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Democracy and the ethics of voting

Annabelle Lever 

Ecole Doctorale, and Cevipof, Sciences Po, Paris, France

ABSTRACT

This paper provides an overview of the ethical challenges facing voters in democratic elections. It starts by examining the assumptions that underpin contemporary claims about the moral and epistemic advantages of lotteries as compared to elections and shows their similarities to arguments for ‘unveiling the vote’, as Brennan and Pettit put it. (G. Brennan & Pettit, 1990) It looks at the empirical and normative difficulties of these claims and highlights the risk of confusing morally misguided voting with injustice, and of supposing that it must be politically consequential. Finally, the paper casts doubt on the claim that democracy implies that voters should be publicly accountable to each other for their vote and that the secret ballot is, therefore, a regrettable, if necessary, concession of principle to sad reality. It concludes by drawing out the implications of its analysis for the ethics of voting in ideal, non-ideal and highly non-ideal situations.

KEYWORDS Democracy; voting; equality; secret ballot; accountability; sortition

Voters play a critical role in democracies, selecting amongst candidates for legislative office locally, nationally and, sometimes, internationally. In some countries, citizens also vote directly on questions of policy and on constitutional questions. One might therefore expect citizens to be part of an ongoing public discussion about what it is like to be a voter – of the dilemmas it involves, the responsibilities that come with voting, the different ways in which people might approach that role, and whether our democracies adequately support citizens in fulfilling it. But such discussion barely exists (for similar concerns see (Lovett, 2022); for some exceptions see (Flanders et al., 2016; Oxley, 2016; Taylor Smith, 2016). The tacit assumption – even in debates on compulsory voting – is that we all understand what the role of voter involves, as well as whether and, if so, how to fulfil it (Lever & Volacu, 2018). Yet the combination of collective power and personal inconsequence, of moral demands and strategic imperatives that go with the role, combined

CONTACT Annabelle Lever  annabelle.lever@sciencespo.fr

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with often- inadequate information, and uncertainty about relevant counterfactuals mean that voting is often anything but simple morally or politically.

This paper provides an overview of the ethical challenges facing voters in democratic elections. It starts by examining the assumptions that underpin contemporary claims about the moral and epistemic disadvantages of elections, as compared to lotteries,¹ and shows their similarities to arguments for ‘unveiling the vote’, as Brennan and Pettit put it (G. Brennan & Pettit, 1990). It looks at the empirical and normative difficulties of these claims and highlights the risk of confusing morally irresponsible or misguided voting with injustice, and of supposing that it must be politically consequential. Finally, the paper casts doubt on the claim that democracy implies that voters should be publicly accountable to each other for their vote; hence, that the secret ballot is a regrettable, if necessary, concession of principle to sad reality.

Wrongful voting and democratic objections to elections

In a recent paper, Arash Abizadeh argued that elections are intrinsically inegalitarian because of the scope for voter prejudice that they imply (Abizadeh, 2021). His reasons are very similar to those implicit in other arguments for sortition but his article provides greater detail and attention to why even the best elections are supposed to be inegalitarian in ways that sortition will remedy (A. Guerrero, 2021a, 2021b; A. A. Guerrero, 2014; Landemore, 2020; Owen & Smith, 2018). His article also reflects concerns with voter irresponsibility, fallibility, selfishness, and partisanship that lead other democratic theorists to question whether the secret ballot is really democratic and/or to seek ways of creating some institutionalized form of voter accountability (Engelen & Nys, 2013; Seglow, unpublished; Uhrenfeldt, 2021; P.-E. Vandamme, 2018). Indeed, arguments in favour of compulsory voting are often premised on the belief that political abstention is lazy, irresponsible, and selfish, as well as politically damaging (Birch, 2009; Chapman, 2019; Engelen, 2007; Hill, 2002; Maskivker, 2018; Umbers, 2020). So, Abizadeh’s critique of elections can illuminate a wide array of contemporary concerns with voter behaviour.²

