

## ***Unveiling the Vote***

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The case for secrecy in voting depends on the assumption that voters reliably vote for the political outcomes they want to prevail. No such assumption is valid. Accordingly, voting procedures should be designed to provide maximal incentive for voters to vote responsibly. Secret voting fails this test because citizens are protected from public scrutiny. Under open voting, citizens are publicly answerable for their electoral choices and will be encouraged thereby to vote in a discursively defensible manner. The possibility of bribery, intimidation or blackmail moderates this argument but such dangers will be avoidable in many contemporary societies without recourse to secrecy.

The secret vote, many believe, is the jewel in the democratic crown. It is assumed that so long as voters are allowed to express their elective dispositions in privacy, and so long as the secrecy of their votes is afterwards assured, there is no need to worry about this particular component in the political system. There may be reason to be concerned about what comes later: about the democratic process under which the votes are aggregated, or more generally about the performance of the governments that those votes put in power. But there is general satisfaction with what happens at the polling station.<sup>1</sup> Our article challenges this complacency. We argue that an electoral system under which voting is secret does not encourage the sort of performance at the polls that we should be seeking. There are two major accounts of the performance that we ought to seek – two different ideals of voting – and we hold that the veiled vote is not likely to be effective in promoting either. Thus we are led to contemplate the desirability of unveiling the vote.

Claims about how democratic procedures ought to be organized must ultimately make appeal to some normative theory of democratic process – that is, to propositions both about what is *desirable* or *valuable* in the political arena and about what is *feasible*. This article is primarily an exercise in feasibility analysis: it focuses on the question of what we can reasonably expect voting to deliver. The normative aspects of our article simply take as given the two main competing views of the ways in which electoral processes might work, and the ideals of voting that go with them. Our procedure is to enquire after which of these ideals, if either, is likely to be feasible, and particularly whether either can be made

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<sup>1</sup> Consider L. E. Fredman's remark in L. E. Fredman, *The Australian Ballot: The Story of an American Reform* (East Lansing: Michigan State University Press, 1968), p. 119. 'The conduct of elections now attracts little attention from political scientists. It is assumed that they are fair and orderly, and an accurate expression of the popular will'. Notice too the equally complacent remark on the secret vote, from fifty years earlier, in E. C. Evans, *A History of the Australian Ballot System in the United States* (Chicago: University of Chicago Press, 1917), p. 72. 'It has cleared away the obstacles which formerly prevented a free expression of the public will. It has made good government possible, if the electors really want it.'

more feasible or resilient by varying the extent to which voting is veiled. We think that feasibility analysis of this kind is an exciting sort of project and that political theorists should give more time to it. Normative political theory *without* a proper feasibility component can be hopelessly Utopian, and lead institutional design in directions that are counter-productive. Perhaps the point will be driven home by the unfashionable direction in which feasibility analysis leads on the question of veiling the vote.

Any feasibility analysis presupposes a model of human motivation and we should say at the outset that our article is written within the tradition of rational choice theory. That theory, as we shall interpret it here, involves two postulates. Firstly, the assumption of rationality insists that agents mostly choose among available options in accordance with their beliefs and desires: mostly, they choose in the way that best serves their desires according to their beliefs; if decision theory is right, they maximize expected utility. Secondly, we shall take it that those desires are largely subsumed under the goals of economic well-being and social status. Strictly speaking, rational choice theory does not involve any particular specification of agents' desires; but some such specification is necessary to make rational choice analysis applicable, and our specification is fairly traditional. Typically, agents are presumed to be predominantly self-interested, and self-interest is here taken to include both an 'economic' and 'social status' dimension. John Harsanyi formulates the approach as follows: 'People's behaviour can be largely explained in terms of two dominant interests: economic gain and social acceptance'.<sup>2</sup> The task of analysing the feasibility of an ideal of voting comes down to the job of seeing whether we can expect largely rational, largely self-interested voters to act in a way that sustains that ideal, whether under conditions of secrecy or openness. Notice that in assuming that agents are largely rational and self-interested in this way, we do not say that they explicitly calculate about economic gain and social acceptance. The assumption is only that however they deliberate, people will not generally flout their economic and social interests; they are unlikely to ignore any salient opportunities to advance those interests.

In Section I of the article we distinguish the two ideals of voting and the pictures of democratic process they go with. These voting ideals are the preference ideal and the judgement ideal. In Section II we argue that under rational choice assumptions the preference ideal, contrary to common prejudice, is unlikely to be reliably realized in any large-scale election, whether or not voting is secret. In Section III, we look at the feasibility of the alternative, judgement ideal. There is some evidence that even under the secret ballot people often vote in accordance with this ideal. Assuming that unveiling the vote would not introduce extra problems like bribery, blackmail and intimidation, we argue that the ideal has a good prospect of becoming feasible if the vote is unveiled. That means at the least that the secret ballot has to be regarded as an unhappy necessity, not some-

<sup>2</sup> John Harsanyi, 'Rational Choice Models of Behavior Versus Functionist and Conformist Theories', *World Politics*, 22 (1969), 513–38; Michael Taylor, 'Rationality and Revolutionary Collective Action', in Taylor, ed., *Rationality and Revolution* (Cambridge: Cambridge University Press, 1987).

thing to make us rejoice. And if we can assume that unveiling the vote would not introduce the extra problems mentioned, it means that there is a case for undoing the secret ballot. In the fourth and last section we canvass some reasons for thinking that this assumption is not as Utopian as it may sound.

#### I. TWO IDEALS OF VOTING

There are many possible ideals of what voting ought to be but most would not recommend themselves to modern sensibilities; most would not stand much chance, in John Rawls's phrase, of attaining reflective equilibrium with our shared intuitions.<sup>3</sup> No one nowadays could seriously endorse the idea that voting should merely reflect the authority of the voter's 'social superiors' or that it should be an activity performed for a fee; and yet we are told that such notions prevailed in the past.<sup>4</sup>

We believe that there are really only two plausible models of what voting ought to be and we describe them respectively as the preference ideal and the judgement ideal.<sup>5</sup> We do not have an argument for the claim that they are the only ideals available, but it is notable that they are the only ideals that surface in serious political treatises.

The preference ideal claims that a person's vote ought to reflect how he orders the alternative outcomes in his overall ranking of them.<sup>6</sup> The outcomes on offer are the candidate policies or persons which compete for his support. His overall ranking of those candidates is that which he makes in the light of all relevant aspects of the outcomes, those of private concern as well as those of public. It is the ranking that would be reflected in his choice, if he were in a position to choose the outcome unilaterally. Given our motivational assumptions, it is to be presumed that voter 'preferences' so defined would mainly reflect the voter's private interests and that matters of public concern would not predominate.

The judgement ideal holds that a person's vote ought rather to express his ranking of those candidates in the light only of matters that are of public interest. The ranking orders candidates' policies or persons by consideration of what is best for all, with no special weighting for what is best for the voter or for his immediate associates.<sup>7</sup>

<sup>3</sup> John Rawls, *A Theory of Justice* (Oxford: Oxford University Press, 1971).

<sup>4</sup> T. J. Nossiter, *Influence, Opinion and Political Idioms in Reformed England* (Brighton: Harvester, 1975).

<sup>5</sup> When this article already existed in draft, we found that a similar distinction had been drawn recently by others, and in similar terms. See Jules Coleman and John Ferejohn, 'Democracy and Social Choice', *Ethics*, 97 (1986), 6–25; and Joshua Cohen, 'An Epistemic Conception of Democracy', *Ethics*, 97 (1986), 26–38.

