

Response Paper: Week Three

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How Electoral Systems Mean

Electoral systems must necessarily accommodate political bargaining. Different systems do so in different ways. Proportional representation regimes admit a wide variety of parties to the table and conduct their bargaining in the formal setting of a legislature. Plurality/majority systems conduct their bargaining at the level of the party convention, producing a detailed manifesto that (ostensibly) guides behavior. The forum in which this bargaining is conducted exerts a great influence on the types of bargains that are struck. The fact that different electoral systems result in different political choices has struck most observers as a defect of the system. However, despite the importance of preference aggregation, it is not clear that such aggregation is the central good produced by the political process. Participation in democratic politics confers inchoate benefits of such magnitude as to cause the choice of electoral rules to recede in importance. In addition, voters are sufficiently well-informed to effect their desired outcome through strategic voting and electoral coordination under any electoral regime.

Jeremy Waldron advances a notion of “action-in-concert” that consists of freely chosen engagement in common enterprises to achieve goals beyond the scope of any individual. He identifies a shared need for a common decision framework, labelling it the “circumstances of politics.”¹ He further argues that the political process is the appropriate forum for settling moral questions, and that attempts to work out justice in the ideal *ex ante* are misguided.²

Waldron draws our attention to different game-theoretic models of decision-making, arguing that partial-coordination games have been neglected in favor of pure coordination problems (and the ubiquitous prisoner’s dilemma). Partial-coordination games feature a strong

¹ Waldron, Jeremy. “Law and Disagreement” Ch.2,7

² Waldron, Jeremy. “Law and Disagreement” Ch.9

preference for mutual activity, with the choice of activity taking on a secondary (but still important) role.³ In Albert Hirschman's terms, there is a strong bias in favor of voice and against exit. Waldron argues that we all exhibit a strong preference for a single, well-defined legal system, and that this preference is much stronger than our interest in any particular feature of that system. He argues that legislation deserves (and receives) respect on the basis of the improbability of achieving action in concert despite disagreement.⁴ The law is also said to respect individuals by virtue of the democratic process used to create it.

It seems clear that people derive substantial benefits from mere participation in a democracy. An additional implication of Waldron's work is that since action-in-concert (mutual activity) plays such a significant role in politics, preference fulfillment must play a smaller role than heretofore supposed. After all, if the mere fulfilling of our preferences were the goal, the partial-coordination game would be an inappropriate model – pure coordination games would be a better fit. Waldron cites Joseph Raz's finding that pure coordination problems are an inappropriate model for politics and law.⁵ In some real sense, politics may not be simply about getting what we want. *Homo economicus* need not apply.

But surely voters must care about outcomes, and electoral rules must influence outcomes? Gary Cox argues that the selection effects of electoral coordination have important policy implications. He cites what he takes to be general features of electoral coordination: “the mixture of common and opposed interests; the possibility of success or failure; and the rapidity with which vote intentions change when coordination takes off.”⁶ Starting from the premise that

³ Waldron, Jeremy. “Law and Disagreement” Ch.8

⁴ Ibid, Ch.11

⁵ Ibid, Ch.8

⁶ Cox, Gary “Making Votes Count: Strategic Coordination in the World's Electoral Systems.” Cambridge University Press, 1997, p.4.

electoral coordination reduces the number of electoral competitors, Cox draws out the implication that coordination selects winners and losers, with important political ramifications. Cox gives a detailed survey of electoral rules, concluding that electoral rules determine the level of competition and the likelihood of coordination failures.⁷ Such rules are thus an important structural determinant of the distribution of political power.

Citing Duverger's Law to argue that plurality districts tend to produce a two-party system, Cox identifies significant limitations, including strategic voting and strategic third-party candidate entry.⁸ Cox emphatically disputes Duverger's assertion that local bipartism (his term) leads to national bipartism, arguing that the number of parties prevailing at the national level is actually a function of the intersection of local and national electoral rules.⁹ He thinks that plurality rule and concentration of executive power are sufficient to produce Duverger's conditions at the national level.

Cox concludes by arguing that multipartism is the joint product of exploitable social cleavages and a permissive electoral system such as proportional representation. Intriguingly, he identifies two views of representation with different electoral-rule implications. He writes "If representation is defined in terms of whether each voter can find a legislator who advocates similar views, then larger district magnitudes obviously enhance representation."¹⁰ He contrasts this with a different view: "If representation is defined in terms of how close the government's policy is to each voter's ideal, then the case in favor of larger-magnitude districts is less

⁷ Cox, Gary "Making Votes Count: Strategic Coordination in the World's Electoral Systems." Cambridge University Press, 1997, Ch. 2-3.

⁸ Ibid, Ch. 7-8

⁹ Ibid, Ch. 10

¹⁰ Ibid, p.236

immediate and depends crucially on how one thinks the politics of coordination will play out.”¹¹ He also finds that permissive electoral systems will produce more centrist governments.

