The Expressive Case against Plurality Rule*

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ONE interesting, but rarely noted, electoral outcome of November 8, 2016 was that Maine became the first state in the United States of America to reject first-past-the-post voting (hereafter "plurality rule") and adopt preferential voting instead. Should states and countries follow Maine's lead? In the wake of 2016, many have argued that preferential voting produces different, better outcomes in terms of their consequences with respect to candidates (that is, it has better effects with respect to who runs, and who wins). These arguments turn out to be far more complex and contentious than their proponents seem to recognize. Which should prompt us to ask whether there is a simpler, more ecumenical case against plurality rule.

That is what I aim to provide in this article. The key will be to shift our focus away from questions about electoral consequences with respect to *candidates* and towards fraught electoral choices for *voters*. These choices mostly arise in contexts where A and B are the only candidates who have a chance of winning, but C is the only candidate whom it is morally conscionable to endorse: A is a greater evil, B is a lesser evil, and C is a principled but unpopular candidate. Under plurality rule, the only way for voters to decrease the odds that A wins is to endorse B, and thereby endorse a lesser evil. There are two compatible bases for thinking that an electoral system should not generate such fraught choices for voters. One rests on thinking that there are two types of moral norms (for example, consequentialist and expressive norms) that conflict in such cases, generating *actual* voting dilemmas. Another is that to many voters there *seem to be* two types of norms that conflict in such cases, generating *apparent* dilemmas. Such apparent dilemmas are still morally problematic, primarily because they lead to prolific political miscommunication: since votes are (treated as) expressive acts, ballots cast for B will be (mis)interpreted as endorsements of B.

There is an important broader lesson from this discussion. When we evaluate voting *decisions*, many think we should focus on much more than how they affect electoral results. The central point of this article is that the same holds when we

evaluate voting *systems*. We should care about the expressive power they give voters, and how this affects voters' choices.

The roadmap is as follows. In Section I, I briefly explain plurality rule and alternatives like preferential voting. In Section II, I outline recent consequentialist arguments against plurality rule from Edward Foley, Eric Maskin, and Amartya Sen, and explain why they are more complex and contentious than they appear. In Section III, I offer two ways to develop an expressive case against plurality rule. I conclude in Section IV, sketching three further electoral reforms that are preferable in order to give voters more expressive power.

I. VOTING SYSTEMS

Plurality rule will be familiar to many, since it is used in large democracies like the USA and the UK. But preferential voting is nothing new. It was devised in 1870, and first used in a governmental election 13 years later in the Colony of Queensland, Australia. Various forms of preferential voting are now used in federal elections in several countries including Australia, the Republic of Ireland, Papua New Guinea, and India. Within the USA, it is used for public elections in several cities, including San Francisco and Minneapolis. The Maine citizen initiative was one of several recent attempts to extend preferential voting, the most famous of which being the referendum on the "alternative vote" in the UK in 2011 (which failed, 67.9 per cent to 32.1 per cent).

What's the difference between plurality rule and preferential voting? In the former, each voter casts a ballot for one candidate, and the candidate who receives the most votes (a majority or plurality) wins. There are many forms of the latter, but for the sake of simplicity I will focus on the most common: instant runoff voting (IRV). In IRV, voters rank candidates. Initially, voters' top preferences are counted. If a candidate secures more than half of those, she wins. If not, the candidate in last place (that is, the candidate with the fewest first-preference votes) is eliminated. Then the top remaining preferences on all ballots are counted. This process repeats until a candidate has a majority of voters' top remaining preferences.[1]

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[1] IRV is the Single Transferable Vote (STV) method applied to a single-winner election. (Some cases described below, such as Australian Senate elections, technically involve STV). STV introduces some further complications. Here's how it is formally explained by Riker: "For districts with S seats and m candidates ($M \geq S$), the voters, V in number, mark ballots for first choice, second choice … and m^{th} choice. A quota, q, is calculated thus: $q = (V/S + 1) + 1$ and q is rounded down to the largest integer contained in it. If a candidate receives at least q first-place votes, he or she wins, and any surplus votes (i.e., the number of first-place votes in excess of q) are transferred to non-winning candidates in proportion to the appearance of those candidates in next place on all ballots for the initial winner. Another candidate who then has q first-place and reassigned votes wins, and his or her surplus is transferred to the next nonwinning candidate on his or her supporters' ballots (again in proportion to their appearance in next place) and so on until all seats are filled. If at any point in the process (including the beginning) no candidate has q first-place and reassigned votes, the candidate with the fewest first-place and reassigned votes is eliminated and all ballots for him or her are transferred to candidates in the second (or next) place on those ballots; and this is repeated until some candidate has q votes"; W. H. Riker, *Liberalism against Populism* (Long Grove: Waveland Press, 1988), p. 49.

To illustrate the difference between plurality rule and IRV, consider two examples. First, the 1918 Swan by-election in Australia, conducted under plurality rule. The Labor candidate, Edwin Corboy, was not expected to win; but two anti-Labor parties (the Nationalist candidate William Hedges and the Country candidate Basil Murray) split the vote. Corboy won with a plurality of 34.4 per cent of the vote, compared to Hedges' 29.6 per cent and Murray's 31.4 per cent. This prompted Australia to adopt IRV.

Second, the 1990 Irish presidential election, conducted under IRV, between Mary Robinson (Labour), Brian Lenihan (Fianna Fail), and Austin Currie (Fine Gael). Lenihan had a plurality of voters' *first* preferences: 43.8 per cent to Robinson's 38.9 per cent and Currie's 16.9 per cent. At this point, Currie was eliminated. Votes for Currie were distributed according to their *second* preferences, three-quarters of which favored Robinson, who won with 51.9 per cent.

II. WHO WINS, AND WHO RUNS?

Given such examples, it is natural to think that if the US and UK abandoned plurality rule and adopted IRV instead this would have different, better consequences with respect to candidates: it would have better results in terms of who wins and who runs. The case against plurality rule typically has this consequentialist form.[2] A recent, illustrative example of this case comes from Edward Foley, who argues that the US electoral system is "defective," insofar as third-party candidates "cannot enter the race without the risk of becoming a spoiler," handing the election to their ideological opponents; to correct these defects, the US should adopt a form of preferential voting like IRV.[3]

Foley's first argument focuses on which candidates *win* elections. "Of the fifty-three presidential elections held since the restructuring of the Electoral College rules in the Twelfth Amendment," Foley contends, "arguably a half-dozen or so have been ones in which the lack of a runoff mechanism affected which of the top two candidates won. This can be seen as a failure rate of over 10 percent".[4] Moreover, Foley argues that these "failures" were especially consequential in 1844, 1912, and 2000, "three elections in which the outcome was indisputably

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[2]I use "consequentialist" broadly to mean, roughly, outcome-based. In this context, for a consequentialist—unlike for the traditional utilitarian—what makes electoral outcomes more or less valuable are plausibly *democratic* (rather than welfarist) concerns. Still, nothing hangs on the term. I thank an anonymous referee for pushing me on this point.

[3]Edward Foley, "Third party and independent presidential candidates: the need for a runoff mechanism," *Fordham Law Review*, 85 (2016), 993–2010. Foley proposes that the US adopt IRV, or what is called "runoff voting" (as in French presidential elections).

