

Democracy Without Voting

Word Count (excluding references): 2879

Abstract

Both epistocrats andlottocrats claim that democracy itself is problematic. They set themselves the task of providing a plausible alternative system. However, many of the problems they identify arise not from democracy as such, but from certain instantiations of it. When and how people vote; how many people choose not to vote; and how much the people who do vote know, are all subjects of criticism in this literature. In this paper I outline a democratic system which retains features such as majority rule and secrecy regarding the expressed preferences of citizens, but eliminates voting. I argue that this approach can achieve many of the benefits ascribed to epistocratic or lottocratic systems without importing their flaws.

Synopsis

Recent discussions in democratic theory have returned to the old question of what, exactly, is required for a system to be properly called democratic. A general answer is the following: “a democratic system is one that features substantial equality of political power” (Goldman, 2015) Note that this response is minimal. It does not, as it stands, require that the substantial equality of political power is exact – so there is room for some inequalities within a democratic system. Further, it does not specify how the equality of political power is to be achieved. This omission opens a conceptual space for the exploration of democratic systems in which the traditional method of generating equality – voting – is not at the core of the system. Certain authors have recently been pursuing this approach, primarily through an exploration of sortition based, “lottocratic” electoral systems. This approach was taken by Guerrero (2014), for example, and discussed further in Stone (2016). Others have taken the opportunity presented by a move away from the centrality of voting, and have abandoned Democracy entirely. The most vocal of these theorists is probably Brennan (2016) who has argued for an *epistocratic* approach to political institutions. In this article, I suggest a third approach, more akin to the lottocratic than the epistocratic, insofar as it attempts to remain democratic, but distinct in that, where lotteries are designed to select representatives at random; select the deciding votes at random; or to select a body of voters at random, my approach seeks substantial equality of political power through a mechanism of meaningfully universal political inclusion: preference allocation at the electoral registration stage.

I begin the paper by briefly describing the motivations of people such as Caplan, Brennan, Saunders, Guerrero and López-Guerra in setting up alternatives to traditional democracy. I provide brief accounts of these theories, but do not, in this paper, criticize them directly. Rather, my goal is to sketch an alternative to these proposals, and to explore this alternative. As such, the critical component of this section consists solely of the observation that, while these authors all correctly identify a number of serious flaws in democratic practice, none of them adequately consider the significant differences in the scale of these flaws between existing democracies. These flaws are far more pronounced in the USA than they are in many other democratic systems, and it is important to consider why this is, and what this means for the decision to move away from democracy in response.

I follow this by outlining my proposed alternative to current voting systems, preference-registration. I sketch a number of advantages that this approach appears to have over either the abandonment of democracy (as suggested by lottocrats and epistocrats), or current democratic practice. These include a greater degree of political equality, the potential for greater effective participation, and the retention of core features of democratic practice such as the secrecy of the ballot. I then consider whether there is any advantage to incorporating some aspects of the lottery based approach into a system of this kind – there are some ways of instantiating a lottery which appear to be compatible with the goals of my account. However, upon considering various lottery based methods, I conclude that these are unnecessary.

Finally, I consider a number of possible objections to this approach, suggesting that the approach does no worse in any instance than the democratic status quo, while in many cases doing better. It appears to be

able to undermine the root causes of the epistocratic and lottocratic objections to democracy, without having to embrace the solutions that lottocrats and epistocrats put forward.

Democracy Without Voting

Introduction

Within political philosophy, the level of discontent with democratic institutions is increasing. This is evidenced by the rise of both epistocratic and lottocratic alternatives to the prevailing democratic norms. Both epistocrats and lottocrats have identified a range of problems, which they attribute to democracy itself, and offer alternative means of political organisation which are intended to avoid these problems. However, many of the problems they identify arise not from democracy as such, but from certain instantiations of it. It turns out to matter a great deal how our democracies are constituted, not only at the theoretical level, but at the practical. The issues that generate problems for democracy include when and how people vote; how many people choose not to vote; and how much the people who do vote know. All of these issues are problems to different degrees, in differently constituted democratic systems.

