

Review of Jason Brennan's *The Ethics of Voting*

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1. Introduction

Jason Brennan's *The Ethics of Voting*¹ is definitively a significant contribution to one of the most important debates in political ethics. His theory of voting ethics is clear, original, and sophisticated. By means of plausible arguments and examples, Brennan challenges some of our strongest intuitions and sets the scene for further discussion concerning the ethics of voting.

Brennan claims that, when people vote, they can make government better or worse, so that people's votes can make their lives better or worse. Therefore, Brennan claims, voting is morally significant. Brennan's theory of voting ethics consists of three theses²:

(1) People do not have a moral duty to vote.

(2) If people decide to vote, they must vote well. In turn, voting well means the following: (a) One should vote for the candidate who one believes will best³ serve the common good (i.e., one should not vote for narrow self-interest). For Brennan, "serving the common good" means advancing the interests of *community members*, not the interests of the *community as a whole*, as if it were a real organism whose interests were irreducible to the interests of its members. He clarifies that his theory of voting ethics does not depend on any particular conception of the common good.⁴ (b) One should be guided by sound evidence in choosing a candidate. In order to be

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

² *Ibid.*, p. 4.

³ *Ibid.*, pp. 128-29.

⁴ *Ibid.*, pp. 112-18.

guided by sound evidence, one needs to know about politics (e.g., know candidates' proposals), be rational (i.e., form beliefs through reliable processes rather than, e.g., through wishful thinking), and be guided by sound moral values (e.g., not dismiss a candidate because of his race).⁵ Thus, Brennan claims, people who cannot or do not want to vote well should abstain from voting.⁶

(3) Buying and selling votes is morally permissible only if it does not lead sellers to vote badly.

In this article I focus on theses (1) and (2). I argue that Brennan's argument in favor of thesis (2) shows that, in some circumstances, it is morally wrong for certain people not to vote. My thesis is that, in those circumstances, those people must vote and vote well. I will proceed in the following sequence. In Section 2, I expound Brennan's arguments in favor of theses (1) and (2). In Section 3, I explicate my thesis. Finally, Section 4 contains my conclusion.

2. Brennan's Theory of Voting Ethics

Brennan claims in thesis (1) that people do not have a moral duty to vote. In order to defend this, he refutes arguments which try to show that people do have this duty. In this section I present three of these arguments that are relevant for my purposes, and explain how Brennan refutes them.

The first argument is that one must vote because one must promote one's own interests; if one votes well, one promotes one's own interests. The second argument is that one must vote because, if one can perform an action that has an expected benefit for the public good, one should do so; if one votes well, one does that kind of action. Brennan claims that these arguments fail because they overstate the influence of individual votes. He argues that, in any

⁵ Ibid., pp. 9-10. Brennan starts from the premise that elected candidates generally implement the kind of policies they defended before being elected. See *ibid.*, p. 86. Brennan quotes empirical evidence in favor of that premise: Bryan Caplan, *The Myth of the Rational Voter: Why Democracies Choose Bad Policies* (Princeton, NJ: Princeton University Press, 2007), pp. 166-81; David Lee, Enrico Moretti, and Matthew Butler, "Do Voters Affect or Elect Policies? Evidence from the U.S. House," *Quarterly Journal of Economics* 119 (2004), pp. 807-59.

⁶ Thus, for Brennan, a person who is ignorant about politics should not vote. However, he clarifies that it does not follow that this person lacks a *legal right* to vote. People could have a legal right to do morally wrong actions. For example, singing anti-Semitic songs is morally wrong, but it does not follow that people lack a legal right to sing these songs; perhaps the legal right to free speech includes the legal right to sing them. Brennan claims that some people should not vote, but he says that it does not follow that the *law* should forbid them to vote; see Brennan, *The Ethics of Voting*, pp. 5-6.

large-scale election, the influence of each vote is very small. Therefore, one's vote neither promotes one's own interests nor has an expected benefit for the public good.⁷

The third argument is that one must vote because voting, regardless of how one votes, tends to preserve a stable democracy, and failing to vote threatens to undermine democracy. This argument assumes that only a stable democratic government promotes the good of citizens. Brennan claims that "tends to preserve a stable democracy" can be understood in two ways. First, it could mean that there is some threshold of votes under which democracy collapses, and that the point of voting is to help ensure that this threshold is reached. Brennan argues that, under this understanding, the argument fails because it is extremely improbable that one's vote decisively saves democracy—that with one less vote, democracy collapses. Second, it could mean that each vote *marginally* improves the democratic nature of society. Brennan claims that, under this understanding, the argument also fails because there is no empirical evidence that the value of votes does not diminish so rapidly such that only *a few* people must vote.⁸ Thus, for Brennan, one of the reasons why people do not have a moral duty to vote is that each vote has negligible influence.

