ALEXANDER A. GUERRERO The Paradox of Voting and
the Ethics of Political
Representation

I

It is often claimed that voting is irrational. This article argues that this
claim is false. That voting is irrational seems to follow from rational
choice models which highlight (a) that voting has costs for each voter
(time, transportation, et cetera), and (b) that the likelihood that any
voter's vote will be pivotal in favor of her preferred candidate is incred-
ibly small.[1] For any individual voter, voting seems an unwise investment:
taking on the costs associated with voting for the incredibly small chance
that she will affect the outcome of the election.[2] This gives rise to a
'paradox' of voting. These two compound propositions both seem true
but are incompatible with each other:

> *P1*: (a) individuals have a reason to vote that is based on the difference
> their vote might make to the electoral outcome, and (b) it is often
> reasonable for individuals to vote for this reason
>
> *P2*: (a) for any individual voter, there is only a very small chance
> that her vote will make a difference to the electoral outcome; and (b)

1. The probability of being decisive was initially suggested as being 10^{-8} but has been put
at 10^{-90} by some more recent work for U.S. presidential elections. See, respectively, William
Riker and Peter Ordeshook, "A Theory of the Calculus of Voting," *American Political Science
Review* 62 (1968): 25–42; Alan Carling, "The Paradox of Voting and the Theory of Social
Evolution," in *Preferences, Institutions and Rational Choice*, ed. Keith Dowding and
Desmond King (Oxford: Clarendon Press, 1995), pp. 20–43.

2. See, e.g., Anthony Downs, *An Economic Theory of Democracy* (New York: Harper &
Row, 1957), p. 274.

the chance is so small that it would not be reasonable to vote
for this reason

The strategies for responding to the paradox fall into two broad camps.

The first camp rejects P1. Some in this camp argue that it is not rational
to vote because of the role one might play in altering the outcome, but
that it might be rational if voting satisfies *other* preferences (e.g., satis-
factions that might come from expressing support for one's favored can-
didate or from affirming allegiance to the political system).[3] Another set
of views rejects P1 on the grounds that although an individual voter
would not be reasonable in voting in order to *make a difference* to the
outcome, she might be rational in voting because of the value of being
part of what *causes* the outcome: being part of a group causal agent, or an
efficacious set, or being a redundant cause that brings about her favored
candidate's victory.[4] A final argument in this camp might run as follows:
voting is morally required, even given the incredibly small chance that
one's individual vote will alter the election's outcome. Moral obligations
provide us with sufficient reasons to act. Therefore, voting is rational; it is
something that we have sufficient reason to do, apart from the electoral
consequences of doing so.

The second camp rejects P2. Some reject P2(b), defending concep-
tions of rationality—such as minimax regret—on which P2(b) is false.[5]
Others reject P2(b) by arguing that the relevant benefits include not just
those benefits to oneself, but also all the benefits that would accrue to
others in the society if a 'better' candidate were elected—the total
expected utility increase, not just one's personal utility increase, is
relevant—and that taking this into account, even a very small chance at
being pivotal is enough to make the expected utility calculation tell in
favor of voting.[6]

3. See, e.g., Stanley Benn, "The Problematic Rationality of Political Participation," in
Philosophy, Politics, and Society: Fifth Series, ed. Peter Laslett and James Fishkin (New
Haven, Conn.: Yale University Press, 1979).

4. See Alvin Goldman, "A Causal Responsibility Approach to Voting," *Social Philosophy
and Policy* 16 (1999): 201–17, at p. 217; Richard Tuck, *Free Riding* (Cambridge, Mass.: Harvard
University Press, 2008), pp. 50–62. These accounts highlight that one may cause an effect
even though the effect does not counterfactually depend on what one does.

5. See John Ferejohn and Morris Fiorina, "The Paradox of Not Voting: A Decision
Theoretic Analysis," *American Political Science Review* 68 (1974): 526–35.

6. See Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984),
pp. 73–75.

For a variety of reasons, I find these responses unsatisfactory.[7] In this article, I introduce a solution to the paradox that is based on highlighting that there are two aspects of an 'electoral outcome' that are relevant to assessment of P1 and P2. Most discussion focuses on one aspect of the electoral outcome: who wins. But another aspect of the electoral outcome concerns not just *who* wins and loses, but *how* the winner wins and *how* the losers lose. Once we see that the electoral outcome includes this other aspect, we see that we can, and should, reject P2, although on different grounds than those offered previously. Rather than focus just on *who gets elected*, we do and should also care about *how they get elected*, in terms of *how much support they have received.*

Let us call the degree of support that a candidate has from those living in his or her jurisdiction the candidate's *normative mandate.* For any particular electoral system, we can identify the best practically available measure of the normative mandate of a candidate, and refer to this as the candidate's *manifest normative mandate.* In electoral systems like those that dominate in the United States (employing single-member districts, where the electoral winner is the person who receives the most votes, and voters can cast at most one vote for any particular office), the best practically available measure of a candidate's normative mandate is the percentage of all mentally competent adults living in a political jurisdiction who freely voted to elect the candidate to be their representative, or

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7. I find these responses unsatisfactory, but it is worth noting that many of them are compatible with the response I offer—there might be a number of different but compatible reasons why voting is rational. Although there is not room to discuss these other responses fully, let me say something about where I think they run into trouble. Those responses that reject P1 but highlight the importance of other kinds of desires make voting come out as rational, but at the cost of making the *reasons* one might have for voting seem normatively insignificant. Additionally, these accounts require that one have certain beliefs or desires in order for voting to be rational, but these are not beliefs and desires that we endorse as grounding the decision to vote: desires to 'cheer' for a particular candidate, to avoid social stigma, et cetera. Other views that reject P1 require that we take an interest in being able to claim partial causal credit for bringing about an outcome, even though that outcome would have obtained whether we voted or not. Those responses that reject P1 but argue that voting is rational because voting is morally required run into a different kind of problem. Namely, the first premise of the argument—that voting is morally required—is arguably false. Those responses that reject P2 require that we adopt an implausible conception of rationality, or that we make arguably implausible empirical assumptions about the expected utility that flows from the chance that our vote might be pivotal. There is more to be said about these accounts, certainly, but we might want an account of the rationality of voting that did not require taking on these various commitments.

so I will suggest.[8] The account developed in this article highlights that each of us, each individual voter (and non-voter), does make a difference through our voting behavior to this feature of the electoral outcome: the strength of the elected representative's *manifest normative mandate.*

The rest of the article will present the normative mandate account of voting, explaining how the account works, and why individual voters would be rational in caring about strengthening—even by just one vote—the manifest normative mandate of those candidates whom they support. Along the way, I will also show how this account provides a resolution of what has been called "the central classic controversy in the literature of political representation."[9] The central controversy: "should (must) a representative do what his constituents want . . . or should (must) he be free to act as seems best to him in pursuit of their welfare?"[10] As I will argue, the answer to this question will vary depending on the strength of a representative's manifest normative mandate.

II

As I will define it, a candidate's or representative's normative mandate is the degree of support that she has from those individuals living in the jurisdiction over which she does or might govern—where (a) 'support' is an attitude that an individual has or fails to have toward individuals who are seeking or holding elected office; and where (b) one *supports* a candidate if and only if one is content to authorize that person to govern. One might support more than one candidate in an election, or one might support none of the candidates.

As a practical matter, there is no simple way to determine the extent to which a candidate is supported by those living in the candidate's jurisdiction. We cannot, for example, remotely scan thousands of individuals'

8. Why just adults? Why not the mentally incompetent? What about requirements of citizenship and other conditions of voter eligibility? In general, the view I advocate casts a suspicious eye on all non-enfranchisement for the simple reason that all who will be subject to the laws have an interest in, if not a right to, participation in the authorization of the lawmakers. That said, there will be some legitimate limits imposed on who counts as a member of the political community. Here, I will leave aside discussion of these important boundary-setting questions.

9. Hanna Fenichel Pitkin, *The Concept of Representation* (Berkeley: University of California Press, 1967), p. 145.

10. Ibid., pp. 145–67.

mental states, registering their support or lack thereof for various candidates. Instead, we must use a proxy measure of some sort. I will refer to what this proxy measures as the candidate's *manifest normative mandate* (MNM) to highlight (a) that it is a measure of the candidate's normative mandate to the extent it is made evident or manifest through the electoral system employed in the particular jurisdiction and (b) that there may be some 'gap' between the MNM and the candidate's normative mandate *simpliciter*.