In this paper I outline a voting-free democratic system, which retains features such as majority rule and secrecy regarding the expressed preferences of citizens. I argue that this approach can achieve many of the benefits sought by epistocrats and lottocrats, without importing the flaws these alternatives are subject to. I take it that the basic motivation for democracy is that it is the best way to organise society, such that we achieve certain desirable things: “political equality, liberty and representativeness” (Hill, 2016). Within a democratic society, elections are the dominant means of deciding government. Elections help to ensure “the peaceful transition of power, by making plain the relative support that rival leaders enjoy” (López-Guerra, 2012: 222–6). The combination of suffrage and majority rule offered by elections enables governments to easily publicly demonstrate their legitimacy (Saunders, 2012, 350). My proposal attempts to retain these valuable features without requiring the structure of voting and elections.

Challenging Democracy

The challenges democracy faces were summarized by Parvin & Saunders as including, amongst others, “increasing political inequality, the decline of widespread political participation, voter incompetence...” (2018). While the other challenges are interesting in their own right, I will here be focused on these three main strands. Political inequality has been effectively embraced by some epistocrats (Brennan 2016), who see the granting of political rights to only some citizens as a feature, rather than a bug within their accounts. At the same time, the decline in turnout across democratic societies has been put forward as evidence that the general public are no longer invested in politics (and so would not care or do not deserve to be included in it). A higher turnout is supposed to be better for democracy because it indicates that the public buys in to the integrity of the electoral system (Birch, 2010), and it legitimates the results of the election by making it more align with the will of (the majority of) the people. The purported lack of voter competence has been weaponised in defence of more restrictive modes of enfranchisement (Caplan, 2011). If it is the case that voters act on bad or incomplete information, and it is the case that, by acting

on this bad or incomplete information, they cause (or make more likely) bad outcomes, then we have prima facie reasons to limit the political participation of those actors on epistemic grounds.

The most prominent of the modern epistocrats is Jason Brennan, who has argued that it is unjust to have one's interests (life, liberty, property) subordinated to the decisions of incompetent or irrational actors. He follows Bryan Caplan (2011) in arguing that voters are incompetent, and that their act of voting infringes the liberty of the competent to not be oppressed by the incompetent. Among the alternatives he has suggested in response to these claims about democracy are a variety of forms of epistocracy, which rely on high competence standards for being allowed to vote, and on these standards being strictly enforced. Only those who satisfy those standards can vote under such a regime. He acknowledges at least some apparent problems for such a move when he says that "I'd expect that the people who pass the exam would be disproportionately white, upper-middle to upper class, educated, employed males. The problem isn't that I'm racist, sexist or classist. My moral credentials are of course impeccable, and on implicit bias tests, I score many standard deviations lower than the average person" (2016, 228).

Caplan, as mentioned earlier, has similar ideas. Caplan (2011) argues that voters aren't (economically) rational, and that irrational voters are bad for democracy. If it is true that voting by economically irrational voters is bad for democracy, then we should then be wary of proposals that do things like increase voter turnout, because this just means that more irrational voters are contributing to the outcomes. But it is not clear that we should care solely, or even predominantly, about economic rationality. Other values matter.

Proponents of sortation (lottery based alternatives to democracy) include Alexander Guerrero (2014), Claudio López-Guerra (2011, 2014), and Ben Saunders (2010, 2012). Guerrero makes the case for single issue legislatures, composed of randomly selected participants, trained on the topic, who vote on how to proceed. López-Guerra examines the possibility of using a lottery to select electors, subjecting those chosen by lot to an intensive training regimen designed to develop their voting or political competence, and then allowing only those who satisfy the requirements of the training regimen to participate. Ben Saunders, finally, argues that we should allow everyone to vote, as occurs in most extant democratic societies, but that we should draw a single vote from out of all votes cast, and this vote alone will determine the winner of the election.

Much of the work happening in this area displays a particular lack of awareness of the state of non-US democracies. This absence manifests, roughly, as follows: From facts about the US political experience, a conclusion is drawn regarding the unsatisfactory nature of democracy as such. Democracy is diagnosed as ill, and alternatives, sometimes drastic, are proposed, which at least plausibly offer advantages over the status quo in the US. The problem is that 'better than how the US currently works' is not an appropriate standard for a new theory. It is inappropriate because it is already satisfied by the majority of extant democracies. So the mere fact of a proposed alternative being better than the US status quo, provides no reason for those operating in non-US contexts to engage. Moreover, merely being superior to the US status quo also isn't a good reason for those operating within the US to take these alternatives seriously – the US perhaps ought, rather, to embrace one of the extant better democratic systems. This

would have significant advantages over moving away from democracy entirely, in terms of stability, scope of change and so forth.