<sup>6</sup> For convenience of expression we shall refer to the voter throughout as if the voter were male.

<sup>7</sup> Although we shall discuss these two ideals under the characterizations offered, it is worth noting that there is a version of the judgement ideal that softens the contrast between the two. According to that version it is best for all, not if everyone votes out of consideration of what is best for all, but rather if everyone votes out of consideration of what is best for himself or for those in some group to which he belongs. On this version of the judgement ideal, each is required to vote, not for the option

The preference and judgement ideals of voting behaviour are themselves part of two distinct idealizations of the democratic political process. Both of these more general idealizations presume that collective decisions emergent from the electoral process will be for the 'common good', or the 'public interest' somehow construed. They differ with respect to the manner in which that common good is to be brought about, and in some measure with respect to what the common good is taken to entail.

### *The Preference View of Politics*

The preference idealization offers an invisible hand picture of the democratic process conceptually akin to the standard economist's idealization of competitive markets. Each voter is to register his own private preference across the electoral options; these preferences then become the inputs to an 'aggregation' process that majoritarian electoral process provides; and the outcomes of that process will, if the aggregation works properly, reflect an appropriate compromise between the competing interests of the component citizens. The standard focus of normative concern in this conceptualization is the capacity of electoral competition under majority rule to ensure that electoral outcomes do reflect voter demands. The status of the voter demands themselves is typically taken to be uncontroversial, though it is clear that, in principle, any argument for democratic determinations must depend on the inputs to electoral aggregation being of the right kind. We would not presumably be concerned to promote electoral processes on the basis of an imputation of an entirely arbitrarily constructed set of voter preferences. In principle, then, there are two dimensions to normative analysis within the preference idealization: analysis of how electoral competition under majority rule constrains political outcomes; and analysis of the normative status of voter demands themselves. The former issue has occupied almost all the standard discussion. Because of our concerns here, however, we shall set it aside, and focus almost exclusively on the latter.

The preference ideal tends to go naturally with a utilitarian form of evaluation. The utilitarian argument is that the point of the political system is to maximize the overall satisfaction of people's preferences; that people's preferences over electoral candidates are likely to reflect their preferences generally; and that if their votes reveal such preferences then a suitable aggregation of votes should select the candidate policy or person which promises the highest level of overall preference-satisfaction.

This justification of the preference ideal is associated classically with the tradition of Jeremy Bentham and James Mill and, more recently, with two bodies of

that he judges to be best for all, but in conformity to a strategy which he judges to have that merit. This version of the judgement ideal softens the contrast with the preference ideal, particularly if it is assumed, as it often is, that a person's preferences are generally self-interested. But nevertheless everything that we say about the judgement ideal in general applies also, although sometimes with obvious modifications, to this version. And so, for convenience of presentation, we shall write as if the judgement ideal only comes in the standard version given above.

theory: the theory of democracy under which the vote enables people to protect themselves against government; and the economic theory of the state.<sup>8</sup> The idea shared by these approaches is that the state is a public means of pursuing the satisfaction of personal preferences, or at least that it is a public threat to that satisfaction, and that it is appropriate therefore to determine the policies or personnel of the state by people's revelations of their preferences among candidates; it is assumed that their preferences among candidates will reflect the degree to which the alternatives promise higher preference-satisfaction.

The preference ideal can also be justified under the libertarian tradition of democratic thinking. Suppose, as in the libertarian ideal, that each is to have a maximal sphere of effective personal choice, compatible with a similar sphere for others. Suppose further that for whatever reason it is agreed that a state is necessary, so that this sphere has to be restricted: no one can be allowed to choose the personnel or policies of the state, given that others are equally involved. In that case it may well seem that the next best thing is to have policies or personnel chosen by aggregation of the preferences on the basis of which individuals would each select them, were they effective or dictatorial in their choices. There need be no assumption here that the preferences aggregated are indices of what people think will provide them with maximal preference-satisfaction overall. The argument for privileging those preferences is merely that it is next best to privileging choice.<sup>9</sup>

Whether justified in the utilitarian or libertarian manner, the preference ideal of voting is conspicuous for suggesting that there is no reason for people to expect their votes to coincide, and no reason therefore for them to argue with one another about their voting intentions. Each votes for what he wants most and if his vote can be taken as saying anything it is only that the preferred candidate seems to serve best the interests, public and private, which matter to him. It may serve his interests best, consistently with a different candidate's playing that role for the interests espoused by his friends and neighbours. And so the preference ideal of voting goes with a non-interactive picture of the political process.<sup>10</sup>

Besides being non-interactive, the picture with which it goes is also distinctively instrumental. Each individual brings his already defined preferences to the political world and his task in voting is to identify that arrangement which answers to them best. The hope is that the aggregation of the votes cast will then produce the result which maximizes the satisfaction of people's preferences overall. The libertarian is just concerned about the satisfaction of people's preferences over candidates; the utilitarian shares that concern but he thinks that if

<sup>8</sup> On Bentham and James Mill, and on the protective theory of democracy, see Carole Pateman, *Participation and Democratic Theory* (Cambridge: Cambridge University Press, 1970), chap. 1. On the economic theory of the state see Alan Hamlin, *Ethics, Economics and the State* (Brighton: Harvester, 1986).

<sup>9</sup> See John Hospers, *Libertarianism* (Los Angeles, Calif.: Nash, 1971).

<sup>10</sup> To describe the preference model as 'non-interactive' does not, of course, deny that voters will have reason to seek information about the consequences of certain policies or candidates, or that they may consult others in that connection.

voters' preferences over candidates are maximally satisfied then so will be their preferences over other matters too.<sup>11</sup>

The preference ideal of voting is then part of a general conceptualization of political process that involves a cluster of related notions: an instrumental approach to politics; an essentially atomistic, non-interactive view of voters; an 'invisible hand' conception of electoral processes.

### *The Judgement View*

The judgement ideal of voting involves a quite different set of notions about political process. Under the judgement ideal, voters are not to look to their private interests, nor to personal preferences for alternative policies or candidates. They are rather to focus on their perception of the public good, and to evaluate alternative policies/candidates/parties according to which best promotes that public good. One – rather limited – way of conceptualizing the judgement ideal is to suppose that the task of aggregation, performed in the preference ideal by the mechanistic operations of the electoral process, is here performed *internally* in the mind of each voter. Majority rule is then left the more modest task of ironing out the errors in different voters' judgements of what the public good entails. *And this may commend itself even to the utilitarian, to the extent that voters can be relied on to make their judgements of the public good tolerably accurately – particularly so, if we have grounds for being anxious about whether majority rule does have invisible hand properties (anxieties which public choice analysis, in particular, has done much to authorize).*<sup>12</sup>

But the judgement ideal sits naturally with a different line in political justification. If we can recruit all voters to the task of judging the public good, and can marshal a wide discussion of the matters at stake, we not only reduce the chance of mistaken perceptions; we also present voters with a challenge that ennobles them individually, engages them discursively with one another and generates a process of mutual education.<sup>13</sup> These two elements are inextricably related. The project of reducing the chance of error turns on the prospect of presenting an educative challenge, since that chance may be increased by allowing uneducated inputs to have an influence on decision making. *But equally the prospect of presenting an educative challenge turns on the project of reducing the chance of error, for if people are recruited on any other basis then they will not be properly*

<sup>11</sup> Philip Pettit, 'Towards a Social Democratic Theory of the State', *Political Studies*, 35 (1987), 42–55.

<sup>12</sup> Such 'internal aggregation' may not entirely obliterate familiar problems of majoritarian cycling and the like, but it seems likely to moderate those problems significantly.