One reason electoral systems exist, arguably, is to help address the epistemic problem that stems from our inability to directly determine the extent to which candidates are supported. Elections help to create a formal, transparent, public record of the degree of support various candidates have at particular moments in time. If conducted well, elections provide the only relatively uncontroversial measure of the support that various candidates have from the people living in the relevant political jurisdiction.[11] There are significant reasons to want an electoral system to be such that the best available measure of a candidate's normative mandate, as measured by that system, is actually a good measure of a candidate's normative mandate. One implication of the article is that electoral systems should be designed with this aim in mind.

The particular way in which a candidate's MNM is measured will differ for different electoral systems, since the best available measure of a candidate's normative mandate will differ. Electoral systems may be better or worse at registering the degree to which various candidates are actually supported. I will limit my focus to 'SMDP' systems: electoral systems with single-member districts where representatives are chosen via plurality voting (the electoral winner is the person who receives the most votes, even if that is not a majority of the votes, and voters can vote for at most one candidate for any particular office).[12]

11. Could we have a *non-electoral* measure of a candidate's normative mandate, say, by the use of sophisticated polling? Possibly, but there are concerns worth noticing. First, the procedural safeguards necessary to make a poll an adequate measure will typically make polls come to resemble elections, different only in that they use sampling techniques to achieve their results. Second, whatever the sampling technique used, there would likely be objections both to the particular technique and to the idea of a 'democracy' in which every person interested in being counted would not actually be counted.

12. The world contains a remarkable diversity of systems of electoral representation: systems in which multiple people represent a single district; where voters can vote for more than one candidate or can rank all the candidates; where voters vote not for candidates but

For SMDP systems, I suggest that the best practically available measure of a candidate's normative mandate, the candidate's MNM, is the percentage of all mentally competent adults living in a political jurisdiction who freely voted to elect the candidate to be their representative. Several things follow from this. First, candidates have an MNM to a greater or lesser degree, and every candidate has an MNM. For example, in a jurisdiction with 1,000,000 mentally competent adults, if one's favored candidate A would have received 228,345 votes if one stays home, and 228,346 votes if one goes to the polls, the strength of A's MNM would increase from 22.8345 percent to 22.8346 percent if one decides to vote. There is no threshold (say, at 22.8345 percent) above which candidate A has an MNM and below which she does not. Every candidate has an MNM *to some degree* (perhaps to degree 0). Second, the strength of one's MNM is not simply a function of how one fared vis-à-vis one's electoral rivals; it is *not* a measure of the margin of victory. This is a departure from one ordinary understanding of 'having a mandate.'[13] As a result, we can compare the strength of MNMs of candidates in different jurisdictions and even in different elections, as long as the electoral systems are the same.

III

Political representatives have an unusual kind of power: the power to take actions and create laws that will force the people living under their

for political parties or lists of individuals; and so on. I focus on SMDP systems because they remain dominant in the United States and in use in many places. There are significant questions about whether and how the account I offer might extend to other electoral systems. This should hardly be surprising. After all, it is plausible that the answer to the questions of whether it is rational to vote, and, if so, why, might well depend on the details of the system in which one is voting. Because I think that a primary purpose of elections is to help measure the extent to which candidates are actually supported and authorized to govern, and because all systems of representation involve the transfer of political power from the many to some particular few (a few who will then have the ability to make decisions on behalf of the many), I do think that some extension of my account will be possible for most systems that employ elected representatives. But I will not pursue that project here.

13. The word 'mandate' already has a use in elections, a use that I intend to piggyback on, but which should be kept distinct. 'Mandates' in this other sense have several features which make them different from *normative mandates*: (1) they concern claims about specific instructions from voters to candidates regarding particular issues; (2) they are a function of the margin of victory measured in terms of the percentage of actual voters who voted for them, not measured as a function of support from all mentally competent adults; and (3) they are often described in threshold terms, so that a candidate either *does* or *does not* have a mandate. These three features are not features of normative mandates.

jurisdiction to behave in certain ways, and which will be backed by coercive force. This power creates at least two justificatory burdens. First, there must be an answer to this question: what makes it morally justifiable for *this person* to have this power? Second, there must be an answer to this question: what makes it morally justifiable for this person to *exercise the power in this way*? The normative mandate account provides an answer to both questions.

Here is an abbreviated answer to the first question. We (some community) need political institutions and political action of a certain kind to enable us to live together in a way that enhances, rather than detracts from, each individual's ability to live a life that he or she finds meaningful. But two problems arise. First, we do not always agree on what ought to be done. Second, figuring out what needs to be done, what will work best to enhance our autonomy and our ability to live together productively and peacefully, is a full-time job that requires a certain level of ability and attention to do it well. There is a solution to these two problems: elected representatives. Democratic electoral procedures afford us a way to resolve disagreement peacefully and equitably. Political representatives afford us a way to have someone 'represent' us in the political decision-making process without ourselves having to invest the time and energy that would be required to do a good job. And if they fail to do a good job, we will put someone else in their place. Thus, the answer to the first question—what justifies *this person* in having this power—is, at least in part, this: *this is the person who has the most support to do this job, to have this power.* Or, in the terms of the normative mandate account: *this is the person with the strongest MNM to govern.*

This answer makes it clear why a candidate would care about having a stronger MNM than any other electoral rival. But it does not immediately suggest an answer to the question of how elected representatives ought to behave. And it does not explain why we might care about the strength of a representative's MNM, once we know she has more of an MNM than any other candidate. To explain this, we have to turn to the second justificatory burden that representatives face: justifying their decision to exercise their power in some particular way. Let me introduce and set aside two unpromising attempts to address this second justificatory question.

A. Non-Moralism

The first answer defends what might be called *non-moralism* about political representation. Non-moralism holds that once we have settled the question of whether someone justifiably has the legislative power of a representative, there are no further significant questions about the moral constraints they face in *discharging* that power. On this view, representatives can do as they please (within the limits afforded their position by the legal structures that exist—perhaps they are barred from things like bribe taking and making ex post facto laws), and if they use their political power in a way that displeases their constituents, their constituents can vote them out of office.

Non-moralism is false. Representatives do face electoral consequences if they act in ways that displease their constituents; this threat generates practical reasons for representatives to act in certain ways. But representatives are also subject to moral constraints on their use of political power.

First, imagine that some representative campaigned asserting that she would do everything in her power to prevent a weapons testing facility from being placed in her district. Then imagine that, upon being elected, she pushed for getting a weapons testing facility placed in her district (and not as the result of hard-fought political compromise or changed circumstances). It seems that there is a moral complaint against this representative: she violates what might be called norms of *fidelity*. These norms do not generate absolute requirements, so that any deviation from campaign statements and promises is morally impermissible. But they do generate at least pro tanto reasons regarding how political representatives can permissibly behave with respect to some issues.

Second, imagine that a representative gets elected on a platform of doing X and that in office she does work to do X. But then imagine that for all other issues, she gives no thought to what her constituents want, what would be good for them, or what would be best for the country. Instead, she does whatever will be best *for her*: whatever will bring her the most lucrative employment after her term is over, whatever she happens to believe in, or whatever she enjoys the most (e.g., supporting the construction of a museum devoted to her passions as a philatelist). Even if she stays within the bounds of the law regarding corruption, and even if none of what she supports is itself immoral, she still behaves in a morally

objectionable way. She violates what we might call *norms of responsiveness*. There are many norms in this family, but two are particularly relevant for our purposes: norms of *deference* (doing as one's constituents think is best or as they would presently prefer)[14] and norms of *guardianship* (doing what the representative believes would be best for her constituents, perhaps, in Madison's phrase, "refining and enlarging" their views).[15] These two sets of norms may not generate absolute moral requirements; it may sometimes be morally permissible for a representative to act without doing (or being motivated by) what will be best for her constituents, or what they believe will be best for them. But there would be something morally objectionable if a representative always behaved in this way.