According to Abizadeh, elections are inherently at odds with democratic equality because voting is subject to non-meritocratic influences that unfairly discriminate against political candidates based on their race, sex, gender (Abizadeh, 2021, pp. 797, 799–800) and how well-known, good-looking and charismatic they are (A. Guerrero, 2021b, p. 179; Landemore, 2020). As he puts it, ‘competitive elections advantage candidates with salient, distinguishing features, which often consist in irrelevant social privileges such as good looks, wealth or fame’. (796) Hence, he claims, elections *must* violate formal equality of opportunity amongst citizens *qua* candidates for political office because

qua voters, citizens are free to select candidates on grounds that have nothing to do with merit, and cannot be made accountable to others for the way they vote: '... the problem of discrimination means free elections are inherently inegalitarian' (797).

Examples of meritocratic voting, according to Abizadeh, are voting based on 'political skill or public spiritedness' (797) and on 'relevant interests, values, and norms' (794–5) as well as on candidate experience. Voting based on such factors is consistent with equality of opportunity amongst candidates, because while candidates will not have equal opportunities to be selected *ex ante* (in part because of differential opportunities to acquire these characteristics, as well as any natural differences amongst people), the differences will reflect the perceived merits of candidates as legislative representatives. Examples of non-meritocratic voting include voting for candidates because they are rich and famous (rather than, for example, because of the superior education and achievements that their wealth and fame made possible), voting for the charismatic, and voting based on the ascriptive characteristics of candidates, such as their race or their sex. Such forms of voting, Abizadeh claims violate equality of opportunity because candidates will end up with unequal chances of joining the legislature based on factors that are immaterial to their merits as legislative representatives. As he puts it, '... no legislator needs to become a man or white to fulfil her legislative duties' (800).

Alexander Guerrero is less concerned than Abizadeh with the difficulties of securing equality of opportunity amongst candidates, and more troubled by what he sees as the epistemic failings of elections, given voter ignorance and error (A. Guerrero, 2021b). For representative government to be justified, he believes, you need 'meaningful accountability' which, in turn, presupposes practices of informed monitoring and evaluation all along the representative chain linking voters and elected legislators (p. 161). Such accountability, he believes, is undermined by citizens' pervasive and deep ignorance about issues of public policy, the workings of government and their political circumstances (pp. 159–160), and because '[G]roup attachments and social identities drive our thinking about politics, rather than the other way around' (p. 166).³ As a result, officials are readily 'captured' by the groups that they are supposed to regulate (pp. 160–161), and citizens regularly elect representatives whose lives are quite different from their own and likely to generate conflicts of interest between governed and governors (pp. 161–162, 167–168). In short, according to Guerrero, democracies are caught in a vicious circle in which 'Voter ignorance undermines meaningful electoral accountability. An absence of meaningful electoral accountability results in capture. And capture results in what might well be described as epistemic disaster' (p. 163).

Despite differences of emphasis and motivation, then, Abizadeh and Guerrero share common concerns with voter behaviour, and the ability of

elections to justify public policy and the attribution and exercise of political power by some political agents rather than others. However, Guerrero and Abizadeh treat political partisanship in rather different ways. Following Jason Brennan, Guerrero tends to see it as a matter of irrational identification and ‘hyper partisanship’ (p. 166) which means that we end up treating political parties as though they were sports teams and rooting for them in ways that are individually and collectively irrational (p. 166). By contrast, Abizadeh seems open to the possibility that political membership and loyalty can reflect legitimate differences of experience and ideals amongst voters and candidates and can structure the ways we understand and evaluate political phenomena, and prioritise different political means, goals, and agents. Parties in competitive elections will not be exempt from the unjustified deference and favouritism that affect voters. Still, Abizadeh leaves open the possibility that party affiliation can unite the like-minded around ideals and programmes that distinguish them from other parties (Bonotti, 2017; Goodin, 2008; Muirhead & Rosenblum, 2020; White & Ypi, 2016) and might be an appropriate guide to political choice.