[4]Foley, "Third party and independent presidential candidates," p. 1007. Foley continues: "In light of this historical record, the American electorate deserves a system that puts a candidate in the Oval Office whom a majority of voters want there and thus, conversely, keeps out of the Oval Office a candidate whom the majority of voters oppose" (p. 1007), and later clarifies that on his view, "[n]o one should win the presidency when opposed by a majority of the electorate" (p. 1010). Foley's historical analysis is largely drawn from William Poundstone's *Gaming the Vote: Why Elections Aren't Fair (and What We Can Do About It)* (New York: Hill and Wang, 2008), ch. 3.

determined by the presence of a third candidate on the ballot," and which "were three of the most history-shaping elections in the entirety of the republic's existence."[5]

Foley's second argument focuses on which candidates *run* in elections. He claims that "fringe" and "mainstream" candidates opt not to enter elections for fear of spoiling the result: Michael Bloomberg, for instance, decided not to enter the 2016 US presidential election for this reason, but would have been a "middle-of-the-road alternative without the negative baggage that weighed down both Trump and Clinton."[6] Foley's claim is *not* "that Bloomberg would have been a preferable alternative to the two major-party nominees," but that "the existing system is deficient" insofar as it "deprives the American electorate of an option it should have."[7]

Others condemn plurality rule on similar grounds. Nobel laureates Eric Maskin and Amartya Sen argued in the *New York Review of Books* that the US electoral system "fails to reflect voters' preferences adequately" because it allows third-party candidates to split the vote, so we should "choose the winner in the general election according to the preferences of a majority of voters rather than a mere plurality."[8] They argue that under a system like IRV, different candidates would have won the US presidential elections in 1992, 2000, and 2016. And, like Foley, Maskin and Sen also argue that different candidates would run in these elections too: plurality rule "gives citizens too few political options," insofar as it gives many politicians—like "Michael Bloomberg and Bernie Sanders"—a "powerful disincentive to run as independent candidates."[9]

These arguments are recent instances of a common and long-standing concern that plurality rule delivers bad results due to vote-splitting.[10] And the concern seems straightforward. But appearances can be misleading.

Consider first the claim that electoral outcomes would have been *different* under IRV. Such claims (like Maskin and Sen's claims about the 1992 and 2016 elections) are not always well supported by data.[11] But they also have a more

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[5]Foley, "Third party and independent presidential candidates," p. 1007.

[6]Ibid., p. 995.

[7]Ibid., p. 996.

[8]See Eric Maskin and Amartya Sen, "The rules of the game: a new electoral system," *New York Review of Books*, 64 (Jan. 19, 2017); and Eric Maskin and Amartya Sen, "A better way to choose presidents," *New York Review of Books*, 64 (June 8, 2017). Maskin and Sen prefer Condorcet voting (more on this below), and consider IRV to be a next-best alternative: "a somewhat similar ranking system" that "doesn't avoid votesplitting as successfully as majority rule but is far better on that score than plurality rule."

[9]Maskin and Sen, "A better way to choose presidents."

[10]The opening lines of Robert Weber's "Approval voting," *Journal of Economic Perspectives*, 9 (1995), 39-49, quote Jean-Charles de Borda making similar points in 1770.

[11]On 1992, see Dean Lacy and Barry C. Burden, "The vote-stealing and turnout effects of Ross Perot in the 1992 U.S. presidential election," *American Journal of Political Science*, 43 (1999), 233–55. On the 2016 primaries, see the state-wide head-to-head polls conducted by Public Policy Polling in New Hampshire, South Carolina, Florida, North Carolina, Ohio, New York, Rhode Island, Connecticut, and Pennsylvania; <http://www.publicpolicypolling.com/main/2016-archive.html>. On the 2016 presidential election, see Edward Foley, "The electoral fix we really need," *Medium* (Jan. 13, 2017).

interesting problem. They rely on holding voters' preferences fixed when evaluating counterfactuals: "If the voters had those preferences but voted under IRV, so-and-so would have won." The problem is that voting systems systematically change voters' preferences by changing incentive structures. This includes *voters'* incentives; tactical voting still plays a role in IRV.[12] And it includes *parties'* incentives. There is evidence that, under plurality rule, major parties (for example, Republicans) fund minor parties who do not share their ideology (for example, Greens).[13] The natural explanation for why they engage in such behavior is that they are cynically seeking to cut into the support base for their major-party opponents (for example, Democrats). Many have also suggested that preferential voting systems incentivize more positive campaigning.[14] Many voters would have different preferences at the end of a campaign if parties were funded differently and campaigned differently. So changing complex incentive structures will change voters' preferences in myriad ways, making it hard to predict how electoral outcomes would differ.

Some might dispute this. Social scientists build complex explanatory and predictive models that can guide our evaluations of such counterfactuals. But insofar as experts' confident predictions of *actual* voting behavior have been unreliable in recent elections in the UK and US, we should be wary of confident predictions of *counterfactual* voting behavior under IRV.[15]

That's my first concern about the consequentialist case. The second is more significant. Say IRV would result in predictably different outcomes from plurality rule. Would those outcomes be *better*? To bring this issue into focus, consider an example of a surprising electoral result under IRV.

In 2013, the state of Victoria, Australia, elected a Senator named Ricky Muir. Only 0.51 per cent of voters put Muir, of the Australian Motoring Enthusiasts Party, as their first preference. Other candidates did not have a sufficient number of

[12]See Allan Gibbard, "Manipulation of voting schemes: a general result," *Econometrica*, 41 (1973), 587–601; and Mark Allen Satterthwaite, "Strategy-proofness and Arrow's conditions: existence and correspondence theorems for voting procedures and social welfare functions," *Journal of Economic Theory*, 10 (1975), 187–217.

[13]Neil Sinababhu discusses how "hard-nosed tacticians" in major parties "coordinate funding schemes" to prop up minor parties they ideologically oppose, citing this example: "The $66,000 donated to Pennsylvania Green Party Senate candidate Carl Romanelli came entirely from Republican sources, except for $30 from the candidate himself. $40,000 came from identifiable supporters of Romanelli's Republican opponent Rick Santorum, or from their housemates. Romanelli received 99.95% of his funding from Republicans who hoped that he would cut into the Democratic share of the vote"; Neil Sinababhu, "In defense of partisanship," E. Crookston, D. Killoren, and J. Trerise (eds), *Ethics in Politics: The Rights and Obligations of Individual Political Agents* (New York: Routledge, 2017), pp. 75–90. Democrats have also funded Republican spoilers: see Poundstone, *Gaming the Vote*, ch. 6.

[14]See Ben Reilly, *Democracy in Divided Societies: Electoral Engineering for Conflict Management* (Cambridge: Cambridge University Press, 2001), p. 89 (on Papua New Guinea). For supporting evidence from elections in US cities, see Todd Donovan, Caroline Tolbert, and Kellen Gracey, "Campaign civility under preferential and plurality voting," *Electoral Studies*, 42 (2016), 157–63.

[15]More can be said against relying on such predictions. For instance, in making such predictions, many social scientists continue to employ median voter theorem, a theorem which Geoff Brennan and Loren Lomasky argue is "fundamentally misconceived"; *Democracy and Decision* (Cambridge: Cambridge University Press, 1993), p. 77.

voters' first preferences, and voters' *n*th preferences were distributed haphazardly over many unknown, unserious candidates. As other candidates were progressively eliminated, Muir won a seat. Plausibly, he would not have won under plurality rule. Indeed, Muir would have been far less likely to even run under plurality rule. So would plurality rule's consequences with respect to candidates have been *worse*?

I doubt it. Perhaps plurality rule often provides voters with *too little* choice; it produces elections dominated by two major-party candidates. But IRV often provides voters with *too much* choice. When Senate races include several dozen candidates, the difficulty of producing a conscientious ranking becomes staggering. This should amplify common concerns about the ill effects of voter ignorance.[16] How do we balance these good and bad consequences against each other?

Similarly, when Maskin and Sen write that plurality rule "fails to reflect voters' preferences adequately," we must ask: which preferences? Is it more democratic to count voters' first and *n*th preferences equally? Maskin and Sen might respond that they prefer a more complex system than IRV. Specifically, they prefer a Condorcet system in which voters make pairwise comparisons between all candidates. It is not clear that this is feasible; consider the number of pairwise comparisons Victoria's voters would have had to make in 2013.[17] But, more importantly, it doesn't address the underlying problem, as Foley recognizes: "It is possible that a Condorcet winner could be an extremely weak candidate, the very lukewarm second choice of many voters."[18] Foley considers how such a scenario could have arisen with Gary Johnson: "Trump supporters would prefer Johnson to Clinton, and Clinton supporters would prefer Johnson to Trump, but perhaps neither Trump nor Clinton supporters are enthusiastic at all about Johnson."[19] According to Foley, "it would be better to require the electorate to make a decisive choice between the two front-runners … rather than let Johnson win the White House [as] the first-choice candidate of fewer than 10 percent of the voters."[20] I agree. But, as Muir's victory demonstrates, that same problem occurs under IRV.[21]

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[16]These concerns aren't speculative. Empirical evidence supports the conjecture that increasing the number of items on the agenda makes it harder for people to vote as they would have done had they been fully informed. See R. P. Lau, P. Patel, D. F. Fahmy, and R. P. Kaufman, "Correct voting across thirty-three democracies: a preliminary analysis," *British Journal of Political Science*, 44 (2014), 239–59. Moreover, evidence from recent elections in US cities and counties suggests that many voters had too little information to rank more than a few of the candidates, resulting in a tenth to a quarter of ballots being "exhausted." Each of these four elections only allowed voters to rank their top three candidates. But 18% of ballots were also exhausted in Portland's 2011 mayoral election, where voters could rank as many of the 15 eligible candidates as they wanted. See Craig Burnett and Vladimir Kogan, "Ballot (and voter) 'exhaustion' under instant runoff voting: an examination of four ranked-choice elections," *Electoral Studies*, 37 (2015), 41–9.

