

CHAPTER 21



Voting Ethics

VOTING FOR THE LESSER EVIL

MICHAEL LABOSSIÈRE

Given the general attitude toward politicians, it is no wonder voters often see elections as a choice between evils. While the 2016 contest between Clinton and Trump is a paradigm case of such a choice, it has confronted American voters across the decades. In 1972, Democrats debated whether to vote for Democratic senator George McGovern, and the result was the election of Nixon. In the controversial election of 2000, Democrats debated about voting for Al Gore—which resulted in Bush’s victory. In 2017, Republican voters in Alabama helped elect Doug Jones over the controversial Roy Moore.

While there is a guiding truism about choosing between evils, that one should choose the lesser, voters are often averse to voting for a candidate they dislike, even when they are the lesser evil. This leads to the moral question of whether a voter should vote for a lesser evil rather than not voting at all. I contend that this is exactly what voters should do.

While there are many moral theories, the two best fits for this matter are consequentialist ethics and deontological ethics. While consequentialist ethics vary, they share the principle that the right action maximizes positive value for the morally relevant beings. John Stuart Mill and Thomas Hobbes are both paradigm examples of consequentialists. As might already be suspected, the consequentialist approach can provide an effective way to argue that one should vote for the lesser evil.

One of the primary competitors to consequentialist ethics is deontological ethics, as exemplified by Immanuel Kant. According to these theories, actions are inherently wrong or right, and a choice for even a lesser evil could thus be regarded as wrong. On such a view, voting for a third party or even not voting might seem to be the right action. Fortunately, it can be shown that even deontology can be used to morally justify voting for the lesser evil. I now turn to the consequentialist approach.

1. The Consequentialist Approach

While there are many forms of consequentialist theories of ethics, they all share the basic principle that the action that should be taken is the one that maximizes positive value for the beings that are morally relevant. As such, a consequentialist must specify the measure of value as well as determine who counts, thus defining the scope of morality.

The consequentialist approach has considerable appeal: If something has positive value (like cake), then having more of it is preferable to having less. Likewise, if something has negative value (like mosquito bites), then having less is preferable to having more. People also accept that entities vary in their value. For example, we tend to value our fellow humans, especially those who might share cake, more than we value mosquitoes.¹

Perhaps the best-known form of consequentialist ethics is utilitarianism of the sort professed by John Stuart Mill. According to Mill, “actions are right in proportion as they tend to promote happiness; wrong as they tend to produce the reverse of happiness.”² For Mill, happiness is pleasure and the absence of pain while unhappiness is pain and the absence of pleasure. Mill is rather generous in terms of who counts—happiness should be brought to “all mankind and so far as the nature of things admits, to the whole sentient creation.”³

A consequentialist approach makes it easy to craft a moral argument in support of voting for the lesser evil. Voting for the lesser would make it more likely that the least harm would be done to those who matter morally. As such, voting for the lesser evil would seem to be the least bad choice. However, there might be a better option, and this necessitates considering alternatives.

Since utilitarians aim at maximizing utility, they would also need to consider the consequences of not voting. While not voting would microscopically increase the chance of the greater evil winning, utilitarians could use the resources they would spend voting to engage in other activities (such as working for a charitable cause or rescuing puppies) that would create positive value outweighing the moral value of the alternative. Hence, one should not vote for the lesser evil but instead engage in another activity that would maximize value.

Addressing this matter requires drawing a distinction between act and rule utilitarianism. The act utilitarian assesses the ethics of each action on an individual basis. In contrast, a rule utilitarian assesses an action based on its conformity to a correct moral rule. The correctness of a moral rule is determined by the utility it would yield by its inclusion into the set of moral rules that everyone follows.

There are two problems with the act utilitarian argument against voting for the lesser evil. The first is that the same sort of reasoning applies to voting in general: There will (almost) always be something other than voting that will create more positive value. As such, this view would seem to entail that people should, in general, never vote. While appealing to anarchists, this view would be rather problematic for maintaining a democracy.

The second is that even if the argument only applied to voting for the lesser evil (and, of course, the greater evil), the broad adoption of this act utilitarian view by ethical people could have terrible consequences. To be specific, the ethical people

would not vote in an election between evils, and this would leave the election to be decided by the unethical voters—who might, being unethical, vote for the greater evil. As such, while each individual act of not voting and doing something better would seem to be the right thing to do, the collective act of not voting and doing something “better” could easily result in the greater evil winning, which is likely to be far worse than the collective good done by those not voting. Under rule utilitarianism, the rule of not voting for the lesser evil would thus be a bad rule. As such, ethical people should vote, even if the best option is the lesser evil.

While voters who decide to vote based on consequences would have selected their moral approach, they still need to decide on a measure of value, make an estimate of which candidate would do the least evil, and sort out the scope of morality. As such, two consequentialist voters could make radically different assessments about the best (or least evil) vote. As an example, a voter who places the most value on maximizing the success of businesses would assess the consequences of voting for a candidate differently from a voter who favors an equitable distribution of wealth.

One way to address this problem is to take the view of an ideal utilitarian citizen: As a citizen, each person has a responsibility to the other citizens, because it is not just them and their values that matter, but everybody. Each citizen must consider how their vote will impact other citizens and, perhaps, people across the world. As such, voters who want to be good citizens should hold their nose and vote for the lesser evil. This would decrease the chance of the greater evil being inflicted on the society, thus making it the least bad thing to do.

One counter to this ideal utilitarian approach is ethical egoism. On this consequentialist view, each person limits the scope of morality to themselves. Ayn Rand, a favorite of the Tea Party, is a paradigm of an ethical egoist. As she saw it, each person should act from selfishness and do what is in their best interest. She even wrote a book entitled *The Virtue of Selfishness*.⁴ On this view, people should always take the action that maximizes their self-interest. Roughly put, for ethical egoists, they are the only ones with moral value. The opposing moral view is altruism, the view that other people count morally. While there are degrees of altruism, egoism is absolute: If you are an ethical egoist, then only you count morally.

While it might seem somewhat odd, the right choice for ethical egoists would still be to vote for the lesser evil. This would, of course, be the lesser evil defined in terms of their own interests rather than in terms of everyone.

It could be contended that it is a viable option to vote for a non-viable third candidate who is seen as non-evil by the potential voter. This could be a third-party candidate already on the ballot or a write-in candidate. One reasonable concern about voting for the lesser of two evils rather than going with a (non-evil) third party candidate who cannot win is that it perpetuates the two-party lockdown of the American political system. In the context of consequentialism, the argument for voting for the non-viable third party would be based on the hope of long-term consequences rather than the short-term consequences. The hope is that the lockdown on politics by Democrats and Republicans could eventually be broken by a viable third party. This would be done by the process of

building a movement, signaling to candidates and other voters that they are willing to vote for third parties, and so on. If the third party is likely to be better than the Democrats or Republicans, then the good consequences might outweigh all the evil of not voting for the lesser evils.