What, then, should we make of their claims about voter deficiencies – bearing in mind that it is doubtful voters set out to vote badly or irresponsibly? Hence, it seems appropriate to see *ourselves*, not just *others*, as the objects of these critiques. It is, after all, too easy to suppose that *we* are rational and that *others* are not, thereby uncritically accepting claims about others that, on reflection, we would not accept about ourselves or those we know. Moreover, as most of us will be unreasonable about some things – blocking out or ignoring contrary evidence; letting affection or dislike overrule our considered judgements, etc. – it is prudent epistemically, as well as morally and politically, to assume that the rational/irrational distinction, like the reasonable/unreasonable one, is porous and that we will all fall on different sides of these dichotomies at some point.

So, is it true that when we vote we are inappropriately swayed by wealth, charisma, and good looks, or by uncritical desires for ‘our team’ to win no matter what the cost to others?⁴ If so, would abstaining from voting absolve us of these political sins, and suggest a path by which we can excuse ourselves of the charge of being morally and politically obtuse, irresponsible, and insensitive, as Jason Brennan believes? (J. Brennan, 2012)

Abizadeh’s critique of elections implies that there would be no equality-based objection to our behaviour as voters so long as electoral outcomes reflect our judgements of the values and experience politicians should have, even if it *also* reflects the race, sex, wealth, or charisma of the candidates. The point is important, because it would detract from the force of the egalitarian critique if every example of morally wrongful voting threatened democratic equality. Such assumptions would be implausible and would call into question the justification and realisability of democratic government, itself. So,

a charitable reading of the egalitarian critique depends on how likely it is that morally wrongful voting will *divert* from, or *overwhelm*, voting based on morally acceptable factors. That is partly an empirical question, depending on how electoral competition is organised, and the spirit or ethos (Thompson, 2020) within which it takes place as well as the frequency and distribution of morally wrongful to permissible voting. Evidence suggests, however, that voters still largely vote for candidates based on party affiliation, and the values, ideas and interests associated with it, although people are less faithful to parties – or less identified with them – than Guerrero assumes and was common after the Second World War (Wüest & Pontusson, 2022). So, our failings as voters may reflect badly on our moral character and, perhaps, on our society, without significantly affecting electoral outcomes or unfairly evaluating the claims of candidates.

Of course, voters can only vote for the candidates on offer and, if they are successfully to distinguish one from another and to have reasons to vote, they may need to look at a broader range of factors than their ideas and experience. If candidates are generally better-educated, wealthier or, even, better looking, better turned out, more confident and charismatic than the rest of us, we will have little choice but to vote for people who are unlike us in these respects even if we don't particularly like or trust them. (Wuest and Pontusson *supra*; see also (Bedock & Pilet, 2020; Pilet et al., 2020). Still, charisma can be a useful political attribute, given the need to persuade people to volunteer for difficult tasks and to mobilise them to act on decisions taken by others. If voters can choose between the levels of wealth and education of candidates, (or see the differences amongst them as meaningful), they may prefer candidates who are financially secure (while distrusting the wealthy) and therefore able to stand up for their beliefs, even at the cost of resigning a cabinet post and the additional income that comes with it. Ascriptive characteristics can have significant, often overwhelming, importance for our life prospects without being determinative of our experiences and identities. Hence, voters may disagree about their political relevance without being unreasonable or immoral (Lafont 2020, p. 123–6; Mansbridge 1999; Phillips 1998; McPherson & Shelby 2004; Wüest and Pontusson 2022). Indeed, as Abizadeh recognizes gender, age, and visible minority status can be 'socially salient features of people', and appropriate factors in the way we constitute randomly selected legislatures (800). It is unreasonable, then, to suppose that voters must ignore such factors on the pain of being immoral.