[17]That election involved 34 *groups* of candidates. The problem of computational infeasibility was known to Condorcet himself, and also affects some alternative voting systems; see Robert E. Goodin, *Reflective Democracy* (Oxford: Oxford University Press, 2003), p. 93, n. 12 and references therein.

[18]Foley, "Third party and independent presidential candidates," p. 128.

[19]Ibid.

[20]Ibid.

[21]Of course, candidates with lukewarm support can win elections under plurality rule. Worse yet, under plurality rule, the ballots cast will not reveal whether this is so; see Section III.C.

Muir's victory is not an anomaly in Australia. In 1987 the Nuclear Disarmament Party's Robert Wood was elected to the New South Wales Senate, despite receiving 1.5 per cent of voters' first preferences. There are other recent cases of Australian Senators who have been elected with a tiny share of first preferences: Steve Fielding (2004), John Madigan (2010), David Leyonhjelm (2013). Granted, in all of these examples, features of Australian Senate elections other than IRV also played a role. (The same applies to perverse outcomes in US presidential examples, which involve plurality rule and the infamous Electoral College). Despite this, the underlying concern illustrated by Muir's case is worth heeding.

One reason why is that Muir-like cases could occur in many other systems with IRV. For instance, consider the 2003 California gubernatorial recall election. Arnold Schwarzenegger (R) won with 48.6 per cent of the vote (under plurality rule), beating incumbent Cruz Bustamente (D). However, over 100 "protest candidates" also ran in the election, many with frivolous campaigns. Imagine that voters split into the following three clusters:

48.6% Rep (Schwarzenegger > Bustamente > protest candidates)

25.4% Dem (Bustamente > protest candidates > Schwarzenegger)

26% Protest (protest candidates > Bustamente > Schwarzenegger)

That is, the set of protest candidates were (in whatever order) ranked at the bottom by close to half the electorate, in the middle by roughly a quarter, and above the major party candidates by roughly a quarter. Under IRV, one of 100-odd protest candidates would be eliminated first, and another second, and another third, and so on. Eventually, however, one protest candidate would emerge with 26 per cent of voters' top remaining preferences, edging out Bustamente. Bustamente's voters ranked all of the protest candidates above Schwarzenegger, so a protest candidate would now have a majority (51.4 per cent) of the top remaining preferences, and win the election. It doesn't matter who the winning candidate would be in this fictionalized example. A Ricky Muir-type could have won with a tiny fraction of first preferences.

Another reason to take Ricky Muir's case seriously is that it simply points to how plurality rule can result in outcomes that are plausibly "perverse." This is a conclusion that many have defended, in a variety of ways.[22]

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[22]Riker argues for this at length in *Liberalism against Populism*, chs 4–6. For a response to Riker, see Gerry Mackie, *Democracy Defended* (Cambridge: Cambridge University Press, 2003), e.g. at p. 55. A common concern about IRV is that it allows for violations of monotonicity; see Gideon Doron and Richard Kronick, "Single transferable vote: an example of a perverse social choice function," *American Journal of Political Science*, 21 (1977), 303–11; and for discussion based on empirical examples from US mayoral elections, see Joseph T. Ornstein and Robert Z. Norman, "Frequency of monotonicity failure under instant runoff voting: estimates based on a spatial model of elections," *Public Choice*, 161 (2014), 1–9.

In short, the consequentialist case against plurality rule seems straightforward, but ultimately relies on complex empirical questions about how electoral systems would produce different results, and contentious ethical questions about why different results would be better. More can be said about these issues; I do not claim they are irresolvable, or that these consequentialist concerns about plurality rule are unfounded. One could bolster the consequentialist case by arguing that plurality rule produces worse electoral outcomes due to certain formal results in social choice theory. But again, this proves contentious. For one thing, while the formal features of plurality rule involve distinct *vices* compared to alternative electoral systems, they also involve at least two distinct *virtues*.[23] For another, in comparing the virtues and vices of different electoral systems we need to consider not only formal results about whether certain perverse outcomes are *possible*, but complex empirical questions about whether those outcomes are more or less *probable*.[24]

III. VOTING DILEMMAS

Is there a simpler, more ecumenical case against plurality rule? I believe so. It begins by shifting our focus from questions about candidates (who wins and who runs), and towards fraught electoral choices for *voters*. The basis for this was briefly suggested by Geoff Brennan and Loren Lomasky in their discussion of the expressive ethics of individual voting decisions. Regarding contexts in which minor parties split the vote, they wrote:

> The dilemma for the supporter of the minor party is, of course, due to the nature of the voting procedure being used. A person can avail herself of only one expressive act, but that is not enough to both pronounce on the relative merits of the Republican and Democrat and to indicate her overall preference. There is, then, an alternative to criticizing or exonerating the minor-party voter: It is to fault the voting system for presenting the dilemma in the first place. Requiring voters to select only one candidate when several are running is a procedure too [coarse-grained] to provide adequate opportunity for individuals to express all the significant preferences they hold. Some form of preferential voting would obviate much of the thrown-away-vote malaise.[25]

My aim will be to explore two complementary and compatible ways of developing this expressive case against plurality rule and for systems like IRV. On the first, plurality rule generates *actual* voting dilemmas; on the second, plurality rule generates *apparent* voting dilemmas.

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[23]Each of these distinct virtues is somewhat complex and technical, so I will not summarize either here: on the first, see Christian List and Robert E. Goodin, "Epistemic democracy: generalizing the Condorcet jury theorem," *Journal of Political Philosophy*, 9 (2001), 277–306; on the second, see Robert E. Goodin and Christian List, "A conditional defense of plurality rule: generalizing May's theorem in a restricted informational environment," *American Journal of Political Science*, 50 (2006), 940–9.

[24]Mackie makes this point well in *Democracy Defended*, passim, and especially at p. 87.

[25]Brennan and Lomasky, *Democracy and Decision*, pp. 193–4. (I replaced "ingrained").

A. Actual Voting Dilemmas

Presented schematically, the first way to develop the case is as follows:

P1. Different types of norms are relevant to the ethics of voting.

P2. Plurality rule generates conflicts between these norms.

P3. If plurality rule generates conflicts between these norms, voters actually face dilemmas under plurality rule.

C1. So, voters actually face dilemmas under plurality rule.

P4. If voters actually face dilemmas under plurality rule, we should prefer alternatives to plurality rule like IRV.

C2.: So, we should prefer alternatives to plurality rule like IRV.

Let's work through this step by step. Why think that P1 is true? I take it that this is a commonsensical position about the ethics of voting. On this position, there are familiar consequentialist concerns about how our votes help bring about good or bad electoral outcomes. And, as Lomasky and Brennan have argued, it is very plausible that in the ethics of voting, "to a considerable extent independent of … consequential considerations there exist *norms of expression*."[26] As they illustrate that point:

> To cast a Klan ballot is to identify oneself in a morally significant way with the racist policies that the organization espouses. One thereby lays oneself open to associated moral liability whether the candidate has a small, large, or zero probability of gaining victory, and whether or not one's own vote has an appreciable likelihood of affecting the election result.[27]

Of course, this commonsensical position could be false. But for now I will defer objections in order to get the rest of the argument on the table.

Now turn to P2. If distinct norms are relevant to the ethics of voting, in principle they could conflict and thereby generate actual dilemmas. Indeed, in practice, plurality rule generates such conflicts pervasively. A toy example illustrates how. Imagine that you are a black student in a recently desegregated 100-student high school which is voting for its class president. Three candidates enter the race. Eric the extreme racist supports re-segregation, teaching "both sides" of the Civil War debate over slavery, and even more odious positions. Morris is a more moderate racist: he accepts desegregation, but wants other policies that stigmatize blacks.