A different approach

Epistocrats, having misdiagnosed democracy, offer a solution – abandon political equality & majority rule, replacing these with rule by some small group of people. Lottocrats offer different solutions, but these also give up core features of democracy. López-Guerra’s approach enfranchises a small group of electors. Saunders gives ultimate power to a single vote. Guerrero divides rule on an issues basis, with differently constituted legislatures for each. In contrast to any of these approaches, I offer an alternative solution: Abandon the practice of voting for representatives. Replace voting with registered preferences for representatives, generated during enrolment, and alterable at will.

This suggestion retains both majority rule and the political equality that is a virtue of a well-functioning democratic system. The government will be the party or coalition that commands a majority of preferences at the relevant point of time. The relevant point of time will be fixed in advance in the same way elections are. The proposal retains an equivalent to the secrecy of the ballot, as there is no requirement for any individual to reveal their registered preference. It retains, unlike epistocratic approaches, or the lottery put forward by López-Guerra, political equality. Each person has their preference counted once. In fact, by removing the distinction between registration (inclusive of preference allocation) and voting, a window for people to drop out of the franchise is eliminated. This allows this proposal to enhance democratic legitimacy via higher turnout. The proposal also offers an opportunity to enhance both democratic deliberation and political engagement. It provides incentives for ongoing adjustments in response to constituent feedback, both for the government and for the opposition parties. The ability to reallocate one’s preferences provides real-time feedback to political parties on the impact of particular policy proposals, leadership changes, and other practices. Parties would easily be able to see whether stated policies ‘move the needle’. Further, it would enhance the possibility for these parties to engage in long term planning – policy platforms for political parties can be set up with timeframes longer than a single governmental cycle.

This proposal makes a number of assumptions regarding the institutional characteristics of the democracy in which it would be implemented. Chief amongst these is the presence of a party-based political system in which both seats in parliament and the composition of the government are decided via proportional representation. Electors (as I will henceforth be referring to those who would in present democratic systems be voters) engage in preference selection at the enrolment or registration stage, and they do so by selecting a party alignment. Party alignment is freely changeable throughout governmental cycles, with an embargo period immediately prior to the end of a governmental cycle, in order to enable the tallying of preferences. The approach I am setting out here doesn’t fit smoothly into any existing democratic structure. Instituting it would require a minor change to the political structures of some democratic societies, such as New Zealand or Germany, which already have a proportional representation system in

place. It would, though, require a drastic restructuring of the US political system. This is consistent with my earlier claims about the misdiagnosis of democracy's ills by those focused on the US.

A democratic lottery?

My initial proposal is that we could move straightforwardly to proportional representation on the basis of preferences expressed at the registration-as-elector stage. However, we might think, nonetheless, that a lottery based approach provides some value in terms of the representative nature of the government developed as a result of the electoral process – if we randomly select representatives from the citizenry, we avoid at least some problems with democratic systems as they are usually set up now. An obvious benefit arising from this would be that such an approach undermines the development of the political classes, and makes corruption, self-interest and the like more difficult to sustain.

A lottery could be instituted with varying degrees of commitment. The most lottocratic approach would begin by determining the desired size of parliament. Names would be drawn from the list of registered electors until the desired size of parliament was achieved, those selected are informed that they are now members of parliament, and a government could be formed by establishing the representation from each party amongst those chosen. This is a traditional lottery. It doesn't guarantee proportional representation. A proportional alternative would, again, begin with a determination of the desired size of parliament, followed by a determination of the proportional representation of each party in parliament. The names of electors from each party affiliation would be drawn until the appropriate number of each is achieved, and thereafter, it would proceed as before. This approach guarantees proportional representation but it does not guarantee quality of representatives. So, while it may be more structurally representative of the population as a whole, there are risks attached in terms of quality of governance.