Brennan's second thesis is that, if people decide to vote, they must vote well. People should abstain from voting rather than vote badly. As I state above, for Brennan, a person votes well if, and only if, she (a) votes for the candidate she believes will best serve the common good and (b) is guided by sound evidence in choosing that candidate.⁹ Brennan distinguishes between two kinds of bad voting: unexcused harmful voting and fortuitous voting.

Unexcused harmful voting occurs when one votes without epistemic justification for a candidate who will probably not best serve the common good. Perhaps the candidate is not so bad, but this kind of voting is still harmful because the candidate is not the best. In that case, one could believe that the candidate one votes for will best serve the common good, but this belief is not supported by sound evidence. Brennan says that unexcused harmful voting is collectively, not individually, harmful because each vote has negligible influence.¹⁰

Fortuitous voting occurs when one votes for the candidate who will probably best serve the common good, but one's belief is not supported by sound evidence. In this case, one makes the right choice for bad reasons.¹¹

⁷ Ibid., pp. 18-20.

⁸ Ibid., pp. 21-28.

⁹ Ibid., p. 4.

¹⁰ Ibid., p. 68.

¹¹ Ibid.

Both unexcused harmful voting and fortuitous voting occur when one's choice is not supported by sound evidence. For Brennan, people who are not guided by sound evidence should abstain from voting. Note that voting for a candidate who will not best serve the common good is not necessarily morally wrong. That depends on whether the voter's belief that this candidate will best serve the common good is supported by sound evidence, which does not guarantee truths, but *probable* truths.¹²

Brennan claims that unexcused harmful voting is morally wrong because it implies violating a more general moral duty. This is the duty not to participate in a collectively harmful activity when not participating imposes low personal costs compared to the consequences of that harmful activity. In turn, Brennan defines "collectively harmful activity" as a harmful activity undertaken by a group, where individual inputs into the harmful activity are insignificant. According to Brennan, since abstaining from casting an unexcused harmful vote imposes low personal costs, casting this kind of vote is morally wrong. Perhaps harmful voters receive psychological benefits from voting—perhaps they feel good about themselves. If they do not vote, they could lose such benefits. However, Brennan says, these personal costs versus benefits are low compared to the consequences of that collectively harmful activity, for example, racist laws, worse economic opportunities, and so on.¹³

Brennan argues that fortuitous voting is morally wrong because it imposes unacceptable risk; fortuitous voting is collectively, not individually, risky because each vote has negligible expected influence. Although fortuitous voters make the right choice, fortuitous voting is morally wrong because it implies violating the more general duty not to participate in a collective activity which imposes unacceptable risk. The activity can lead to good consequences by chance, but this does not excuse the fortuitous voter from moral responsibility.¹⁴ People should abstain from voting rather than vote fortuitously.¹⁵ For Brennan, unexcused harmful voting and fortuitous voting are morally wrong, and it is irrelevant that each vote has negligible influence.

¹² Ibid., p. 69.

¹³ Ibid., pp. 69-77.

¹⁴ For Brennan, fortuitous voting imposes unacceptable risk, but other collective activities, such as driving, impose acceptable risk; see *ibid.*, pp. 79-81.

¹⁵ Note that unexcused harmful voting and fortuitous voting occur only if it is certain (or at least probable) that the candidate voted for will win. If a candidate has a negligible probability of winning, voting for him cannot imply participating in a harmful or risky activity. Since few people vote for that candidate, the activity can be neither harmful nor risky. However, for Brennan, if that candidate will probably not best serve the common good, voting for him is still morally wrong because it involves "littering" the system; see *ibid.*, pp. 77-79.

3. Not Voting Could Imply Participating in a Collectively Harmful Omission

When Brennan argues in favor of thesis (1), he holds that one of the reasons why people do not have a moral duty to vote is that each vote has negligible influence. However, when he argues in favor of thesis (2), he claims that unexcused harmful voting and fortuitous voting are morally wrong, *even though* each vote has negligible influence.