Above all, it is unclear how Abizadeh and Guerrero expect voters to handle the strategic aspects of politics, which cannot be reduced to the claims of candidates or to one's conception of the common good. Political parties differ not only in the policies and values they espouse, but in their absolute and relative strength within the legislature and within different sections of the public as well. Such things matter to the ability of parties to do what they

wish in the face of opposition from others, and what vulnerabilities they have as instruments for achieving voter ends (Unfortunately, Wuest and Pontusson ignore the relevance of these to voter choice in their fascinating paper). To abstract from the strategic aspects of voting then, is to ignore something fundamental about democratic politics: that it is a competitive as well as a cooperative business and each is important to the choice of ends and how to realise them (Ottonelli, *n.d.*, 2021).

Strategic voting is often experienced and conceptualized as voting for the second best (or the least worst) (see Rouméas and Poama in this special issue) but it can also be a way of signaling the relative importance one attaches to different issues and of trying to shape future choices for oneself and others.⁵ Whereas the first conception of strategic voting sees voters as more or less passively responding to predetermined options, the second sees them trying to influence parties and candidates by signaling their willingness to vote for candidates who may have no chance of winning, or that they would normally reject. Voters' efforts to get environmental issues, immigration, the cost of living onto the political agenda despite politicians' reluctance to address such topics might be examples of this phenomenon.⁶

Notoriously, the strategic aspects of voting can be information-dependent and context-relative, often requiring voters to be able to coordinate successfully with others. But that is not always the case: when voters support Green candidates in the UK, for example, though they have no chance of success, they send the message that this is something they care about deeply. That message can be amplified even when uncoordinated, because when identifiable groups of voters who used to vote one way now vote another, parties in competitive electoral systems have powerful incentives to respond (Grossman & Guinaudeau, 2021). Voters may therefore be conscious that they can occasionally shape the political agenda in ways that are usually difficult or impossible *qua voter* and may have morally compelling reasons to try. Once one takes account of the constraints on voters – who can only vote for the alternatives on offer or abstain – and the scope for strategic choice created by those constraints – it is unclear that voters are irrational or immoral for voting in ways that Abizadeh and Guerrero condemn. In short, voting is more complicated morally than we might expect, and neither the empirics nor the ethics of voting suggest that the deficiencies of *voters* should lead us to prefer random selection to election, nor to treat *voters* as especially responsible for bad political outcomes (Patrick Taylor Smith, 2016).

Wrongful voting, accountability and the secret ballot

The egalitarian critique of elections leaves open the possibility that prejudiced voting might be consistent with equality so long as miscreant voters are accountable to others, and therefore liable to punishment for their

failings. Although Abizadeh never develops the point explicitly (797), such a possibility is not implausible. Democracy requires us to identify, publicise and, if necessary, sanction wrongdoing. So voter accountability might be a way to reaffirm the equality of candidates *post hoc*, publicly to communicate the wrongness of certain types of voting and, perhaps, to authorise certain types of compensatory action (even a re-run of a particular contest), for candidates whose electoral chances were harmed by immoral voting (See P.-É. Vandamme, 2020; P.-E. Vandamme, 2018 and for an *ex ante* solution without accountability, see; Mráz & Lever, 2023a).

Democratic arguments against the secret ballot often suggest that secrecy might be qualified in the interests of accountability, given the importance of accountability to democratic government (G. Brennan & Pettit, 1990; Engelen & Nys, 2013; P.-E. Vandamme, 2018). *Qua individuals*, our votes are so inconsequential it may be irrational for us to vote, but collectively we can determine which of the competing candidates for office are chosen and, therefore, which sets of people, policies and ideas can claim to govern on our behalf. Thus, it is not self-evident that free elections preclude voter accountability or that, if there is a conflict between accountability and secrecy, the latter must win. Hence, it is worth briefly considering how the moral complexities of voting affect the democratic status of the secret ballot.