Finally, we can see that non-moralism is false by considering the general moral norms that apply to representatives as they do to everyone else. Consider, for example, the moral constraint that we all are under to avoid taking actions that greatly harm many innocent people solely in order to bring about some small benefit to a few people. Being elected to serve as a representative does not immunize representatives from such considerations. If a representative helps to enact legislation that she knows will have the effect of greatly harming many people, and that will only benefit the few people who run some particular corporation, she behaves in a way that is morally objectionable, even if doing so does not violate norms of fidelity or norms of responsiveness. She violates what we might call *general moral norms*.

B. Conceptualism

A different theory of the ethics of political representation holds that we can identify what representatives ought to do simply by attending to the

14. The precise nature of these norms is complicated; in particular, the way in which constituents' preferences and beliefs should be aggregated is controversial. One might defer to a simple majority, to the majority of those affected, to those with the most intense preferences, and so on. I will ignore these complications here.

15. This is one strain of the norms of guardianship—that which focuses on the interests of one's constituents. Another strain focuses on acting as a guardian for the interests of the nation as a whole. See, e.g., Edmund Burke, *Reflections on the Revolution in France* (London: Penguin Books, 1968), p. 115. For simplicity's sake, I will consider norms of guardianship focusing on the interests of one's constituents, though much of what I say applies as well to norms that direct representatives to act as a guardian of the nation's interests.

concept of representation, simply by considering *what it is* to be a political representative.[16] There are two main objections to this kind of theory. The first is that there is more than one plausible conception of political representation. We can identify many different conceptions, all of which are viable candidates, at least on conceptual grounds. The second objection is that even if there were one 'true' conception of political representation, this supplies no reason for thinking that those acting in accord with this conception are behaving in a way that is morally justified. We cannot arrive at normative conclusions from arguments involving only conceptual premises that easily.

IV

Ultimately, it seems the correct picture is one on which representatives face multiple competing norms regarding how they ought to behave: norms of *fidelity* (doing as they said they would), norms of *deference* (doing as their constituents would presently prefer), norms of *guardianship* (doing as would be best for their constituents), and moral norms of a more general sort. To answer the second justificatory question, then, requires puzzling through the interplay of these various norms.[17] This is no easy task, however, since these norms can conflict, and none of the four consistently trump the others.[18]

It is clear that these norms can conflict. A representative might have said that she would do X if elected, so that norms of fidelity would suggest that she should do X once in office. But perhaps while she is in office, circumstances change so that her constituents come to prefer that she not do X—meaning that norms of fidelity conflict with norms of deference. Or it may become clear to her that doing X would violate general moral norms—meaning that norms of fidelity conflict with general moral

16. Something like this approach is apparent in Pitkin, *The Concept of Representation*, pp. 150–67.

17. For alternative presentations of the representative's normative predicament (including the complexities mentioned in footnotes 14 and 15, above), see Andrew Rehfeld, "Representation Rethought: On Trustees, Delegates, and Gyroscopes in the Study of Political Representation and Democracy," *American Political Science Review* 103 (2009): 214–30; Jane Mansbridge, "Rethinking Representation," *American Political Science Review* 97 (2003): 515–28.

18. For relevant discussion, see Dennis F. Thompson, *Political Ethics and Public Office* (Cambridge, Mass.: Harvard University Press, 1987), pp. 96–104.

norms. And deference norms and guardianship norms, though they both involve various forms of responsiveness to constituents, can conflict. Laws banning cell phone use while driving might be supported by guardianship norms but not by deference norms. Laws imposing protectionist trade barriers may be supported by deference norms but not by guardianship norms. Deference norms can conflict with general moral norms in cases in which the subjective preferences or beliefs of one's constituents are out of step with what morality requires or permits. Guardianship norms can conflict with general moral norms when what is best for one's constituents might not be morally best or even morally permitted.

Given that these norms can conflict, a theory of the ethics of political representation ought to provide guidance to representatives about how to decide what to do in cases in which the norms don't point in the same direction. Unfortunately, there does not appear to be a clear hierarchical relationship amongst these norms: none of the norms consistently trumps the others.

First, with regard to norms of fidelity, there may be cases in which a candidate wins an election by a decisive margin, running on a platform of doing X. But if only a small fraction of mentally competent adults voted in the election, there are concerns about allowing norms of fidelity to trump other considerations. The fact that those who stayed home could have voted (let us suppose) is not so significant that it overrides the fact that they are still people with interests and preferences. Even if they have made a practical mistake, it should not license total disregard of their interests in the making of law and policy. Second, there may be cases in which circumstances change after one has started in office, so that the costs and benefits (moral or otherwise) of doing X have altered significantly. If most people who voted for the candidate would now prefer that the candidate not abide by her campaign promises as a result of these changed circumstances, it seems inappropriate to abide by norms of fidelity against norms of deference and guardianship.

Similarly, norms of deference do not always trump. There may be cases in which norms of deference would suggest that some representative ought to do X, but general moral norms require that X not be done. If doing X is morally bad enough—say, if X is promoting genocide—then norms of deference should give way. Parallel concerns can arise with respect to norms of guardianship and cases in which one's constituents have severely prudentially misguided preferences.

Norms of guardianship do not always trump. Imagine a case in which a representative believes (correctly) that X would be best for her constituents, but they overwhelmingly disagree. In at least some cases, overriding their clear preferences will still be inappropriate. Additionally, norms of guardianship instruct representatives to do what is best for their constituents. But representatives will sometimes find it appropriate to be modest about their ability to identify what is best. If, for example, a representative does not see some obvious mistake in her constituents' reasoning, it seems that she should not, or at least not always, override their own views of what would be best for them.

Finally, general moral norms do not always trump. Representatives are subject to general moral norms. But, just as with parents and doctors, there may be cases in which a representative's 'special' responsibilities alter how, or whether, the general moral norms apply to her. For example, there may be instances in which it is permissible or required for representatives to privilege the interests of their constituents in a situation in which others might have a general duty to treat the interests of all people as equivalent, just as there may be such situations for parents vis-à-vis their children. One way (although certainly not the only way) of understanding what happens in these cases is that role-specific norms (of fidelity, deference, and guardianship) 'win out' over the general moral norms.

v

So, a question remains about which norms should take precedence in which situations. In the sections that follow, I will begin the project of addressing this question, arguing that which of these norms morally ought to guide the representative's actions will differ depending on the strength of the representative's MNM. Representatives with weaker MNMs ought to be guided mostly by norms of deference (they ought to act like simple *delegates*). Representatives with stronger MNMs ought to be guided, instead, by their own view of what is all-things-considered best, having taken into account norms of all four kinds (they ought to act like general *trustees*).

For the purposes of this article, I leave aside specific discussion of how norms of fidelity and general moral norms enter in. The simple conclusions for each, which would require more extensive argument to

establish, are these. The weaker one's MNM, the less weight one should put on norms of fidelity, rather than on norms of deference or guardianship, because, with a weak MNM, norms of fidelity take into account the views and preferences of considerably fewer of one's constituents. With respect to general moral norms, since what is immediately relevant is just a representative's *beliefs* about general moral norms, when one has a weaker MNM, one ought to put less weight on one's own view about what general moral norms require. So, with a weaker MNM, norms of fidelity and general moral norms both get less purchase. With a stronger MNM, these norms ought to be weighed more on a par with norms of deference and guardianship when deciding what to do. But there are complications here, and I will leave them aside for the remainder of this article.

Imagine two representatives, one of whom, Weak, has a weak MNM (20 percent of her constituency voted for her), the other of whom, Strong, has a strong MNM (70 percent of her constituency voted for her). Both Weak and Strong have more of an MNM than any other person in their respective jurisdictions. Imagine that they are each faced with the choice of whether to support a bill, X, that would raise the legal minimum wage. Assume that norms of fidelity do not provide guidance as to how they should vote and that general moral norms do not forbid or require X.

A. Weak

Imagine that you are Weak. What should you do? If you believe that X is in your constituents' interests, and your constituents prefer X, then you should support X. The converse is also true: if these norms both tell against X, then you should not support X. The harder cases are when the norms do not line up.