In this section I argue that the negligible influence of a vote is not a reason to believe that not voting is always morally permissible. More precisely, I argue that Brennan's argument in favor of thesis (2) shows that, in certain circumstances, it is morally wrong for certain people not to vote. In certain circumstances, not voting implies participating in a collectively harmful omission. These circumstances are likely to occur in contemporary democracies.¹⁶ I claim that, in these circumstances, certain people must vote and vote well. It is morally irrelevant, I say, that not voting is an *omission* and not an *action*.

a. When not voting implies participating in a collectively harmful omission

In some circumstances, not voting implies participating in a collectively harmful omission. Consider the following example. There are two candidates: Linda and Paul. According to sound evidence, Linda is the candidate who will best serve the common good. Paul is a very bad candidate; if he wins, there will be violations of human rights, worse economic opportunities, and so on. People have the following information: Most people who decided to vote will vote for Paul, and a small percentage of people who decided to vote will vote for Linda. Moreover, it is well known that people who decided not to vote represent a huge percentage of the total population; if they were to vote well, Linda would win. If the information provided by sound evidence is true,¹⁷ in these circumstances, not voting implies participating in a collectively harmful omission. This is not individually harmful because, as Brennan claims, each vote has negligible influence. However, in this case, abstention is certainly a collectively harmful omission.

Recall that Brennan argues that participating in a collectively harmful activity is morally wrong *only if* not participating imposes low personal costs compared to the consequences of that harmful activity. I agree with him, but go further by arguing that certain people must vote and vote well. This is because, for those in my example above, the personal costs of

¹⁶ Brennan admits that, in special circumstances, people could have a moral duty to vote, even though he does not clarify what these circumstances are; see *ibid.*, p. 66. My aim is to show that, in circumstances which are likely to occur in contemporary democracies, a duty to vote and vote well does arise.

¹⁷ The information provided by sound evidence *can* be false. Recall that sound evidence does not guarantee truths, but *probable* truths.

voting and voting well are low compared to the consequences of the collectively harmful omission, namely, violations of human rights, worse economic opportunities, and so on. Thus, in those circumstances, it is morally wrong for those people not to vote. Before saying what kind of people I refer to, I will say something about what voting and voting well requires.

Voting does not take a lot of time (even if we count waiting in line to vote) and, at least in countries where people are free to vote as they wish, it is not risky (unlike military service). Moreover, as Brennan points out, in order to vote well, people do not need to study economics and constitutional law. When Brennan discusses whether from his theory of voting ethics it follows that only those with Ph.D. degrees may vote, he claims that voters do not need to be experts on the issues they vote about. They only need to discover who the true experts are, and follow their opinions (as when one follows instructions from a doctor).¹⁸ Voters could ask different experts which candidate will probably best serve the common good, and evaluate whether there is agreement between them.

Since voting well implies voting for the candidate one believes will best serve the common good, one might object that voting well *could* require voting against some of one's interests. However, as Brennan says, since one's vote far from changes the result, it is not costly to vote against some of one's interests.

I now return to the issue of those who must vote and vote well. I divide these people into three groups, which I call "the responsible groups."

The first group consists of experts, who could vote well. It is morally wrong for these people not to vote, for they already have the necessary information to vote well. For these people, the personal costs of voting and voting well are very low.

The second group consists of people who lack expertise, but have the necessary information to vote well, because they know the opinions of experts. It is morally wrong for these people not to vote, because the personal costs of voting and voting well are also very low.

The third group consists of people who do not have the necessary information to vote well, but have the necessary ability to identify experts and dismiss pseudo-experts. These people could get the opinions of experts and evaluate whether there is agreement between them. Of course, this takes some time and effort (less than studying economics and constitutional law), but the personal costs are low compared to the consequences of the collectively harmful omission, namely, violations of human rights, worse economic opportunities, and so on. Therefore, it is morally wrong for these people not to vote.

Members of the responsible groups thus must vote and vote well. In contrast, it is morally permissible for certain people not to vote, including those who lack the necessary information to vote well, and those who lack the

¹⁸ Ibid., pp. 104-5.

necessary ability to identify experts and dismiss pseudo-experts. Perhaps these people do not have any kind of relevant information. Perhaps they have wrong information. In any event, all of these people are in the same situation. It is morally permissible for them not to vote, because the personal costs of learning how to get reliable information are so high: it takes a lot of time and effort. What is more, if Brennan is right, not voting is not only morally permissible for these people, it is also morally obligatory. If they vote, they will vote badly.¹⁹

b. It is morally irrelevant that not voting is an omission

Someone could argue that refraining from voting is never morally wrong because not voting is an omission rather than an action. Omissions cannot be morally wrong because, when one omits, one does nothing; only actions can be morally wrong. In other words, while voting can imply participating in a collectively harmful activity, not voting cannot imply participating in a collectively harmful omission.