Secret voting enables people to vote in ways that are selfish, prejudiced, unserious and indifferent to the legitimate claims of others. Just as publicity is considered the natural remedy and shield in other areas of politics, so objections to the secret ballot often suggest that open voting would promote impartiality and more reasoned consideration of the ethics of voting. As Brennan and Pettit put it, if the vote is unveiled, the desire for social acceptance will likely play a larger role in your voting decisions than if you can vote anonymously or in secret and will make it more likely that you vote in a way you can discursively support (G. Brennan & Pettit, 1990; p. 326; P.-E. Vandamme, 2018). Open voting⁷ should make hypocritical voting less likely, whereas secret voting makes it easier for people to change their minds at the last minute and/or to be swayed by the last thing they heard or read. Open voting, therefore, may discourage ill-considered and impetuous voting and make it easier for voters (and candidates) to coordinate their actions. So even if we follow Vandamme in doubting that secret and selfish voting are synonymous, secrecy may lead voters to harm each other in ways that open voting and publicly justified voting might prevent.

This line of thought suggests that voters have duties of 'horizontal accountability' or, as Jonathan Seglow puts it, that they 'are mutually accountable to one another for the political values they support through their vote, values that states coercively implement through law' (Seglow, unpublished). If persuasive, this line of thought might alleviate some of the inegalitarian characteristics of elections that trouble Abizadeh and, perhaps, meet

Guerrero's concern that elections sacrifice the impartial consideration of the common good to misplaced forms of identity politics and group narcissism. However, the logic of recent versions of this argument moves the case for accountability – and for in-principal openness in voting – away from a concern with the *consequences* of secret voting and towards ideals of *mutual justification*, on which harm to others is less relevant.

To see the point, it can be helpful to contrast the instrumental case for open voting implicit in Abizadeh, Guerrero, Brennan and Pettit, and Engelen and Nye with the in-principle arguments for open voting which can be found in Vandamme and, more particularly, in Seglow. On the former, openness is meant to disinfect our votes of the taint of immorality (or the worst of that taint). It is therefore critical to the case for openness whether voters are less likely to vote in a selfish or morally unjustified manner if they must defend themselves to others, than if they don't. There are reasons to be sceptical about this – particularly if one values a politics that challenges elite power, and is critical of established values (Lever, 2007). Publicity may favour conformism, groupthink and deference to the most confident and assertive. Moreover, as Vandamme notes, the evidence suggests that voters distinguish their personal interests from those on which they vote. (390–91)

By contrast, less instrumental arguments against the secret ballot are based on the idea that we owe each other duties of accountability for the power we exercise as voters (and, perhaps, for our failure to vote)⁸ even if that fails to make us better voters than we would otherwise be. The ideal of democracy as a system of mutual justification that makes possible a 'justificatory community' (Vandamme 389, quoting Cohen 2009, 43–45) gives us reasons of principle to prefer open to secret voting, although concerns about bribery, coercion and intimidation may lead us to favour the latter on instrumental grounds, at least for the moment. At the core of this case for open voting is the thought that we exercise a collective power when we vote, and this entails public responsibilities which should, ideally, be discharged in public (Mill, 1861, 2013). Although our power as voters may be (much) less than that of the representatives who we elect,⁹ it is a form of collective power nonetheless, and its exercise entails commensurate duties of accountability to others.

Indeed, even if our collective power is less than some forms of *private* power – which, regrettably, may well be the case (Anderson & Macedo, 2017), we can see that accountability-based arguments against the secret ballot would still apply. Democratic government means that accountability must be proportionate to the power in question, whether we are concerned with voters, representatives, parents, or heads of corporations. Private power requires the powerholder to be accountable to citizens and their representatives generally, though they may *also* owe duties of accountability to particular groups of citizens

who can be harmed by their use of that power – employees, shareholders, future generations etc. So, we might think there is no reason of principle why private power should absolve citizens of mutual justification for the exercise of the powers that they are able to wield through their vote.

This interesting and subtle argument combines republican and deliberative conceptions of democracy in ways that challenge our assumptions that the secret ballot was the step towards democracy that we often assume (Mares, 2022). It is unclear, however, why voters should owe *each other* a justification for how they vote or for their failure to vote, when their equal vote reflects their claims against the political choice of others *as well as* their rights to act with their good in mind? By contrast, given that we can harm and wrong foreigners, future generations and non-human animals with our votes, the idea of accountability *to them* or their representatives, makes sense. So why, in addition to the vote, and all the other means democracies create for citizens to educate, explain, justify and persuade their fellows, should they be entitled to *a public justification* of each other's vote as well?

