

Vindication of an Everyday Generalization Argument for a Duty of Political Participation

Samuel Tscharner

University of Bern

10.03.2021

Table of Contents

§1 Introduction	1
§2 The Argument by Lomasky and Brennan.....	4
§3 Jason Brennan's Argument – Broadening the Focus.....	7
§4 Non-Participation and the Feature of Unfairness	10
§5 Non-Participation and the Feature of Escalation.....	18
§6 Conclusion.....	20
Literature.....	22

§1 Introduction

In their paper from 2000, Lomasky and Brennan argue that there is no duty to vote (Lomasky & Brennan 2000). For that reason, they look at different arguments in favor of such a duty and refute them one after another. One of the arguments they examine and repudiate is the

generalization argument for voting (ibid., pp. 75-79)¹ which is often expressed in the following utterance:

But what if everyone were to stay home and not vote? The results would be disastrous! Therefore, I (you/she) should vote. (Lomasky & Brennan 2000, p. 75)

For revealing the putative invalidity of this argument, they do not concern themselves with the extensive discussion about the formal validity of generalization arguments in ethics. Such a discussion was conducted animatedly in the 1960s mainly as responses to a book by Markus Singer (1961; e.g. Wick 1962; Keyt 1963; Nakhnikian 1964). Rather, they consider the generalization argument as a heuristic tool that serves as a magnifying glass for a better recognizability of the ethical wrongness of some actions. While they admit that there exist cases where the generalization argument works persuasively to demonstrate that an action would be ethically wrong, they argue that non-voting does not belong to these cases.

I am not at ease with this conclusion. The generalization argument for a duty to vote is probably one of the most adduced arguments in everyday discussion, as also conceded by Lomasky and Brennan (2000, p. 75), to convince (in such cases mostly) politically rather ignorant or apathetic people that they should vote and take part in the elections. In those instances, the argument does not seem to be based merely on flawed thinking due to a lack of philosophical education in political issues and logic but to the contrary, has an intuitive reasonableness. Therefore, I want to vindicate the usage of the generalization argument for voting in everyday discussion. My goal is to show that the generalization argument can be understood as a heuristic for a persuasive argument for why one should politically participate in general or vote in particular. Therefore, its usage in everyday discussions can be justified. Although I argue in the following for a duty of political participation, I only commit myself to such a duty to the extent as it can be understood to be advocated in the most moderate case of application of the generalization argument in everyday discussion. Hence, I do not commit myself to a view that if there is a duty of political participation that a legislator would be justified to enact a law for compulsory political participation. Instead, I only commit myself to the view that a person who lives in a democracy is justified in being morally indignant and bringing forward the generalization argument for political participation if she learns that her dialog partner does not politically participate at all.

¹ All subsequent references to Lomasky and Brennan refer to these pages unless explicitly denoted. For quotations the exact page will be denoted, of course.

Since I only want to justify the generalization argument as a heuristic tool in everyday discussion, my argumentation starts with Lomasky's and Brennan's argument against the persuasiveness of a generalization argument for a duty to vote. I follow them by *not* making recourse to the discussion about the formal validity of generalization arguments in ethics. Instead, in §2 I reconstruct Lomasky's and Brennan's argument, thereby working out the two features which they use to discern whether or not for a certain case the application of a generalization argument is persuasive.

To apply the generalization argument persuasively, the action in question

- (1) has to constitute an unfairness (feature of unfairness) and
- (2) needs to tend to evoke a destabilizing chain reaction (feature of escalation).

Because they deem both features absent in the case of non-voting, they conclude that the generalization argument for voting is unconvincing.

In §3 I consider a line of argument by Jason Brennan (2011a) who argues that Lomasky and Brennan are correct in concluding that the Generalization Argument is not convincing in making a case for a duty to vote but their reasoning for justifying the conclusion is wrong. Furthermore, he reveals that the generalization argument can be interpreted as a heuristic for the so called „Public Goods Argument“ for a duty to vote. He, then, brings forward his own reasons why it is not able to justify such a duty. In consequence, his argumentation gives me the reason to broaden the focus from a duty to vote to a duty to politically participate in general.

In the subsequent two paragraphs, I return to Lomasky and Brennan's two features of the cases which are suitable for a persuasive generalization argument. Hence, in §4 I focus on the feature of unfairness and show that abstaining from any kind of political participation can be understood as an unfairness because it is an act of free-riding on the efforts of other people to provide political legitimacy for the democratic system of government. This finding is underpinned with an account of political legitimacy including proceduralist and instrumentalist arguments.

In §5 the feature of escalation is addressed, albeit to a considerably smaller extent. I point out that the whole argumentation in (Lomasky & Brennan 2000) for the absence of this feature in the case of non-voting is ill-conceived. While they illustrate the escalation effect and the contrasting self-stabilizing effect by reference to two exemplary cases which are for themselves intelligible and convincing, their transfer of the alleged self-stabilizing effect onto the case of non-voting is inadequate. What is stabilized or escalates into a collapse in both

exemplary cases is the provision of a certain collective good which is provided by the collective actions of the individuals in question. However, in their formulation of the non-voting case it is not the provision of a collective good that is stabilized but rather there occur some alterations in the features of the means of individuals that still vote. Thus, there the analogy breaks down, whereas on the other hand, it can be argued that in the case on non-participation there can occur an escalation effect in the provision of political legitimacy analogously to the exemplary case for the escalation effect adduced by Lomasky and Brennan. In the end, §6 concludes that the generalization argument for political participation in a democracy is of the persuasive kind, according to the criteria of Lomasky and Brennan, and therefore, it can rightfully be used in everyday discussion for convincing the dialog partner to go to the polls, if he does not politically participate in a different manner.