What are we to make of these findings? It seems consistent with Cox’s work to argue that even if coordination reduces the number of competitors, it does not necessarily reduce the number of views taken into consideration. After all, electoral competition is a proxy for the marketplace of ideas. The desire to shoehorn as many candidates as possible into an electoral process presumes that they carry fixed preferences. This assumption is unwarranted. The coordination process, whether it occurs at the party convention, in the formation of a government or on the floor of the legislature, limits the eventual government’s scope for maneuver. We care about views making it into government – people are only a proxy. It at least seems plausible that roughly the same number of views are empowered by a wide variety of electoral systems.

There is a further reason why we might not wish to enshrine any particular electoral rule as superior to the others. Despite our intuitions, we may not fully share others’ understanding of justice. Jeremy Waldron criticizes a tacitly-held view that posits a single unitary conception of justice, deviation from which is deplored as somehow tainted by self-interest or malice. Drawing on Rawls’ concept of the “burden of justice”, he argues that we should hold our opinions lightly and make space for respectful disagreement even on matters of fundamental principle, as the circumstances under which we form our views render them imperfect proxies for the truth. Waldron cautions against holding sincerely held opinions to be beneath contempt, writing that “[t]he more dangerous temptation is not to pretend an opposing view does not exist, but to treat it

¹¹ Cox, Gary “ Making Votes Count: Strategic Coordination in the World’s Electoral Systems.” Cambridge University Press, 1997, pp.236-7.

as beneath notice in respectable deliberation by assuming that it is ignorant or prejudiced or self-interested or based on insufficient contemplation of moral reality.”¹²

This view points the way to a new understanding of the purpose of voting. By extending the franchise to one another we bind ourselves to our fellow citizens by bonds of mutual respect. But do our fellow citizens *deserve* this respect? Are voters sufficiently well-informed to discharge their democratic obligations effectively? In *Rational Ignorance and Beyond*, Gerald Mackie disputes the prevalent pessimism regarding democratic decision-making, arguing that concepts of “rational ignorance” and “the folly of crowds” are fundamentally misplaced.¹³ Arguments that voting is irrational because its effect on the outcome is minimal, called the “pivotalist model,” are said to be misconceived. Mackie proposes instead a “contributory model” of voting drawing on voters’ empirically-verified desire to contribute to the general interest. Mackie identifies a “mandate” value of voting – doing one’s part to instantiate the public good – that remains even when a vote is unlikely to sway the outcome.

Mackie argues that claims that voters are particularly “rationally ignorant” of politics are theoretically-derived speculation, and he cites examples of both ignorance in other fields and robust (basic) political knowledge among voters. However, Mackie draws on Condorcet’s Jury Theorem to point out that group decision is dependent on better-than-random judgment among voters, writing that “...if error is not random, but biased, or if judgments are on average worse than random, then the wisdom of crowds turns viciously into the folly of crowds.”¹⁴

Mackie suggests three types of costless information acquisition that may lead to well-informed citizens: incidental, inquisitive and inferential. He writes that “[c]ostless information

¹² Waldron, Jeremy. “Law and Disagreement” Ch.12

¹³ Mackie, Gerald “Rational Ignorance and Beyond,” in “Collective Wisdom” (Landemore and Elster, eds.) Cambridge University Press, 2012, p.290.

¹⁴ Ibid, p.291.

acquisition might create a sufficient background of knowledge in which a marginal cost model of information acquisition could operate.”¹⁵ He goes on to contrast citizens-as-voters with their role as consumers, arguing that while as consumers the instrumental value of their actions generally exceeds the narrow expressive value, voting is nearly completely dominated by narrow expressive value (showing what we think of something).¹⁶ He concludes that voters are sufficiently informed to discharge the role required of them in a *representative* democracy.¹⁷

We see that voters are sufficiently well-informed to navigate the strategic landscape of various electoral rules, and that they are motivated not merely by instrumental objectives but by the mandate value of voting. Waldron’s notion of action-in-concert and Mackie’s mandate value and expressive value point in the same direction – *anthropos phusei politikon zoon*.¹⁸ Pericles was right to reserve the word *idiotes* for those who refused to participate in public life.¹⁹ Whether representative or direct, participation in self-government is a fundamentally human activity, no matter the electoral rules under which it is conducted.

¹⁵ Mackie, Gerald “Rational Ignorance and Beyond,” in “Collective Wisdom” (Landemore and Elster, eds.). Cambridge University Press, 2012, p.302.

¹⁶ Ibid, p.303.

¹⁷ Ibid, p.315.

¹⁸ Aristotle, Politics I, 2, 1253a2

¹⁹ Thucydides, The Peloponnesian War, 2.35-2.48