We can be mistaken factually and morally in how we vote. But we can also be mistaken when we demand accountability from others, even when we use public institutions designed to promote careful, impartial and well-supported judgement based on all, and only, the relevant facts – as in criminal trials with juries. For example, we may wrongly believe that some ways of voting require more justification than others because they are unfamiliar and/or we dislike them. Randomising the demand for accountability may minimize the problem (Engelen & Nys, 2013; P.-E. Vandamme, 2018), but cannot change the fact that voting is a democratic response to the *limits* of justificatory community, given reasonable disagreement, rather than something we just happen to do from time to time. The reason to *vote*, on deliberative conceptions of democracy, is that a collective decision is needed – it can't be put off – and that our best efforts to reach unanimity have failed (Cohen, 2009). In those circumstances, unveiling the vote serves no clear purpose except, perhaps, the instrumental one of checking that people voted for one of the competing, but reasonable, conceptions of the good at stake in the election.

However, it is also worth questioning the assumption that personal accountability must follow from exercising collective powers along with others, however imperceptibly. Citizens as voters can be as imperfect as they are in other aspects of their lives, many of which affect others more directly and more deeply than their vote (Beckman, 2017); many of which use (and use up) shared resources and involve the exercise of collective powers – to petition, protest, complain; to judge, assemble and associate, trade, marry and the like. Yet, the public accountability of citizens to their peers in such cases is the exception, not the rule, even when accountability would be

'horizontal' and take the form of a public request for justification alone, rather than the risk of legal sanction.

Voting in democratic elections happens at the end of a long chain of decisions and events determining the choices which voters face and the motivations and justifications they may have for their decisions. In important respects voters are the least influential part *causally* in the chain that replaces one government with another, although *normatively* their choice is the *rationale* and culmination of the process, shaping all other elements in that chain (see also Patrick Taylor Smith, 2016). That is just to say that democracy distributes political power in ways that are not reducible to voting; and that voting affirms the political freedom, equality and solidarity of citizens because, and in so far as, these are assured *whoever* wins the election. Elections matter because they determine what can be done in our name (Beerbohm, 2012), by which people and at what cost to ourselves and others. But at the level of principle, citizens' freedom, equality and solidarity is protected *whoever* wins (Lever, 2010). Hence, democratic elections are attempts to resolve reasonable disagreements amongst free and equal citizens about *what* they should do collectively, or what follows from their shared status as citizens of a democracy. They cannot decide *whether* citizens should see and treat each other as equals – for the answer to that question is presupposed by their use of democratic electoral institutions.

That is the theory, although reality rarely lives up to it. But that is the level at which demands for voter accountability must operate if they are to be distinguishable from demonstrations of power and status. In ideal theory, representatives vote openly less because voters (or their colleagues) cannot trust them, than because voters must be able to hold them to *political* account for the powers with which they were entrusted. (Elections do not determine *legal* liability nor reflect a judgement on their *morality* in other respects). Hence, voters can deprive their representatives of office even if they have done nothing wrong, because they judge that a better alternative now exists. By contrast, they are *not* entitled to deprive their peers of the vote because they deplore the way they voted, blame them for not voting, or think others have better political judgement than they. Curiosity may lead us to ask why others voted, just as we may wonder why they decided to join a political association, or to go on a demonstration. But as our peers do not need our approval to do any of these things, it is unclear why they should assuage our curiosity, even if we are willing to explain our political choices to them in return.