§2 The Argument by Lomasky and Brennan

Lomasky's and Brennan's discussion of the generalization argument for voting (Lomasky & Brennan 2000, pp. 75-79) starts by them doubting whether it would really be as bad as feared if nobody voted. They put forward that it is possible to imagine a possible world where there would be elections held but nobody voted because everything was in ideality and all contesting politicians were equally good leaders such that nobody would bother to vote. Obviously, the probability of this scenario tends heavily towards zero and would constitute a clear case of a defect democracy, even though everybody was fine with these circumstances. Furthermore, it simply does not seem legitimate to argue that it might be unproblematic if nobody voted by pointing out that there is no need for politics in paradise. However, they eventually concede „for the sake of argument that generalized non-voting would indeed be „undesirable“ (Lomasky & Brennan 2000, p. 76).

Their more sophisticated argumentation against the generalization argument for voting, on which I want to focus, works then in the following way: They present two cases in which generalization arguments for not engaging in a certain action are adduced. In one of the cases the generalization argument is intuitively persuasive while in the other case it is not. They highlight two features which distinguish both cases and are responsible for the persuasiveness of the first case and the unpersuasiveness of the second. Finally, they argue that the application of a generalization argument in the case of non-voting resembles rather the unpersuasive case because it would exhibit the same features.

For the case of an unconvincing generalization argument, they introduce a farmer who decides to quit her farming activity and move from the countryside to the city to become a dentist. Some people who learn about her new life plan and try to dissuade her from her plan by making the following generalization argument: „But what if everybody would do that and in consequence, nobody would supply farming products anymore? This would be disastrous! So, you should really not do this!“²

For the case of a convincing generalization argument, they change the scene to a lawn in the city in public space. In the spring months it is prohibited to walk over the lawn because the lawn needs to recover from the cold winter days and grow to new beauty since everybody wants to have a green lawn in summer. However, one resident who lives close to the lawn considers his time too valuable to walk around the lawn. Another resident who watches him walking over the lawn protests: „But what if everybody would just walk over the lawn? The result would be a bleak wasteland in the city and nobody wants that, not even you. So, you should really not do this!“

Lomasky and Brennan deem the case of the lawn transgressor to be persuasive because it displays two ethically relevant features:

1. Unfairness: The green lawn in summer is a public good provided by the compliance of all residents with the forbiddance of walking over it in spring months. With his contravention the lawn transgressor commits an act of free-riding on said public good. This is because if he stays the only one who does not comply, he can enjoy the public good in summer without having contributed to it.
2. Escalation: Every time the lawn transgressor walks over the lawn the quality of the lawn in summer might decrease to a diminutive degree. However, all the other people bear the costs of walking around the lawn while in the meantime the value of the public good slowly decreases. As a result of this, other people might feel treated unfairly and decide that the final value of the lawn does not balance out their costs of compliance. Hence, they would also start to walk over the lawn which might evoke the same reaction in even more people. Eventually, the one lawn transgressor might have caused a chain reaction that led to the feared outcome of a bleak wasteland.

² Maybe it needs to be remarked at this point that the cases are from Lomasky and Brennan but the small details of the narration are added by me. Although I took myself this right to creativity, the cases are not modified in regard of their essential points.

The case of the farmer, on the other hand, would have none of these features. The decision to change one's occupation does neither count as an act of free-riding nor is it plausible that it would cause an escalating chain reaction which resulted in a situation where all farmers quit their jobs. To the contrary, the farmers left would even have more reason to stay farmers. The latter effect results from the law of supply and demand. Since the demand for farming products does not decrease if farmer X changes her occupation, the other farmers left can benefit from additional purchases by the former customers of farmer X.

Lomasky and Brennan do not make the effort to explain why it would not be unfair of the farmer to change her occupation. I want to elaborate this somewhat more in detail.

Farming products can be characterized as collective goods as conceptualized by Seumas Miller (2010, p. 56f.). Collective goods (1) are produced and provided in an institutionalized manner by a joint activity, (2) they are available to the whole community either for free or on a free market and nobody can be wrongfully excluded from the provision and (3) they ought to be produced and provided to the whole community. Although this is already an ethically quite demanding characterization of farming products, it does not imply that everybody should start farming but only that there should be institutions in a community which guarantee that such products are provided. People who are not engaged in farming do not commit any ethical misdeed. Thus, by changing her occupation the farmer from the example does not commit any ethical misdeed since she does not have an individual duty to provide farming products.

In the case of the lawn transgressor the sight on the green summer lawn can be characterized as a public good. An ideal public good is non-excludable and non-rival (Gaus 2008, pp. 88f.). However, the features are almost never completely met. Moreover, it seems intuitive to say that most public goods are a particular type of collective goods.³ Regarding the sight on the lawn, it is non-excludable because everybody can enjoy the sight on the green lawn by passing by and to exclude people is rather difficult. It is non-rival because every person who enjoys the green lawn is thereby not subducting anything from anyone else. Even by making a picnic on the lawn *in summer*, one group of people alone does not diminish the quality of the lawn in a way that would greatly diminish the value of the lawn for others. However, since a public good is usually something that is generally desired and because nobody can be excluded from it, everybody should contribute at least to some minimal degree to its

³ Albeit, to my knowledge, Miller (2010) does not explicitly talk about the relation between public goods and collective goods.

provision. Hence, the lawn transgressor should, from a perspective of fairness, contribute to the provision of the lawn by not walking over it.