Bayard, the only black candidate, stands on an anti-racist platform; he is sure to lose—the school is 80 per cent white and quite racist—but runs anyway.

Imagine further that support for these candidates breaks down as follows:

Eric	Morris	Bayard
45	33	22

Consider how you should vote. You know that it is exceedingly unlikely that most of Morris's supporters will vote for Bayard, so there is no chance that he will win. You could vote for Bayard, thereby making it more likely that Eric, an extreme racist, will triumph. Or you could vote for Morris, thereby identifying with and endorsing a racist candidate and platform. Consequentialist and expressive norms strongly militate in favor of incompatible actions here. In that sense, they conflict in this case. This is a problem with the *choice* voters faced.

Now turn to P3. If there is a conflict between these norms, why think that Bayard's supporters face a *dilemma* in the hypothetical? And if they do, why think that actual voters face similar dilemmas under plurality rule?

I take it that there is an intuitive sense in which Bayard's supporters face a dilemma. This need not mean that their options are all impermissible: it may be permissible to vote for Bayard to avoid identifying with racism, and permissible to vote for Morris to avoid allowing an extreme racist to win. Minimally, the dilemma may consist in the fact that, whatever they do, Bayard's supporters expose themselves to a legitimate, unanswered complaint; each action has a "moral residue." More strongly, the dilemma might consist of each choice involving sacrificing something of significant value where these values are *incomparable*, such that voters cannot make rational trade-offs between consequentialist and expressive norms. The lattermost view is the one I have in mind,[28] though the case developed here could proceed on stronger or weaker accounts of dilemmas.

Will actual voters face similar dilemmas under plurality rule? I believe so. It is a common complaint of many voters under plurality rule that they face fraught choices between "wasting" their votes on an unelectable candidate or endorsing a lesser evil. We could speculate ad nauseam about why that might be. It could be to do with the careerist advantages viciousness affords; the ladder is easier to climb if one is not weighed down by a conscience. It could be to do with the electoral advantages that viciousness affords; if most voters have preferences like Eric's and Morris's, candidates like Bayard who come to the fore will rarely make it over the line. Whatever the reason, it is plausible that voters will and do face actual dilemmas under plurality rule, just like the one Bayard's supporters face.

Now turn to P4. If voters face actual dilemmas under plurality rule, should we prefer alternatives like IRV? Consider a decision Bayard's supporters could

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[28]I take it that this view is closest to how "dilemma" is used by Brennan and Lomasky, as it relates to the quote at the start of Section III: voting dilemmas are understood as conflicts between instrumental and expressive/intrinsic *preferences*, which they argue are incommensurable; *Democracy and Decision*, pp. 50–1, 147ff.

make under IRV: they could vote for Bayard first and Morris second, and avoid endorsing a racist *without* thereby increasing the odds that an extreme racist will win. So under IRV, no dilemma arises. Voters can rank candidates in a way that is at least acceptable according to both consequentialist and expressive norms. And what goes for our toy case goes for voting more generally. That's how systems like IRV "obviate much of the thrown-away-vote malaise": they allow voters to help prevent a greater evil without requiring them to endorse a lesser evil.

Why is this better? It is a plausible principle that, ceteris paribus, it is unfair to force others to face such dilemmas (however they are understood). Ceteris paribus, we should not force others to either break a promise or cause harm, or to deceive others or disclose private or confidential information. It may be that forcing others to face such dilemmas is sometimes unavoidable; it may also be that some isolated cases where someone is forced to face such a dilemma are innocuous.[29] But plurality rule actually violates the principle that we should not force others to face dilemmas pervasively, and in a way that is avoidable under alternative systems like IRV. This gives us pro tanto reasons to prefer such alternatives.

B. Objections

That completes the first argument: plurality rule gives rise to actual voting dilemmas, so we should prefer alternatives like IRV. Now we can turn to the myriad objections. I will not try to show that each objection is obviously baseless. My aim is to show that the case is plausible, not that it is uncontestable. I will also remind the reader that if they are persuaded that the argument from actual voting dilemmas fails, plurality rule may still be problematic on the ground that it generates *apparent* voting dilemmas (see Section III.C; some readers may prefer to skip to that section).

For the sake of clarity, I will discuss objections to P1 and P2 together. Are these premises plausible when we shift our attention from high school elections to political elections, which are larger by orders of magnitude? In such cases, would plurality rule still generate conflicts between different types of moral norms, some which militate in favor of voting for Morris-like candidates, while others militate in favor of voting for Bayard-like candidates?

Let's start with whether there are moral norms that favor voting for lesser-evil candidates in large-scale political elections. One could deny this by arguing that

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[29]As an anonymous referee points out, if we are moral pluralists (à la W. D. Ross, *The Right and the Good* (Oxford: Oxford University Press, 1930), dilemmas between incommensurable principles or values may "be a pervasive feature of our experience." This may well be true, but it doesn't follow that the avoidance of such dilemmas is not "a particularly weighty consideration" in favor of electoral systems like IRV. A set of moral dilemmas, each of which arises due to miscellaneous causes, should be treated differently from a set of dilemmas, all of which arise from a common cause, like plurality rule. For discussion of a related concern about the dilemmas that are generated by gender-specific pronouns, see Robin Dembroff and Daniel Wodak, "He/she/they/ze," *Ergo*, 5 (2018).

consequentialist norms become *irrelevant* in such elections, for two reasons. First, as we shift to large-scale elections like the 2016 US presidential election, the odds that you will cast a vote that makes a difference to the result—that your vote is what defeats a greater evil—are far too low. (Exactly how low those odds are is a matter of some debate; the range in estimates for recent US presidential elections is considerable).[30] This point may not be sufficient to make consequentialist norms irrelevant to political elections. The odds of your vote making a difference in, for example, state-wide political elections can be high enough. In Virginia's 94th District in 2017, Shelly Simonds (D) and David Yancey (R) each received 11,608 votes; one more vote for Simonds would have decided the election in her favor, and thereby prevented the Republican party from having a one-seat majority in the VA House of Delegates. Moreover, while the odds of making a difference are lower in presidential elections, the stakes are likely to be much higher, and arguably when "the stakes are very high, no chance, however small, should be ignored."[31]

Second, it is sometimes argued that the stakes in large-scale elections will rarely, if ever, be sufficiently high. Electoral competition is likely to produce parties and candidates in near proximity to each other, as they all vie for the votes of median voters. And where there are significant differences between parties and candidates, *either* you should think that your assessment of their relative merits is highly fallible (because the relevant evidence is esoteric) *or* you should think that the relative difference in their merits is common knowledge (because the relevant evidence is readily available). In the former case, the expected value of your vote is low, because it is discounted by your fallibility; in the latter, it is low, because it is so likely that the better candidate will win in a landslide, without your vote. Or at least, so Lomasky and Brennan argued in an influential article in 2000.[32]

Perhaps their reasoning still holds for many political elections. But I have some doubts. For one, the hyper-partisan fervor that characterizes contemporary politics has resulted in increased political polarization. Measures of the ideological distance between major-party candidates and representatives in the US reached new peaks in 2016.[33] For another, we must take into account the fragmentation and polarization of media consumption patterns. Plausibly, many citizens can be justifiably confident that candidate A is significantly better than B on the basis of readily available, non-esoteric evidence, without thereby becoming confident that A will beat B by a huge margin. Why? Because they know that many other citizens

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[30]According to Jason Brennan, the odds of that in 2004 were approximately 1 in 10 to the power of -2650; *The Ethics of Voting* (Princeton: Princeton University Press, 2011), p. 19; Andrew Gelman, Nate Silver, and Aaron Edlin estimate the odds in 2012 as being as high as 1 in 10 million, at least for voters in several critical swing states; "What is the probability your vote will make a difference?," *Economic Inquiry*, 50 (2012), 321–6, at p. 325.

[31]Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), pp. 74–5.

[32]See Lomasky and Brennan, "Is there a duty to vote?," pp. 67–74.