Consider a situation in which your assessment is that enacting X is not in your constituents' interests, although they prefer X and believe that it is in their interests. Norms of guardianship suggest that you should not support X, but norms of deference suggest that you should support X. Even leaving aside pragmatic thoughts about what will get you re-elected, it seems that it would be inappropriate to allow your assessment of what would be best for your constituents to trump their own views on the matter. Who are you to act as a guardian with respect to their interests, when such a small percentage of them supported you?

Perhaps you take yourself to have information that your constituents lack regarding the merits of doing X. In such a situation, you may have a duty to try to convince your constituents that they are wrong. Failing this, however, it seems morally unjustifiable to allow your own assessment of their interests to trump their assessment of their interests.

It seems morally unjustifiable for two kinds of reasons. First, there are reasons stemming from epistemic modesty: in such a situation, allowing your assessment of what will be best for your constituents to trump each of their individual assessments seems to require placing an unreasonably high level of confidence in your belief that X is not in their interests. This is particularly true given the reasons to think that individuals will often be better judges of what is in their interests than some third party.

Now, there might be situations in which you know the reason that your constituents disagree with you (their support for X is based on their belief that P), and you are certain that this reason is misguided (you are certain that P is false). In such a situation, you ought to try to explain and demonstrate the falsity of P. But if your constituents still believe P, shouldn't you ignore what they think about the matter, and abstain from enacting X? Wouldn't doing so at least be morally justifiable? In such a situation, it does seem that this reason not to allow norms of guardianship to trump norms of deference falls away. But, in most situations, a fair assessment of one's epistemic position will require one to abide by norms of deference when those norms conflict with norms of guardianship. One will often not know why X is supported by one's constituents. And one will usually be at least somewhat uncertain that their reasons for supporting X are misguided.

The second kind of reason that Weak ought to allow norms of deference to guide her decisions when they conflict with norms of guardianship stems from considerations of autonomy. Political action requires justification because it is backed by coercive force; it will be enforced against even those individuals who disagree with it. There is a question of what justifies Weak in governing at all, given that most people living under her decisions have not explicitly supported or authorized her to do so. Concerns about domination loom large. These concerns are heightened when a representative acts to override constituents' assessments of what is best for them on the basis of the representative's own views. In particular, there are concerns stemming from reasonable disagreement about what a good life consists in, what will be best for people, what

sacrifices are acceptable, when and how threats must be confronted, and so on. We might think that others are mistaken; we might even be right about this. But the fact that others are or may be making a mistake does not typically justify overriding their autonomous choices and intervening, even if we do so on their behalf. And although one has been elected to serve as a representative, if one has only a weak MNM, considerations of this sort provide moral reasons against regularly allowing norms of guardianship to trump norms of deference when the two conflict.

Now, as with the first kind of reason, there are instances in which this second kind of reason might not win out. In nonpolitical life, we may see someone acting in a self-destructive way, continuing along this path even upon being shown its destructive effects. If the threat to his well-being is serious, and if he is sufficiently immune to rational appeals, it may be morally appropriate (and even morally required) to intervene and prevent him from acting in the self-destructive way if one can. It is possible that a political representative might stand in this relation to her constituents, but this will not be the usual case. First, most cases in which norms of guardianship and norms of deference conflict will not be instances in which the constituency seems analogously 'not in their right mind' in choosing the path they are choosing. Second, the path will typically not be so obviously self-destructive. High-pitched rhetoric to the contrary notwithstanding, most widely supported policy choices have some reasonable thought behind them. There may be cases in which it would be appropriate for a representative to push for an 'intervention' on her constituents' behalf. But these cases will be fairly extraordinary.

Epistemic modesty and a concern for respecting autonomy both provide reasons for thinking that Weak ought to generally be guided by norms of deference when those norms conflict with norms of guardianship. Thus, in most situations in which Weak's subjective assessment is that enacting X is not in her constituents' interests, although they substantially prefer X and believe that it is in their interests, Weak ought to support X nonetheless; that is, Weak should have the general orientation of a delegate.

B. Strong

Now imagine that you are Strong, a representative with a considerably stronger MNM. As before, let us consider a situation in which your

assessment is that enacting X is not in your constituents' interests, although they prefer X and believe that it is in their interests. Norms of guardianship would suggest that you should not support X, but norms of deference suggest that you should support X. What should you do?

In the case of Weak, considerations of epistemic modesty and concerns for individual autonomy inclined against allowing norms of guardianship to trump norms of deference. In the case of Strong, however, these arguments are altered.

First, considerations of epistemic modesty get less bite. When one votes for a candidate, one thing the vote usually implies is that one believes that the candidate will do a good job acting as one's representative. A vote can be seen as turning over a kind of decision-making authority to another person, and decisions to turn over authority in this way typically ought not to be made unless the recipient is someone whom the voter believes is worthy of his or her confidence. Recall that one reason to have representatives is that governance is a full-time job, requiring one to acquire information, to consider how policies fit together, to attempt to persuade others, and so on. Given this, a vote is often an expression of willingness to defer to the decisions of the person for whom one votes: 'I may not know much about this issue, but I trust that your judgment is one that I would support, were I to spend the time to look into it, or if I had the information that you do.' This deference may be appropriate because one believes that the person for whom one is voting is an expert in some relevant sense. Or it may be because one shares the views and values that the candidate espouses, and trusts that those views and values will lead the candidate to behave as one would if in the same situation, confronting the same issues and trade-offs. Most people will end up supporting candidates for a combination of these two reasons. Given this, as a representative with a strong MNM, Strong should not necessarily abide by norms of deference when they conflict with norms of guardianship. Strong, when she finds herself in disagreement with her constituents, can reasonably think, 'Yes, if you ask them, they might say they doubt the seriousness of this issue, but if they had seen the evidence I have seen, they would want me to support this plan.' Strong should sometimes try to present the evidence to her constituents and make the case for her differing view. But, if this doesn't work, or if it is not possible (due to time, complexity, or confidentiality limitations), she ought to trust her own view and act, at least in many cases, like a

trustee. Weak will generally have less reason to believe that this entailment—from 'having seen this evidence, I think X is in their interests' to 'if they had seen the evidence I have seen, then they would think X is in their interests'—holds. Lacking their support, Weak does not have reason to believe that her constituents are relevantly 'like' her in terms of what they believe and value.

Similarly, the concern about overriding individual autonomy is lessened for Strong, precisely because so many have voted for her. It is true that, just as with Weak, concerns about domination are at their peak when Strong acts to override the subjective assessments made by individuals based on Strong's own views of what is in their interests. But these concerns are tempered by the fact that so many people voted to authorize her to be in a position to make these decisions. Rather than posing a threat to her constituents' autonomy, Strong is actually part of an autonomy-enhancing system. Her role is to spend the time and effort to figure out what will be best for her constituents, how to balance their competing interests, and how to accomplish what will be best for them. A significant portion of her constituency has voted for her to serve this role. Typically, those who have voted for the candidate trust the candidate to serve as their representative, acting and deciding on their behalf.[19] That is what gives the system of representative democracy its point. If widely supported representatives cannot appropriately act as trustees—if, say, someone who had the support of nearly every adult in the jurisdiction still cannot appropriately act as a trustee—then it is hard to see what the point of having a representative could be. Here, one might object that one cannot infer that a candidate is greatly supported (in the relevant sense) simply because a large proportion of the mentally

19. There is an interesting kind of case in which a candidate runs on a platform of pure deference, making explicit that, if elected, she will act as a simple delegate. People might support such a candidate without thereby intending to defer to that person's decision making, and it might seem inappropriate for such a candidate to act as a trustee even if the candidate has a strong MNM. Though somewhat contrived, such a case is certainly possible. I think the correct thing to say in response is that this is an instance where omitting discussion of norms of fidelity may distort the picture. Even representatives 'licensed' to act as trustees should take into account norms of deference when deciding what to do. But representatives who have pledged to act as delegates also have norms of fidelity inclining them in this direction, and that does put more pressure on them to defer to their constituents in cases of disagreement. These cases are complicated, however, and worth further discussion.

competent adults have voted for her. I address this objection in Section IX.A.