<sup>13</sup> For a recent treatment of the role of majority rule in ironing out errors, which connects Rousseau's notion of the 'general will' to Condorcet jury theorems, see Bernard Grofman and Scott Feld, 'Rousseau's General Will: A Condorcetian Perspective', *American Political Science Review*, 82 (1988), 567–76. It is crucial for the Condorcet logic that the individual judgements be independent. We differ from Rousseau if he assumes, as Grofman and Feld allege, that discussion compromises independence in the sense relevant to Condorcet's theorems. We think that the decentralized discussions we wish to foster would certainly not undermine this independence, at least in a pluralistic society.

ennobled, engaged with one another or challenged; they will be invited to form and vote their judgements on the hollow grounds that this is good for them, not on the grounds that it is required for the good government of their society.<sup>14</sup>

Given that this is how it is justified, the judgement ideal of voting connects with the republican tradition of democratic thinking rather than with that of libertarianism or decentralized utilitarianism: roughly, with the tradition of Rousseau and John Stuart Mill rather than with that of Bentham and Mill the elder.<sup>15</sup> The state is now an arena for the formation and realization of public judgements and the subjects of the state are not just consumers of what it provides, as under the other approaches; they are citizens in the full sense of those who collectively govern it.<sup>16</sup>

John Stuart Mill is the writer who most effectively defends the judgement ideal and who is most explicit on its connection with the republican tradition. He recognizes the different ways in which people may vote or be expected to vote. 'A great number of the electors will have two sets of preferences – those on private and those on public grounds'.<sup>17</sup> He is uncompromising in his view of how the voter should behave. 'His vote is not a thing in which he has an option; it has no more to do with his personal wishes than the verdict of a jurymen. It is strictly a matter of duty; he is bound to give it according to his best and most conscientious opinion of the public good'. And he is clear that the vote should liberate the citizen, recruiting him to a noble task. 'Whoever has any other idea of it is unfit to have the suffrage; its effect on him is to pervert, not to elevate the mind'.<sup>18</sup>

We mentioned that the view of the political system which goes with the preference ideal of voting is both non-interactive and instrumental. The view associated with the judgement ideal, by contrast, makes the political process intrinsically interactive, for the judgements which it requires individuals to produce bear on common matters and are in potential conflict. When two people express different preferences over candidates, neither has to think that the other is mistaken; when they reveal different judgements, each has to believe that one of them has gone wrong. This means that the prospect of people's voting their judgements offers equally the prospect of their entering into disagreement and debate with one another. The political system has to be conceived of, then, as a locus of interaction, in particular a locus for the formation of public judgements.

<sup>14</sup> Jon Elster, *Sour Grapes* (Cambridge: Cambridge University Press, 1983), chap. 2, and 'The Market and the Forum', in Jon Elster and A. Hylland, eds, *Foundations of Social Choice Theory* (Cambridge: Cambridge University Press, 1986), argues that the educative effect can only be attained as a byproduct of pursuing some other end; we mean to take his point. See Philip Pettit and Geoffrey Brennan, 'Restrictive Consequentialism', *Australasian Journal of Philosophy*, 64 (1986), 438–55, for the relevant ethical perspective.

<sup>15</sup> Pateman, *Participation and Democratic Theory*, chap. 2.

<sup>16</sup> John Braithwaite and Philip Pettit, *Not Just Deserts: A Republican Theory of Criminal Justice* (Oxford: Oxford University Press, forthcoming).

<sup>17</sup> J. S. Mill, *Considerations on Representative Government* (London: Everyman Books, 1964; first published in 1861), p. 305.

<sup>18</sup> Mill, *Considerations on Representative Government*, p. 299.

The view of the political system associated with the judgement ideal is instrumental, so far as the system must be designed for realizing the decision into which the judgements of individuals aggregate. But this view is not merely instrumental, in the fashion of the libertarian perspective or the perspective of decentralized utilitarianism; it also has a developmental aspect. The political system has the function of providing a framework within which individuals can achieve a political identity, coming to confront and understand the issues of public moment on which their judgement is required. Politics is a matter of socializing individuals as much as it is of satisfying them.

One further comment on the judgement ideal. It may seem that the ideal commits us to the view that there is a complete objective answer to the question of what is in the public interest.<sup>19</sup> But it does not. True, we have to believe that there are some issues raised by the public interest which people are capable of being wrong about. But that is scarcely an unusual commitment, and indeed is required no less for the normative justification of the preference ideal. We freely acknowledge that on certain matters of ultimate principle there may be no hope of reasoned agreement. But, even if such agreement is out of reach, there may be many non-ultimate questions that are worth discussing. And it may even be worth discussing the matters of ultimate principle too, for who is to say when the limits of reasoned agreement have been reached?

### *The Murky Divide*

It is an extraordinary fact that despite the deep-running differences between the preference and the judgement ideals of voting, the contrast between them is often blurred in contemporary writing. There are two reasons why that contrast may not be more sharply drawn. One of them applies among political theorists, the other among those who take a more economic approach to voting.<sup>20</sup>

Among political theorists the contrast between the two ideals of voting is lost in the shadow of the more salient divide between a representative conception of democracy and a direct or participatory one. Like the distinction between our ideals of voting, this divide connects with the cleavage between the utilitarian-libertarian view of democracy and the republican alternative. The connection has led political theorists to use the distinction to explicate the significance of that cleavage and, innocent though it seems, we believe that this explicatory move is very unfortunate. It suggests that there is nothing more to the deeper cleavage and it distracts attention from the further distinction between the preference and judgement ideals of voting.<sup>21</sup>

<sup>19</sup> Notice that in this sense of 'objective', utilitarianism would supply such an answer.

<sup>20</sup> Brian Barry, *Economists, Sociologists and Democracy* (Chicago: University of Chicago Press, 1970).

<sup>21</sup> We argue later that the preference ideal of voting is unrealizable but that the judgement ideal may not be. To that extent we align ourselves with the republican tradition in democratic thinking; we hold that if democracy is to thrive, it must begin to conform to the republican image. But, for the record, we do not think that this means that democracy must be direct rather than representative; on the contrary, we hold by the superiority of a representative regime. The position that we wish to occupy then depends on reopening distinctions which the habits of political theory would have us close.



There is a different reason why economists of democracy may be blind to our distinction between ideals of voting. This is that the ways in which economists have come to think of preference encourages an argument for assimilating the ideals. One version of the argument is this.

1. If you sincerely judge that one alternative candidate, *A*, is better than another, *B*, then you will be disposed to choose *A* over *B*.
2. A disposition of this behavioural kind is nothing more or less than a preference for *A* over *B*.
3. Therefore if you sincerely judge that *A* is better, then you have a preference for *A*.
4. And so if you vote your judgement as between *A* and *B*, you will at the same time vote your preference; the judgement and preference ideals are not really distinct.

The conclusion gives expression to the view that the voter who is downright selfish and the voter who votes his judgement must both be seen to be expressing their preferences over outcomes. Consider, for example, how Anthony Downs defends his view that every citizen casts his vote for the party that he believes will provide him with the most benefits. 'There can be no simple identification of acting for one's greatest benefit with selfishness in the narrow sense because self-denying charity is often a great source of benefits to oneself. Thus our model leaves room for altruism in spite of its basic reliance upon the self-interest axiom'.<sup>22</sup> What the model ensures, as we may put it, is that there is no room for the sort of distinction we want to make; every vote is a vote according to the preference of the agent over the candidates on offer.