[33]See Lee Drutman, "American politics has reached peak polarization," *Vox*, Mar. 16, 2016, <https://www.vox.com/polyarchy/2016/3/24/11298808/american-politics-peak-polarization>.

remain in echo chambers that amplify misinformation and insulate them from important, readily available sources of evidence.[34] And even if one justifiably believes that A *should* beat B by a large margin, polling data can provide strong independent evidence that the race will be tight.[35] Such factors support the relevance of consequentialist norms in modern large-scale political elections: the stakes can be sufficiently high, without thereby making the odds of your making a difference too low.

There remains a distinct challenge here, however. If consequentialist norms are relevant in large-scale elections, do they militate in favor of voting for lesser-evil candidates? Paul Meehl famously argued that consequentialist norms militate in favor of voting for minor-party, Bayard-like candidates.[36] His reasoning was relatively simple. The odds of your vote making the Morris-like or the Bayard-like candidate win are similarly low, but the stakes of a Bayard-like candidate winning are much higher, so consequentialist norms militate in favor of voting for the latter.

I doubt that this always pans out. Given the myriad ways in which stakes and odds in elections can be arranged, consequentialist norms can *sometimes* demand that we vote for lesser-evil candidates.[37] But since there's much more to be said about these objections, it's worth considering a different way of supporting the claim that there are moral norms that militate in favor of voting for Morris-like candidates in political elections. Perhaps we should consider "causal" rather than consequentialist norms, since proponents of causal norms aim to capture concerns about voters causing good electoral outcomes, while accepting that each voter's decision has a minuscule probability of making a difference to those outcomes. On causal views, the ethics of voting turns on voters' exercising agency and acquiring causal responsibility for certain electoral outcomes by *being among a sufficient set of voters* who jointly brought about that outcome.[38]

In political elections, would causal norms militate in favor of voting for Morris-like candidates in order to defeat Eric-like candidates? The answer is not

immediately obvious. This is partly because proponents of causal norms typically focus on voters' responsibility for *securing desired outcomes*, rather than voters' responsibility for *preventing undesired outcomes*. And it is partly because proponents of causal views typically focus on two-party elections.[39] But I think that there's a good case that the answer is "Yes."

Consider the undesired outcome: the victory of an Eric-like candidate. We are assuming that what will secure this outcome is the victory of the Morris-like candidate. According to causal views, only voters who contribute to Morris's electoral margin are causally responsible for his victory and Eric's loss. Unless one votes for the candidate who actually beats Eric, one's vote is not causally responsible for Eric's defeat. As Brennan and Sayre-McCord have argued, according to causal views, "Voting for a losing candidate deprives you of anything to be responsible for. So if you want to be causally responsible for an event in political history … you need to vote for the winner."[40] One may object here that voters don't know that Bayard-like candidates will lose. But on causal views, they don't need to *know* this. For instance, Tuck argues that on his account one has "a good reason to vote" for a candidate when one believes that "there are likely to be enough votes for [that] candidate for [one's] vote to be part of a causally efficacious set."[41] There can be many actual large-scale elections where voters can only reasonably believe that this holds for evil and lesser-evil candidates. So insofar as voters have strong moral reasons to secure the defeat of greater evils at the ballot box, causal views will sometimes militate in favor of voting for lesser-evil candidates like Morris in large-scale elections.[42]

Let's grant, then, that some moral norms often militate in favor of voting for Morris-like candidates in large-scale elections. Do countervailing norms often militate in favor of voting for Bayard-like candidates?

One could deny this by arguing that expressive norms are irrelevant to the ethics of voting.[43] Prior to the 2016 presidential election, expressive concerns about voting were often dismissed as unimportant or, worse yet, narcissistic. For example, John Halle and Noam Chomsky wrote a widely shared eight-point guide to "lesser-evil voting," which began:

[39]Consider how Goldman's view, framed in terms of vectorial causal systems, is modeled on a tug-of-war in which forces are exerted on a rope in two opposite directions; "Why citizens should vote," p. 210.

[40]Brennan and Sayre-McCord, "Voting and causal responsibility," p. 48.

[41]Tuck, *Free Riding*, p. 60.

[42]There are some interesting complications here, however, that may undermine this argument. For instance, if the relevant moral duty is just to be a vector of force against extreme racism, that might be satisfied by voting for losing Bayard-like candidates. Goldman states his view, a vote for "a rival candidate" is a negative vector vis-à-vis Eric's possible victory. So by voting for Bayard, one is a vector of force against extreme racism, even though one votes for a losing candidate; Goldman, "Why citizens should vote," p. 211.

[43]For interesting discussion of this issue, see inter alia Brennan and Lomasky, *Democracy and Decision*, ch. 10; Jason Brennan, "Political liberty: who needs it?," *Social Philosophy and Policy*, 29 (2012), 1–27: Jon Elster, *Sour Grapes: Studies in the Subversion of Rationality* (Cambridge: Cambridge University Press, 1983); and Jeremy Waldron, *Law and Disagreement* (Oxford: Oxford University Press, 1999).

1. Voting should not be viewed as a form of personal self-expression or moral judgement directed in retaliation towards major party candidates who fail to reflect our values …

2. The exclusive consequence of the act of voting in 2016 will be (if in a contested "swing state") to marginally increase or decrease the chance of one of the major party candidates winning [44]

If this is right, Bayard's supporters face no irresolvable dilemma. The *only* relevant consideration is whether their votes increase the odds that Eric will win the election, which is best achieved by voting for Morris.

Such objections to expressive norms about voting are not persuasive. Halle and Chomsky's objection relies on expressive norms conflicting with consequentialist norms. But why should that make us give up on expressive norms, rather than the voting system that generates such conflicts? Other objections identify expressive motivations to vote with *frivolous*, *idiosyncratic* motivations: in *Burdick*, an important decision about write-in candidates, the US Supreme Court held that "the function of the election process is to 'winnow out and finally reject all but the chosen candidates', not to provide a means of giving vent to 'short-range political goals, pique, or personal quarrels'."[45] We will return to *Burdick* eventually. For now, we should simply note that Bayard's supporters' expressive concerns about endorsing a candidate like Morris are far from frivolous.

A more general point about expressive norms is worth making here. Brennan and Lomasky's view is akin to general "expressive theories" that "tell actors—whether individuals, associations, or the State—to act in ways that express appropriate attitudes toward various substantive values." Unsurprisingly, then, common objections to their view reflect the general mistake of "think[ing] that expressive evaluation somehow requires us to ignore the consequences of action—an absurd position."[46] So we should not dismiss expressive norms as frivolous or narcissistic.

But if one is moved by these objections to expressive norms, we could appeal to moral norms that concern *integrity* or *self-respect*.[47] Concerns about integrity

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[44]John Halle and Noam Chomsky, "An eight point brief for LEV (lesser evil voting)," Chomsky. info (June 15, 2016), <https://chomsky.info/an-eight-point-brief-for-lev-lesser-evil-voting/>.

[45]*Burdick* v. *Takushi*, 504 U.S. 428, 445, 438 (1992), quoting *Storer* v. *Brown* 415 U.S. 724, 735 (1974). These complaints are often echoed: see, e.g., Dennis Thompson, who writes that "The critics of the expressive view are right to resist the implication that voting should in general be an occasion for venting personal feelings or registering protests"; *Just Elections: Creating a Fair Electoral Process in the United States* (Chicago: Chicago University Press, 2002), p. 23. Thompson never explains why expressive views have that implication.

[46]Elizabeth Anderson and Richard Pildes, "Expressive theories of law: a general restatement," *University of Pennsylvania Law Review*, 143 (2000), 1503–75, at pp. 1504, 1513.

[47]For many, the locus classicus in appeals to moral integrity is Bernard Williams, "A critique of utilitarianism," B. Williams and J. J. C. Smart (eds), *Utilitarianism—For and Against* (Cambridge: Cambridge University Press, 1973), pp. 77–150. For my purposes, the views associated with W. E. B. Dubois would be more relevant: see discussion in Bernard R. Boxill, "Self-respect and protest," *Philosophy and Public Affairs*, 6 (1976), 58–69.

or self-respect could recapture why it is problematic for black students to have to vote for Morris in order to defeat Eric. And these same concerns apply to large-scale political elections. Voting for a moderate racist would be "a silent submission to civic inferiority" by black voters, who have strong reasons of self-respect to protest anti-black racism "even when it is clear that this will bring no respite and, instead, cause them further injury."[48] That is to say, moral norms of self-respect can militate in favor of voting for Bayard-like candidates, even when doing so may result in worse electoral outcomes: the victory of an extreme racist.