C. Summing Up

Unlike Weak, Strong is generally morally justified in allowing herself to be guided by norms of guardianship in cases in which they conflict with norms of deference. She needn't always go with her own view of her constituents' interests; there may be instances in which, although she disagrees with them, she is not adequately confident in her view to recommend letting it guide her choice. But it is morally permissible (and indeed, part of her responsibility) to abide by norms of guardianship in some cases of conflict. She is morally permitted to let her own assessment of what ought to be done—reached upon considering norms of deference, guardianship, fidelity, and general moral norms—guide her decisions. By contrast, if one has a weak MNM, then there is a worry that if one acts as a trustee, without continued and explicit consultation of constituent preferences, and without being generally guided by norms of deference, one will be acting as something of a dictator, albeit an elected one.

Importantly, just as MNMs come in degrees, whether one's general orientation ought to be that of a delegate or a trustee is also a matter of degree.

MNM: ←0%---------------------50----------------------100%→

Representative
Character: ←Pure delegate----------Mixture----------Pure trustee→

If one has a very weak MNM, one should act as a delegate, except when one is exceptionally confident that abiding by norms of deference would be a mistake. On the other hand, if one has a very strong MNM, one should act in the way that one sees as best, taking the views of one's constituents to be an input into that calculation. If one's MNM is more in the middle, then one will sometimes be justified in departing from the simple delegate path, but one should be wary of doing so except in cases in which one is quite confident in one's views.

VI

Imagine that you are a person living in a political jurisdiction, and the election cycle has proceeded to the point where there are now two

candidates: A and B. You 'support' candidate A in the sense identified above: you are content to normatively authorize candidate A to govern. You believe that A shares your values; that she is intelligent, capable of compromise, diligent, and trustworthy; and that she will take your views seriously. The argument of this section is that if you support A, you should want A's MNM to be as strong as possible, so that she can act more as a trustee than as a delegate while acting in a way that is morally permissible.

There are many reasons that, if one supports a candidate, one ought to want that candidate to be morally permitted to act as a trustee, rather than as a delegate. The 'ought' involved here stems from an individual's moral and non-moral commitments. There are those things that one wants from political actors on one's own behalf—perhaps one is a butterfly enthusiast and one has reason to believe that one's favored representative will work to protect butterfly habitats. Then there are those things that one believes ought, morally, to be brought about by political institutions: a system of public education, provision of national defense, and so on. One's support for a candidate will be based on some mixture of prudential and moral concerns. Whatever the balance of these concerns, given that one supports a candidate, one ought to want that candidate's MNM to be as strong as possible, so that one's favored candidate can morally permissibly act more as a trustee than as a delegate.

First, there is an epistemic argument—the kind of argument that often is offered to defend systems of political representation in the first place. Representatives have resource advantages: they are given resources and staff to aid in their investigative work, and they have the time to devote to considering the issues carefully and to sift through the available information. Representatives also have access advantages: they are present during informational and deliberative meetings; and they have access to budget information, estimates regarding costs and benefits, andconfidential information. For many issues, these advantages are considerable. They make it likely that the views of representatives and their staff will be better informed than the views of the vast majority of their constituents. Other things being equal, it will be better, on epistemic grounds, for representatives to be morally empowered to make decisions directly rather than being required to determine what their constituents believe or prefer and then let those beliefs andpreferences determine their course of

action.[20] If a representative has a strong MNM, she will be morally permitted to proceed in the way that she thinks is best, taking into account the views of her constituents when they are relevant (perhaps when issues are straightforward, when relevant information is readily available, or when the representative's own views are tentative), but not being morally obligated to be guided by those views.

A second argument favoring representation by trustee highlights the efficiency of political representation. One of the justifications for having a system of political representation, rather than a system employing mechanisms of more direct democracy, is that politics is a full-time job, and that doing it well requires a division of labor. Part of this argument is epistemic, assuming a concern for epistemically responsible procedures: to be as well informed as political representatives, citizens would have to spend a tremendous amount of time, and so we should choose just a few people who will do the work for all of us. But part of it concerns the nature of decision making. It is faster and simpler to have one person or a small number of people making a decision, rather than a multitude of people. This is particularly true if one wants to ensure that those making the decision are well informed and have an opportunity to debate the issues. If representatives act as delegates, they have to spend more time attempting to determine what their constituents think and attempting to convince their constituents to alter their views. Trustees will do this as well, but they needn't be as focused on this task. Given that they are elected, and have an interest in being re-elected, representatives acting as trustees will also be inclined to convince their constituents to change their views. But this needn't happen prior to making decisions. These efficiency concerns become even more significant when expediency is important, because of crisis, budget deadlines, and so on. It is true that in some cases in which expediency is required, even those elected with weak MNMs should depart from acting as simple delegates. But these

20. One might argue, based on the Condorcet jury theorem (CJT), that this is backwards: it is better, on epistemic grounds, for a larger group to make decisions and, failing that, for the members of the smaller group to defer to the views of the larger group (to act as delegates) when making decisions. For relevant discussion, see Adrian Vermeule, *Law and the Limits of Reason* (Oxford: Oxford University Press, 2009), pp. 50–53. This might be correct, if the CJT conditions of *competence* (members of the group each have a probability $p > 0.5$ of picking the correct option) and *independence* were satisfied by the larger group. Here, I only suggest that in practice, for the actual complex policy decisions that have to be made, these conditions are not satisfied.

situations will be less common, and a representative with a weak MNM should only rarely believe herself to be in a situation in which such a departure is justified.

A third argument stems from the benefits of having a holistic, rather than piecemeal, approach to decision making. Representatives who act as trustees are able to assess when it is worth losing battles to win the larger war, when it makes sense to compromise, which issues should be pursued in which order, and so on. Additionally, trustees are in a position to assess and respond to the 'big picture': how proposed legislation would fit with other existing or proposed legislation, how spending on one project could limit available funding for another project, and so on. Representatives who act as delegates have to consult constituents who may not be aware of these concerns, leading either to worse decisions being made, or to representatives spending time and effort to inform their constituents of these concerns. Considerations of this sort may sometimes provide support for a representative with a weak MNM being justified in acting as a trustee, for example, if the representative comes to be certain that her constituents have confused preferences about some issue. But acting in this way will only be justified for a representative with a weak MNM in exceptional circumstances.

So, there are reasons to prefer that a candidate one supports act as a trustee. Are there also reasons to prefer that a candidate one supports act as a delegate? Of course, in some situations, one will want one's *actual* representative to act more as a delegate—namely, situations in which one does not support one's representative. The efficiency and holistic decision-making reasons that might tell in favor of having one's representative act as a trustee are largely undermined when one does not support a candidate, because one does not believe that the person will come to the same views that one would reach oneself, or make the same decisions, or weight priorities and trade-offs in the same way.

Even if one supports a candidate, might one want that candidate to act as a delegate, rather than a trustee? One argument to this effect might be that even when one supports a candidate, one may still be reluctant to turn over real decision-making power to that person, for fear that doing so would compromise one's autonomy.[21] One might prefer that all

21. Someone might suggest that interest groups of various sorts might appropriately prefer that their representative not act like a trustee, even if they support their

representatives, even representatives one supports, act as delegates for this reason. Depending on the details of such an argument, the argument is either confused or tells against having a representative democratic system entirely.

One consideration in favor of representative democracy is that it allows individuals to avoid having to devote much time to politics, while still getting some of the autonomy-enhancing benefits of an effective and responsive political system. If one endorses representative democracy for this reason, it does not make sense to also prefer that candidates one supports act as delegates. When representatives act as delegates, many of the autonomy-enhancing effects of representation are lost. Representatives must consult extensively with their constituents and defer to them when their views diverge. To continue to have good, autonomy-enhancing policy, ordinary citizens will have to spend the time and energy to become well informed on their own. But this undermines many of the supposed benefits of having representatives.