There are a number of faults in the sort of position defended by Downs and others but we may restrict our attention to a flaw which affects the version given above.<sup>23</sup> The flaw consists in the falsity of the first premise. To judge sincerely that *A* is better than *B* may be to have the disposition to choose *A* over *B*, if the judgement is an all-things-considered judgement. But it is not necessarily to be disposed to choose *A* if the judgement is that *A* is better than *B* only in so far as certain considerations go.<sup>24</sup> The judgement involved in the judgement ideal, however, is precisely a relativized verdict of this kind: it is a judgement that so far as the common good is concerned, this or that candidate is best. And so, contrary to the argument given, voting your judgement may not always be a case of voting your preference. Our two ideals remain distinct.

For the purposes of the discussion here, we shall remain agnostic on the normative appeal of these alternative ideals. Our concern is with the question of which is the more likely to be realizable. Those who are, in any event, predisposed

<sup>22</sup> Anthony Downs, *An Economic Theory of Democracy* (New York: Harper, 1957), p. 37.

<sup>23</sup> John Broome, 'Review of Kenneth Arrow's Collected Papers', *Economic Journal*, 95 (1985), 210–11, highlights some general flaws. Another flaw becomes apparent in the light of the argument in Section II.

<sup>24</sup> On related matters see the congenial claims of Amartya Sen, *Choice, Welfare and Measurement* (Oxford: Blackwells, 1982), Part 1.

towards the judgement ideal may regard our argument for unveiling the vote as indicating what would be required to make that ideal more fully realized. But our ambitions here are higher. We want to argue that, contrary to popular perception, the judgement ideal is more likely to be realizable than the preference ideal, at least under certain circumstances: in particular, if voting is not secret. Put another way, the sorts of problems that feasibility considerations make salient are most likely to be moderated by making voting open; moreover, open voting works to solve those problems precisely because it encourages movement towards the judgement ideal.<sup>25</sup>

## II. THE INFEASIBILITY OF THE PREFERENCE IDEAL

In asking whether it is possible to realize either of our normative ideals of voting, we must make some assumptions about human motivation. As noted above, the rational choice model that we endorse provides two such assumptions: that people are largely though not exclusively concerned with the self-interested ends of economic gain and social acceptance; and that they are largely though not invariably rational about the promotion of those ends. We think that these assumptions are plausible, but in any case they are suitable for the task of feasibility analysis. We surely want to make pessimistic rather than optimistic assumptions about people's concerns in asking whether one or another ideal is likely to be realized.<sup>26</sup> And the very coherence of the enterprise of feasibility analysis turns on our being able to assume that people tend to be rational rather than irrational in pursuing those concerns. There is no saying what ideal is feas-

<sup>25</sup> The distinction between preference and judgement ideals is similar to that drawn between the 'market' and 'forum' conceptions of democratic process that Elster discusses in his chapter entitled 'The Market and the Forum' in Jon Elster and A. Hylland, eds, *Foundations of Social Choice Theory*. Moreover, the arguments that underlie the forum notion, and in particular Habermas's belief that the forum context encourages the expression of public judgements, are somewhat similar to our own concerning discursive defensibility. Elster offers several criticisms of the Habermasian account of the forum ideal, some of which have to do with doubts about whether unanimity would emerge even under 'ideal speech' conditions. Our own position does not involve any expectation of unanimity: differences of judgement will in general remain, which some procedure (simple plurality, perhaps) will have to reconcile. Nor do we have in mind the discursive confrontation of each with all as characteristic of the forum. Our open vote proposals more modestly expose each only to the risk of being observed by a variety of others. Therefore, we do not invite the problem of demagoguery in the way that Habermas's vision does. But the spirit of our argument is Habermasian. We reckon, with Habermas, that the open arena encourages one to direct one's speech and one's voting in a public interest direction. It is interesting that Elster does not question the Habermas ideal on the grounds that the forum invites bribery and corruption simply because it is open (see Section IV). Neither, to our knowledge, is this question raised by others. Elster's self-confessed preference (p. 128) is for a view of democratic politics lying somewhere between the 'market' conception on the one hand and the 'forum-as-social-ethics-seminar' on the other. Such a conception is to hand in the 'judgement ideal', and may well be tolerably realizable under some modest reforms of current practice. Unveiling the vote is, in our view, one such reform.

<sup>26</sup> Geoffrey Brennan and James Buchanan, 'The Normative Purpose of Economic "Science": Rediscovery of an Eighteenth Century Method', *International Review of Law and Economics*, 1 (1981), 155–66.

ible if people are irrational, so far as irrationality comes in an indefinite variety of guises. And if we argue that an ideal is feasible on the grounds that people are reliably irrational in a certain determinate way, we must expect the analysis to jeopardize the feasibility of the ideal; once aware of being irrational in the manner alleged, people will presumably want, and tend, to change.

The issue in this section, then, is whether we can expect rational voters to conform to the preference ideal of voting, at least when the polling institutions are suitable. The prevailing belief is that we can and indeed must. That belief informs the economic theory of democracy, in particular the public choice school, and it stands unchallenged by opponents in the ranks of political theory.<sup>27</sup> But the consensus is mistaken. It is demonstrable that rational self-interested voters in a large-scale electorate – this is the only context with which we shall be concerned – cannot be generally expected to vote their preferences over the candidates on offer.<sup>28</sup>

Consider the position of a voter in an electorate where he expects about one million other people to vote, and where there are two candidate policies or persons: *A* or *B*. Suppose that for whatever reasons – they need not concern us in the present context – he has gone to vote. Suppose that he has a preference for *A* over *B* such that the first is assigned a reward of 10, the second a reward of 1. And suppose for simplicity that he cannot himself cause a tie: in a case where he would otherwise have done so, someone else has a casting vote. The matrix representing the voter's situation is this:<sup>29</sup>

	<i>A</i> wins anyhow	<i>B</i> wins anyhow	He is decisive
He votes for <i>A</i>	10	1	10
He votes for <i>B</i>	10	1	1

The matrix suggests that the rational voter would certainly vote for *A* in such a situation. But two things should give us pause. The first is that the chance of the voter's being decisive in an electorate of about a million is almost zero, so that his preferences over the candidates only gives him the slightest possible reason for voting for *A*. And the second thing is that this matrix does not represent other relevant preferences affected by whether he votes for *A* or *B*: a preference for seeing himself as a *B*-voter rather than an *A*-voter perhaps; or a preference for being on the side that is probably going to win; or a preference for being able candidly to report that he voted *B*, and so on.<sup>30</sup> It is a matter of

<sup>27</sup> Dennis Mueller, *Public Choice* (New York: Cambridge University Press, 1979).

<sup>28</sup> Geoffrey Brennan and James Buchanan, 'Voter Choice', *American Behavioral Scientist*, 28 (1984), 185–201; Geoffrey Brennan and Loren Lomasky, 'Inefficient Unanimity', *Journal of Applied Philosophy*, 1 (1984), 157–63.

<sup>29</sup> We ignore the payoff associated, not with actually getting what you want, but with contributing to an electoral swing, if there is one, in that direction. This payoff is also problematic because of the vanishing contribution of a single vote to such a swing.