Much more can be said here, but this is enough, I hope, to show that P1 and P2 are plausible in large-scale political elections. Different types of norms are relevant to the ethics of voting (be they consequentialist or causal, expressive or integrity-based) and plurality rule generates conflicts between these norms (as they militate voting for and against lesser evils).

What about P3? If plurality rule generates conflicts between these norms, does it generate *dilemmas*? Perhaps not. Perhaps the complaints arising from expressive norms are easily answerable by pointing to one's intention to comply with consequentialist norms. In other words, Bayard's supporters who cast a ballot for Morris thereby expose themselves to the complaint that they have endorsed and identified with racism, but that complaint is answered by their saying: "I did not intend to endorse Morris; I just intended to defeat Eric." This answer *either* shows that their vote never expressed endorsement of Morris *or* cancels that endorsement.

This objection is interesting because it presses on a neglected issue in the literature on expressive norms in relation to voting. How should we think of voting as an expressive act? Does what a vote for Morris communicates depend on voters' intentions? And if it doesn't depend on voters' intentions, can it be *canceled* by voters revealing their intentions?

The key move in explaining why this objection fails will be similar to a move made in defending expressive theories in ethics: denying that the relevant "meanings are primarily identified with the speaker's intentions."[49] Instead, we should accept that votes have *social* meanings. Many actions are thought to have social meanings. Punishment expresses condemnation, for instance, even when those imposing it do so for idiosyncratic reasons.[50] It may be helpful to frame this in terms of J. L. Austin's view of speech acts. Indeed, Austin thought of voting as

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[48]Boxill, "Self-respect and protest," pp. 58 (quoting Dubois) and 62. Boxill endorses Dubois's position that reasons of self-respect can militate in favor of futile or harmful acts.

[49]Anderson and Pildes, "Expressive theories of law," p. 1572. I do not think that this move is inconsistent with Brennan and Lomasky's view, though it is worth noting that their focus on "expressive preferences" and their examples of private consumer choices suggest that what is expressed depends primarily upon the speaker: see *Democracy and Decision* at, e.g., p. 34. I take it that their view is best thought of as being like Robert Nozick's: "A large part of the richness of our lives consists in symbolic meanings and their expression, *the symbolic meanings our culture attributes to things* or *the ones we ourselves bestow*"; *The Nature of Rationality* (Princeton: Princeton University Press, 1993), p. 30, emphasis mine. Note that meanings can be determined by a culture *or* by an individual.

[50]The locus classicus for this view about punishment is Joel Feinberg, "The expressive function of punishment," Joel Feinberg, *Doing and Deserving* (Princeton: Princeton University Press, 1970).

a speech act, and suggested that its social meaning is closely connected to endorsement.[51] This view seems to be tacitly accepted; philosophical and legal writing on voting often treats it as expressing endorsement, even in contexts where the existence of idiosyncratic reasons to vote are salient.[52]

To motivate this view, consider an analogy. Someone circulates a petition saying "The Vice-chancellor is corrupt and should be fired"; you sign, intending to impress your colleagues with your bravado; the petition gains traction and the Vice-chancellor is fired, before a subsequent investigation exonerates her of the trumped-up charges. At this point, you can turn around and say "Well, I only intended to express my bravado." But saying this does not entail that you *never* endorsed the view that the VC is corrupt and should be fired. Nor does it *cancel* this endorsement. What goes for petitions goes for voting; indeed, petitions and votes have often been viewed as fairly similar forms of political communication.[53] There is a difference, however: you may be formally entitled to *retract* your endorsement by retracting your signature from the petition, but no similar mechanism allows you to retract a vote in, say, a presidential election.

On an Austinian view, it is unsurprising that acts like signing a petition or voting for a candidate have social meanings that are not determined or canceled by one's idiosyncratic intentions. Some people promise without intending to follow through, but it does not follow that they never *express* or can easily *cancel* a commitment to follow through; one cannot evade liability for one's promises that easily. This holds despite the public knowledge that some people make promises without intending to follow through. Likewise, the public knowledge that some people vote for candidates they do not endorse just makes some votes *insincere*.[54] When we know that insincerity is rampant we may not attribute endorsement of x to each voter for x (just as we may not attribute an intention to φ to all who promise to φ), but that doesn't alter the social meaning of voting.[55]

Even if one denies that voting has a social meaning, a weaker claim may suffice to undermine the objection. Consider "upvoting" or "liking" on websites or

[51]J. L. Austin offered "vot[ing] for" as a central example of an "exercitive" speech act. He also wrote that "To say 'I favour X' may, according to context, be to *vote* for X, to *espouse* X, or to *applaud* X"; *How to Do Things with Words* (Oxford: Clarendon Press, 1962), pp. 154–7.

[52]For instance, Eric Pacuit describes strategic voters as "*misrepresenting* their preferences" and not "choos[ing] their ballots sincerely"; "Voting methods," Edward Zalta (ed.), *Stanford Encyclopedia of Philosophy* (fall 2017). Armand Derfner and Gerald Hebert note that the US Supreme Court has repeatedly characterized the "right to vote in terms of 'voice' and expression"; see their "Voting is speech," *Yale Law and Policy Review*, 34 (2016), 471–91, at p. 485, and see references, esp. on p. 486, nn. 96–100.

[53]On their constitutional similarities, see Derfner and Hebert, "Voting is speech."

[54]As I noted above, it is very common to describe strategic votes as dishonest or insincere. See further Poundstone, *Gaming the Vote*, p. 191. See also the discussion of miscommunication below. I thank an anonymous referee for suggesting this point about public knowledge.

[55]As an anonymous referee notes, that the social meaning of a vote includes approval or endorsement leaves open the *exact content* of what each voter endorses. In some cases, this content will be clear because it will be widely agreed that a single issue dominates the election: "The election between A and B is a referendum on X." The Eric–Morris–Bayard election is framed as such a case. But I am not sure what to say about other cases. This issue warrants further research, but I do not think the case developed here hangs on it.

social media. In some contexts, this takes place with rigorous privacy settings such that viewers can see the aggregate "likes" but not their origins. These contexts are quite like mass voting with secret ballots. And they are not immune to idiosyncratic intentions: you might "like" a post by the Klan to show that you are a provocateur, but since this act is viewed in the aggregate the social meaning of your "like" would not be that you are a provocateur. It would be that one additional person identifies with and endorses an odious form of racism.[56] If this is right, one's idiosyncratic individual intentions cannot shape the social meaning of one's vote *when ballots are cast secretly and tallied collectively*. In mass public elections like this, far too few of us have a soapbox tall enough or a megaphone loud enough to convey our idiosyncratic intentions in shaping or canceling the default interpretation of our votes. So the objection fails.[57]

These points about how voting expresses endorsement also help to address one final objection, which targets P4. One might deny that alternatives like IRV avoid voting dilemmas better than plurality rule. Doesn't ranking Bayard first and Morris second still express *some* endorsement of Morris's racism? Perhaps. But if it does, it expresses much weaker endorsement than casting a vote for Morris under plurality rule. It is better to express weaker than stronger endorsement of racism. So I do not think that this objection is damning. But if voting has a social meaning, I think there is a deeper problem with this objection. Plausibly, the social meaning of your ranking a candidate second depends largely on who you rank first. Voting for Eric first and Morris second communicates something different from voting for Bayard first and Morris second. The first communicates that Morris is *not racist enough*; the second that Morris is *too racist*. Endorsing and identifying with Bayard and his anti-racist platform by ranking him first and Morris second may still communicate not just less approval of Morris, but disapproval of Morris. In this way, the available orderings under IRV give each voter more expressive power.

C. Apparent Voting Dilemmas

The first argument against plurality rule is plausible, but it also turned out to be, perhaps, less simple and ecumenical than we might have hoped. So it is worth exploring how the expressive case against plurality rule can proceed from a simpler, less contentious claim about *apparent* dilemmas, in a way that is compatible with most objections canvassed above.