This is the reason, why in the example of the lawn transgressor there is an unfairness involved and thus, the application of the generalization argument is appropriate, whereas in the example of the farmer, no unfairness is involved and the application of the generalization argument is unsuccessful.

In the last step of their argument Lomasky and Brennan suggest that the case of voting is rather like the case of the farmer than the one of the lawn transgressor. Although they do not explicitly explain why non-voting should not be unfair but take it implicitly for granted, they elaborate on the putative self-stabilizing tendency. The weight of every single vote decreases with an increasing number of voters. Therefore, with every person that abstains from voting all the other people who are eligible to vote have more reason to use their votes, therewith averting an escalating chain reaction to the eventual collapse of the democratic system (cf. Lomasky & Brennan 2000, pp. 65-67 and 78). Consequently, they conclude that the generalization argument is unsuccessful in making a compelling case for a duty to vote.

§3 Jason Brennan's Argument – Broadening the Focus

In his book *The Ethics of Voting* Jason Brennan (2011a, p. 36ff.) agrees with the conclusion of Lomasky and Brennan that the generalization argument for voting cannot be made persuasively and that voting is more like farming than paying taxes or cutting across the lawn. Nevertheless, he rejects their line of argumentation and concedes that by voting one might indeed contribute to a public good. Therefore, it is not obvious without any discussion that non-voting would not be unfair and that there is no duty to vote. He takes good governance to be the public good in question. It could be the result of a democratic election and fulfills the abovementioned criteria for a public good. He then formulates the argument which can be considered to stand behind the heuristic generalization argument. He calls it the „The Public Goods Argument“ and it reads as follows (Brennan 2011a, p. 38):

1. Good governance is a public good.
2. No one should free-ride on the provision of such goods. Those who benefit from such goods should reciprocate.
3. Citizens who abstain from voting free-ride on the provision of good governance.
4. Therefore, each citizen should vote.

Although Jason Brennan agrees with Lomasky's and Brennan's contention that non-voting is not an act of free-riding, thereby refusing the third premise in accordance with them, he does so for different reasons. For refuting their argumentation, he points out a dilemma that occurs for them (*ibid.*, p. 39): Either all voters are good voters and every vote contributes to good governance or only some voters are good voters and not all votes contribute to good governance. The first scenario might be advocated by a proponent of a deliberative democracy approach in some form. She might hold that all voters ought to be rational and competent to some extent. Furthermore, to achieve a certain competence and going to the polls entails costs. Therefore, a non-voter would free-ride on the effort of all voters to provide the public good of good governance. This would mean that non-voting is unfair. Although the presuppositions of the argument in this first scenario are rather demanding, there is also a problem in the second scenario. If not every voter is a good voter, not every vote contributes to good governance. Hence, for every good voter who does not vote the chances for good governance decreases, thereby demotivating other good voters to go to the polls. This is because one good voter cannot compensate for a lost good vote, but the latter is irretrievably lost, the chances for good governance are irreversibly narrowed. Consequently, the self-stabilizing effect purported by Lomasky and Brennan is undermined by this elaboration on the second case.

For rejecting the third premise of the Public Good Argument, Jason Brennan takes a different approach to elucidate why non-voting is not an act of free-riding. To understand his argument, it needs to be perspicuous that if a person is free-riding on a public good, she does not contribute in any manner to provide the good. However, it is possible that there are several different ways to contribute to a public good. So, in the example of the green summer lawn, the gardener who actively takes care of the respective lawn might cut across it sometimes. In spite of this action that is prohibited to others and which is the usual way for others to contribute to the green lawn, the gardener cannot be said to free-ride on the effort of others to provide this public good because he still contributes to it, even though in a different manner.

Accordingly, Jason Brennan (2011a cf. Chapter 2) develops an extensive extrapolitical account on civic virtue. To reconstruct this account here would digress too far from the discussion at hand. The essential point is that it includes the claim that political participation is not necessary to count as a good citizen. Although many republican theorists would contend that engaging in political participation is essential for having civic virtue and thereby being a good citizen, Brennan holds that to be a good citizen merely implies that one has to

contribute in some way to the common good i.e., to the well-being of the society one lives in. Therefore, he writes:

But many activities stereotypically considered private, such as being a conscientious employee, making art, running a for-profit business, or pursuing scientific discoveries, can also be exercises of civic virtue. For many people, in fact, these are better ways to exercise civic virtue. (Brennan 2011a, p. 44)

Hence, Brennan's reason to reject the third premise of the Public Good Argument is not that he denies that voting can be a contribution to a public good or the common good in general. Instead, he holds that there are different possibilities to contribute to the common good and therefore, a non-voter is not necessarily free-riding (Brennan 2011a, p. 64f.). Even if one would not accept his account of civic virtue and insist that one has to contribute specifically to the public good of good governance, the point about the possibility to deploy alternative means for contributing to a public good stays intact. This makes it considerably harder to argue that non-voting would be an act of free-riding because one would have to show that there is no other possibility to contribute to good governance than by voting.