<sup>30</sup> For a decision theory which explicitly allows for the representation of such preferences see Richard Jeffrey, *Logic of Decision*, 2nd edn (Chicago: University of Chicago Press, 1983). Notice however that on Jeffrey's evidential theory a person of type *X* may find it rational to vote for *A* rather than *B* on the basis of the associated outcomes, because of reasoning that if he does so then

common lore that people have preferences of the kind: they worry about their own voting posture as well as worrying about the aggregative electoral outcome. That they have such preferences is particularly intelligible if they are concerned with social acceptance, as our rational choice assumptions postulate.<sup>31</sup>

These two considerations suggest that in any situation of the sort described in the matrix, rational voters are unlikely to vote according simply to their preference over electoral outcomes. They will vote according to preferences over a number of things and it will be just good luck if those preferences tend as a whole in the same direction as a voter's preference over outcomes. The voter who would select *A* over *B* were those outcomes the only relevant aspects of the options – the voter, that is, who prefers *A* to *B* – may well end up voting for *B* over *A*. Although he prefers *A* to *B*, this fact provides him with negligible reason to vote for *A*, and there may well be more weighty reasons for him to vote otherwise.

Consider a middle-class voter faced with the choice between Bush and Dukakis and suppose that he would be much better off under Bush, since he would not have to pay the extra taxes that Dukakis's social welfare program would require. Will he certainly vote for Bush? No. On very favourable assumptions there is a 1/12,000 chance of his being decisive.<sup>32</sup> Suppose, and again the assumption is favourable, that he would be \$12,000 better off under Bush and that this is all that matters to him about the outcomes. Even then it is only worth a dollar to him, in terms of his outcome-preferences, to vote for Bush. Still a dollar is a dollar and you may think that it will certainly lead him to vote for Bush. But surely you should think again, if certain quite common conditions are realized: say, if he belongs to groups where there is much kudos in being thought to be concerned with the poor. The desire for social acceptance in those groups may lead him to vote for Dukakis, given that doing so enables him to be able to report his action without fear of not seeming candid. That social acceptance is only certainly available if he votes for Dukakis and it is probably worth considerably more than a dollar to him. Thus it may well lead him to vote for Dukakis.

We do not suggest that the posture-preferences of voters will always go against their outcome-preferences in this way; obviously that would be absurd. But we do say that they are likely to do so with many voters and that this is enough to undermine our confidence that the preference ideal will be reliably realized, that people will generally reveal their outcome-preferences in how they vote.

there is a better chance of other type-*X* people doing so. This 'Newcomb' result is a problem for that theory, however, rather than for us. On related matters see Huw Price, 'Against Causal Decision Theory', *Synthese*, 67 (1986), 195–212; and Philip Pettit, 'The Prisoner's Dilemma is an Unexploitable Newcomb Problem', *Synthese*, 76 (1988), 123–34.

<sup>31</sup> In this discussion we move freely, since there is little danger of misunderstanding, between preferences over states of affairs and preferences over properties of states of affairs. See Philip Pettit, 'Decision Theory and Folk Psychology', in Michael Bacharach and Susan Hurley, *Essays in the Foundations of Decision Theory* (Oxford: Blackwell, forthcoming).

<sup>32</sup> Brennan and Buchanan, 'Voter Choice'.

This argument for the infeasibility of the preference ideal goes through whether or not voting is secret. In our comments about the voter wanting to be able to report his vote without fear of not seeming candid, we assumed that he voted in secret. Things would actually be worse for the preference ideal if voting were open. The openness of the vote would expose the voter even more effectively to the warping influence of his desire for social acceptance and, more generally, of his posture-preferences. The upshot is that in a large-scale electorate the preference ideal of voting is infeasible, whether or not voting is secret. If we hope reliably to realize any of our normative ideals, we can only look to the judgement ideal.

Before leaving this section, however, an objection: the difference between the rewards associated with electoral outcomes like *A* and *B* may be so great that, even allowing for the improbability of being decisive, voters will have a powerful incentive to vote one way rather than the other; an incentive powerful enough to outweigh any likely posture-preference in the other direction. In particular, this may be so if voters are altruistically concerned for the perhaps enormous number of people who will benefit from the outcome in question and care little for any extra cost to themselves, say in taxation, for providing that benefit. So how can we assume that the outcome-preference will always be small enough, at least after allowing for the uncertainty of being decisive, to be vulnerable to posture-preference? The answer is that the assumption derived directly from the rational choice assumption that their own economic standing matters greatly to people; this means that even if they are altruistic they will care for the costs of that altruism to themselves. Thus we see that both rational choice assumptions about people's concerns – with economic gain and with social acceptance – play a role in the argument for the infeasibility of the preference ideal of voting.

### III. THE FEASIBILITY OF THE JUDGEMENT IDEAL

We are assuming that voters are largely concerned with their own economic and social status and that they are basically rational about advancing those interests. We have seen that in any large electorate such voters cannot be relied on to vote as the preference ideal would have them vote, whether the vote is secret or open. The question now is whether things can be so designed at the polls that we could rely on them to vote in the manner required by the judgement ideal. Can things be arranged so that largely self-interested, largely rational voters will vote according to their judgement as to what is best for society? In this section we approach that question under the assumption that if we move from secret to open voting, there will not be disruptive side-effects such as blackmail, bribery and intimidation; the assumption is that how things are in such regards is independent of whether we have a secret or open ballot. In the final section of the article we look at how realistic that assumption is.

There are two claims which we make in developing our response to the question of feasibility. The first is that people are more likely to vote according to their judgement if a preference for voting in a discursively defensible manner

dominates their decision making. The second is that a way to ensure the dominance of such a discursive preference is by unveiling the vote: by relaxing in some measure the existing rule of secret voting.

To vote in a discursively defensible manner is to vote in such a way that you are able to argue with others, at least to the extent that they are in a similar position, that they should follow the same path. It is to be able to represent your vote as a universalizable act: an act which is right, not just for you, but for anyone in the same sort of circumstances. If you are to be able to represent your act in this light then normally you must be able to show that it is supported by considerations which are as relevant for your audience as they are for you.<sup>33</sup> Such considerations must subsume interests that are common to all, and not just your particular concerns. They must be considerations of the common good.<sup>34</sup> They must bear, if not on matters of people's general welfare, at least on matters that all can recognize as relevant and important.<sup>35</sup>

Suppose that someone votes for *A* over *B*, or at least intends to do so, and that he wants to defend his vote discursively. It will not do for him to say, for example, simply that *A* suits his interests best. He puts himself beyond the pale of conversation, if he is unresponsive to the retort that it may suit his particular interests but it is damaging for the country as a whole. He must be ready to argue that *A* is not damaging in this way or that if it is, the damage done is offset by some greater public benefit.

The upshot is that if the voter is to prepare himself for discursive self-justification, then he will do well to vote according to a considered judgement of what is for the common good. The preference for voting in a discursively defensible manner provides a powerful motivation for voting in accordance with the judgement ideal. That is the first of our pair of claims.

The claim will be confronted with at least two objections: firstly, that the best way to satisfy the discursive preference discussed may be, not to vote according to your judgement, but rather to vote in the way that your circle of acquaintances will find least questionable; and secondly, that the requirement of being able to defend your vote discursively is not an onerous constraint, since a little imagination will enable you to make a public-spirited case for even the most self-serving of actions.

These objections do not persuade us. We think that in pluralistic societies

<sup>33</sup> See Pettit, 'Towards a Social Democratic Theory of the State'. Remember here the qualification mentioned in fn. 7; it explains the 'normally'. In the spirit of the position described in fn. 7, someone may object that the consequentialist will be able to justify any old vote on the grounds that his vote makes no difference. Perhaps, but we take courage from the fact that consequentialists rarely resort to this move on being asked what they say – by parallel with what they would vote – that society should do.