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[56]The meaning of "upvotes," "likes," et al. has been studied. See Rebecca A. Hayes, Caleb T. Carr, and Donghee Yvette Wohn, "One click, many meanings: interpreting paralinguistic digital affordances in social media," *Journal of Broadcasting and Electronic Media*, 60 (2016), 171–87, and references therein. For discussion of these forms of engagement with political communication on social media, see Susan Sarapin and Pamala Morris, "When 'like'-minded people click: Facebook interaction conventions, the meaning of 'speech' online, and Bland *v*. Roberts," *First Amendment Studies*, 48 (2014), 131–57, esp. p. 149. I thank an anonymous referee for pushing me on this issue.

[57]Or at least, it fails for secret ballots cast in US presidential elections; the objection may succeed in a small subset of elections, like small open caucuses in the Iowa primaries.

Presented schematically, the second argument is as follows:

P1*. Different types of norms *seem* relevant to the ethics of voting.

P2*. Plurality rule *seems* to generate conflicts between these norms.

P3*. If plurality rule *seems* to generate conflicts between these norms, voters *seem* to face dilemmas under plurality rule.

C1*. So, voters *seem* to face dilemmas under plurality rule.

P4*. If voters *seem* to face dilemmas under plurality rule, we should prefer alternatives to plurality rule like IRV.

C2.   So, we should prefer alternatives to plurality rule like IRV.

 Each of the first three premises is more ecumenical than their counterparts in the original argument. It may be that only (say) consequentialist norms are relevant to the ethics of voting. But for a great many voters, it at least *seems* that two types of norms are relevant to voting: conscientious voters are motivated by more than one type of consideration.[58] It may be that these two norms always march in lockstep. But to many voters, these norms *seem* to conflict. It may be that voters can make rational trade-offs between the values that underpin consequentialist and expressive norms, or can cancel the endorsement that voting for Morris communicates—but many voters still take decisions like whether to vote for Bayard or Morris to be dilemmas. Plausibly, this is why we hear perennial fretting about whether one should vote for a lesser-evil candidate who might win, rather than a candidate with integrity and decent values who will definitely lose.

 The crucial premise in this argument, then, will be P4*. If voters *seem* to face dilemmas under plurality rule, why should we prefer alternatives to plurality rule like IRV? The fairly direct defense of P4 will not help us here. It may be a plausible principle that, ceteris paribus, we should avoid forcing others to face actual dilemmas, but it is not obvious (to me, at least) that we should avoid forcing others to face merely apparent dilemmas. So why should we accept P4*? How can an expressive case against plurality rule proceed from such an ecumenical but thin foundation?

 To answer this, let's modify the case. Imagine that (a) Eric's positions were more extreme and odious by the lights of moderate racists, and (b) the proportion of black students (and Bayard supporters) was 10 per cent greater:

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[58]See Brennan and Lomansky, *Democracy and Decision*, esp. ch. 2 and pp. 32–7.

Eric	Morris	Bayard
40	28	32

Now consider Morris's supporters. Perhaps they know that most of Bayard's supporters are entrenched; they will not vote for Morris. The only way to defeat Eric is to vote for Bayard. But they're still racists; they do not want to identify with or endorse a black candidate. If there are expressive norms that militate against endorsing evil and consequentialist norms that militate against probabilifying bad electoral outcomes, both militate in favor of voting for Bayard in this case. So there is no actual dilemma here. But it still *seems* to Morris's supporters that they face a voting dilemma.

Why does this apparent dilemma that is generated by plurality rule matter? There are several possible answers. Morris's supporters will experience greater emotional turmoil in casting a ballot for Bayard than in putting Bayard as their second preference after Morris, which gives us welfarist reasons for opposing plurality rule; and plausibly, insofar as voters hate facing what they take to be ethically fraught choices, they are more likely to opt out of the system under plurality rule, driving down voter participation.[59] I will not dwell on these points, as I want to focus on a ground for P4* that is more germane to an expressive ethics of voting.

Consider the plausible idea that, by casting a ballot for Bayard, these voters would *miscommunicate* that they identify with and endorse anti-racism. This could lead to sincere or disingenuous distortions in public discourse, wherein those students' votes will be offered as evidence that they are not racist. This may not be a cost to those students. But it is a cost to the political system if it generates inaccurate and imprecise communication.

For anyone who followed the fallout from the 2016 US election, this point should resonate. That many white Trump voters had previously voted for Barack Obama was often offered as evidence that those voters were not racist.[60] To some degree, that's fair enough. Casting a ballot for x has the social meaning that one endorses and identifies with x, and Obama was black and ran on an anti-racist platform; so, by casting a ballot for Obama, these voters expressed or communicated that they were not racist. But what they expressed or communicated was, in many cases, false. Polling data show that, of the white voters who cast ballots for Obama, 20–25 per cent did so despite having unfavorable attitudes towards interracial dating,[61] and 37 per cent did so despite having unfavorable

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[59]Interestingly, empirical evidence strongly supports the claim that alternatives like IRV increase voter turnout; see André Blais and Agnieszka Dorbrzynska, "Turnout in electoral democracies," *European Journal of Political Research*, 33 (1998), 239–61.

[60]For example, see Michael Moore's interview as recounted in "Moore: Trump voters aren't racists, many voted for Barack Hussein Obama," *Fox News* (Nov. 11, 2016). For further examples, see Michael Tesler, "Obama won lots of votes from racially prejudiced whites (and some of them supported Trump)," *Washington Post* (Dec. 7, 2016).

[61]See Jamelle Bouie, "Why Obama voters defected," *Slate* (June 20, 2017).

attitudes towards Muslims.[62] Somewhere between a fifth and a third of the white voters who cast a ballot for Obama were racists, but communicated otherwise. This is not because they "lied." It is because plurality rule only gave them crude, coarse-grained options for expressing their political preferences.

By contrast, consider what voters can communicate under IRV. If white voters cast a *first* preference for a candidate like Morris and a *second* preference for a candidate like Bayard, who ended up winning the race, at most they would express weak endorsement of Bayard. Plausibly, they still express approval of a racist candidate and platform, and disapproval of Bayard. That would be important in subsequent political discourse. It would make it far harder for pundits to argue that those voters' subsequent behavior was not motivated by racial prejudice or animus. A similar point holds for Bayard's supporters in the original version of the case. If some of these voters cast a ballot for Morris under plurality rule, that could be treated as evidence that they endorse moderately racist policies: that black students really want, say, separate water fountains.

As this comparison between Bayard's and Morris's voters illustrates, plurality rule is problematic when it generates *actual or apparent* voting dilemmas. In both cases, plurality rule generates problematic forms of political miscommunication about who or what voters endorse. IRV prevents or at least ameliorates this problem by giving voters more expressive power. Consider Bayard's supporters under IRV. If they voted for Bayard first and Morris second, it is at very least much harder to treat their votes as evidence that they endorse moderately racist policies. In this way, voting systems like IRV can provide more precise, accurate political communication in contexts where that is sorely needed. This gives us a basis to accept P4*, and to advocate for systems like IRV: in Brennan and Lomasky's words, IRV "provide[s] adequate opportunity for individuals to express all the significant preferences they hold."

Admittedly, if one is partial to the view that votes do not have social meanings, one may assign the blame for such miscommunication to the pundits rather than to plurality rule. But even then, we must ask: what can we realistically change? I know of no path by which we can change whether casting a ballot for x is interpreted as endorsing x, especially since politicians and pundits will have strong incentives to (mis)interpret votes as endorsements whenever it suits their purposes. Changing the voting system remains the best way to prevent such political miscommunication.

IV. CONCLUSION

So far, I have offered two simple, fairly ecumenical arguments against plurality rule. The first turns on actual voting dilemmas, the second on apparent voting dilemmas. The two are compatible and complimentary. And either gives us

[62]See Tesler, "Obama won lots of votes from racially prejudiced whites."

strong reasons to prefer alternatives like IRV. This is not because IRV eliminates actual or apparent voting dilemmas; alternatives to plurality rule just need to ameliorate these concerns.

Of course, a strong pro tanto reason can still be outweighed, so plurality rule may still be defensible. But a strong pro tanto reason still has an important implication for how plurality rule can be adequately defended. It is often assumed in public debates that proponents of electoral reform bear the burden of showing why some alternative to plurality rule would be better; supporters of the status quo in the US and UK just need to play defense. If the expressive case succeeds, the burden of proof is flipped and supporters of the status quo have far more work to do.

