the same as the argument behind the invisible-hand mechanism of the market. Political institutions, like market institutions, channel individuals' self-interested behavior so that the aggregate outcome is in the common interest. One voter does not determine the outcome of an election, and this literature suggests that there are mechanisms within a democracy that aggregate everyone's vote such that when voters vote based on their narrow interests, the common good is the aggregate result. Brennan says that a theory of the common good is beyond the scope of his argument, so it appears that ethical voters will have to look to other authors in order to determine how to justify that they are voting to further the common good. If those ethical voters look to Becker and Wittman, they will further the common good by simply voting to further their own personal interests.

If people are actively seeking to put their own interests aside and cast a vote that furthers the common good, they will tend to see the common good through a filter that reflects their own situation and experiences anyway. People like to think of themselves as public-spirited, or at least believe that their successes have not come as a result of their taking advantage of others. People feel better about themselves when they believe that what they have is deserved, and that what they want through the political process is just rather than being an attempt to use politics to benefit themselves at the expense of others. Seeing the common good through their own interests reduces cognitive dissonance and makes them feel better about themselves. Even when it is not true, this falls under the heading of Caplan's "rational irrationality." It is rational, and justified, for people to believe that the common good is furthered by policies that further their own narrow interests, even when this is not true.

If voters were to try to set their own interests aside and try to intuit what would be in the interests of other voters, they would at best be partially successful. This is partly because people are not good at judging what would be in the best interests of others, especially others in far different circumstances, and partly because they will not be able to set aside their own viewpoints anyway. As mentioned above, Murray and Easterly make arguments that public policies made apparently with good intentions have ended up being harmful to the intended beneficiaries. There is no information

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<sup>18</sup> See, for example, Gary S. Becker, "A Theory of Competition Among Pressure Groups for Political Influence," *Quarterly Journal of Economics* 98, no. 3 (1983), pp. 371-400; Donald Wittman, "Why Democracies Produce Efficient Results," *Journal of Political Economy* 97, no. 6 (December 1989), pp. 1395-1424; and Donald Wittman, *The Myth of Democratic Failure* (Chicago, IL: University of Chicago Press, 1995).

available to voters that could provide a justification that any vote they cast would further the common good.

By the very nature of collective decision-making, no one voter or small group of voters can determine the outcome of an election. Voters must cast their votes with the thought that many other people will also be voting, and that any eventual winner in an election must be preferred by many other voters. Brennan discusses strategic voting,<sup>19</sup> which shows that he recognizes that voters realize that the way they should vote depends on the way they think others will vote. Voters do not determine an election outcome with their single votes; rather, in order for their votes to count in the aggregate, they must vote for an outcome that will be favored by many others. Thus, self-interested voters must consider the interests of others when they vote.

If Becker's and Wittman's idea that voting one's own interests generates an outcome for the common good, then for voters who justify their votes based on this line of reasoning, there will be no difference in how they cast their votes whether they choose to vote for their own interests or choose to vote to promote the common good. However, for voters who try to determine some larger common good beyond their own interests, Becker's and Wittman's logic would say that those voters are working against the common good, leading toward undesirable outcomes like those cited by Murray and Easterly. Their intentions may be good, but good intentions appear to fall short of a true justification.

Brennan not only is vague about what constitutes the common good, but also about what constitutes justification for voting to promote the common good. One way to read Brennan is that justification means knowing candidates' positions and having good intentions. If this is so, the argument clearly falls short, because having good intentions is no better than just flipping a coin without a mechanism that can turn good intentions into good results. Problems with coin tosses have already been noted.

## 6. Conclusion

Everybody tends to see things through their own eyes, based on their own situation. Everybody is naturally prone to understand the public good in terms of what would further their own interests—not because people are selfish or ignore the common good, but because the common good is defined for them by their own experiences and their own situations. Because of this, Brennan's thesis raises ethical issues of its own. If people recognize that their preferences in politics, and in life in general, reflect their own interests, they can carry on their activities with that in mind. If, following Brennan, people believe that they have some justified insight into what is the common good, human nature makes them believe that their own perception of the common good is something that should be imposed on everybody—because that is what government does. The result is that people on the winning side of an

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<sup>19</sup> Brennan, *The Ethics of Voting*, pp. 131-33.

election are justified in thinking that they are furthering the common good, whereas those on the losing side are justified in thinking that the will of a selfish majority is being imposed on them, even as they tried in vain to promote the common good. This seems more dangerous than recognizing that people cast their votes to further their own interests.

If voters were to buy into Brennan's voting ethics, that would create divisions within society. If everybody follows Brennan's ethical advice, both winners and losers in the political arena will see those with opposing political views as working against the common good. Meanwhile, winners will be justified, to use Brennan's term, in thinking that they have an ethical foundation for imposing the policies they favor on everyone. This is far worse for the political system than recognizing that politics involves people with different interests trying to accomplish their own individual ends through a collective process. Brennan is telling voters that when they end up on the losing end of an election, evil has triumphed over good; the common good has been defeated. This is much different from concluding that most people wanted this while I wanted that, and so I was outvoted.

Consider some controversial political issues mentioned above, such as the scope of the welfare state, foreign aid, military intervention overseas, and abortion. One line of reasoning is that people have different views on these issues. Another, for voters who follow Brennan's advice on ethical voting, is that people who hold different views from yours are voting against the common good. Brennan's framework invites much more social divisiveness than a belief that people can have different interests and hold different opinions on political issues.

If voters were to buy into Brennan's voting ethics, then people trying to vote ethically would be searching in vain for some common good. Brennan chose not to explain what this is, and the arguments above suggest that, first, it may not exist, and second, that even if it does, there is no way for voters to identify it. The undesirable consequences of good intentions with no indicator of how to fulfill them would lead to the results described by Murray and Easterly. Voters' attempts to promote the common good would have unintended consequences that would work against the public good.

If voters were to buy into Brennan's voting ethics, voters who actually choose to vote their own interests rather than search for the common good would then believe they are behaving unethically. People who believe they are behaving unethically in one dimension will have lower self-esteem, which might lead them to behave unethically in other dimensions. Self-interested voters would then shoplift more and engage in more securities fraud. The check on this is that everyone acts to reduce cognitive dissonance, so self-interested voters are more likely to reject Brennan's theory of voting ethics than actually become shoplifters.

Brennan's ethics of voting is like a building with no foundation. Before Brennan can argue that voters have an ethical responsibility to vote to promote the common good, he must demonstrate that there is such a thing as the common good and that voters have a way to identify it. Otherwise,

Brennan is telling voters that they have an obligation to be informed about the alternatives and to vote with good intentions. However, we have already noted above that good intentions can work against the common good.