One might have a view that, although there are some reasons that representatives are good, perhaps even reasons relating to enhancing autonomy, representatives do pose an autonomy-undermining threat that needs to be countered constantly—including by requiring representatives to act like delegates, even when they are widely supported. For such a view to make sense, however, some of the reasons that representatives are good must still obtain, even when representatives act as delegates. I find it difficult to see what these reasons could be if representatives are required to act as delegates, regardless of the extent to

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representative. Instead, they might prefer that their representative act like a delegate, but a delegate who defers just to *their* interests and preferences, rather than to the interests and preferences of all the people in the jurisdiction. A variant of this suggestion is that elections are 'winner take all', and so what one wants from a candidate one supports is not for her to act as a trustee, but for her to act as a delegate who only takes the preferences of her supporters into account. Both suggestions run afoul of plausible moral requirements on the conduct of political representatives. The reason that the preferences and interests of those who supported the winning candidate often and permissibly 'win out' in determining policy is not that the preferences and interests of those who backed the loser can be permissibly *ignored*—it is because there will typically be more people who have those preferences and interests. Some of the details here will depend on the particular way in which preferences and conflicting preferences are to be aggregated—a question I leave aside. What I want to stress, however, is that it is not morally permissible for a representative to simply ignore the preferences and interests of the losers (or those who are not members of the politically successful interest groups).

which they are supported. Most of the decision-making efficiencies are lost because the representative must consult her constituents. And, as noted above, the epistemic advantages of representatives are largely lost. Additionally, constituents who feared representatives acting as trustees, even when they supported those representatives, would likely find it necessary to do their own research: why trust the representative to accurately summarize and synthesize the relevant information if one doesn't trust the representative to make the decision? Given all this, it would seem better to employ direct democratic institutions to make decisions. These considerations are not decisive; here I only want to note that rejecting the position that one should want representatives one *supports* to act as trustees leads relatively directly to giving up on the reasons for having representatives at all.

Finally, there is an argument that having representatives act as trustees makes it more likely that individuals will become politically disengaged—and this holds true even if one supports the particular representative. Undoubtedly, a cost of the representative system is that ordinary citizens play less of a direct role in politics and governance. That said, there is still a need for individuals to determine which candidates, if any, they support, meaning that there is still a need to stay politically engaged. Additionally, there is nothing to *prevent* interested individuals from doing what they can to be part of the 'inputs' into a representative's decision making, even if that representative is acting as a trustee. Indeed, because the benefits of being a representative are greater when that representative is widely supported and can permissibly act like a trustee (for the reasons identified above), this account highlights an additional reason to participate in politics (by voting, encouraging others to vote, organize, and so on); namely, that by doing so one can help to strengthen the MNM of the candidate one supports.

The balance of these considerations suggests that if one supports a candidate, one ought to want that candidate to act as a trustee, rather than as a delegate. Given that a representative can more permissibly act as a trustee the stronger her MNM is, this provides a reason for supporters of a candidate to want their candidate's MNM to be as strong as possible. If an individual supports a candidate, the individual should not only want the candidate to win the election—to have the strongest MNM of anyone running for office. The individual should also want the candidate's MNM to be as strong as possible.

This gives us the answer to the question of why it is (sometimes) rational to vote. If one supports a political candidate, then one should want that candidate to be morally justified in acting as a trustee. Representatives are more morally justified in acting as a trustee, rather than as a delegate, as their MNM increases. Each vote cast for a candidate increases his or her MNM. Therefore, if one supports a candidate, it is rational for one to vote for that candidate, at least in many circumstances. It is rational to vote because doing so contributes in a real, albeit small, way to the strength of a candidate's MNM. Voting, then, is rational in the same way that many other activities can be rational: because they make a small, positive difference to something that one cares about, while requiring only small or negligible costs.[22]

VII

One natural objection to the normative mandate account is that the increase in the strength of a candidate's MNM from one vote is too small to make a difference that would be rationally worth caring about. There are several responses to this objection.

First, despite being a small increase, each vote does represent a *real* increase: each additional vote is one more person who registers his or her support. One implication of the account is that it is important to make sure that the numbers we have regarding votes cast and census data are accurate. But this is just a way of saying that it is important that each vote is actually counted, and that each person counts. Presumably, these are uncontroversial ideas. There is no threshold that must be crossed for one's vote to actually make a difference; every vote makes a difference to the strength of the candidate's MNM. This is different from the role one might play in determining whether some particular candidate gets *elected*.

There is a question of how representatives will respond to their MNMs (in a world in which representatives pay attention to their MNMs, and treat them as affecting what they may permissibly do). Will representa-

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22. It is rational to vote, now, because by voting one can alter the *moral* situation in a direction that one believes to be good (by making it morally permissible for the candidate to act as a trustee). If candidates respond to their MNMs as I argue they should, then voting is rational *both* because it alters the moral situation in a good direction and because of the benefits that attend having a candidate one supports act as a trustee rather than as a delegate.

tives respond to something as small as one-vote increases in their MNMs? Given that one's MNM affects whether one's *general orientation* may be that of a delegate or a trustee, it may seem that changes in one's general orientation will not be so finely grained as to respond to one additional vote. One thing to say in response is that how representatives will respond to their MNM is dependent in part on the political culture that might develop around the idea of MNMs. If these numbers were given close scrutiny in the way that seems warranted, given what they signify, representatives may become attentive to small changes in their MNMs, and there might even be practices that would come to be seen as appropriate (or not) for representatives with MNMs within (above, below) certain ranges.

Additionally, many actions are rational despite making a difference that is not, by itself, very noticeable. Consider donating twenty-five dollars to an organization attempting to find a cure for cancer. True, in that case, one might imagine that the money will go toward buying something tangible, say, test tubes. The way that one additional vote, strengthening a representative's MNM by .0003 percent (or whatever), affects the representative's permissible overall orientation is harder to identify with precision, but there is reason to think that even such small positive changes are worth making. It can be rational to do something that makes an actual positive difference to a good thing (making it morally permissible for the representative to shift her orientation slightly toward acting as a trustee), even if the precise contribution that one makes is not of large enough grain by itself to bring about the good thing.

Second, it is important to keep in mind that the costs of voting are small, and, in some cases (if voters have certain kinds of preferences), those costs might already be outweighed by other benefits from voting. In such a situation, this account provides an additional reason for voting—a reason that is, I argue, integrally connected to a basic purpose of democratic elections.

Finally, it is important to note that it would be an absurd account that placed voting as one of the more important things that one can do, from a perspective of rational choice. Many people do not vote for relatively inconsequential reasons—because they can't get the day off work, because of bad weather, et cetera—and it would be a strange account that found those people to be making a serious mistake. The MNM

account provides a reason to think that voting is not irrational, but
it does not (as a plausible account arguably should not) imply that
whether or not one votes is a matter of huge practical consequence for
a particular individual.

VIII

I have argued that if one supports a candidate, it is rational for one to
vote for that candidate because, by doing so, one strengthens that can-
didate's MNM. Is it still rational to vote, on these grounds, if the only
candidate that one supports has no chance of getting elected? There are
several things to say here.

First, it is true that, although every candidate has an MNM to some
degree, the only candidate's MNM that ends up mattering, directly, is
that of the winning candidate, the candidate with the strongest MNM,
since that is the only candidate who ends up having the power of an
elected representative, and thus the only candidate for whom there is a
question of how that power ought to be exercised. And it is true that, if
one does not vote for the winning candidate, whatever one does (vote for
a losing candidate, not vote) has the same effect on the winning candi-
date's MNM: one fails to increase the winning candidate's MNM. So, if
one knows that the only candidate whom one supports, call her
'Nohope', has no chance of winning, the account I've offered may seem
to provide no reason to go to the polls and vote for Nohope, rather than,
say, staying home and not voting at all.

That is mostly, but not entirely, correct. The account does not claim
that every citizen has reason (or that it is rational for every citizen) to vote
in every election. (Intuitively, such claims seem implausible.) Most
straightforwardly, if one does not support any candidate, and finds all
the other candidates equally distasteful, the account provides no reason
to vote. Similarly, if one knows that the only candidate one supports has
no chance of winning, this account provides little reason to vote. Even in
this situation, however, the account I've offered provides this reason to
vote (and thus the above conclusion is only 'mostly' correct): voting
enables one to register a particular direction of dissatisfaction with the
eventual winning candidate, or a particular direction of support for some
other candidate. By strengthening the MNM of Nohope, in particular,
one contributes to showing the kind of support that a candidate like

Nohope has or might receive. This may be significant for its possible effects on the positions adopted by future candidates and even by the eventual winning candidate. This is relevant when, say, the elected representative considers norms of deference, or when future candidates consider how to position themselves.[23]

IX

In this section, I consider a number of objections that stem from the potential difference between a candidate's actual normative mandate and a candidate's MNM. For SMDP systems, I have suggested that the best practically available measure of a candidate's normative mandate is the percentage of mentally competent adults living in a jurisdiction who freely voted to elect the candidate to be their representative. But there are a number of ways this measure might fall short of registering the actual support that a candidate has, if we think of support as the attitude that individuals have toward a candidate just in case they are content to authorize that candidate to govern.