A third option would follow the same initial steps (determining size and proportional representation), but thereafter, would draw electors from each party affiliation until the appropriate number of each is achieved, and allow trading of some randomly drawn electors with professional politicians representing each party. Parties utilising this option would be required to retain either a certain percentage or a flat number of citizen representatives, but could replace the remainder, if they so wished, with professional politicians. This option achieves both proportional representation and structural representativeness. It combines continuity of political institutions in successive governments with the participation of electoral representatives themselves.

A final option would be to simply fill each party's seats in parliament according to the party list ordering that was operative when registrations closed for the governmental cycle. Doing so eliminates the lottery condition entirely, and as such goes perhaps too far. So, the sweet spot for lottery representation appears to be the third version of your system. This version of the lottery requires *citizen representatives* as MPs. This would require changes to the legal structure of our political institutions. For example, there would need to be incentives for the randomly selected representatives to abandon their normal careers for the operative period. There would need to be protection for them returning to their careers after serving, opportunities for them to decline the role, and education for citizen representatives on how to act

successfully within the role. On balance, I'm not sure that citizen representation offers sufficient advantages over current systems of representation by the political class, as to be worth pursuing (particularly if we enact a system which limits the power/influence of the political class).

Worries

One common worry with lottery based systems of enfranchisement is that there is the danger that the outcome of the lottery process will diverge from the popular (majority) will. If or when this occurs, the public may suspect manipulation of the random process, thereby casting doubt on its legitimacy (López-Guerra, 2011: 224–5). However, if we couple our selection process with proportional representation, we can avoid this concern – under a proportionally representative lottery, the selection determines which individuals are elected, but not what proportion of seats are held by representatives of each party. As such, this worry is not overwhelming.

A second worry for this account is potentially more concerning. It is status quo bias. This concern is that people will not actually utilise their opportunity to change their expressed preferences. Whichever party they initially select will remain their expressed preference, whether through laziness, or unwillingness to engage with politics, or any other reason. In such circumstances there is a strong incentive for parties to be the initial choice. Of course, it may also simply be that the party which was an individual's first choice often remains the best choice for that individual. We might worry that when an elector remains committed to their party of initial choice, they are failing to respond to stimuli. But this is just how people already behave. So this kind of objection is no greater a problem for this account, than it is for how we currently enact democracies. Further, if, as hypothesised, the change to electoral preference counting rather than voting encourages political parties to more actively seek interactive engagement with the electorate, then the likelihood of this is diminished, by comparison to the status quo.

A final worry regards how this proposal scales to the local level, or for circumstances where there is some incentive to retain posts tied to particular geographies. There is some precedent for the use of proportional representation in such a manner. New Zealand for example currently has both geographically defined electorates and an overall system of proportional representation. The worry is that this proposed system might undermine the geographical candidacy of smaller parties or independent candidates. There are two strands to this concern. The first is with local governmental politics. In New Zealand, local government candidates are not usually aligned with national level political parties. Many candidates stand as independents, or as part of regional or local groups. So, in such circumstances, we would need a separate mechanism for tracking preferences at the local governmental level. It is also possible, of course, that making a change such as that suggested here at the national level, would result in a closer alignment of local and national governments, with the national party system becoming more prevalent at the local level. The worry about geographic candidacy can in principle, be resolved in a similar manner. Individual electors will be able to make a governmental level preference allocation and a local preference allocation. This possibility would provide finer-grained feedback on the preferences of local electorates for individual members of a political party.

Conclusions

Democracy as such is not doing sufficiently badly to motivate the drastic changes proposed by epistocrats or lottocrats. However, for those working primarily or solely within the US context, the particular institutions of US democracy are such that democracy appears to have these deep-seated problems. In fact, the biggest problems for most democracies are problems related to voter turnout & legitimacy, and voter knowledge & engagement. As I have argued, government formation via preference allocation at the registration stage can help with the first pair of these issues. It is also possible that it could help with the second, by changing the incentive structure for political parties to a more active pursuit of preferences throughout governmental cycles. However, whether this occurs depends on certain institutional arrangements. Proportional representation is the foremost of these arrangements. Given that it appears possible to address the major concerns with democracy, we shouldn't rush to abandon it.

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