It could also be argued that having a non-evil third party that gets some votes is good for the population by pushing the lesser and greater evils toward non-evil positions to win votes. The deciding factor would be whether the positive consequences of eventually getting a viable or at least influential third party would be worth the cost of getting there. On the face of it, this hope seems to be quite a gamble—especially since the third party might just add another evil to the mix. As such, voting for the lesser evil is still the right thing to do.

2. Deontological Ethics

While the consequentialist approach is intuitively appealing, there is also considerable weight to the view that certain actions are just wrong (or right), regardless of the consequences. For example, there are strong intuitions against mass roundups of people with infectious diseases even if such an approach could save lives. Those who accept deontological ethics hold, as Kant claimed in the *Fundamental Principles of the Metaphysics of Morals*, that “the moral worth of an action does not lie in the effect expected from it, nor in any principle of action which requires to borrow its motive from this expected effect.”⁵ Put roughly, the action itself is good or bad. So, if a person chooses an action that is good, “this is a good which is already present in the person who acts accordingly, and we have not to wait for it to appear first in the result.”⁶ Likewise, bad actions are already bad and are not bad because of harmful consequences they might produce. One illustration of this, albeit in a fictional context, are video games that track a character’s ethical progress (or decline). The points are gained (or lost) as soon as the player makes the choice rather than after the consequences are sorted out in the game.⁷ In terms of deciding what to do, Kant put forth his categorical imperative. The gist of this principle is that an action is morally acceptable if the person who wants to take that action can will, without contradiction, that everyone can take that sort of action as well. If a person cannot, rationally, will this, then the action would be wrong. For example, Kant would say that cheating at a game would be wrong because the cheater wants to cheat to gain an advantage and hence cannot will that everyone be allowed to cheat—this would take away their advantage.

Intuitively, voting in favor of a candidate one regards as evil would be a morally wrong act, albeit a minor form of wrongness.⁸ This, of course, assumes that supporting evil is itself an evil. This seems reasonable, and an analogy can be drawn to the legal notion of aiding and abetting a criminal. To voluntarily and knowingly assist a criminal in their crimes, even in a small way, would make one a part of the crime. Likewise, voting for an evil candidate would be to aid them in their misdeeds. Voting for the lesser evil would be less evil than supporting the greater evil but would still be an evil action. To use the crime analogy again, voting for the lesser evil would be like aiding a lesser criminal instead of aiding a greater criminal. While this is less bad, it is still criminal. Likewise, voting for the lesser evil would

be less bad than voting for the greater evil, but would still be wrong. As such, moral voters would seem to need an option that allows them to avoid doing *any* evil.

One obvious option would be to not vote at all. This is analogous to refusing to aid any criminal, be they greater or lesser. So, if a person regards the only viable candidates as evil, then the right thing to do would be to not vote for any of them—thus avoiding the risk of committing an evil action by supporting, in however miniscule a degree, an evil person. To illustrate, consider a ploy beloved by fictional villains: The villain offers the hero a choice between killing one person or “making” the villain kill many people. While a consequentialist approach would generally favor killing the one to save the many, choosing the lesser evil would still appear to be an evil action. After all, the hero would still be murdering an innocent person even if it is to save the many. Likewise, voting for the lesser evil would still be evil, albeit less evil.

If the hero refuses the villain’s “generous” offer, the hero is not to blame for the villain killing the many—that is all on the villain. Likewise, if a voter decides to not vote for any evil and the greater evil is elected, the responsibility lies on the candidate for being evil and those who supported the greater evil. Going back to the crime analogy, this would be like refusing the villain’s offer. The murder would be on the villain, not on the person who refuses to aid the villain. The kidnapping would also be on the kidnapper, should that criminal prove successful. Thus, the ethical voter should not vote if the candidates only come in degrees of evil. Even if the greater evil wins because of this, ethical voters would seem to remain pure in their ethics—they have not supported evil with their vote.

While this view is appealing, a moral problem is that not voting is still a choice that could allow the greater evil to win and is thus still an evil action. Going back to the villain example, deciding against killing the one person was wrong not because the hero killed the many, but because the hero’s choice resulted in the death of many rather than one. While the hero seems to retain their moral purity, their choice doomed the many. As such, either they are no longer morally pure, or their moral purity came at the price of the deaths of the many. It is, of course, true that the deaths are on the villain—but the hero could have saved the many and that responsibility falls on them. On the face of it, choosing to allow many to die rather than staining one’s hands seems to be an evil choice. Likewise, choosing to remain morally pure in an election and potentially allowing the greater evil to win would thus appear to be the wrong choice because it forces others to bear the burden of one’s effort to remain morally pure.

A deontologist who still favors not voting could try to make use of another beloved philosophical conundrum, the trolley problem. In the stock trolley problem, there is a runaway trolley heading down a track. While you cannot stop the trolley, you can choose to let it run over five people tied to the track or divert it so it runs over one person tied to another track. As a non-trolley example, a superhero might have to choose between catching a single falling person or catching a falling bus packed with people. In this case, the right thing to do would be to catch the bus. In this example, the hero lets one person die so that they can save the many. This seems to be the right choice be it assessed by consequentialist or deontological ethics. This choice does not make the hero evil; they were forced

into making the choice and had no other viable options. The same logic applies to voting: The voter who votes for the lesser evil is analogous to the hero who elects to kill the one to save the many. This voter is taking an active role in the evil, albeit to try to avoid a greater evil. Pulling the lever is analogous to pulling the trigger. The voter who does not vote is like the hero who lets the one die. They are not taking an active role in the death of the person and thus have no responsibility for this evil. While this is an appealing narrative, there is a better interpretation.

The person who does not vote is not like the hero who catches the falling bus rather than the falling person. Rather, they are like a “hero” who lets both the bus and the person fall, leaving it to others to sort out the carnage. This is because voters who do not vote take no action when they could have done so—just like a “hero” who refuses to try to rescue anyone because they do not wish to be responsible for the outcome. But, by not acting, they become responsible for the outcome—at least in a very small degree. This responsibility provides the path toward arguing that even under deontological ethics a person should still vote for the lesser evil.

Voting for a person one regards as evil would be an evil action, as argued above. However, in the case of politics one must think of more than oneself and one’s moral choice—one must also consider the responsibility one has to other citizens and society. As such, a person should be willing to bear the tiny burden of voting while holding their nose to try to protect others from what they regard as a greater evil. To go back to the hero analogy, it is better for the hero to accept the guilt of not saving the one person so that they can save the bus full of people than it is to do nothing and let everyone die.

So, while it is wrong to vote for even the lesser evil, it is even worse not to vote at all. So, someone who regards two candidates as evil should vote for the one they think is the lesser evil.

A deontologist who still insists that not voting is the right choice could point to the fact that it makes virtually no difference whether an individual voter votes. After all, in a large election a single vote has only a microscopic impact on the outcome. As such, it could be argued that a voter has no obligation to intervene when the odds of making a difference are miniscule, especially when doing so would make them a party to evil. Going back to the villain example, it would be as if the villain told the hero that if they killed the person, the villain would offer a one-in-a-million chance of sparing the many. In the falling bus example, it would be as if a normal person were trying to find a way to save the people on the bus before it hit the ground—not impossible, but not worth calculating the odds.