Three lessons can be drawn from the discussion up to this point which are relevant for the further progression of this paper:

First, it is important what one assumes to be the public good that is provided through voting. Jason Brennan as a prominent proponent of epistemic approaches to democracy (cf. Brennan 2011b) or even epistocracy (Brennan 2016) holds that voting is a tool to provide good governance. Accordingly, he also promotes the idea that there should be a duty not to vote in some cases (Brennan 2009). Although it cannot be denied that the outcome of a democratic decision should play a role in the assessment of its moral legitimacy, the public good promoted by voting extends beyond mere good governance. Therefore, in the next paragraph I argue that voting is a way to contribute to a more comprehensive public good, namely the political legitimacy of a democratic government.

Second, inspired by Brennan's argument, I want to account for the different possibilities available for contributing to political legitimacy. Therefore, I concede that it is possible to contribute to it by some other means than voting. However, I argue that it has to be a form of political participation which is significant in the democratic system of government. This is also the reason why activities that are considered private are not able to contribute to this public good. Thus, I do not accept Brennan's account of civic virtue but I make a concession by weakening the goal of the generalization argument. Instead of claiming that one

has a moral duty to vote, I admit that it only can point to a moral duty of political participation of some form.

Third, although Jason Brennan, by assuming good governance as public good, already pointed out a major flaw of the argumentation by Lomasky and Brennan, his own answer to the public goods argument only focused on the feature of unfairness in the case of non-voting. This at least depends on the assumption that there are different ways to contribute to good governance. Therefore, by assuming political legitimacy as public good that is provided by political participation and by arguing that this public good can only be provided this way I contradict Lomasky and Brennan and Jason Brennan at the same time, hopefully showing that non-participation in a democratic system of government is unfair. If this point is compellingly brought forward, it means that the first condition for a persuasive generalization argument for political participation is met, namely that the case of non-participation involves the feature of unfairness. This is the goal of the following paragraph. In the paragraph thereafter I focus again on the second condition, namely the feature of escalation.

§4 Non-Participation and the Feature of Unfairness

Lomasky and Brennan already anticipated a possible reaction on their argument which claims that voting would promote political legitimacy. However, they bluntly admit that they do not take this response seriously and indicate doubts about the meaning of the suggestion (Lomasky & Brennan 2000, p. 78f.). Furthermore, they contend that even if voting would promote political legitimacy, this fact would not directly imply a duty to vote. Hence, to address their doubts, two things need to be done next. First, it has to be given an account of political legitimacy and second, it has to be expounded why political legitimacy is a public good which can only be contributed to by political participation. If political legitimacy is such a public good, it would be unfair not to engage in political participation and thus, there would be a duty to politically participate.

In a nutshell, political legitimacy can be characterized as the moral permission to use political power. Buchanan (2002, pp. 689-690) writes:

According to the terminology I am recommending, an entity has political legitimacy if and only if it is morally justified in wielding political power, where to wield political power is to attempt to exercise a monopoly, within a jurisdiction, in the making, application, and enforcement of laws.

While this quote by Buchanan specifies what political legitimacy means and what is legitimized, the following definition by Estlund (2008, p. 41) functions as a appropriate complementation:

I will say that a state's uses of power are legitimate if and only if they are morally permitted owing to the political process that produced them. [...] I defend a certain sort of necessary condition on the legitimate exercise of political power: that it be justifiable in terms acceptable to all qualified points of view. [...] I will use the term *legitimacy* primarily as applying to acts and threats of coercive enforcement. In a derivative use of the term, I will speak of a legitimate law. This just means that the law is such that the state would, owing to the law's procedural source, be permitted to enforce it coercively.⁴

The narrow definition of political legitimacy by Estlund as moral permission to exercise political power is perfectly compatible with Buchanan's. Moreover, both characterizations correspond in spelling out how the political power is exercised namely by making and enforcing laws. However, the characterization by Estlund already points in the direction of how political legitimacy can be provided. It is strongly connected to the political processes which underlie the establishment of a government.

There are two stereotypical approaches to explain how political legitimacy of a democracy comes about, namely either the instrumentalist or the procedural approach (Peter 2017, sect. 4) The former purports that political legitimacy is rendered solely through good political institutions and decisions as outcome of political processes. In the case of a democracy, the political legitimacy of democratic procedures and the elected government is based on the quality of the election outcome and the doing of the government. The proceduralist view, on the other hand, holds that political legitimacy depends on the quality of political procedures. These are the two monist approaches but there are also pluralist attempts to formulate theories between these two poles, as Christiano (2004, p. 266) profitably distinguishes. I do not commit myself to one particular stance but give both arguments from procedural and instrumental considerations. However, also the instrumental arguments aim to procedural democratic values.

⁴ The „[...]“ indicate sentences which were omitted by me.

Although it should be intelligible by now what „political legitimacy“ is referring to, the criticism and lack of understanding by Lomasky and Brennan might not have been directed at the meaning of „political legitimacy“ but about the graduality of legitimacy which are expressed by statements like „The more people politically participate, the more political legitimacy is reached“. Both questions, how political legitimacy is achieved as well as how gradual legitimacy may be understood, are important for the claim that political participation is the means to promote the public good of political legitimacy and are addressed in the proceduralist argumentation. However, before addressing them, it needs to be clear why political legitimacy is a public good.