However, the premise that omissions cannot be morally wrong seems to be false. If omissions can be morally right, for example, refraining from stealing, it seems that omissions can also be morally wrong because they cause harm. For instance, it seems that not nourishing one's young son is morally wrong. Not saving a stranger, if the personal costs of saving him are low, seems to be morally wrong as well. Thus, if one sees a person drowning in a swimming pool, and one is a very good swimmer, not saving this person seems to be morally wrong.

On the other hand, there are actions which cause harm, but are morally permissible. For example, imagine that one sells a person a knife, and one day the buyer becomes crazy and kills her husband with this knife. The first action of selling the knife is morally permissible. There are also actions which cause harm and are morally wrong, for example, killing a person with a knife.

Now, someone could claim that refraining from voting is never morally wrong because not voting is a *kind* of omission which is always morally permissible. This kind of omission is more similar to not nourishing poor African children than to not nourishing one's young son. Nevertheless, Brennan does not explain why not voting is a *kind* of omission which is always morally permissible.

This is a controversial issue, but there seem to be good reasons to think that, in my example, not voting is morally impermissible for members of the responsible groups. Not voting implies participating in a collectively harmful omission, which consists, for example, in not saving the population from violations of human rights, worse economic opportunities, and so on. If

¹⁹ For Brennan, if those people cannot realize that they are bad voters, they are morally excused if they vote badly, because "ought implies can." However, Brennan claims that most bad voters can know that they are bad voters; see *ibid.*, p. 90.

the responsible groups do not vote, they participate in this sort of collectively harmful omission. For these people, the personal costs of voting and voting well are low compared to the consequences of the collectively harmful omission. Therefore, it seems to be morally wrong for these people not to vote. They must vote and vote well. If they do not vote, it is as though many good swimmers saw many people drowning in a swimming pool and did not save them.²⁰

One difference between both examples is that, if one swimmer decides to dive into the water, he could save a couple of persons. In contrast, each vote has negligible influence, so one can save no person by voting. However, for Brennan, the negligible influence of each vote does not morally absolve the person who votes badly. This person is morally responsible because she participates in a harmful (or risky) activity, and because not participating costs little. It is irrelevant, Brennan claims, that her vote has negligible influence. This reasoning could also be applied to some non-voters. In my example, the person who does not vote participates in a collectively harmful omission, which consists, for example, in not saving the population from violations of human rights, worse economic opportunities, and so on. If it costs little for her to vote well, this person is morally responsible for not voting.

It might be objected that voting and voting well is not the only way to contribute to saving people from violations of human rights, worse economic opportunities, and so on. One could contribute to this by launching a campaign against Paul, for example, as in the case discussed above. Therefore, it is false that those people must vote and vote well.

However, this objection fails to distinguish between overriding and compensating. For example, the expert who does not vote participates in a collectively harmful omission, and this is morally wrong for him. He could launch a campaign against Paul, but this is a way to fight against the collectively harmful omission he is participating in; this does not override the morally wrong omission. It is as if the professional swimmer does not want to dive into the water because he is a little cold, and calls other professional swimmers to do the work he could do. In this case, not diving into the water is still morally wrong. The call could compensate for the effects of the omission, but that does not override the omission.

The situation of the expert who does not vote is similar to the situation of the expert who votes for Paul: both could launch campaigns against Paul. This could compensate for the harmful effects of the action or the omission, but this does not override them.

²⁰ It seems to be morally wrong for these swimmers not to save those people even if we assume that they were pushed into the swimming pool by others.

4. Conclusion

In his *The Ethics of Voting*, Brennan argues that (1) people do not have a moral duty to vote, and (2) if they vote, they must vote well. In this article I have argued that Brennan's argument in favor of (2) shows that in certain circumstances it is morally wrong for certain people not to vote. In certain circumstances, I claimed, not voting implies participating in a collectively harmful omission, and so, in these circumstances, certain people must vote and vote well. Nevertheless, the objection I presented should not conceal the clarity, originality, and sophistication of *The Ethics of Voting*. This significant contribution will surely enrich philosophical debates about citizens' moral duties in a democratic society.

