

**Symposium:**  
**Jason Brennan's *The Ethics of Voting***

Thoughts on Jason Brennan's *The Ethics of Voting*

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If you take a cynical look at moral philosophers, you could group them under two main types. I call them “conventional rationalizers” and “crazy rationalists.”

Conventional rationalizers largely take folk morality for granted. They then desperately try to deduce conventional moral conclusions from abstract moral principles. John Stuart Mill and John Rawls are good examples of this approach, which we can see in Mill's effort to reconcile utilitarianism with non-paternalism<sup>1</sup> and in Rawls's effort to explain why the Difference Principle implies a duty to help relatively poor co-nationals but not absolutely poor foreigners.<sup>2</sup> Conventional rationalizers' arguments are unimpressive because they use less obvious premises to argue for more obvious conclusions. The most they can usually achieve is to “convince” people who already agree with them.

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<sup>1</sup> John Stuart Mill's *On Liberty* affirms full-blown utilitarianism: “I regard utility as the ultimate appeal on all ethical questions”; see John Stuart Mill, “On Liberty,” in *Classics of Western Philosophy*, ed. Steven Cahn (Indianapolis, IN: Hackett Publishing Co., 1977), p. 1027. In the span of two pages, though, Mill also presents “one very simple principle, as entitled to govern *absolutely* the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties, or the moral coercion of public opinion”; the principle is: “the sole end for which mankind are warranted, individually or collectively in interfering with the liberty of action of any of their number, is self-protection” (ibid., p. 1026, emphasis mine). Mill elaborates: “He cannot rightfully be compelled to do or forbear because it will be better for him to do so, *because it will make him happier*,” but of course, “It is, perhaps, hardly necessary to say that this doctrine is meant to apply only to human beings in the maturity of their faculties” (ibid., p. 1027, emphasis mine). Within two pages, there are two “absolute”/“ultimate” principles, each with one big exception—a clear case of intellectual desperation.

<sup>2</sup> See, e.g., John Rawls, “The Law of Peoples,” *Critical Inquiry* 20, no. 1 (1993), pp. 36-38.

Crazy rationalists, by contrast, take a supposedly self-evident moral principle for granted, and then dogmatically deduce bizarre moral conclusions. Immanuel Kant and Murray Rothbard are good examples of this approach. Kant infamously uses one version of his Categorical Imperative to deduce that lying is always wrong, even if a murderer asks you about a victim's location.<sup>3</sup> Rothbard uses the libertarian non-aggression axiom to deduce parents' rights to allow their infant children to starve to death.<sup>4</sup> Crazy rationalists' arguments are unimpressive because they use questionable premises to argue for absurd conclusions. The most they can usually achieve is to convince people who love logic but hate contrapositives.<sup>5</sup>

Both conventional rationalizers and crazy rationalists misunderstand the whole point of philosophic argument, namely, *intellectually to move from the more obvious to the less obvious*. If your conclusion is more obvious than your premises, your argument is useless. You might as well simply assert the conclusion and skip the argument. If the denial of your conclusion is less obvious than your premises, your argument is counter-productive. You don't have a "proof"; you have a *reductio ad absurdum*.

In *The Ethics of Voting*, Jason Brennan happily falls into neither of these intellectually sterile camps. Instead, Brennan begins with straightforward, common-sense moral intuitions, and uses them to deduce unconventional but plausible moral conclusions. Brennan's target is what he calls the "Folk Theory of Voting Ethics":

(1) Each citizen has a civic duty to vote. In extenuating circumstances, one can be excused from voting, but otherwise, one should vote.

(2) While it is true that there can be better or worse candidates, in general any good faith vote is morally acceptable. At the very least, it is better to vote than to abstain.

(3) It is inherently wrong to buy or sell one's vote.<sup>6</sup>

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<sup>3</sup> See Immanuel Kant's essay, "On a Supposed Right to Tell Lies from Benevolent Motives," in the appendix of *Kant's Critique of Practical Reason and Other Works on the Theory of Ethics*, trans. Thomas Kingsmill Abbott (London: Longmans, Green and Co., 1889).