As already elucidated in §2, a public good is ideally non-rival and non-excludable. In the case of political legitimacy both these criteria are satisfied. Hopefully, it is generally accepted that if somebody has to deal with a government and has to live under its rule and its doings it is desirable that the government is politically legitimate. Thus, it is a desirable good. If the government has political legitimacy its laws, the application of them and their enforcement are legitimate for all persons in their territory. Thus, it is non-excludable. The legitimacy is also not consumed by the individual persons such that they would leave less legitimacy for others. Thus, it is non-rival. Consequently, political legitimacy is a public good. However, one still has to accept that political legitimacy is actually the better candidate than good governance to be accepted as the public good that should be provided by political participation. For people with an epistemic approach to democracy (as e.g. Jason Brennan) it can fairly be stated, that they have an instrumental stance on political legitimacy and ground it on the quality of outcome of political decisions or, in the words of Jason Brennan, in „good governance“. As Hill (2016, pp. 283f., 288f.) explains the epistemic approaches of democracy are mistaken in assuming that democracies were established to bring about correct political decision. The aim was not primarily to end up with a better government but with a government whose power is smaller and less arbitrary. It was a means to address the partiality and biases all people in power will show because they have attachments, families and other private interest. Hence, even if the people in power are the epistemically most suitable candidates to govern, their decisions can only qualify as one opinion among many.

Therefore, democracies were developed to deal with arbitrary asymmetries of power and to establish a system in which power is shared and the interest and opinions of all people are considered. So, even if democratic decisions with more participation would bring about worse outcomes than democratic decisions with less participation it would not immediately entail that the latter is more desirable. Furthermore, less participation was already from the beginning of modern democracies considered to be a problem for the legitimacy of the democratic government (Birch 2008, p. 45). The criterion of „good governance“ as expression for the mere quality of outcome of political processes does not seem fit to ground political legitimacy in a democracy but rather in forms of epistocracy (Estlund 2008, pp. 21ff.). Therefore, the question is not whether good governance or political legitimacy is the better candidate for the public good in question but to regard good governance as the public good is itself an account on political legitimacy which is, as was just argued, not an appropriate account for a democracy.

From a procedural point of view the political legitimacy of a democratic system of government has its origin in its acknowledgement of the political equality of all persons (e.g. Buchanan 2002, pp. 711ff.; Estlund 2008, pp. 33ff.). If we accept that we are all fundamentally equal in our entitlement to political power, every asymmetry in power needs to be justified in some way. Estlund (2008, pp. 40ff.) for example, addresses this problem by formulating his „qualified acceptability requirement“ which says that there cannot be legitimate political power without a justification in terms that are beyond qualified rejection. Since we would never agree without a qualified rejection on a person or a group of people that should have the power to make political decisions in a political community (no invidious comparison principle), we will end up giving everybody a say. Thus, by giving everybody a say we accept our political equality.

Political equality is, however, not automatically achieved by giving everybody a vote. Dahl (1979, pp. 101ff.) advanced the argumentation that for a governmental system to count as fully procedurally democratic there needs to be next to political equality, expressed in the right to vote and to run for a public office, also „effective participation“, „enlightened understanding“ and the final control of the agenda by the demos.

With the criterion of effective participation, he aimed at the idea of lively and open public discourse enabled by the freedom of expression and opinion. In a democracy it has to be possible to place critical questions concerning political decisions and to bring forward one's own reasons for or against the debated options. Furthermore, the relative costs of participation must not be so high that it becomes unattractive or even unaffordable to engage in it. A governmental system which would not ensure effective participation would de facto violate political equality.

With the criterion of enlightened understanding, Dahl pointed at the freedom of information and freedom of the press. In the political process people have to be able to inform themselves and forge their opinion. Therefore, information to a political discussion which is relevant for opinion formation must not be suppressed and people have to have enough time before the election to gather, contemplate and discuss the relevant information.

Finally, the agenda has to be controlled by the demos. This means that all people have to decide together on which matters they will take binding decisions and which matters can be delegated to an elected authority, such that the highest decisional power lies with the people. Critics of this procedural characterization of political legitimacy sometimes argue that it would allow for terrible decisions because people might, for example, decide against some minorities in the country and as long as the mentioned criteria are met the decisions would be politically legitimate. However, as Cohen (1997, pp. 103f.) argued, to make such discriminating decisions would be to undermine the procedural values, especially political equality, and therefore proceduralist can successfully account for this issue.

A further indication that the procedural approach is adequate to evaluate the political legitimacy of a democratic government is that it is also used to evaluate democracies in research. For instance, the Democracy Index by The Economist Intelligence Unit (EIU) (2019, p. 51) uses similar criteria to the ones pointed out by Dahl. Next to the electoral process (fair and free competitive elections), they check also for pluralism in the democratic landscape, the warranty of civil liberties, whether there is lot of apathy and abstention and if there is a healthy political culture such that the political institutions are accepted and power is peacefully transferred etc. Similar criteria (though not as demanding as the ones applied by

EIU) are also used by FreedomHouse to evaluate the conditions of democracies (FreedomHouse 2020).

The political legitimacy of a democratic government can be said to depend on all these elements of a democratic governmental system. Moreover, although this characterization implies various viable options to contribute to political legitimacy, it constraints the possible means to political participation of some form that is a realization or maintenance of these criteria. It should also be intelligible after these clarifications how political legitimacy can be understood as a gradual concept since these criteria can all be fulfilled to various degrees.

However, the critic may contend that even if the political legitimacy of a democratic government depends on these procedural criteria brought forward by Dahl, they do not directly imply a duty of political participation. It would be enough that people have the right to vote, to run for public office, to form and join political associations, to express their opinion, pose their questions, provide, gather and discuss relevant information and influence the political agenda but the possession of these rights does not oblige them to actually exercise them.