Interestingly, the anarchist Henry David Thoreau advanced this sort of argument in support of his rejection of voting.⁹ As such, if the deontologist were right about not voting for the lesser evil because of the odds, then this would seem to apply to not voting in general. While Thoreau would approve, this would be problematic for democracy. There is also the fact that this view would entail that people should not even bother to try when the odds are terrible. While this might be a very practical view, it does not seem morally commendable. Also, as Kant noted, it is not the outcome that matters—it is the action. So, even if the odds of success were absurdly low, the right action would still be the right action. And voting for the lesser evil is the right action.

A last point of consideration is the implications of Kant's categorical imperative in this situation. As noted above, Kant contended that an action is, roughly put, acceptable for one person to do if they are willing to allow everyone to do that same sort of action. Now, imagine if a person wanted to not vote simply because there were only evil candidates. On Kant's view, they would have to be willing to allow everyone to not vote. But the evil candidates and evil people would presumably vote—thus the election could very well go to the greater evil. But a good person cannot will the triumph of the greater evil, so a deontologist must accept that voting for the lesser evil is the right action. All that remains is the matter of whether to vote for a third-party candidate.

If there is a non-evil third-party candidate running, then deontological ethics would seem to guide a person to vote for them. After all, the vote for the non-evil candidate would avoid supporting evil while seeming to avoid the evil of not voting. If the non-evil third-party candidate were viable, then this would clearly be the right choice—there are no reasons to settle for a lesser evil if one can get a non-evil. But the push to vote for a lesser evil only arises when there is both a greater evil and a lack of a viable non-evil option. In that case, voting for a non-evil third party instead of voting for the lesser evil would increase the chance of the greater evil winning, and assisting a greater evil is worse than assisting a lesser evil—as argued above. As such, voting for a non-viable, non-evil third-party candidate would be morally equivalent to not voting. Thus, deontological ethics would also guide the ethical voter toward voting for the lesser evil.

COMPREHENSION QUESTIONS

1. Why, on rule utilitarian grounds, is abstaining from voting for the lesser of two evils morally objectionable?
2. What kinds of concerns does the “ideal utilitarian citizen” take into consideration when making voting decisions?
3. At first glance, it looks like a deontological approach to voting between two evils would require abstaining from voting. Why?
4. What, in LaBossiere's assessment, does deontology ultimately require of someone who is faced with voting between two evil candidates?

DISCUSSION QUESTIONS

1. In his discussion of the deontological perspective, LaBossiere likens (1) voting for the lesser evil to (2) diverting a trolley so that it runs over only one person instead of five and (3) choosing to catch a falling bus full of people rather than a single falling person. What, if any, are the morally relevant differences between these three cases?
2. LaBossiere believes that voting for a non-evil third party (rather than voting for the lesser of two evils) is morally right, but only if the third-party candidate is viable. What makes such a candidate viable? How would you know whether they were viable?

Case 1

Writing for the *Washington Post*, Travis Rieder suggests that two kinds of moral principle influence our thinking about voting for the lesser of two evils: minimizing harm and maintaining personal integrity.

The angry rejection of the idea that one ought to vote for someone she finds objectionable is not only understandable, but I think tied to something deeply important. Voters are being told that they ought to vote so as to minimize harm, which sounds like a moral commandment. But these voters also have a conflicting moral belief—that they ought not endorse a candidate they take to be corrupt. They are being put in the position of choosing an external moral principle over an internal one. . . .

When the consequences of one's action or inaction get bad enough, following through for the sake of keeping one's hands clean starts to seem self-indulgent. Indeed . . . you may sometimes be required to violate your principles for the greater good.

[F]ocusing on our integrity is the most justifiable when the action that we are being asked to take deeply violates our most central life commitments, and the cost of not acting is relatively low.*

What do you think of this argument? What does it have in common with LaBossiere's view, and where does it diverge?

*<https://www.washingtonpost.com/posteverything/wp/2016/08/13/is-the-lesser-of-two-evils-an-ethical-choice-for-voters/>

AGAINST VOTING OBLIGATIONS

PATRICK TAYLOR SMITH

1. The Ethics of Voting Badly

People have been complaining about the incompetence, irrationality, and ignorance of voters for as long as there has been democracy. Whether it is property restrictions, literacy tests, colonial trusteeship, or educational requirements, there's a long and inglorious history of elites trying to restrain the potentially immoral excesses of the "mob" by restricting the franchise of those who are supposedly not ready to govern themselves.¹⁰ Historically, the attempt to limit voting rights has been a conservative affair, a defense of the traditional rights and privileges of the political class combined with a fear that an enfranchised working class would seek property redistribution or, worse, outright revolution. Currently, the Republican Party—in the name of preventing voter fraud—seeks to limit the franchise of voters who are likely to vote for their political opponents,¹¹ and many argue that felons, including those who have fully paid their debt to society, are simply too vicious to be allowed to vote again.¹² It is important to keep this history in mind as we explore arguments about whether some people are too ignorant or immoral to participate in their own governance.

Yet, whether a state may restrict voting rights is a different issue from the individual ethics of voting. There are many actions that I have a right

to do—where the state would be acting unjustly if it stopped me—that are nonetheless wrong. For example, I may have the right to make utterances that are racially offensive but it is still true that I shouldn't. Similarly, some have argued that voters ought to refrain from voting if they are sufficiently ignorant, irrational, or immoral.¹³ These arguments can cross the political spectrum, with some on the right saying that people with mostly liberal views should not vote because they are ignorant of economics while some on the left argue that those with mostly conservative views should not vote because they have sexist views about women in the workplace. The basic idea, then, is that voting can have effects on other people and that we should wield that power responsibly. If we vote in ways that are ignorant, irrational, or immoral, then we act negligently and risk harming others. So, you have a duty to vote well or to not vote at all.

I, however, want to reject these arguments.¹⁴ Instead, I will defend the idea that voting is in the realm of the ethically discretionary: You can vote for whomever you want, however you want, without wronging anyone else. Thus, you can vote for the lesser of two evils or for the person who most represents your values. The reason, on my view, is that in a functioning democracy, your vote sends a useful signal about what you believe and value. This signal can be politically productive even if it is uninformed or wrong-headed, and so your vote is up to you. In other words, no one has a right that you vote a particular way or can demand that you must refrain from voting or else you disrespect them. It is important to be clear about this claim. I remain neutral but am sympathetic to the idea that ignorant or vicious voters can be criticized for their behavior in some ways. These voters might very well be frivolous, cruel, or imprudent. My view, however, is that bad voting does *not* violate any obligations of *justice*, and so a bad voter's fellow citizens—either collectively, individually, or in particular groups—lack a right against bad voting. In order to show this, my argument will be in two steps. First, I will show that bad voting violates no person's rights in a legitimate state that possesses a robust democracy and constitutional protections of basic interests. Then, I will show that voting is irrelevant to our obligations to resist tyranny in states that are deeply unjust or illegitimate.