<sup>34</sup> This theme will be familiar from the work of Jürgen Habermas. But for critiques of some aspects of Habermas's development of the idea see Philip Pettit, 'Habermas on Truth and Justice', in G. H. R. Parkinson, ed., *Marx and Marxism* (Cambridge: Cambridge University Press, 1982) and Elster, *Sour Grapes*, pp. 35–42, as well as Jon Elster, 'The Market and the Forum'.

<sup>35</sup> Philip Pettit, 'The Freedom of the City: A Republican Ideal', in Alan Hamlin and Philip Pettit, eds, *The Good Polity* (Oxford: Blackwell, 1989), chap. 1.

most people live in such varied contexts that the enterprise of tailoring their votes to the views of their acquaintances is likely to be a difficult and indeed a hazardous project: it is too likely to become obvious what they are doing, in which case their discursive face is entirely lost. And equally we think that while it may not always be difficult to put an altruistic cast on egoistic commitments, it is often obvious when people are doing this. We may allow public figures to get away with their hypocrisy, given the common knowledge of their party or lobby affiliations, but we are hardly going to award discursive points to our friends when they behave in that manner.

Our second claim is that the best way to confer dominance on the discursive preference associated with judgement-voting is by unveiling the vote, relaxing the current rule of voting secrecy. There is some evidence that even under current arrangements people do vote their 'judgements'. There is, for example, the evidence provided by Kinder and Kiewiet.<sup>36</sup> They argue that while the economic performance of government is relevant to how people vote, people do not vote on the basis of their personal economic fortunes or prospects. 'Candidates of the incumbent party suffer when the economy sputters not because voters punish them for their private misfortunes. Candidates suffer because voters perceive the party they represent as failing to cope adequately with national economic problems. These collective economic judgements seem surprisingly independent of privately experienced economic discontents'.<sup>37</sup>

This evidence is encouraging for the judgement ideal of voting but it ought not to occasion complacency. It shows that people may often vote their judgements under the current rules but it does not show that this practice is maximally encouraged. Under current institutions, in particular under the rule of secret voting, it is no less likely that people will vote in a manner which involves no judgement.

Two possibilities are worth noting in particular. Firstly, people may vote according to an unexamined surrogate of judgement, given that they do not actually have to enter into discourse with others; they may vote according to whim or prejudice. And secondly, they may see the vote as a non-judgemental means of expression, adopting their chosen stance for its value in symbolic dimensions: for the fact that it puts them in solidarity with their class or nation, for the fact that it vents their anger or aggression towards some group inside or outside the society, or just for the fact that it is likely to put them on the winning side in the election.

These possibilities are clearly not our invention. It is widely and indeed publicly recognized that voting follows such capricious patterns. Why otherwise would parties be so keen on recruiting media and sports personalities to their ranks? Why, even more absurdly, would they have a preference for putting up

<sup>36</sup> D. R. Kinder and D. R. Kiewiet, 'Sociotropic Politics: The American Case', *British Journal of Political Science*, 11 (1981), 129–61.

<sup>37</sup> Kinder and Kiewiet, 'Economic Discontent and Political Behavior: The Role of Personal Grievances and Collective Economic Judgements in Congressional Voting', *American Journal of Political Science*, 23 (1979), 495–527.

candidates with names that come early in the alphabet? Why would they look to the pre-election polls in the hope of creating bandwagon effects? And when they are in government why would they rejoice in the prospect of holding elections in the wake of national sporting successes?

The primary danger in democratic elections, as we see it, is not so much the instability of majority coalitions (much emphasized by public choice theory) or the potency of manipulative agenda-setters, but rather the susceptibility of voters to electoral whim, prejudice, xenophobia, malice or caprice. We do not mean to suggest that whim, prejudice and such like are always predominant, or that majoritarian instability is an irrelevant concern – merely that the risk of approving, by democratic determination, electoral outcomes that are significantly contrary to the public interest is a real risk and one that our electoral institutions should be designed to minimize. We reckon that that risk will be reduced precisely as the judgement ideal is institutionally promoted. That is, we must design the institutions of voting so that it will be rational for people to vote their judgement. We must alter the institutional pressures so that capricious influences tend to be filtered out and voters driven by the discursive preference for being able to argue that everyone ought to vote as they do.

This takes us back to our second claim. We believe that the best way to promote people's discursive preferences, and displace opposing pressures, is to unveil the vote. The reason is that if the vote is unveiled the desire for social acceptance will play a larger role in your decision as to how to vote; and in a pluralistic society the surest way of winning social acceptance will be to vote in a way that you can discursively support. The desire for social acceptance will ensure that the discursive preference for voting in a defensible manner will be given great prominence.

By making the vote secret, the current rules give rise to a distinctive culture. Every voter knows that since it is kept from others in the ordinary run of things, how he votes is a matter which he can legitimately keep to himself and indeed a matter which others can enquire after only at the risk of occasioning rebuke and giving offence. If the vote has discursive consequence for a voter under such a culture, then that is because he chooses to go public or because he conjures up an audience for his polling performance: an audience consisting of his past or future selves, his ancestors or his descendants, his conscience or his God. An audience of this imaginary kind arguably has no less moral authority than any audience of fellows, but it seems entirely doubtful in any modern setting whether the relevant conjuring trick is likely to be performed.

We must replace this culture of confidentiality if we are to promote the judgement ideal of voting and so it is necessary to lift the veil of secrecy from the vote. It is desirable to ensure that for every voter there is at least a chance that his friends and associates are in a position to know how he votes. If we can institutionalize such a possibility then we may hope that the current culture will give way to one under which it is perfectly respectable for all to inquire about how each votes. Since the information on how a person votes is available to those who are in a position to observe his performance, there will be no grounds for



withholding it from those who ask him about the matter. It will seem curious and coy of the person if he refuses to be open about his electoral commitments.

In order to bring about this change of culture, it should be necessary only to make modest changes to the existing rules of secrecy. We see no reason for voting to be *viva voce*, for voting to be done in the presence of anyone who wishes to observe, or for a record to be made of the votes cast by individual electors. We believe that voting should be organized in a manner which means simply that no one can be sure that how he votes will be hidden from his friends and associates. This could be ensured by an arrangement under which a number of voters are allowed at the same time into the polling station and each votes by an act which indicates his intention: if he votes for *A* he may have to go to one booth, for example, if for *B* he may have to go to another.

The sort of arrangement we are contemplating would enable the desire for social acceptance, and therefore the discursive preference for voting in a defensible manner, to assume a role that is denied to them, or at least played down, under rules of secrecy. In any large-scale electorate, as we saw in the last section, a person's vote is of little instrumental significance; that is why the preference ideal is so fragile. But under our unveiling proposal, the person's vote would at least become interpersonally significant. It would become an act for which the voter will have answered and will have to answer again, to others, an act over which his desire for social acceptance will give him motive to take thought. In particular, at least in a pluralistic society, it would become an act which he must be careful about being able to support discursively. If the voter is careful about this then in general he will vote according to his own judgement as to what is best for society.

It is worth emphasizing that not only would unveiling the vote increase the discursive pressure on individuals; it would also reduce the opposing pressures that make for ill-considered or symbolically motivated voting. The temptation not to think about the considerations involved and to vote prejudice or whim is clearly going to be undermined if a person expects to have to answer for how he votes. And so is the temptation to view the vote just in a symbolic, self-identifying manner. It will not do much for the discursive status of a voter if all that he can say in response to challenge is that he is a man of his class, a true patriot, or someone who is not going to give this or that group an easy ride. If those remarks are not a prelude to argument, then they will cast him in almost a comic role.