For a first reply, I want to carry on with the proceduralist line of argumentation: As Engelen (2007, p. 25) remarks in connection to voting, the concept of democracy cannot imply that laws are enacted by a legislator that only represents a minority of the people. The less people vote, the less legitimization there is for the democratic government. A similar argument concerning the turnout in elections can be found in Birch (2008, p. 45) who also argues that the legitimacy of a government depends on the voter participation because with full participation all people are truly and accurately represented as equals. To realize the equality of all people they also should really engage in voting.

The critic might protest that this line of reasoning is begging the question. It does not explain why the legitimacy of the democratic government should be diminished if all people possess the rights in question but most of them do not exercise them.

I think the answer lies in a *de jure-de facto*-distinction. The points of Birch and Engelen hold quite intuitively if illustrated for political participation in general, understood as exercising the rights entailed by the criteria propounded by Dahl. Imagine a country E where political

participation of any form is barely happening; There are only two parties with almost no members, political journalism is hardly existent, people do not engage in any form of campaigning or political discussion and the decisions are eventually only made by a small political elite. It seems quite intuitive that people of a thriving democracy D in which political participation is an overly common activity would doubt that country E is a democracy. Even if they would learn that people in E actually possess all the same rights as people in D, they would probably not believe that the government in E holds political legitimacy as required in a democracy. Thus, in the argumentation by Engelen and Birch the intuition is expressed that rights which are only *de jure* do not constitute already a legitimate democratic government, i.e. a government who is morally permitted to exercise political power. Rather, the legitimacy can only be achieved if the rights of the people are *de facto* manifested in their exercise of those rights. The more these rights are actually used in a democratic state, the more legitimacy for the democratic government is achieved. If people instead do not engage in these activities even though they have the respective rights, the democratic procedure which legitimizes the democratic government fades away and with it decreases the legitimacy. The rights provided by law are only the conditions of the possibility for the political legitimacy of the democratic government. They are the conditions for the procedure which legitimates the government but the procedure needs to take place.

Therefore, if political legitimacy is a public good which can only be provided by the democratic procedure understood in this broad sense, then the mere right to realize the procedure is not sufficient to provide political legitimacy. Furthermore, if the procedure can only be realized by political participation, people have duty to politically participate to bring the public good of political legitimacy about.

The credibility of the argument may be strengthened additionally by pointing to the fact that in history the right to vote was often not understood as a private matter (Birch 2008, pp. 41-42). To vote was seen as something one owed to the political community, for example, by some delegates at the French Constituent Assembly in 1791 or by John Stuart Mill. Both took the right to vote to be rather a trust than a right.⁵ It was a function established for

⁵ A more recent argument against a right not to vote is brought forward by Lardy (2004).

society not for the individual and therefore they had to use it in the best interest for society. For the other political rights which are implied by Dahl's criteria for a full democracy can be argued analogously. This view can also be justified with the previous argumentation concerning political legitimacy as a public good and political participation as the means to provide it.

Up to here, all deliberations were solely proceduralist. However, the duty to political participation can also be argued for by making a step towards more instrumental justifications. In this line of argumentation, the duty to vote does not directly follow from the procedural criteria but from the goal to maintain them over time. This way the proceduralist values i.e., the political legitimacy, still found the duty to political participation but do not function anymore as a starting point but as a perpetuated outcome. As Hill (2016, pp. 293-295) and also Engelen (2007, p.24) point out, it is usually the less well-educated and less wealthy people who do not participate in elections. Therefore, low voter turnout means unequal and socio-economically biased turnouts. If high economic inequality undermines democratic values (cf. e.g. Ferejohn 2009; Levin-Waldman 2016) and the interests of socio-economically disadvantaged people are less accounted for in governmental decisions because they abstain more often from voting, then at least in the long term the criteria for the legitimacy of the government are at risk. Hill refers to many empirical work which suggest that more participation in elections has countering effects to these risks: they indicate lower levels of corruption, better wealth distribution and that the interest of voting people are taken more into consideration in governmental decisions. Additionally, Umbers (2018) advances a similar argument that people free-ride on the efforts of other members of their social group or a group with the same political interests. Even if it is not true that voting provides more responsiveness of the government to one's own interest in particular or to the interest of society overall, every vote that is missing from a member of a social group decreases the responsiveness of the government to that social group.

Thus, in these lines of argumentation a duty to vote is justified not to practically realize the procedure for providing political legitimacy in the present but to prevent a slinking decay of preconditions for practically realizing the procedure in the future.

The argument by Hill or Umbers only observed the effects of an ample voting turnout on the political legitimacy of a democratic government. However, an analogous reasoning applies to the other political rights. The exercise of these rights, be it an extensive and versatile political discussion in public or political journalism and other forms of information provision, are connected to sophisticated techniques and institutions. Furthermore, they live from innovation and progress with every contribution by the individuals in the political community. If these institutions are not maintained, e.g. there are almost no platforms for political debates and no newspapers who provide information about political topics, the exercise of said rights becomes much harder and less effective. This is true for the political community in general but also in regard of particular social groups in that political community as submitted in the argument by Umbers.