2. Institutionalism

The argument for an obligation to vote well looks straightforward. Voting is an exercise of power, representing an attempt to direct the machinery of the state in one direction rather than another. One should not act in ways that risk violating the rights of others, and that is precisely what one does when one votes with insufficient information, votes irrationally, or votes with deeply problematic biases and prejudices. Some have likened bad voting to pollution;¹⁵ a tiny bit of pollution may be innocuous, but your action is still wrongful because it risks combining with other acts of pollution to cause serious harm. Thus, even if we accept that your vote usually does not make a difference, you are still obligated

to do it well. Otherwise, the state may harm your fellow citizens and you will share in the responsibility for the bad consequences of your choices. Of course, there is much disagreement about what constitutes good voting, so let's only describe voting as bad if it violates some very obvious and widely shared norms or principles. So, even if I hold very strongly to some specific ideology—such as socialism, liberalism, or libertarianism—and thereby think everyone else is immoral, we will not call something bad voting *merely* because it is bad in the ideological sense. Instead, we will call voting bad if it satisfies at least one of three conditions. First, voting is bad if it is based in ignorance; that is, a bad voter does not understand basic facts about the political system or the likely effect of their policies. Second, voting is bad if it is irrational such that a bad voter chooses policies that fairly straightforwardly contradict the satisfaction of their own preferences. So, if a voter wants higher economic growth and then votes for policies that clearly and demonstrably hamper economic growth, the voter is being irrational. Finally, voting is bad if it can very clearly be shown to be motivated by deeply and obviously immoral beliefs such as inveterate racism, sexism, or anti-Semitism. Each one of these requirements should be understood as being fairly minimal. Voters need not be perfectly rational, informed, or moral; rather, they must be not grossly and obviously uninformed, irrational, and immoral. If they fail these conditions, then they are bad voters. I concede that there are and will be such bad voters in almost any political system except those that are almost impossibly utopian. The question is whether bad voters violate the rights of their fellow citizens or fail to fulfill their obligations of justice with their votes.

We need to know what our obligations of justice are in order to determine whether bad voters fail to fulfill them. The view I defend is called *institutionalism*, originating with John Rawls.¹⁶ Institutionalism is the idea that there is a moral division of labor between institutions and individuals. The principles of justice—those that, for example, say that every person should enjoy equal voting rights—are the purview of the basic institutions of society, including and especially the legal system and the government. These institutions are created and maintained by sets of rules, offices, and norms that distribute goods, privileges, powers, and rights. They are judged to be just insofar as they are regulated by the correct principles. Individuals, by contrast, need not directly bring about just distributions but should support the institutions, reform them if necessary, and follow their just rules. So, institutions set the rules while individuals engage in whatever goals or actions they see fit as long as they follow their rules and support the institutions. This preserves a wide area of discretion and autonomy for individuals.¹⁷

A useful, if controversial, example of institutionalism involves Rawls's discussion of the labor market. Rawls argues that if we have created fair institutions, then people are permitted to use their labor power in the following way.¹⁸ Suppose that society would benefit if a doctor lived in rural Alabama in order to treat deeply impoverished people, but that doctor preferred to live in San

Francisco. Rawls suggests that because the doctor has discretion over which job she takes and where, our society might need to incentivize the doctor to move to Alabama by offering higher salaries to those who work in underprivileged areas. *Individualists*¹⁹ argue that the doctor may have an obligation to work in Alabama without the raise. After all, if she chose to work in Alabama, the government could spend that money making other poor people better off. Thus, the doctor should try to directly bring about a world where the principles of justice are better satisfied. *Institutionalists*²⁰ argue that the doctor may justly bargain for better pay because she is only indirectly responsible for the principles of justice: She need only support the institutions and follow their rules. Something similar is true of voting: If you follow the rules and support the system, your voting behavior is discretionary.

Institutionalism is most plausible when two conditions obtain. First, institutionalism is necessary when the “background conditions” need to be fair for our choices to be voluntary. Consider the idea that I “consent” to paint a fence for my neighbor. In order for that consent to be meaningful, I cannot be forced to accept the contract due to starvation or other dire need. Yet, neither myself nor my neighbor can guarantee that I will not be in dire need. For that, we will need to coordinate the actions of many people using various institutions. We have a division of labor: We act voluntarily “in the foreground” while institutions maintain the background justice. Second, if bad institutions make it too difficult—in terms of judgment or the need for information—for individuals to act justly, then we should focus on institutions rather than individual behavior. Institutionalism works as a view when good institutions are needed for stable, long-term good outcomes and can compensate for bad behavior, while bad institutions make it excessively difficult or costly to engage in good individual behavior.

3. Good Institutions, Bad Behavior, and Social Epistemology

Let’s imagine a well-functioning—or “well-ordered”—democracy. Basic liberties, such as freedom of speech, the press, and assembly, are effectively protected by a powerful set of constitutional rules and norms. People enjoy the fair value of political liberty where each person can participate in and influence political decisions on a roughly equal footing. There’s an independent judiciary and a robust party system offering clear positions concerning the future of the polity. Finally, this well-ordered system has regular, free, and fair elections with some portion of the electorate being bad voters. I argue that, in a well-ordered system, these bad voters are harmless or even beneficial.

Two elements of this argument are essential. First, we have the results of social epistemology.²¹ Beginning with Aristotle,²² democracy has long been justified via its ability to *aggregate* information from a diverse citizenry. From the Condorcet voter theorem²³ to the superiority of polling the audience in *Who Wants to Be a Millionaire*, epistemologists, scientists, and political theorists have discovered that a group of non-experts can outperform an expert.²⁴ However, groups only outperform experts under certain conditions. You need to have a diverse group

of people and to avoid groupthink where everyone only says what they think the group wants to hear. Second, our votes only lead to policy outcomes in tandem with political institutions. These institutions represent a *filtering* mechanism, such that if they work well, they can take up good or useful information and discard the bad. To continue with the pollution metaphor, the other political institutions of society—from an independent judiciary to constitutional protections of basic rights to a robust civil society—can act as scrubbers to keep the pollution from hurting others while still enjoying the benefits of whatever the factory happens to be producing.

Furthermore, well-ordered institutions not only filter out bad information, they can actually put irrational or uninformed actors to good use in order to help the process generate even better outputs. Philip Kitcher uses the Nobel Prize to show how this works in the sciences:

The very factors that are frequently thought of as interfering with the rational pursuit of science—the thirst for fame and fortune, for example—might actually play a constructive role in our community's epistemic projects, enabling us, as a group, to do far better than we would have done had we behaved like independent epistemically rational individuals.²⁵

Kitcher's idea is that we need to incentivize people to do the epistemically *irrational* strategy—pursue a scientific project that is less likely to work—because if everyone did the same experiment or pursued the same theory, we would fail to fully explore the less likely but still live scientific possibilities. We need people to avoid groupthink and be willing to be the odd person out. Thus, we create an incentive structure whereby if someone does go with the rarer, less likely possibility and it pans out, they get a prize. In other words, if everybody dispassionately and rationally pursues the best scientific theory, the community as a whole will suffer. We need people to selfishly pursue fame and fortune in order to get the best scientific outcomes.