Ought it to be possible for a voter, if he wishes, to vote in a way that does not reveal his intention? Ought secret voting to be an option? We think not, because there are too many bad reasons why people may be motivated to avail themselves of that alternative. One is that it is a lazy option, saving voters the trouble of having to defend themselves to others. And a second is that it is a modest option, allowing people to shrink from making a public statement. We think that if people are going to vote then they should be exposed to the pressures which make for responsible voting. There should be no easy exit available.

A further reason for insisting that secret voting should not be an option is that

if it were, then the existing culture of confidentiality might be more difficult to shift. A person could reasonably claim that someone else has no right to know how he votes and the possibility of such a response might mean that to enquire after how another votes would be to give offence. If there is to be a change of culture then we suspect that however little the veil is lifted from the vote, it must be lifted equally for all.

Our position, then, is this. People are more likely to vote their judgements if they can be put in a position where they may expect to be discursively challenged about their voting stance. Lifting the veil from their vote renders them susceptible to this challenge and is conducive to judgement voting. Make voting relatively public and we may expect to see the emergence of a more robust, republican form of democratic life.<sup>38</sup>

#### IV. THE PRACTICAL ISSUE

In large-scale electorates, rational choice assumptions mean that the preference ideal of voting is infeasible, whether voting is secret or open. Those same assumptions suggest however that in pluralistic societies the judgement ideal can be made feasible under a certain measure of open voting, provided at least that open voting does not bring unforeseen evils with it. Those results are surprising and, we hope, interesting. They certainly mean that the secret vote is not something to be happy about. It is a blemish in the democratic crown, not a jewel.

But do our results mean that we should go further and actually recommend the unveiling of the vote? Here the proviso about unforeseen evils becomes important. The question which faces us now, the practical issue, is whether in trying to get rid of the risk of whimsical or malicious voting by opening the vote to some measure of public scrutiny, we would not create other, worse, evils. We do not have a firm position on this question but we think that things are not as bad for open voting, at least in some societies, as is generally suggested. In this section we shall put that case as strongly as we can in the brief compass available.

The viewpoint which we have been defending was commonly held in nineteenth-century Britain and America. Rules of full secrecy were not introduced in Britain until 1872 and it was twenty years later before they became general in America. The spirit behind much of the opposition to secrecy is well caught in the words of a US Senator, Lyman Trumbull, in 1867: 'I want to see every man an independent voter, not sneaking to the polls and hiding his expression in a secret ballot'.<sup>39</sup>

This sort of high-minded opposition to secret voting was developed most arti-

<sup>38</sup> For a more general statement of a republican political philosophy see Pettit, 'The Freedom of the City: A Republican Ideal'; and Braithwaite and Pettit, *Not Just Deserts*. It must be remarked, however, that some republicans were explicitly in favour of secrecy in voting. See Zera Fink, *The Classical Republicans* (Evanston, Ill: Northwestern University Press, 1945).

<sup>39</sup> Quoted in Paul Bourke and Donald DeBats, 'Charles Sumner, the London Ballot Society, and the Senate Debate of March 1867', *Perspectives in American History*, New Series 1 (1984), 343–57.

culately by John Stuart Mill.<sup>40</sup> Although he had earlier been a defender of secret voting he came round to the defence of openness about 1860, and for reasons that we find entirely congenial, with one exception. The exception is his occasional suggestion that in private people will vote their personal preferences over outcomes: we agree that they may not vote their judgements, but our argument in Section II suggests that equally they are unlikely to vote their preferences. The flavour of Mill's argument will be apparent from a few passages:

Thirty years ago it was still true that in the election of members of Parliament the main evil to be guarded against was that which the ballot would exclude – coercion by landlords, employers, and customers. At present, I conceive, a much greater source of evil is the selfishness, or the selfish partialities, of the voter himself. A base and mischievous vote is now, I am convinced, much oftener given from the voter's personal interest, or class interest, or some mean feeling in his own mind, than from any fear of consequences at the hands of others; and to these influences the ballot would enable him to yield himself up, free from all sense of shame or responsibility.

To be under the eyes of others – to have to defend oneself to others – is never more important than to those who act in opposition to the opinion of others, for it obliges them to have sure ground of their own. Nothing has so steadying an influence as working against pressure.

People will give dishonest or mean votes from lucre, from malice, from pique, from personal rivalry, even from the interests or prejudices of class or sect, more readily in secret than in public.<sup>41</sup>

But if the position we hold is not a novel one, it must also be recorded that in its past incarnation it was eventually defeated in political debate. The arguments that proved decisive all turn on the claim that voters who are unprotected by rules of secrecy are bound to be exposed to improper influences on how they make their decision. If we are to turn our case for open voting into a practical policy, then we must try to show that these arguments do not carry sufficient weight, at least in contemporary circumstances.

There are three main kinds of improper influence which anyone would want to denounce. The first is bribery, the second blackmail and the third a less explicit

<sup>40</sup> Bourke and DeBats draw attention to the fact that if Mill conducted an argument on broadly the American lines – they do not comment directly on his views – still there was an important contrast between the British and the American debate. The argument for *viva voce* voting in Britain was often expressed in terms of maintaining legitimate influence over the voter. In the United States, where it was less common to concede either the existence or the legitimacy of social influence, the argument could take the form of urging that only by public recognition could republican independence be encouraged and psychologically rewarded'. Paul Bourke and Donald DeBats, 'Identifiable, Voting in Nineteenth-Century America: Towards a Comparison of Britain and the United States before the Secret Ballot', *Perspectives in American History*, 11 (1977–78), 259–98, at p. 263.

<sup>41</sup> Mill, *Considerations on Representative Government*, pp. 302–6. Nor it seems was Mill excessively optimistic, at least about politics in the large cities; see Derek Fraser, *Urban Politics in Victorian England* (Leicester: Leicester University Press, 1976). Mill's line of thought is not of course without precedent in his intellectual culture. Consider for example the following remark by William Godwin, to which John Broome has drawn our attention: 'Virtue will always be an unusual spectacle among men, till they shall have learned to be at all times ready to avow their actions, and assign the reasons upon which they are founded'; William Godwin, *Political Justice* (Harmondsworth, Middx: Penguin Books, 1981), pp. 628–9.

sort of intimidation. The challenge before us is to show that none of these influences need be significant under an open system of voting like that which we propose.

Bribery is most likely to occur through a politician or political party paying money for someone's vote or promising a degree of patronage as payment in kind. It will be alleged that such bribery is neutralized by a regime of secrecy, since the briber is not in a position to know whether he gets what his bribe is designed to buy. The question is whether it is likely to create a problem in the open scenario that we envisage.

It might do so if the electorate were relatively small but we hold that it is not a real threat in large-scale constituencies. In such a context no one's vote would be worth enough for a politician to be willing to pay the sort of price that would plausibly be required. There would be so many votes to be bought in any case that no politician or party would be able to pay.<sup>42</sup>

Or at least to pay *ex ante*. It would be possible for a party to go to the polls on a policy, say, of halving the relative tax burden of those who can produce evidence of having supported it; this would be to offer a bribe *ex post*. But this abstract possibility would be difficult to institutionalize under our proposal, since we do not allow for a record of votes. And so far as it can be moulded into something more plausible, it takes the shape of a possibility which is equally realizable with secret voting. As things stand for example, a party might offer an *ex post* bribe by going to the polls on a policy of halving the relative tax burden of those whose names begin with one of the letters A to M, assuming that that is a sufficiently large list. The ethos of most democratic communities makes the proposal sound so outlandish as to be comic and we take courage from that fact. There is every reason to think that whatever further possibilities of *ex post* bribery are opened under our proposal will be effectively closed by the survival of just that sort of ethos.