Before discussing these shortcomings, however, it is worth saying something more about the attitude of support. First, what it means to authorize a person 'to govern' will depend on the particular political context. In the United States, where representatives have broad powers to make law, impose taxes, declare war, et cetera, supporting an individual means that one is content to authorize that individual to have these powers, even given that there is uncertainty regarding how the person will exercise those powers.[24] In the best case, one

23. There have been a few technical discussions of how concern about the margin of victory, and the information it communicates to candidates, might be related to the instrumental rationality of voting. See Micael Castanheira, "Victory Margins and the Paradox of Voting," *European Journal of Political Economy* 19 (2003): 817–41; Ronny Razin, "Signaling and Election Motivations in a Voting Model with Common Values and Responsive Candidates," *Econometrica* 71 (2003): 1083–1119; George Stigler, "Economic Competition and Political Competition," *Public Choice* 13 (1972): 91–106, esp. pp. 103–4.

24. My focus is limited to systems of electoral representation in which representatives, once elected, are able to exercise independent judgment in governing. One reason for this focus is that having an MNM is a property that can be had only by those entities that it might make sense to support, in the sense of being content to authorize them to govern. A piece of legislation put to a referendum vote can be more or less popular, but cannot have an MNM, because it does not make sense for individuals to *support* a piece of legislation in the sense of being content to authorize that piece of legislation to govern. In certain

will support a candidate because one believes the candidate shares
one's values; is intelligent, capable, trustworthy, responsive; and will
work hard to accomplish ends that one believes are worthwhile. But
one might support a candidate without having all of these beliefs
about that candidate.

Second, the sense in which a person is 'content' to authorize an individual to govern is not simply comparative (is A better than B?). There
may be situations in which an individual is content to authorize several
candidates to govern, just as there may be situations in which an individual is not content to authorize any of the candidates to govern.

For any particular election and any particular jurisdiction, there is a
fact about how many individuals living in that jurisdiction actually
support any particular candidate. We lack the ability to access that information directly, however, and so we must employ an electoral system to
discern what is concededly an imperfect 'proxy' measure of the degree to
which a candidate is supported. Electoral systems where individuals
have to manifest an external sign of support, and where individuals can
vote for at most one candidate for a particular office, will provide only an
imperfect measure of the degree to which a candidate is supported.

There are two broad categories of shortcomings. First, there are situations in which a person might vote for candidate A while not supporting
candidate A. Second, there are situations in which the fact that
X does *not* vote for candidate A can suggest, mistakenly, that X does
not support A.

These shortcomings might put pressure on the account in two main
places. First, they may suggest that the proxy measure that I've suggested
should count as a candidate's MNM in an SMDP system is not the best
practically available measure of a candidate's normative mandate in an
SMDP system. Second, they may undermine the claim that a representative is more justified in acting as a trustee, rather than a delegate, as her

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electoral systems, particularly those referred to as 'strong' party systems, representatives
may have little or no ability to exercise their independent judgment in governing. I will not
here discuss whether or how the account might extend to 'representative' systems of
this kind, though there is no question that the ethics of representation are considerably
altered if representatives are dramatically constrained—through formal or informal
mechanisms—in what they can actually do. One possibility is that a version of the account
might apply, but at the level of the behavior of political parties (as group agents), rather
than at the level of the behavior of individual representatives.

MNM increases; and this may be true even if the MNM as I've set it out *is* the best practically available measure of a candidate's normative mandate in an SMDP system.

A. *Votes Do Not Always Equal Support*

There are a number of situations in which a person might vote for a candidate in an SMDP system despite the fact that the person does not support that candidate. An individual might vote for a candidate because, although she does not support the candidate, she views the candidate as the 'least bad' option; or because she thinks that candidate is 'best' on an issue that is important to her; or because she believes that she has a duty to vote; or she wants to support the mobilization effort of a group with which she identifies. I will consider these various situations in the next sections.[25]

Lesser of Two Evils. Consider a situation in which an individual does not support any of the candidates, but sees one candidate as less bad than the others, and votes for the candidate for this reason. A vote of this sort will count toward a candidate's MNM, although it is misleading from a perspective of measuring the true support for the candidate. What should we make of this possibility?

First, although it is an empirical question, it seems unlikely that many people will be in the situation of choosing between the lesser of two (or more) evils, neither (or none) of whom they support. Although people might not have an option of voting for a candidate they love, in a system that employs political parties and allows relatively open access to the ballot (perhaps including the possibility of write-in candidates), it will be an unusual situation in which voters confront a ballot that contains *no* candidates whom they support.

There is a related situation that is likely to be more common. An individual might face a situation in which her best options appear to be:

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25. Throughout, I will be less concerned with the empirical question of how voters actually behave, and more concerned with the normative question of how voters might sensibly behave in various situations. If voters actually behave in a way that is not sensible, this is a reason for education of a certain kind, not for criticizing the account I've offered (unless there is some further reason for thinking that education will necessarily be ineffectual).

(1) vote for a candidate, Blah, whom she does not support but who
     appears to have a chance of getting elected, and who she believes
     is considerably better than the main rival candidate(s); and
(2) vote for a candidate, Fringe, whom she supports but who she
     reasonably believes has very little or no chance of getting elected.

Call such situations *tough choice situations*. If tough choice situations
were common, and if, when confronted with these situations, individu-
als typically chose (1) rather than (2), this might make the MNM mislead-
ing as a measure of the support the candidates have (leading to over-
counting support for Blah, and undercounting support for Fringe). And it
might well undermine the normative connections between a candidate's
MNM and how a candidate can permissibly act when in office. I suggest
that when one is in such a tough choice situation (or in the situation
where there are no candidates whom one supports), it will typically *not*
make sense to opt for (1). This can seem implausible. Shouldn't an indi-
vidual vote for the least bad 'viable' candidate? The normative mandate
account suggests that there is in fact a significant reason against doing
so. For similar reasons that one ought to want candidates one supports
to govern like trustees, one ought to want candidates whom one does *not*
support to govern like delegates. In saying this, I am assuming that rep-
resentatives respond to their MNM in the way that I have argued is
morally appropriate. If this is not the case, there may be other consider-
ations that tell in favor of voting for the candidate who one thinks is less
bad. These considerations, however, must take into account the fact that
it is incredibly unlikely that one's vote will make a difference to who wins
the election. And one such consideration cannot be that by voting for the
lesser of two evils, one 'weakens' the MNM of the greater evil. One
'weakens' the MNM of the worse candidate by whatever one does as long
as one does not vote for that candidate. And there is at least this consid-
eration against voting for the less evil candidate: doing so strengthens
the MNM of a candidate—by one additional vote—who you believe is
unworthy of this support.

There is a worry that if there are two viable candidates, Bad and Blah,
and many people feel that Bad is much worse than Blah, it would be a
mistake for all of those people to each vote for their own, more preferred
options $Fringe_1$, $Fringe_2$, and $Fringe_3$,—even if those people do not
support Blah and do support each of their own more preferred option. In

particular, even if this made sense for each individual (given how unlikely it is that any individual vote will be pivotal), as a rule it might lead to the bad outcome of Bad winning.

It is outside the scope of this article to determine in exactly which circumstances individual voters should choose (1) over (2) in an effort to avoid such a bad outcome. Here, I want to stress two things. First, the above 'disaster' scenario will only arise in a very particular set of circumstances, if voter preferences are fragmented in exactly the wrong way. Many electoral mechanisms—including various kinds of political organizing and party activity—will work to prevent such situations, even within an SMDP system.