More generally, I hope to have shown something important about how we can evaluate voting systems. When we evaluate voting *decisions*, many think that we should care about more than their consequences with respect to candidates. One central upshot here is that the same holds when we evaluate voting *systems*. We should care about the expressive power they give voters, and how this affects voters' fraught decisions (that is, actual or apparent voting dilemmas). Shifting our focus in this manner provides a powerful impetus for reforming current voting systems.

To keep things simple, I have illustrated this impetus for reform throughout by comparing plurality rule to IRV. But in closing, let me make three points about alternatives to plurality rule, in order to illustrate some of the complications that arise when we evaluate voting systems for how well they increase voters' expressive power and avoid voting dilemmas.

The first point concerns the comparison between preferential and non-preferential alternatives to plurality rule. Under plurality rule, each voter casts one vote for one option, and the option with the most votes wins. Preferential systems like IRV depart from this by having voters rank candidates. But non-preferential alternatives to plurality rule can also help avoid dilemmas and increase the *accuracy* of what votes communicate.

Consider a simple departure from plurality rule: "negative voting." This involves allowing voters to vote for *or against* options, such that one negative vote cancels out one positive vote.[63] To illustrate this proposal, and see how it increases voters' expressive power, recall our toy example. Bayard supporters know that 45 students will vote for Eric and 33 will vote for Morris. There are not enough students left for Bayard to win. But Bayard voters can prevent Eric from winning by voting *against* Eric, thereby reducing his lead. Morris could then win with the highest combined total, without a single Bayard supporter voting *for* Morris:

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[63]I am grateful to Geoffrey Brennan for suggesting this. The method is described by Pacuit in "Voting methods," but I know of no electoral system that implements it.

Eric	Morris	Bayard
+45 for	+33 for	+7 for
-15 against	-0 against	-0 against
Total: 30	Total: 33	Total: 7

This is a promising proposal. It allows Bayard supporters to express their opposition to racism, while decreasing the odds that the worst candidate will win, and thereby avoids generating an actual dilemma. The proposal works just as well for Morris supporters in the second version of the case, too. It works because it lets voters express approval *or disapproval*.

This makes negative voting preferable to forms of plurality rule that are implemented across the globe. It also illustrates an important difference between negative voting and "approval voting" (which allows voters to vote for *all* of the options they approve of).[64] Some hold that "[w]hen there are exactly three candidates, approval and negative are equivalent" (a vote *against* Eric is equivalent to a vote *for* Morris and Bayard), but "approval voting is more flexible" and "better" when there are more than three candidates.[65] The latter point may be right (if there was an Eric "clone" in the election, negative voting does not allow you to vote against both extreme racists). But the former point isn't obvious. There is a morally significant difference between negative and approval voting insofar as voting *for* and expressing *approval* of both Morris and Bayard isn't equivalent to voting *against* and expressing *disapproval* of Eric.[66]

However, systems like IRV may still have an important advantage over systems like negative voting (and approval voting), insofar as they increase the *precision* of what votes communicate. Systems like IRV make the difference between the support for candidates like Ricky Muir and Mary Robinson clear as day: this affects, inter alia, the degree to which they have clear mandates.[67] But systems like negative voting threaten to result in uncertainty about the degree of support for the victor: if Ricky Muir or Gary Johnson limped across the line on the back of the votes cast against their opponents, to what degree would they have a mandate? The answer can be unclear, and open to sincere or spurious

[64]See Weber, "Approval voting"; and Steven Brams and Peter Fishburn, "Approval voting," *American Political Science Review*, 72 (1978), 831–47. For detractors, see Donald Saari and Jill van Newenhizen, "The problem of indeterminacy in approval, multiple, and truncated voting systems," *Public Choice*, 59 (1988), 101–20.

[65]Poundstone, *Gaming the Vote*, p. 193; see also references therein.

[66]Admittedly, there are interesting questions about what these votes express. Aragones et al. "assume that the statement made by a voter in an approval voting system is the average of the statements made by each of the party she approves of; Enriqueta Aragones, Itzhak Gilboa, and Andrew Weiss, "Making statements and approval voting," *Theory and Decision*, 71 (2011), 461–72, at p. 463). Plausibly, it is more odious to express *approval* of the "average" of Morris's moderate racism and Bayard's anti-racism than it is to express *disapproval* of extreme racism. That's all I need.

[67]The literature on mandates is contentious. For an interesting appeal to mandates, see Alex Guerrero, "The paradox of voting and the ethics of political representation," *Philosophy and Public Affairs*, 38 (2010), 272–306, and references therein.

misinterpretation. In this sense, the precision of votes in IRV matters. If two voting systems both increase the accuracy of what votes communicate, but one improves the precision of what votes communicate, it should be preferred.[68]

The second point concerns the comparison between different preferential voting systems. One relevant consideration is which system gives voters the most expressive power. Above, I argued that the available *orderings* increase expressive power. Some may think that the available *weightings* matter too: a first and nth preference for Muir that are weighted equally (both count as 1) leave opaque the distance between Muir and the next candidate. If this is right, we have some reason to prefer a system that gives different weights to first and nth votes. Systems that give different weights to first and nth votes include "Borda count" (wherein voters rank candidates in order of preference, and each candidate gets a number of points corresponding to the number of candidates ranked lower; the candidate with the most points wins) and "cumulative voting" (wherein voters can distribute a fixed number of points among the candidates in any way they please; the candidate with the most points wins).[69] These different weightings of first and nth preferences allow for more fine-grained communication about the distance between candidates.

This suggests that different forms of preferential voting may do better or worse in terms of how much they increase the *precision* of what votes communicate. But there may be trade-offs here. Because first and nth votes have the same weight under IRV, those who vote for Bayard first and Morris second do just as much to defeat Eric as those who vote for Morris first. By contrast, under Borda count or cumulative voting, causal or consequentialist norms may militate in favor of giving most points to Morris. This may in turn decrease the accuracy of what votes communicate, because it does not ameliorate actual or apparent dilemmas as successfully as IRV.

The third and final point concerns an impetus for reforming all voting systems. To increase voters' expressive power, arguably we should provide voters with a formal option for expressing opposition to *all* candidates. Currently such opposition can be, at best, inferred from votes that are cast informally or for write-in protest candidates like Donald Duck.[70] The *Burdick* decision held that such write-in votes need not be counted. Many have objected to this decision,

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[68]This leaves open an important question. What if we have to make trade-offs between accuracy and precision? This is arguably the case when we compare preferential voting systems like IRV to "lottery voting," in which "all individuals cast votes for their preferred options but, instead of these being counted, one is randomly selected and that vote determines the outcome"; Ben Saunders, "Democracy, political equality, and majority rule," *Ethics*, 121 (2010), 148–77, at p. 148. Since lottery voting is strategy-proof (unlike IRV), but does not involve ranking candidates, it may allow for greater accuracy *at the expense* of greater precision (e.g., lottery voting would not convey whether Robinson had a greater mandate than Lenihan). I thank an anonymous referee for pushing me on this interesting point, which warrants far more discussion than I can give it here.

[69]For a more thorough explanation of these options, see Pacuit, "Voting methods."

[70]Donald Duck has "a long and distinguished history as the exasperated voter's candidate of choice"; Samuel Issacharoff, Pamela S. Karlan, and Richard Pildes, *The Law of Democracy: Legal Structure of the Political Process* (St Paul: Foundation Press, 2011), p. 260.

arguing that "ballot constraints of this kind … deprive the political system of information that can reveal legitimate discontent among minorities."[71] But if we want to provide that information *accurately* and *precisely*, we should allow voters to express it directly, rather than lumping it together with (a) votes cast informally out of confusion or (b) votes cast for Donald Duck for a lark. Insofar as some cast valid votes for "outsider" candidates as a way to express their rage against the machine, wouldn't it be better to have a box for such voters to tick to express that rage formally and unambiguously?

These final points are only intended to illustrate the complexity of evaluating voting systems in terms of how well they increase voters' expressive power and avoid voting dilemmas. It is high time we expanded our focus from concerns about which candidates win to concerns about what voters can and should express under different voting systems. Doing so provides a powerful impetus for practical reforms, and raises important but neglected theoretical questions about voting systems.

[71]Thompson, *Just Elections*, p. 25.