Conclusion

We have seen that the ethics of voting are more complicated than they first seem because democratic citizens may need to evaluate a range of strategic

and non-strategic considerations as voters in circumstances where moral and political reflection may provide no definitive guidance. (Otonelli, in this issue draws out the significance of these points for objections to ‘mixed motivations’ amongst democratic voters.) Hardly surprising, then, that voting can provoke mutual incomprehension, as well as self-doubt and self-blame in ways that can discourage people from electoral participation as candidates, voters or observers. Even in ideal theory, we might expect voters to face dilemmas, make mistakes and have regrets. In the distinctly non-ideal circumstances in which most of us operate, such reactions are all but inevitable, and unfairness in our electoral systems makes it likely that what we might call ‘the moral costs of voting’ will fall more heavily on disadvantaged social groups, who lack the electoral opportunities and resources typical of their more advantaged peers (Mráz & Lever, 2023a, 2023b, 2023c).

Democracy can be morally challenging, unsatisfying and disheartening even in circumstances that are more ideal than those with which we are familiar. A better grasp of those challenges, and their significance for voters may enable us to lessen their sting.¹⁰ For example, we might support measures to make it easier for voters to discuss electorally relevant questions – such as what makes for a good representative, or the merits of strategic voting – with other voters, whether they are members of a political party or not. Few such opportunities exist for citizens as voters – as opposed, say, for those who are active members of a political party or trade union – although it is not easier for voters to organize themselves qua voters than for consumers to do so (Olson, 1971). Perhaps local governments, secondary associations and charities could be encouraged to provide opportunities for their members to discuss such matters and to contrast and share their findings with non-members through summary reports or less formal means. Or, perhaps, it would be helpful for central and local government, in association with universities and schools, to create opportunities for discussion amongst citizens, with the participation of experts able to present contrasting views on the matter. After all, there is no democratic reason why citizen access to well-constructed deliberative opportunities, with expert speakers and advice, should be the prerogative of randomly selected assemblies, rather than other forms of citizen participation. Just as strategic voting can enable voters to shape, not just respond to, electoral options created by others, so intra-voter deliberation throughout the electoral cycle might enable voters to influence the types of candidates that parties select and promote, the willingness of their fellows to present themselves as party-independent political candidates, and their collective ability to evaluate the need to reform their electoral and legislative institutions.

At all events, the ethical dilemmas of voting justify further reflection on the institutions and practices of electoral democracy in ideal and non-ideal circumstances. Although Adam Lovett (2022) suggests that the more ideal

our circumstances, the stricter the moral constraints on how we should vote, it seems likely that the reverse is true. As we have seen, the stakes in ideally democratic elections are relatively low. Though the different options under consideration will affect our relative well-being and the distribution of collective advantages and disadvantages (consequences that make morally wrongful voting a concern, even if they do not affect the relative chances of candidates), we all know that our freedom and equality is assured and that the government of our society is stable and democratic. In less ideal circumstances and, particularly, in ones we might call 'highly non-ideal' ones¹¹ the results of electoral error, miscalculation, carelessness or selfishness are likely to be much greater, because politically powerful actors reject, or are unwilling to abide by, democratic political norms, and are willing and able to use state powers to get their way. Thus, while I have argued that citizens may permissibly vote on a much wider range of moral and political considerations than critics of elections suppose, those permissions may shrink as elections become devices for acclaiming, rather than challenging, the powerful. In those circumstances – where coercion, manipulation, the relative lack of organized public contestation/opposition and information obtain – failures of voter judgement and will are likely to be more excusable than in more ideal conditions. If so, the ethics of voting in highly non-ideal circumstances may look rather different from those in the more favoured, albeit non-ideal, world with which this paper is principally concerned.