The second improper influence which needs to be countered in any electoral system is that of blackmail. Where bribery promises a reward for supporting a politician or party, blackmail would threaten punishment for not providing such support.

The same points about numbers and ethos apply to many blackmail possibilities as apply in the case of bribery. But in practice the threat of blackmail arises in a distinctive fashion, not likely to be paralleled for bribery. As blackmail is usually envisaged, the fear is that the employer or landlord or union boss – anyone enjoying power over others – will threaten to punish those dependent on him unless they vote his line; or, more subtly, that he will establish a presumption in the minds of dependants that the first to suffer in any retraction of favour will be non-supporters.

Considered in this form, we do not think that blackmail would pose any par-

<sup>42</sup> See P. D. Finn, 'Electoral Corruption and Malpractice', *Australian Federal Law Review*, 8 (1977), 184–230, p. 197; 'With the advent of full adult suffrage, bribery of electors ceased to be a potent force of influencing electoral results. Large and anonymous electorates destroyed its breeding ground'.

ticular problem in the scenario we envisage. As things stand, those in power often have sufficient information to be able to pick off those who vote an uncongenial line. That they do not do so is probably due to a number of factors: that it is illegal to discriminate in the manner contemplated; that it runs against the common ethos and would attract unwelcome attention; and that in almost all situations where such blackmail is possible there is a balance of forces – employer versus union, landlord versus tenant association – which ought to militate against it. If these sorts of factor operate effectively in the current situation then we may equally expect them to provide a defence against blackmail in the scenario we prefer.

A third sort of improper influence which needs to be countered is that of intimidation. This is the influence effected through producing in people a diffuse sense of fear about what may happen to them if they do not vote a particular line. Suppose that a party is associated loosely with a bully-boy wing and that voters are given reason to believe that some sort of record of voting is being organized by the party. It might be impossible for the bully boys to retaliate against everyone in a large electorate who votes the wrong way but they may create such an atmosphere of terror that many are not willing to run the risk. The question then is whether intimidation is a real possibility in our proposed regime.

Our belief is that the law should be able to undermine the possibility of intimidation in the circumstances which typically prevail in contemporary Western democracies; it should be able to outlaw and inhibit intimidatory activities. But even were the law incapable of this, the fact that most such situations involve at least two powerful parties means that it may be in the interest of neither to go the road of intimidation; such an initiative might merely produce a similar response on the other side, thereby making both worse off.

We argued that bribery and blackmail are possible under rules of secrecy as well as in an open voting system and that they do not offer us reason to recoil from the unveiling of the vote. It must be admitted that rules of secrecy probably do offer a distinctive insurance against intimidation, at least if voters can be persuaded of their effectiveness. And so our position in response to the possibility of intimidation must be a conditional one.

We say that if intimidation is absent or can be eliminated from a society, then the open system of voting is preferable. But we admit that if it cannot be removed – if the situation is like that in Northern Ireland, for example – then the emergency circumstances involved probably require recourse, as a second best, to the secret system; there might be an independent tribunal established for determining when and where secrecy should be ensured. Although it is conditional, however, our position is not particularly modest. The fact is that in most circumstances intimidation of the kind envisaged is not a real problem and an open system of voting ought to work perfectly well.

It may be said in objection that it is no good making the secret vote conditional on intimidation, because an intimidatory party in power would never introduce secrecy. Our response is that the sort of intimidating government envisaged in the objection would scarcely be inhibited in any case by a secret

vote. It would already be in a position to gerrymander electorates, stuff ballot boxes and, in the last resort, dismantle the apparatus of democracy. When we say that the secret vote ought to be introduced under conditions of intimidation, we are thinking of the kind of situation where intimidation occurs on a number of sides and it is in the interests of all parties to have it reduced.

The problems posed by bribery, blackmail and intimidation were obviously thought to be more serious by nineteenth-century advocates of the secret vote. But this need not give us pause on its own, for much has changed since the last century, at least in Western democracies. Electorates are larger; the law is stronger and more interventionist; unions and other associations have emerged to produce a better balance of forces; and the experience of democracy has reinforced an ethos under which bribery, blackmail and intimidation create a great scandal.

There is a further influence which may be cited side by side with bribery, blackmail and intimidation. This is the social pressure which his associates bring to bear on an individual when they argue that he should vote this way or that. Clearly our open voting system would expose the voter to this pressure and it may be suggested that that in itself is a reason to object; that such an influence can be both unpleasant and undesirable.

We admit that the pressure may be unpleasant, and certainly will be for those untutored in saying where they stand. But we strongly resist the suggestion that it would be generally undesirable, at least in pluralistic societies.<sup>43</sup> Under current institutions, political parties and their activists enjoy a monopoly of legitimacy in approaching voters and seeking to influence their vote. Under the regime we propose, a thousand voices would take the place of this single sort of intervention. The atmosphere might be bracing but it would not be unhealthy. Where pressures are multiple and manifold, people's best defence is the habit of forming and arguing their own judgement. We think that this is a habit that democracy requires and we rejoice in the prospect of its being promoted.

One final remark. If someone is unpersuaded by the comments we have made on the dangers of bribery, blackmail and intimidation then we return to the lesson drawn at the beginning of the section. This is that if the secret vote is necessary to guard against those dangers, then that means that democracy cannot ever reach its proper form. The veiling of the vote was hailed in the nineteenth century as a triumph for democracy. It was nothing of the sort. It was a Pyrrhic victory which devalued the vote and alienated the citizenry. To hail such a result in the name of democratic ideals is either cynicism or ignorance.

## CONCLUSION

It may be useful in conclusion to restate the main points in our argument.

1. There are two normative ideals of voting, the preference ideal and the judgement ideal. According to the first it is desirable that voters vote between

<sup>43</sup> It may be undesirable, exceptionally, in the closed, homogeneous communities that pluralistic societies sometimes contain.

candidate policies or persons on the basis of how they rank them, all things considered: things personal as well as things public. According to the second it is desirable that they vote on the basis of how they rank the alternatives in the light of the common good.

2. These ideals involve two different mechanisms of collective decision: those, roughly, of an invisible and visible hand.
3. They are associated with different democratic traditions. The preference ideal belongs with the libertarian tradition and the tradition of decentralized utilitarianism. The judgement ideal belongs with the republican, participatory strain of democratic thinking.
4. The distinction between the ideals is missed by political theorists because of their over-concentration on the related but different distinction between representative and direct democracy; it is missed by economists of democracy, among other reasons, because of their reliance on a coarse notion of preference which subsumes judgement within it.
5. The institutions of the polling booth ought to be designed so that one or other of these ideas will be reliably realized. This is a modest and ecumenical normative standpoint.
6. Although the standard contemporary assumption is that the preference ideal is that which is ordinarily realized, it is demonstrable under rational choice assumptions that in a large electorate no institutions can make it feasible. The only ideal to which we can look with confidence is the judgement ideal.
7. There is evidence that people often vote their judgements but under the rule of secret voting we cannot rely on their doing so.
8. The judgement ideal will be more reliably realized if, in some measure, the veil is lifted from the vote, provided at least that the unveiling does not introduce extra problems like bribery, blackmail and intimidation.
9. The unveiling need not occasion improper influences of these kinds. There are reasons why they are less likely in contemporary advanced democracies than they were in the last century.
10. Even if those influences are thought too threatening to allow the unveiling of the vote, this article carries an important lesson. That is that the secret vote is something to be viewed with regret rather than complacency. It makes for a devaluation of the vote and a diminution of democracy.<sup>44</sup>

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