This community will do even better if we create smaller institutional structures that amplify and direct those incentives in productive ways. So, whether this “harnessing irrationality” strategy succeeds depends not only on incentives, but on power and influence. Kitcher writes:

[A] single deserter from method I cannot contribute enough effort to method II to make that method profitable. What is needed is for several people to jump ship together. Imagine, then, that the community is divided into fiefdoms (laboratories) and that, when the local chief (the lab director) decides to switch, the local peasantry (the graduate students) move, too. . . . A certain amount of local autocracy—lab directors who can control the allegiances of a number of workers—can enable the community to be more flexible than it would be otherwise.²⁶

A carefully calibrated distribution of power can make it such that scientifically *irrational* behavior creates real diversity and helps the community avoid groupthink. Thus, good systems can usefully direct “bad” behavior in order to make the entire system work better.

These insights apply to voting. Bad voters have information that would be useful for policymakers to have. However, that information might be fragmentary, discombobulated, confused, and shot through with vicious or ignorant attitudes. Since we know that bad voters possess an admixture of good information and bad, we need institutions that will filter out the bad information and incentivize policymakers to take up and act upon the good. The latter can be accomplished pretty straightforwardly by ensuring widespread voting rights and making it easy for everyone to vote in order to avoid limiting available perspectives by restricting the ability of people to participate in the process, especially on arbitrary bases like race, class, or gender. That will limit the information pool to those who are likely to agree with each other, and this means that the information-aggregation benefits of democracy will be lost.

Our political system also needs to prevent bad information or bad outcomes from happening, and a well-ordered polity can do this in several ways. Political parties, for example, can play a mediating role like that of labor groups, influencing voter beliefs and testing voter beliefs against expert opinion in productive ways. In other words, most people mediate their voting through a party structure, and parties can play a role in “laundering” the information provided by voters in order to make it more coherent, informed, and rational. Furthermore, there are many mechanisms in place to ensure that political outcomes do not become unacceptably bad if they are functioning properly. These myriad institutions can block the negative risks of a bad vote. A constitution provides counter-majoritarian veto points, such as the Bill of Rights, in order to protect fundamental interests, setting limits to state action. Independent judiciaries are insulated from voter behavior and apply a different set of norms for reasoning about legal rights. Legislative veto points constrain the rate at which voter behavior influences policy, and independent agencies—such as the Federal Reserve—are given objectives, such as maintaining full employment, that are not immediately or easily subject to specific legislative accountability. If things go well and institutions are well ordered, then bad voters can participate, providing useful information, while avoiding the risk of creating truly bad outcomes.

4. Bad Institutions, Good Behavior, and Resistance to Oppression

Things, however, do not always go well. Institutions can fail, and political systems can be tyrannical or despotic. If you know your regime is likely *not* going to respect basic rights and that the various institutions designed to ensure that bad outcomes do not occur have been corrupted, bypassed, or eliminated, then it seems like you should vote for the best possible option. In other words, if it is reasonably clear that there are no well-ordered institutions to make sure your bad votes will be useful, then you are obligated to resist this illegitimate state by either voting for the best possible option or not voting at all. So, according to this argument, institutionalism is false and you have a direct obligation to vote well when the state is badly ordered. Otherwise, you are complicit in the injustice. I want to respond in three steps.

First, unjust institutions tend to sever the *causal link* between voter behavior and political outcomes. One problem with deeply unjust institutions is that voters have little control over political outcomes. In authoritarian and quasi-authoritarian states that lack basic rights protection, the connection between even an informed and well-intentioned voter's actions and how the state behaves is irregular and unreliable. Parties and politicians in illegitimate or deeply unjust states are frequently deceptive about their preferred policies and about the actual effects of state action. What's more, even if one votes in a well-meaning reform candidate, that candidate will be hemmed in by unjust social, economic, and political structures that will produce unpredictable consequences. Unjust institutions have a strong tendency to sever the causal link and predictability that allow us to be good voters. So, if being a good voter requires that we have reasonable beliefs about the consequences of our actions and that we refrain from taking excessive risks, then dysfunctional and unjust institutions tend to make bad voters of us all. Thus, what seem to be fairly uncontroversial and minimal requirements for voters will—when combined with poor institutions—become exceedingly difficult for anyone to satisfy.

Second, unjust institutions sever the link of *moral responsibility* between votes and political outcomes. That is, even if we grant that bad voting behavior plays some causal role in bad outcomes, it might be unfair to hold voters accountable for those outcomes. Suppose we can find cases where the state is deeply unjust and yet sufficiently transparent about its policies and their effects that we can distinguish between good and bad voters. Yet, even in those cases, bad votes are translated into action by vicious political actors. And unlike in a well-ordered and just constitutional order where there might be some kind of effective and legitimate legal requirement that political power inhere in the people through elections, unjust political orders are composed of actors who are not compelled to accept the results of elections or follow the will of the voters. That is part of what makes them unjust. Perhaps we should hold voters morally accountable for the outcomes of a just system because part of what makes that system just is its self-governing nature; the people rule themselves. Yet, since the unjust political order—which has its own influence upon the political outcomes—operates between the voter and the result, and the actions of the politicians, bureaucrats, and magistrates are unjust, it would be unfair to hold voters morally responsible for the actions of vicious politicians. For example, consider the relationship between a prosecutor appointed by the dominant party in a quasi-authoritarian state that oppresses political opposition and a bad voter who did, in fact, vote for the dominant party. This state prosecutor then abuses their authority and imprisons an enemy of the state, unconstrained by the rule of law. The unjust actions of the dominant party and the prosecutor are necessary to translate the bad vote into bad policy. So, in other words, having an unjust human agent intervene between your action and its consequences mitigates your personal responsibility for what the unjust agent does.²⁷

Third, even if we have obligations to resist tyranny,²⁸ refraining from voting is neither necessary nor sufficient to satisfy them. Let's imagine a state that is reliably responsive to voters despite being unconcerned for and routinely undermining their basic rights. Now consider two citizens who are interested in resisting the state. Citizen A refrains from voting but does little else, wanting to avoid complicity in the regime. Citizen B, however, continues to vote for the dominant party because she is deeply ignorant of the political system. Yet, when she sees individuals being mistreated by the state, she takes on great personal risk in order to resist state action and protect people suffering from its predations.

I want to suggest two things about the comparison between A and B. First, A's refusal to vote is not an adequate response to the injustice of the state; he is, at least, obligated to do more than that, in part, because the individual causal influence of a single vote is quite small. So, refraining from voting is certainly not *sufficient* for satisfying one's political obligation to resist oppression; A is not doing enough. Citizen B, on the other hand, does seem to be doing enough. She is risking herself to protect people from being harmed and is actively working to foil the unjust policies of the state. Unfortunately, she might be sufficiently ignorant or irrational that she still believes that the dominant party is acting in good faith and that these attacks are the result of a "few bad apples." But this belief is practically irrelevant to her resistance; she still acts to prevent these attacks and wants them to stop. The fact that she continues to vote for the dominant party has an exceedingly minor causal influence, if it has any influence at all, when compared to her protection of the victims of state tyranny. On net, she has done all that could be reasonably asked of her. The reason for this asymmetry between voting and other kinds of resistance is that while voting can be useful—in terms of information aggregation—without being causally effective, meeting one's obligation to resist tyranny requires that resistance have some reasonable prospects for stopping the injustice. So, one can be a bad voter and still be a good resister, while refraining from voting does not make one a good resister. So, refraining from voting is neither necessary nor sufficient for meeting one's political obligations in the face of tyranny.