Second, as unlikely as these disaster scenarios are under an SMDP system, there are other electoral systems that will make them even less likely. In particular, there are many electoral systems that will do much better at 'finding' convergence upon commonly supported candidates, if there is any such convergence to find. Consider, for example, the following options:

> *Borda Count Voting*: each voter ranks all the candidates in order of preference. Where there are *n* candidates, a candidate will receive *n* points for a first-place ranking, ($n − 1$) points for a second-place ranking, ($n − 2$) points for a third-place ranking, and so on. The candidate who has the most points wins.

> *Rated Voting*: each voter gives each candidate on the ballot a ranking between zero and ten (for example), and the candidate with the highest total score wins.

> *Approval Voting*: each voter votes for as many candidates as he or she likes; the winner is the candidate who receives the most votes.

All of these voting rules compare favorably with the SMDP system's plurality voting method (in which each voter gets only one vote, and the candidate with the most votes wins), in measuring and reflecting voter preferences in tough choice situations. With these other voting rules, if many prefer Blah to Bad—so that they would rank Blah higher than Bad, or would give Blah considerably more points than Bad, et cetera—then it will be unlikely that Bad will be elected. This remains true even if all of these many people separately prefer one of the many other candidates to Blah.

If a different voting system were employed, a different account would be needed defining the MNM under that system. For example, for a rated voting system, we might say that a candidate's MNM should be measured by the average rating (calculated by dividing the total vote score for a candidate by the mentally competent adults in the jurisdiction), perhaps instructing people to give sevens or higher only to those candidates whom they support. This would mean that they could still give Blah four or five points, and give Bad zero points. This would make it unlikely for Bad to prevail, while preventing the situation in which the winner, Blah (the uninspiring, largely unsupported convergence candidate), appears to have a strong MNM. We could offer similar modifications of the MNM for the other voting systems.

None of these systems are perfect, and there is work to be done to fill in the details. The point is that although there may be some circumstances in which the 'lesser of two evils' problem leads, through arguably reasonable individual voting behavior, to 'over-counting' of support, this is unlikely to be the typical result, and there are alterations that we might make to our electoral system that would help avoid the problem. The lesson to take from tough choice situations is *not* 'reject the normative mandate account', but rather 'reform the electoral system so that it better registers the complex structure of the electorate's preferences'.

Support for the Stance, not the Candidate. Another way votes cast for a candidate might not be an accurate measure of support is that individuals might vote for a candidate because they agree with her *position* on certain issues, although they do not support the *candidate* in the sense outlined above.

Consider a candidate, Smith, who is good on the issues, but who is an ineffective politician, or just generally unlikable. Perhaps he is disorganized, or a poor negotiator, or excessively self-righteous, or a philanderer, or routinely says inflammatory things that require damage control—or all of the above—and so one finds it hard to support Smith. For the worst of the Smith-like candidates, it does not make sense to vote for them *because* they are good on the issues, since they will actually do more harm than good for the issues that one cares about. In extreme, more-harm-than-good Smith cases, it is not sensible to vote for the candidate simply because he is on the right side of the issue.

What about less extreme Smith-like candidates? Call these 'Smithson' candidates. Smithson candidates might be ineffective, unlikable, or

both, though not all-things-considered harmful to the issues one cares about. If there are no better candidates, it strikes me as worth *both* voting for and supporting a Smithson candidate. One way to see that it may make sense to support a Smithson candidate is to imagine him with a strong MNM, acting more as a trustee than a delegate. If the problem with Smithson is not that he has the wrong views, but just that he's not very effective, one wouldn't be concerned if Smithson were licensed to act as a trustee. The problem with this candidate is not that he takes the wrong views or views that one would object to; it is that he is ineffective in the particular alchemy by which good views are translated into policy. It would not be better if Smithson were to act as a delegate, consulting and deferring to his constituents more. The same basic points apply to a Smithson candidate who is personally unlikable.

Consider a candidate, Williams, whom one likes and believes to be effective, but whom one is unwilling to support because although she is 'right' on issue A, she is 'wrong' on issues B, C, and D. Nonetheless, one might still vote for Williams because one believes that A, as an issue, is more important than B, C, and D. Above, I noted that it would generally be a mistake to withhold support from candidates simply because one didn't agree with them on every issue. But there seems to be room for an individual to rationally vote for Williams because of issue A, yet withhold support for Williams because of her views on the other issues. One might reasonably want Williams to be in office because of her views on A, while still wanting Williams to act more as a delegate because of her views on B, C, and D.

For this to be reasonable, it must be that there is no other candidate, or at least no other viable candidate, who shares Williams's view on A, while also having the better views on B, C, and D. (If there is such a nonviable candidate, one is back in a tough choice situation, and the points discussed above will be relevant.) This may occasionally be the case, but there are reasons to think that political parties and the primary process will effectively ensure that, for the most important issues, candidates with the most popular positions (and sets of positions) will be on the ballot, so that it will be the unusual voter who feels that she is in a situation where she has to vote for a Williams candidate or for no one. The answer to this concern, then, is not that a person in such a situation should support Williams, or that she shouldn't vote for Williams, but just that there won't be very many people in this

situation—particularly when one takes into account the many 'nonviable' candidates whom (as suggested above) it may make sense to both support and vote for.

Generic Reasons to Vote. Voting admits of many motivations. One category of reasons to vote might be called 'generic' reasons to vote: if they are reasons to vote, they will or may apply across the board, regardless of the details of the particular candidates' platforms. Possible generic reasons to vote include moral reasons to vote, legal reasons to vote (provided by legally imposed penalties or incentives), and movement-politics-based reasons to vote (wanting to help establish the political power of some group or demographic of which one is a part). If many people voted—even for candidates whom they did not support—on the basis of these 'generic' reasons, that would result in the candidates who were the beneficiaries of these votes having MNMs that were misleading indicators of their actual degree of support.

Fortunately, generic reasons to vote do not pose a serious problem to the normative mandate account. Generic reasons only *might* create problems in those cases in which a voter votes for a generic reason for a candidate *whom they do not support*. And there is an easy fix to possible problems from generic reasons to vote, one already in place in most electoral systems: allow individuals to cast a 'null vote' (or to submit a blank ballot, or to vote 'abstain'). The normative mandate account illustrates why generic 'requirements' to vote must be accompanied by various 'opt out' options, so that individuals are not required to vote for candidates whom they don't support.

B. *Absence of Votes Does Not Always Equal Absence of Support*

There is another kind of problem that can arise: candidates might not receive votes from individuals who do support them. There are two basic difficulties. First, under an SMDP system, an individual gets exactly one vote, so if a voter supports many candidates, that will not be reflected by the vote totals—only one candidate will appear to be supported by the voter. Second, individuals might not be able to make it to the polls, although they do support one or more candidates. This second concern only highlights that the normative mandate account, like any plausible account, will see it as normatively important to make voting as convenient as possible. The first concern requires a bit more discussion.

Consider a situation in which an individual supports both A and B. If one supports A more than B, then it is probably rational to vote for A. The problem is that, in the SMDP system, the individual can only vote for A *or* B, and so either A or B will have a weaker MNM than they would if the MNM accurately measured the level of support.

I want to stress that the problem is not with the normative mandate account; the problem is with the simple plurality voting system's inability to reflect the actual level of support that candidates have. If we care about the degree of support that representatives have—as I have argued we should—then we have reason to be dissatisfied with a simple plurality voting system. The other voting rules discussed above all do better than a plurality voting system with respect to the problem of undercounting support. This provides one reason in favor of these other voting systems from the perspective of the normative mandate account. There may be other considerations that tell against them. The point is that the problems stemming from cases in which individual voters support multiple candidates should not be taken as a strike against the normative mandate account as much as a strike against simple plurality voting systems.

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I have argued that, if one supports a candidate, it is often rational to vote for that candidate because doing so contributes to the strength of the candidate's manifest normative mandate. Increasing the strength of a candidate's manifest normative mandate is worth caring about, if one supports that candidate, because representatives are more morally justified in acting as trustees, rather than as delegates, as their manifest normative mandate increases. If one supports a candidate, one ought to want that candidate to be morally justified in acting as a trustee. Therefore, if one supports a candidate, it will generally be rational for one to vote for that candidate.