All these deliberations show how political participation provide political legitimacy in a democracy thereby also illustrating that it is a contribution to a public good. Political participation can be understood therein as de facto realization of the criteria for political legitimacy or as contribution to their maintenance over time. Although in this interpretation the options to contribute one's share to the public good in question might still be manifold, they nevertheless are restricted to forms of political participation i.e., participating in the political institutions which are essential for political legitimacy in a democracy. Hence, to be a good citizen according to the characterization of Jason Brennan would not suffice. Thus, not to engage in political participation understood in such a broad sense would be to free-ride on the effort of other people in the democratic state to provide political legitimacy of the democratic government. In conclusion, non-participation would be an act of unfairness and the first condition for a convincing generalization argument according to Lomasky and Brennan is fulfilled.

§5 Non-Participation and the Feature of Escalation

After all these elaborations it is called for a return to the discussion of the generalization argument of Lomasky and Brennan. After all, their rejection of a generalization argument for a duty to vote is primarily based on an analogy between the stabilizing effect in the

scenario with the farmer who wants to become a dentist and the stabilizing effect in the scenario of a non-voter. They more or less overtly presuppose that non-voting is not an act of unfairness. As conceded above after the discussion of Jason Brennan's argument, it is not an unfairness per se. However, there is disanalogy in their argument that needs to be pointed out. While it might not be disastrous in the case of voting, it is decisive to show that the generalization argument for a duty of political participation is convincible to the standard of Lomasky and Brennan.

As already mentioned in §2 it is not entirely clear what the stabilizing effect or escalation effect brought forward by Lomasky and Brennan applies to i.e., what is stabilized or escalates. A plausible interpretation seems to be that what is escalating or stabilized is the provision of a collective good. In the case of the farmer, the collective good is the farming products provided by the people working in the agrarian sector. In the case of the lawn transgressor, the collective good was the quality of the green summer lawn. This collective good is a special kind of collective good, namely a public good. The difference between these goods rendered the former case unsuitable for a generalization argument against the changing of one's occupation but made the generalization argument against cutting across the lawn persuasive. However, in the case of non-voting no collective good was affected. The stabilizing effect was applied to the weights of the individual votes of the voters left which cannot really be characterized as collective goods but are rather a feature of the means to bring a collective good about. In analogy to the farmer case, it would resemble the circumstance that as soon as the farmer in question becomes a dentist the workforce of the other farmers enhances and their farmland becomes more fertile. The argument only works in the case of the farming products because they are a collective good which is distributed by a free market and is therefore governed by the law of supply and demand which permits the assumption of a stable provision of the collective good at hand as long as the demanding side is not changing. However, it does not allow to assume that the means of the farmers left magically enhance. This disanalogy is particularly significant because the generalization argument aims at a collective good. When the people try to dissuade the farmer from her plan to become a dentist by bringing forward the generalization argument, they are obviously concerned about the provision of the collective good of farming products and not about the features of the means necessary to provide such products. The same pertains for people who bring forward a generalization argument against non-voting. They are concerned about the provision of a collective good that is contributed to by voting and not about the weight of individual votes.

If the collective good provided by voting is political legitimacy and therewith a public good, as argued in the previous paragraph, the case of non-voting resembles more the lawn transgressor case. Analogously to the lawn whose quality decreases every time the lawn transgressor walks over it, political legitimacy decreases with every person who does not vote. Similar to the lawn transgressor case other people might feel frustration over this fact and stop to contribute their share to the public good as well. Therefore, it can be argued for an escalation effect in the case of non-voting and also the second condition for a persuasive generalization argument for a duty to vote would be fulfilled.

However, since Jason Brennan's thoughts have revealed that all options to contribute to a public good need to be considered, the effect does not plausibly occur if voting is observed in isolation. First, because it does not constitute an act of unfairness and second, because non-voting does not necessarily entail non-participation. Therefore, the escalation effect might be absorbed through other acts of political participation.

Nevertheless, at that point the step towards a generalization argument for a duty of political participation is a small one. As advocated in the previous paragraph non-participation is an act of unfairness because it would be free-riding on the efforts of others to provide political legitimacy. In continuation of the reasoning above about non-voting or lawn transgressing, it can be made the case for an escalation effect if less and less people would engage in political participation. Not only could people who still participate feel frustrated because their effort cannot lead to more political legitimacy since a certain degree of political legitimacy is irreversibly lost with every person that abstains from participating but furthermore, their actual ability to participate effectively might decrease if fewer people provide platforms for political discussion or information relevant for political decision.

Consequently, there is the possibility of an escalation effect concerning political legitimacy due to non-participation. Thus, non-participation exhibits both features Lomasky and Brennan posed as conditions for a persuasive generalization argument.

§6 Conclusion

In this paper I attempted to vindicate the usage of the generalization argument in everyday discussion to argue for a duty of political participation at least as a heuristic for a valid argument. I started out with the discussion of Lomasky and Brennan about the generalization argument for a duty to vote. They contend that the generalization argument for a duty to vote is unpersuasive because non-voting is not an unfairness and because there is a self-