Notes

1. I will not be looking at positive arguments for random selection here, but see (Lever, 2023).
2. The following paragraphs draw on (Lever, 2024).
3. There is something puzzling about the idea that democratic politics is a one-way street where politics shapes our identities but not vice-versa. But we can leave the issue to the side here.
4. (Lovett, 2022) adopts many of the same assumptions as Abizadeh and Guerrero, while doubting that charisma and good looks are as important empirically as they suppose. They tend to assume that American Presidential elections are a good guide to voting in other cases and countries – though Lovett at least is explicit in his focus – and tend to rely on the same tendentious interpretations of the evidence as each other. For an alternative approach see (Bagg & Bhatia, 2021; Bagg & Tranvik, 2019).
5. Elise Rouméas was the first to draw my attention to this aspect of strategic voting which she referred to as 'expressive strategic voting'. Unlike the forms discussed in her paper with Poama here, it does not depend on voting for an electable alternative to be effective (and therefore justified). On the contrary, it works when voters abandon their regular party without choosing an electable alternative, by substantially reducing the Party's majority in a constituency/the country.

6. In France, for example, Marine Le Pen was the first to make the cost of living central to her electoral appeal, and though Melanchon, on the left, quickly picked up the issue, the failure of the traditional right and centre to do so helps to explain the recent success of her party (the Rassemblement National). Though immigration remains a concern for her voters its importance is half that of the cost of living, which is a greater source of concern for them compared to all other political parties. See (Rouban, 2023).
7. It is worth noting – though it does not affect the argument here – that ‘open voting’ means something rather different in each of these authors. The key point, however, is that other than Brennan and Pettit, they are concerned with disclosure of the *reasons* for voting *after* the election and not with *public voting*. This makes sense because, unlike J.S. Mill’s critique of the secret ballot, their concern is with *reason-giving* rather than the presence of others *while* voting. (Mill’s critique of the secret ballot appears in Chapter 10 of his *Considerations on Representative Government* (1861, 2013) which can be freely accessed here <https://www.gutenberg.org/files/5669/5669-h/5669-h.htm> (Mill, 1861, 2013).
8. Interestingly neither Vandamme nor Seglow seem to believe that we owe each other justifications for not voting or for our *failure* to use the democratic powers at our disposal. But given democracy-based arguments for compulsory voting, on which concerns for equality and fairness are prominent, that option needs considering, at least in principle.
9. The difference in power and responsibility between voters and legislatures figures in the non-instrumental case I develop for the secret ballot in (Lever, 2007, 2011).
10. For these and other suggestions see ‘Reviving Electoral Democracy’ <https://blog.apaonline.org/2024/09/11/how-to-improve-electoral-democracy/> and <https://bastillemagazine.com/2024/09/01/quel-gouvernement-du-peuple/>
11. I owe the phrase ‘highly non-ideal’ to Attila Mráz. Whereas ideal theory assumes that there is a public, recognized willingness to abide by fair norms of cooperation, non-ideal theory is concerned with cases where that public willingness is lacking. It may be that some actors simply are not willing to reciprocate the self-restraint of others, rather than to take advantage of it; but it may simply be that the lack of public clarity about each other’s willingness to treat each other fairly creates collective action problems that more ideal circumstances can avoid. In highly-non-ideal cases, however, it is clear some politically powerful groups are unwilling to relinquish their power and are willing to use state resources and officers to maintain it through coercion, manipulation and disinformation, if needed.

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Notes on contributor

Annabelle Lever is Professor of Political Philosophy at Sciences Po, Paris and a Permanent Researcher at Cevipof. Her research centrally concerns democratic theory, the political theory of elections and the ethics of voting, and ethics of public policy – especially issues of privacy, equality and security. She is the author of *On Privacy* (Routledge, 2011), editor of *New Frontiers in the Philosophy of Intellectual Property* (Cambridge, 2012) and co-editor of *The Routledge Handbook of Ethics and Public Policy* (Routledge, 2017) and *Ideas that Matter: Democracy, Justice, Rights* (Oxford 2019) and is a co-editor of *CRISPP*. She was the coordinator of the Horizon Europe project, ‘Reconstructing Democracy in Times of Crisis: A Voter-Centred Perspective’ <https://www.redem-h2020.eu/> and initiated and helps to run the ECPR group on The Political Theory of Elections. <https://ecpr.eu/group/political-theory-elections> Her Personal website is www.alever.net

ORCID

Annabelle Lever  <http://orcid.org/0000-0002-3756-1835>

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