To be an institutionalist is not to argue that we have no political obligations at all. Quite the contrary, our political obligations are quite robust: Follow and support institutions when they are just; resist and reform institutions when they are not. Bad voting does not violate our obligations—and non-voting does not fulfill them—in either case. If we live in a just society, then bad voting can be productively directed and filtered by our various social and political institutions. If we live in an unjust society, then non-voting is neither necessary nor sufficient for fulfilling our obligations to resist tyranny. In some ways, we should find all of this unsurprising. Rather than focus our attention and our moral opprobrium on bad voters—who usually become bad voters because of bad institutions—we should expend our energy and direct our actions toward changing the deeper social structures that shape our lives.

COMPREHENSION QUESTIONS

1. Smith argues that bad voting doesn't violate obligations of justice. For him, what counts as a bad vote?
2. From an institutionalist perspective, what general duties do individuals have regarding justice?
3. What are some of the institutions that help mitigate the risks of bad voting, and how do they do it?
4. Under what conditions is institutionalism most plausible?
5. Smith rejects the claim that there is an obligation to vote well in order to resist unjust institutions. What reasons does he offer for rejecting it?

DISCUSSION QUESTIONS

1. Smith argues that bad voting is permissible in part because it sends politically productive signals. What useful signal, if any, might a vote motivated by “inveterate racism” send?
2. Is voting the only or best means through which citizens can send signals or provide information to policymakers? Why or why not?
3. Imagine a society in which the majority of voters are uninformed, irrational, or deeply prejudiced. Does this change your evaluation of Smith's argument? Why or why not?
4. Smith asks us to take our attention away from bad voters and place our efforts on changing unjust institutions. How might he respond to the objection that voting well is a primary means of changing unjust institutions?

Case 2

Dal Bó, Dal Bó, and Eyster (2018) offer empirical evidence that most people will choose policies that offer direct, short-term benefits to themselves over policies that benefit themselves and others in the long run through indirect means. In their view, institutions don't correct for this tendency to make bad long-term decisions and may even reinforce it.

Of course, identifying a demand for bad policy . . . in the laboratory does not necessarily mean that outside of the lab such demand will dominate forces promoting good policies. One could hope that public discourse and political competition would result in voters learning about the total effect of policies, thus bridging the gap between public opinion and reliable evidence. However . . . a vast literature in economics and political science—both theoretical and empirical—has considered politicians as reflecting, more than shaping, the positions of voters. To the extent that public opinion and voter preferences matter for the selection of policies, understanding how people think about policies appears relevant for our knowledge of how societies choose to regulate themselves.*

What should we do in light of this information? If voters' demands are highly influential on institutional decision-making, does that mean that you have an obligation to vote rationally? Why or why not? How might Smith respond?

*Ernesto Dal Bó & Pedro Dal Bó & Erik Eyster. (2018). “The Demand for Bad Policy when Voters Underappreciate Equilibrium Effects,” *Review of Economic Studies* 85(2), pages 991–992

REPLY TO SMITH
MICHAEL LABOSSIÈRE

Smith makes an often-overlooked point: Some actions are wrong to do *and* wrong for the state to restrict. In addressing his main points, I will operate within this sensible assumption and claim that while bad voters should not vote, they should not be denied the right.

Key to Smith's argument is the claim that bad voting is acceptable in "well-ordered systems" because it is either harmless or beneficial. In support of this view, he draws an analogy to how the Nobel Prize supposedly uses irrationality to get good results.²⁹

One problem here is that bad voters do not seem analogous to Nobel seekers. Seekers are not bad scientists doing science badly—they are competent scientists motivated by fame. Bad voters are not offered an irrational incentive to vote; they are bad at voting. A more apt analogy would require claiming that bad scientists would be more beneficial than harmful to science, but this claim is implausible. Further, comparing voting to doing science would seem to tell against tolerating bad voters.

Smith contends bad voters are beneficial because they have useful information and are thus not obligated to vote well (or not at all). Using a science analogy, this is like claiming scientists are not obligated to do good science because bad scientists would somehow be beneficial to science. This seems contrary to fact. Just as scientists should do good science, voters should vote well. But perhaps bad voters are, unlike bad scientists, beneficial because they add a useful diversity of badness to the population.

While there are good arguments for having a diverse voter pool, the sort of diversity bad voters offer would not seem to be beneficial. To use an analogy, while it can be beneficial to have a diverse team working on a business problem, this does not entail that including people terrible at the task would be beneficial. Their badness would most likely offset any advantages gained by the diversity they contribute. Smith disagrees with this, and it is to this I now turn.

In arguing bad voters are harmless, Smith relies heavily on his claim that a healthy system would prevent them from doing harm. He does note that they could do harm, so systems are needed to protect against bad information and bad outcomes. Smith's position here is quite reasonable. A few bad voters in a healthy political body could be like a few allergens or pathogens in a healthy human body: They are harmless and can be beneficial to the immune system. However, the pathogen analogy indicates a problem with his view.

Bad voters who vote for candidates/policies who could damage the systems needed to protect against bad information and outcomes are analogous to pathogens that seriously threaten the immune system of even healthy bodies. To illustrate, if bad voters help elect officials who undermine the press, roll back the protection of civil rights, attack the judiciary, and damage government agencies protecting people, then they would damage the systems Smith claims keep their badness in check. As such, if bad voters are virulent or numerous enough, they would be like a disease that overwhelms the body and would then be harmful.

So, by Smith's own argument, bad voters should not vote if they are virulent or numerous enough to damage the systems he relies on to argue they are harmless. They should also not vote if the systems are not adequate to prevent their inflicting meaningful harm.

Smith seems to be creating a bit of a false dilemma by considering only ideal healthy systems and tyrannical systems, while leaving out the range of possibilities in between. He is right that when bad voters are in ideal systems (and thus harmless) there is no moral reason they should not vote. But it is easy enough to imagine scenarios involving less-than-ideal systems in which they can do harm—cases in which they can overwhelm the systems. In those situations, Smith's reasoning would seem to entail that it would be wrong of bad voters to vote and they should not do so. The current United States seems to be a scenario of this type. For example, the systems that are supposed to protect minorities and the working poor are not adequately robust to defend these citizens from the consequences of bad voting, and there are numerous other examples where bad voters have done and could do serious damage to their fellow citizens. In addition to considering bad voters in ideal systems, Smith also considers voting in tyrannical systems.