stabilizing effect regarding the weight of the individual votes. In a next step, the argumentation of Jason Brennan was discussed. This revealed on the one hand, that the generalization argument for a duty to vote can be understood as a heuristic for a public goods argument and on the other hand, he points out that the argumentation by Lomasky and Brennan is flawed indeed but their conclusion that non-voting is not an unfairness is correct. If there are other options to contribute to the public good which is provided by voting, non-voting does not necessarily constitute an act of unfairness. Incorporating Jason Brennan's deliberation, I subsequently argued that the public good that is provided by voting and other forms of political participation is political legitimacy of a democratic government. Thus, not to engage in any form of political participation would be an act of free-riding on the effort of others to provide political legitimacy. Therefore, non-participation fulfills the first condition for a convincing generalization argument according to the measures of Lomasky and Brennan. In a last step, I tried to show that the self-stabilizing effect purported by Lomasky and Brennan in the case of non-voting does not exist in the case of non-participation. Therefore, non-participation also fulfills the second condition for a convincing generalization argument. Consequently, a generalization argument for a duty of political participation can be brought forward in everyday discussion as a heuristic for a public good argument for such a duty. I did not discuss the soundness of generalization arguments in ethical matters but merely relied on the characterization of these arguments by Lomasky and Brennan. Furthermore, I do not want to commit myself to a strong duty of political participation which would entail that a government would be justified to enact a law for compulsory political participation. My goal was merely to point out that the common usage of a generalization argument in everyday discussion to convince the discussion partner that he should vote or engage in other political activities can be justified and is not a mistake due to a lack of philosophical education or logical thinking. I think this is relevant because the alternative is that a notable piece of everyday argumentation would appear to be flawed, although it is in most cases intuitively adjudged persuasive. Nevertheless, the paper also reveals that the application of a generalization argument to convince the discussion partner that he should go to the polls is only justified if that person does not engage in political participation at all, since the generalization argument is only persuasive for a duty of political participation in general but not for a duty to vote in particular.

Literature

- Birch, S. (2008). *Full Participation. A Comparative Study of Compulsory Voting*. Manchester: Manchester University Press.
- Brennan, J. (2009). Polluting The Polls: When Citizens Should Not Vote. *Australasian Journal of Philosophy*, 87(4), pp. 535-549.
- Brennan, J. (2011a). *The Ethics of Voting*. Princeton, New Jersey: Princeton University Press.
- Brennan, J. (2011b). The Right to a Competent Electorate. *The Philosophical Quarterly*, 61, pp. 700-724.
- Brennan, J. (2016). *Against Democracy*. Princeton: Princeton University Press.
- Buchanan, A. (2002). Political Legitimacy and Democracy. *Ethics*, 112(4), pp. 689-719.
- Christiano, T. (2004). The Authority of Democracy. *The Journal of Political Philosophy*, 12(3), pp. 266-290.
- Cohen, J. (1997). Procedure and Substance in Deliberative Democracy. In S. Benhabib (Ed.), *Democracy and Difference. Contesting the Boundaries of the Political* (pp. 95-119). Princeton: Princeton University Press.
- Dahl, R. A. (1979). Procedural Democracy. In P. Laslett, & J. Fishkin (Eds.), *Philosophy, Politics, and Society. Fifth Series* (pp. 97-133). Oxford: Basil Blackwell.
- Engelen, B. (2007). Why Compulsory Voting Can Enhance Democracy. *Acta Politica*, 42, pp. 23-39.
- Estlund, D. (2008). *Democratic Authority. A Philosophical Framework*. Princeton and Oxford: Princeton University Press.
- Ferejohn, J. (2009). Is Inequality a Threat to Democracy? In L. Jacobs, & D. King (Eds.), *The Unsustainable American State* (pp. 34-57). New York: Oxford University Press.
- FreedomHouse. (2020). *Freedom in the World 2020 Methodology*. Washington: FreedomHouse. Retrieved March 8, 2021, from <https://freedomhouse.org/reports/freedom-world/freedom-world-research-methodology>
- Gaus, G. F. (2008). *On Philosophy, Politics, and Economics*. Belmont: Wadsworth Cengage Learning.

- Hill, L. (2016). Voting Turnout, Equality, Liberty and Representation: Epistemic Versus Procedural Democracy. *Critical Review of International Social and Political Philosophy*, 19(3), pp. 283-300.
- Keyt, D. (1963). Singer's Generalization Argument. *The Philosophical Review*, 72(4), pp. 466-476.
- Lardy, H. (2004). Is there a Right not to Vote? *Oxford Journal of Legal Studies*, 2, pp. 303-321.
- Levin-Waldman, O. M. (2016). How Inequality Undermines Democracy. *E-International Relations*. Retrieved March 8, 2021, from <https://www.e-ir.info/2016/12/10/how-inequality-undermines-democracy/>
- Lomasky, L. E., & Brennan, G. (2000). Is There a Duty to Vote? *Social Philosophy and Policy*, 17(1), pp. 62-86. doi:10.1017/S0265052500002533
- Miller, S. (2010). *The Moral Foundations of Social Institutions. A Philosophical Study*. New York: Cambridge University Press.
- Nakhnikian, G. (1964). Generalization in Ethics. *The Review of Metaphysics*, 17(3), pp. 436-461.
- Peter, F. (2017). Political Legitimacy. (E. N. Zalta, Ed.) *The Stanford Encyclopedia of Philosophy*. Retrieved February 28, 2021, from <<https://plato.stanford.edu/archives/sum2017/entries/legitimacy/>>
- Singer, M. G. (1961). *Generalisation in Ethics*. New York: Alfred A. Knopf.
- The Economist Intelligence Unit. (2020). *Democracy Index 2019. A Year of Democratic Setbacks and Popular Protest*. London: EIU. Retrieved March 8, 2021, from <https://www.in.gr/wp-content/uploads/2020/01/Democracy-Index-2019.pdf>
- Umbers, L. M. (2018). Compulsory Voting: A Defence. *British Journal of Political Science*, 50(4), pp. 1-18.
- Wick, W. (1962). Review: Generalization and the Basis of Ethics. *Ethics*, 72(4), pp. 288-298.