<sup>4</sup> Murray Rothbard, *The Ethics of Liberty* (New York: New York University Press, 1998), p. 100.

<sup>5</sup> The contrapositive of "If A, then B" is "If not-B, then not-A." A fundamental principle of logic is that if an inference is valid, so is its contrapositive.

<sup>6</sup> Jason Brennan, *The Ethics of Voting* (Princeton, NJ: Princeton University Press, 2011), p. 3.

Brennan never denies the plausibility of the Folk Theory. Neither does he take a controversial moral principle (such as libertarian absolutism) to, say, deduce the justice of anarchism, implying the injustice of democracy, which in turn implies the wrongness of democratic participation. Instead, he finds moral starting points with even greater plausibility than the Folk Theory. The simplest is the fiduciary duty of competence:

[M]ost of us think that 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.<sup>7</sup>

No one would praise the “participation” of an incompetent surgeon in an operation. Why then do we praise the participation of an incompetent voter in an election? If it is crazy to say, “It doesn’t matter where you cut, but cut,” why is it any better to say, “It doesn’t matter how you vote, but vote”? Brennan elaborates:

As a citizen, you do not owe it to others to provide them with the best possible governance. But if you take on the office of voter, you acquire additional moral responsibilities, just as you would were you to become the Federal Reserve chairperson, a physician, or a congressperson. The electorate decides who governs. Sometimes they decide policy directly. They owe it to the governed to provide what they justifiably believe or ought to believe is the best governance, just as others with political power owe it to the governed to do the same.<sup>8</sup>

Brennan never presents his arguments as decisive “proofs.” He doesn’t have such proofs; philosophers almost never do. Instead, Brennan sets his sights on an achievable target: providing arguments that would persuade a reasonable person who initially disagrees with him. In most endeavors, incompetent participation seems blameworthy, especially when third parties involuntarily bear the cost of error. So why would anyone consider incompetent voter participation to be obligatory?

This is what I call a good argument. Why? Because unlike his competitors—the conventional rationalizers and the crazy rationalists—Brennan actually adds to our stock of moral knowledge. Conventional rationalizers fail to *add* to our moral knowledge because they merely affirm

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<sup>7</sup> Ibid., p. 69.

<sup>8</sup> Ibid., p. 128-29.

what we already know.<sup>9</sup> Crazy rationalists fail to add to our moral *knowledge* because their method is so unreliable. Even when crazy rationalists happen to be right, their tendency to reach absurd conclusions deprives their true moral beliefs of justification. Brennan, by contrast, tells his readers something that is new to them and gives them weighty reasons to change their minds.

As a social scientist, I am especially impressed by the fact that Brennan makes an effort to argue that his moral conclusions are not merely true, but practically important. His last chapter—“How Well Do Voters Behave?”—accurately and carefully reviews the relevant empirical literatures on voter cognition and voter motivation. Voters do well on one important dimension: motivation. Real-world voters usually try to promote the common good, just as Brennan prescribes:

Political scientists . . . generally agree that voters tend not to vote for what they perceive to be in their narrow self-interest. For example, the elderly are not significantly more likely to support social security programs than younger workers. Rather, voters tend to vote for what they perceive to be in the national common interest.<sup>10</sup>

Unfortunately, voters fail on another important dimension: cognition. In theory, the “perceived common good” and the “actual common good” can diverge. In practice, Brennan reports, multiple literatures confirm that they *do* diverge. Voters’ beliefs about the best way to promote the common good are far from the truth, and neither information short-cuts nor the “Miracle of Aggregation” does much to mitigate the problem of divergence.