In addressing voting in an oppressive state, Smith effectively argues that not voting is neither necessary nor sufficient for fulfilling the obligation to oppose oppression. He is right that a person who votes in ignorance yet actively opposes oppression is better than someone who does not vote but does nothing else. Bad voters can be good resisters, and non-voters can be bad resisters. However, I agree with Henry David Thoreau about the importance of not lending support, in however small a way, to an unjust state.³⁰ Voting in a repressive state also helps give the state the appearance of legitimacy, which is one reason that opposition groups that have no chance of winning often boycott such elections. As such, good voters should not vote in very bad states, bad voters should not vote in okay states, and bad voters can vote in very good states.

COMPREHENSION QUESTIONS

1. What's problematic about the analogy Smith draws between Nobel seekers and bad voters?
2. When does LaBossiere think that bad voters should refrain from voting?
3. How might bad voters adversely affect institutions?
4. According to LaBossiere, what kind of political system is in place in the United States? How are institutions in the United States affected by bad voting?

DISCUSSION QUESTIONS

1. LaBossiere agrees with Smith that "when bad voters are in ideal systems (and thus harmless) there is no moral reason they should not vote." Do you agree with them? Why or why not?

2. How might Smith respond to the objection that even his own reasoning seems to entail that bad voters shouldn't vote in less-than-ideal political systems in which bad votes can do harm?
3. It's unlikely that the voters Smith and LaBossiere identify as bad voters see themselves as such. If this is true, and if the state should not deny them the right to vote, then what are the practical implications of LaBossiere's conclusions (e.g., "bad voters should not vote in okay states")?
4. What do you think would help more voters to be good voters?

REPLY TO LABOSSIERE PATRICK TAYLOR SMITH

In response to Michael LaBossiere's excellent essay on the ethics of voting, I would like to make three points. Since the ethics of voting tends to be "non-partisan," in the sense that many of the arguments cross-cut political parties and ideologies, it is unsurprising that our disagreements and agreements do not clearly match up to right and left, liberal and conservative, and Democrat and Republican.

My first point is that while LaBossiere is interested in how you should vote, I am interested in whether you *owe it to other people* to vote a certain way. Voters likely have good moral reasons to take steps to avoid political catastrophes by voting for the lesser evil. However, it does not follow that simply because voters *should* do something, others have a *claim* on you to vote a certain way. In order to understand this distinction, it might be useful to point to Mill's discussion of perfect and imperfect duties in Chapter Five of *Utilitarianism*.³¹ Perfect duties are those that are owed to a *specific person*, while imperfect duties are those duties that you simply have to do *enough*. So, if I promise my student that I will be available for office hours and I fail to show up out of laziness, I have wronged that student. Yet, if I fail to give some spare change to a homeless person on the street, I have not necessarily wronged him even if I have acted badly or selfishly. This is because the duty to keep my promises is perfect, owed to particular people who now have a right or claim that I do what I promised. On the other hand, the duty of beneficence—to help those in need—is a moral requirement that I do enough to help people, but it is not a requirement to specifically help each person in need. One way to understand the difference between LaBossiere and myself is that I am interested in the question of whether the duty to vote well is a perfect duty of sufficient strength that voting badly amounts to a violation of some person's *rights*, while LaBossiere asks the question of whether failing to vote for the lesser evil is a morally negligent failure of an imperfect duty. It is perfectly consistent to answer "No" to the first question while answering "Yes" to the second. This distinction is nonetheless important because it is usually—though perhaps not always—true that a variety of social responses are justified only when you fail in your perfect duties. So, if you are interested in whether you should resent or shun your bad-voting friends or whether the government can incentivize or force you to vote a certain way, then it might matter whether good voting is a perfect or imperfect duty.³²

Second, consider the scope of LaBossiere’s rule utilitarian argument. He argues that we need to develop a rule that people vote for the lesser evil because, in part, if people who are motivated by act utilitarianism refrain from voting, then only unethical people will vote. Yet, one important element of strategic bargaining is *pre-commitment*.³³ That is, if you announce in advance you are willing to compromise, then the opposing parties will offer an extreme deal, knowing that you’ll give in. Politicians in your own party and voters in the other party might continually offer more and more extreme solutions opposing your preferences because that will lead to a compromise closer to their actual preferences than yours. One way to combat this is to commit yourself to positions ahead of time where you can credibly threaten to walk away if they are violated. By demonstrating a willingness to be unreasonable, you can get a better deal from your opponents. This is often what activists do: They stake out positions on which they are unwilling to compromise in order to drive politicians toward a compromise equilibrium closer to their preferences. Thus, there is value in being unreasonable. Yet, this strategy can lead to disaster if your opponents reject you entirely and your preferences do not influence the outcome at all. So, perhaps we need to be more specific about *how evil* the “greater evil” will be. If we have a well-functioning constitutional order where the greater evil is not all that bad, then perhaps it can be acceptable to hold the line on one’s commitments, depending on whether there are better ways to influence politicians. It would also fail to apply when the gulf between the greater and lesser evil is of a sufficient size: The risk of severe harm would be too great in that case. So, perhaps we should amend LaBossiere’s view to something like this: You have an obligation to vote for the lesser evil *unless* the greater evil is not that bad, and refraining from voting for the lesser evil will (likely) have long-term strategic benefits that outweigh the risks.

Lastly, I want to focus on difference between voting and advocacy. Most of LaBossiere’s arguments depend on the effects of one’s vote. Yet, it seems like these arguments apply to a much greater extent to those who advocate for or run as third-party candidates than the voters themselves. Susan Sarandon³⁴ and Ralph Nader³⁵ have done much more than any individual voter to bring political catastrophe upon the United States. Perhaps one thing we need to be clear about is the context of our ethical judgments. If the ethics of voting is about what *I* should do when everyone *else* is unchanged, then my vote probably doesn’t matter. If the ethics of voting is about what I should do if everyone *will* vote like me, then I should vote for the best candidate. But if the ethics of voting is what I should do *as a representative member of a potential swing group*—where that group’s votes can change, and they vote as you do—then we have an interesting, ethical question and LaBossiere helps us answer it.

COMPREHENSION QUESTIONS

1. How does Smith apply Mill’s distinction between perfect and imperfect duties to the question of voting?
2. According to Smith, what is the central difference between his argument and LaBossiere’s?

3. What is Smith's position on whether we owe it to others to vote in a certain way? LaBossiere's? What reasons, if any, are offered by each?
4. How does Smith bring his institutionalism into his response to LaBossiere?

DISCUSSION QUESTIONS

1. How important is it to consider the quality of others' lives when making a decision about voting? What about their rights?
2. At the end of his response, Smith offers a few points on which the ethics of voting may turn. Which do you think is most important, and why?

FURTHER READINGS

- Anderson, Elizabeth. "An Epistemic Defense of Democracy: David Estlund's *Democratic Authority*." *Episteme* 5, no. 1 (2008): 1291–139.
- Aristotle. *Politics*, Book III, Chapter 11, "The Authority of the Multitude," trans. by C. D. C. Reeve (Cambridge: Hackett Publishing, 1998).
- Brennan, Jason. *The Ethics of Voting*. Princeton, NJ: Princeton University Press, 2011.
- Kant, Immanuel. *Fundamental Principles of the Metaphysics of Morals*, trans. Thomas Kingsmill Abbott. New York: Cosimo, 2008.
- Landemore, Hélène. *Democratic Reason: Politics, Collective Intelligence, and the Rule of the Many*. Princeton, NJ: Princeton University Press, 2013.
- Mill, John Stuart. *Utilitarianism*. London: Parker, Son, and Bourn, 1863.
- Müller, Jan-Werner. *What Is Populism?* Philadelphia: University of Pennsylvania Press, 2016.
- Rawls, John. *Justice as Fairness: A Restatement*. Cambridge, MA: Belknap Press of Harvard University Press, 2001.
- Thoreau, Henry David. *Walden and "Civil Disobedience"*. New York: Signet Classics, 1980.
- Vance, J. D. *Hillbilly Elegy: A Memoir of a Family and Culture in Crisis*. New York: HarperCollins, 2016.

NOTES

1. Mosquitoes rarely, if ever, share cake.
2. John Stuart Mill, *Utilitarianism* (London: Parker, Son, and Bourn, 1863), 9–10.
3. Mill, *Utilitarianism*, 17.
4. Ayn Rand, *The Virtue of Selfishness* (New York: New American Library, 1964).
5. Immanuel Kant, *Fundamental Principles of the Metaphysics of Morals*, trans. Thomas Kingsmill Abbott (New York: Cosimo, Inc., 2008), 17.
6. Kant, *Fundamental Principles*, 17.
7. Bioware's games (www.bioware.com) often feature such systems, especially the *Dungeons & Dragons*-based games that have an explicit alignment system.
8. Minor because voting for an evil makes a very small contribution to that evil. To use an analogy, stealing a penny from a person is wrong, but a very small evil. But, if many people individually steal a penny each so that the person has no money left and cannot afford to live, then a serious collective evil would have been committed. Voting works the same way: A single vote for an evil candidate in a large election contributes very

little to their chance of victory, but the total of votes for that evil candidate decides whether they win or lose.

9. Henry David Thoreau, *Walden and "Civil Disobedience"* (New York: Signet Classics, 1980).
10. Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the United States* (New York: Basic Books, 2001).
11. Zoltan Hajnal, Nazita Lajevardi, and Lindsay Nielson, "Voter Identification Laws and the Suppression of Minority Votes," *Journal of Politics* 79, no. 2 (2017): 363–379.
12. Melanie M. Bowers and Robert R. Preuhs, "Collateral Consequences of a Collateral Penalty: The Negative Effect of Felon Disenfranchisement Laws on the Political Participation of Non-felons," *Social Science Quarterly* 90, no. 3 (2009): 722–743.
13. Jason Brennan, *The Ethics of Voting* (Princeton, NJ: Princeton University Press, 2011).
14. Patrick Taylor Smith, "Why Bad Votes May Be Cast and Why Bad Voters May Cast Them" in *Ethics in Politics: The Rights and Obligations of Individual Political Agents*, edited by Emily Crookston, David Killoren, and Jonathan Trerise (New York: Routledge Press, 2016), 219–238.
15. Jason Brennan, "Polluting the Polls: When Citizens Should Not Vote," *Australasian Journal of Philosophy* 87 (2009): 535–549.
16. John Rawls, *Justice as Fairness: A Restatement* (Cambridge, MA: Belknap Press of Harvard University Press, 2001), 52–56.
17. A useful way to think about institutionalism would be the rules of sports and the obligations of the players. The rules of a game, such as baseball, may be designed in order to be entertaining for fans. Yet, a player is under no obligation to choose less effective but more entertaining strategies over more boring, successful ones. The player can simply try to win and need not aim directly at entertaining fans. Of course, the player cannot cheat, but the objective of the system of rules and the objective of the player can be separate.
18. Rawls, *Theory of Justice*, 67–69.
19. Liam B. Murphy, "Institutions and the Demands of Justice," *Philosophy and Public Affairs* 27 (1998): 251–291.
20. Joshua Cohen, "Taking People as They Are?" *Philosophy and Public Affairs* 30 (2001): 363–386.
21. The idea that democracy produces better results than experts has played a key role in justifications for democracy. See Elizabeth Anderson, "An Epistemic Defense of Democracy," *Episteme* 5, no. 1 (2012): 129–139, and Hélène Landermore, "Yes We Can (Make It Up on Volume): Answers to Critics," *Critical Review* 26, no. 1–2 (2014): 184–237.
22. Aristotle, *Politics*, translated by C. D. C. Reeve (Cambridge: Hackett Publishing, 1998), Book III, Chapter 11, "The Authority of the Multitude."
23. The Condorcet jury theory says that as long as people are somewhat more likely than not to get the answer correct, adding more people increases the likelihood the majority will be correct.
24. James Surowiecki, *The Wisdom of Crowds* (New York: Doubleday, 2004).
25. Philip Kitcher, "The Division of Cognitive Labor," *Journal of Philosophy* 87 (1990): 14–16.
26. Kitcher, "Division of Cognitive Labor," 17.
27. This is analogous to the doctrine of "intervening causation" with regards to legal liability. If you act negligently but another person's wrongful action mediates between that negligence and its bad effects, your responsibility for the bad effects has been lessened. H. L. A. Hart and Tony Honoré, *Causation in the Law* (Oxford: Clarendon, 1985, 2nd ed.).

28. Carol Hay, *Kantianism, Liberalism, and Feminism: Resisting Oppression* (London: Palgrave Macmillan, 2013).
29. As a general point, there is also the paradox of irrationality arguments like this: If being “irrational” yields good results, then that is not being irrational. In the case of Nobel seekers, it does not seem irrational to explore potentially fruitful but more risky areas—as Pascal noted, taking risks to achieve rewards does not offend reason. Blaise Pascal, *Pensees*, trans. John Warrington (London: Everyman’s Library No. 874, 1932).
30. Thoreau, *Walden and “Civil Disobedience.”*
31. Alan Ryan, ed., *John Stuart Mill and Jeremy Bentham: Utilitarianism and Other Essays* (New York: Penguin Books, 1987).
32. Generally, we might think you can exercise social sanctions against someone—by punishing, shunning, or resenting them in ways that inflict costs or harms upon them—when they have failed a duty in a way that *wrongs* someone. There might be exceptions to this rule—a sufficiently selfish person might deserve shunning or indignation—but showing that someone has transgressed a perfect duty goes a long way toward justifying negative responses of all kinds.
33. The *locus classicus* on precommitment strategies is *Arms and Influence* by Thomas Schelling (New Haven, CT: Yale University Press, 1966).
34. Susan Sarandon is a well-regarded film actress who received considerable criticism for arguing—especially, but not only, on Twitter—that there was little difference between Hillary Clinton and Donald Trump and that people should vote for the Green Party candidate Jill Stein instead.
35. Ralph Nader is a consumer advocate, focusing on automobile safety. In 2000, he accepted the Green Party nomination for president and played a spoiler role, deliberately campaigning in swing states such as Florida. Al Gore lost Florida by fewer than 600 votes, while the Green Party received over 90,000.