Brennan actually understates the severity of voters’ failure. In “Sociotropes, Systematic Bias, and Political Failure,” I examine the *interaction* between voter motivation and voter cognition.<sup>11</sup> I conclude there that the worst possible combination of voter motivation and cognition is unselfish motivation plus irrational cognition. When voters are rational, unselfishness leads to widespread support for socially desirable policies. Selfishness throws sand in the wheels of democracy; naysayers might try to

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<sup>9</sup> At best. An unintended consequence of conventional rationalizers’ weak arguments, as Thomas Reid notes, is to cast doubt on their own conclusions: “[W]hen we attempt to prove, by direct argument, what is really self-evident, the reasoning will always be inconclusive; for it will either take for granted the thing to be proved, or something not more evident; and so, instead of giving strength to the conclusion, will rather tempt those to doubt of it who never did before”; Thomas Reid, *Essays on the Active Powers of the Human Mind* (Charlottesville, VA: Lincoln-Rembrandt Publishing, 1872), p. 637.

<sup>10</sup> Brennan, *The Ethics of Voting*, p. 162; internal footnote omitted.

<sup>11</sup> Bryan Caplan, “Sociotropes, Systematic Bias, and Political Failure: Reflections on the Survey of Americans and Economists on the Economy,” *Social Science Quarterly* 83, no. 2 (2002), pp. 416-35.

block the policies that everyone knows to be beneficial. When voters are irrational, however, unselfishness leads to widespread support for socially *undesirable* policies. When democracy is going in a misguided direction, sand in the wheels is a blessing in disguise, because selfish naysayers block the policies that voters falsely believe to be socially beneficial.

Let us examine the case of tariffs. Almost everyone who can accurately explain the textbook case for free trade thinks that protectionism harms the common good, but those who can accurately explain the textbook case for free trade are a tiny minority. Most people think that protectionist policies are socially beneficial. Given this belief, unselfishness leads to broad-based support for protectionism. Under the circumstances, more voter selfishness would restrain support for harmful policies. After all, some selfish people would think, “Protectionism is good for society but bad for me personally, so I’ll support free trade.”

My main criticism of Brennan is that he doesn’t go far enough. *The Ethics of Voting* questions the morality of wrongful voting, but not the *right* to engage in wrongful voting. His surgeon analogy is equally relevant to both cases.<sup>12</sup> If you’re not a competent surgeon, it isn’t merely wrong to operate; you normally have no right to operate. At a minimum, an incompetent surgeon would need to disclose his incompetence and receive every patient’s explicit consent before he would have a right to practice his quackery. The strictures against incompetent voting should be at least as stringent.

But doesn’t the electorate have a right to “harm itself”? Not if it harms dissenting bystanders in the process—as it almost invariably does. As I explain elsewhere:

[W]hen the majority votes for socially injurious policies, it is not “just hurting itself.” Unless the decision is unanimous, the errors of the majority spill over onto innocent dissenters. No matter what the majority decides, of course, its choice makes *some* people worse off; for every policy, there are losers. But when the majority chooses the policies with the best overall consequences, at least it can offer the defense that “It is regrettable that we made some people worse off, but the decision was for the greater good.” When the majority errs, in contrast, it wrongs the minority *without a serious excuse*.<sup>13</sup>

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<sup>12</sup> Since publishing *The Ethics of Voting*, Brennan has independently come to this very conclusion. See Jason Brennan, “The Right to a Competent Electorate,” *Philosophical Quarterly* 61, no. 245 (2011), pp. 700-24.

<sup>13</sup> Bryan Caplan, “Majorities against Utility: Implications of the Failure of the Miracle of Aggregation,” *Social Philosophy & Policy* 26, no. 1 (2009), p. 207.

*The Ethics of Voting* wisely focuses on a mainstream audience, but Brennan's book also raises issues of special interest to libertarians. Let me conclude, then, with two questions for libertarians to ponder:

- (1) If Brennan's position were entirely correct, should libertarians be less inclined to vote (since there are many other ways to pursue civic virtue) or more inclined to vote (since their policy preferences are more likely to be epistemically justified and morally reasonable)?
- (2) How would Brennan respond to the libertarian who thinks that voting is wrong *per se*?

