Beyond the Voting Debate

Abstract

Many political philosophers contend that citizens have a moral obligation to vote. Those who do not ignore important values, are wrongfully complicit in injustice, and undermine the foundations of democracy. Others argue that given the insignificance of individual ballots, voting is too costly to be rational, much less obligatory. In this article, I develop an alternative account of civic ethics that avoids the unattractive features of both these positions. Citizens, I argue, do not have a duty to vote. But this is not because voting is morally insignificant. Instead, it is because the act is non-unique. Rather than having a duty to go to the polls, citizens instead have a responsibility to do their share of *civic work*— a class of actions that includes but is not limited to voting. Many can satisfy this duty without casting a ballot. However, those who take this option do not float free of obligation; they must satisfy it in other forms. Our mistake, I show, has been treating voting as a distinct morally significant act rather than as one component of a complex joint project to which citizens bear responsibility.

Beyond the Voting Debate
<Identifying Details Redacted>

Voting is how we participate in a civic society.
Loretta Lynch

It is not your responsibility to finish the work [of perfecting the world],
but you are not free to desist from it either.
Rabbi Tarfon

In October 1956 founder of the N.A.A.C.P. W.E.B. Du Bois announced that he would not vote. Sixty years later the activist Colin Kaepernick did the same. Both pronouncements were greeted with outrage. "Sorry. Good citizens vote," wrote one columnist on Kaepernick, "It's not only their right, it's their duty."[1]

Folk logic agrees.[2] Non-voters, the theory goes, are lazy, self-centered, bad community members, to blame for poor policies. Many political philosophers concur.[3] Those who avoid the ballot box, argue writers such as Eric Beerbohm, Alexander Guerrero, Thomas Christiano, and Julia Maskivker, ignore an important value, contribute to the downfall of democracy, and are wrongfully complicit in injustice.[4] Others, such as William Riker, Loren Lomasky, Christopher Freiman and Jason Brennan, are skeptical. Given the insignificance of individual ballots and the challenge of voting well, they find voting too costly to be rational, much less obligatory.[5]

I find both positions unattractive. The former implies that activists like DuBois or Kaepernick, generals like William Tecumseh Sherman and George Marshall, presidents like Zachary Taylor and George Bush, or journalists like Jim Lehrer, and Leonard Downie Jr. – all who devoted their lives to civic causes but who did not or do not vote—are significantly lacking as good citizens. The latter is equally unappealing. Elections have serious consequences and voting well comes at meaningful cost. It seems wrong to conclude that those who avoid the polls owe

[1] George Skelton, "Colin Kaepernick as 'citizen of the year'? Not quite — good citizens vote" LA Times, Nov 20, 2017.
[2] André Blais, *To Vote or Not to Vote?: the Merits and Limits of Rational Choice Theory* (Pittsburgh, PA: University of Pittsburgh Press, 2000).
[3] Eric Schwitzgebel and Joshua Rust, 'The Self-Reported Moral Behavior of Ethics Professors,' (2011), March 16 https://faculty.ucr.edu/~eschwitz/SchwitzAbs/EthSelfRep.htm.
[4] Richard Tuck, *Free Riding* (Cambridge, MA: Harvard University Press, 2008); Anthony Downs, *An Economic Theory of Democracy* (New York, NY: Harper and Row,1957); Eric Beerbohm, *In Our Name: The Ethics of Democracy* (Princeton, NJ: Princeton University Press, 2015).
[5] William H. Riker and Peter C. Ordeshook, "A Theory of the Calculus of Voting" *American Political Science Review* 62(1) (1968), 25–42; Mark Gray and A. Wuffle "Vindicating Anthony Downs," *PS: Political Science & Politics* 38(4) (2005), 737–40.

nothing to those who make the effort, or to find nobody at fault when too few people weigh in at the ballot box.

In this article I develop an alternative that avoids these unattractive conclusions. Citizens, I argue, do not have a duty to vote.[6] But this is not because voting is morally insignificant. Instead, it is because the act is non-unique. Rather than having a duty to go to the polls, citizens instead have a responsibility to do their share of *civic work*— a class of actions that includes but is not limited to voting. Many can satisfy this duty without casting a ballot. However, those who take this option do not float free of obligation; they must satisfy it in other forms. Our mistake has been treating voting as a distinct morally significant act rather than as one component of a complex joint project to which citizens bear responsibility.

The argument proceeds as follows. In the first section I reveal a problem with the traditional voting debate. Proponents of voting erroneously treat the ballot as unique. Corrected, their arguments fail to show that citizens have a duty to go to the polls even if we accept their accounts of the act's value. Indeed, they prove unjustified in making any concrete claims about how citizens ought to behave. To provide actionable guidance advocates must develop allocative theories explaining how citizens should relate to the whole class of actions of which voting is merely one instance. In section two, I take up this work with regard to one prominent account, the claim that citizens must vote in order to treat co-nationals fairly. This argument, I show, overlooks other ways in which citizens might satisfy their obligations. Rather than having a duty to vote, I argue that citizens have a responsibility to do their share of civic work—a category larger than proponents acknowledge, but smaller than critics recognize. As I show in section four, this approach permits a more nuanced account of good citizenship, one that escapes the frustrating binary that has plagued discussions of voting, reflects the structure of actual political institutions, avoids controversial claims about rationality and causation, better speaks to the moral standing of the poor and marginalized, and reconciles our desire for fairness with an interest in avoiding unnecessary labor.

Though voting is the topic of this paper, it is worth noting that the implications of the approach I develop go much further. As I will show, the act is merely one member of a class with which it is commensurable. The argument is thus equally suggestive of how we should understand other civic acts like obeying the law, serving in the military, donating, and volunteering. It therefore offers the possibility of unifying what have long remained unsatisfyingly disparate accounts of civic ethics.

1. AGAINST A DUTY TO VOTE

[6] I follow convention in speaking of citizenship and citizens but have in mind something more like sustained life in a particular community. I take it to be an advantage of the view I develop here that it can speak to residents who have no legal right to vote.

Debates about a duty to vote typically focus on the veracity of the claims made by those who contend the act has actionable moral value—can rational self-interested people have reason to cast a ballot given expected costs and benefits? Can citizens be accountable for policy choices they could not have prevented? My focus, however, is on what happens if we accept for the sake of argument that voting has the values said to lend it moral significance. Even then, I contend, it does not follow citizens have a standing duty to go to the polls.

My claim turns on a methodological move. Questions of civic ethics are typically considered in isolation. Should citizens obey the law?[7] Should they vote?[8] Serve in the military?[9] This has advantages; narrowing our vision eases discussion and focuses attention. Yet as we shall see, this piecemeal approach seriously distorts our understanding of good citizenship, giving unjustified weight to individual acts. I will argue that to understand civic obligations we should view such actions as often commensurable package components of a complex joint scheme rather than approaching them individually.

Arguments for a duty to vote fall into roughly three categories. The first focuses on *promoting valuable states of affairs.* Elections determine where roads are built, what schools succeed, if the poor are fed, who dies in war.[10] They are vital to the preservation of democracy.[11] These things matter morally. Advocates have thus suggested that citizens should vote to bring about good outcomes, or in more sophisticated forms, so as to contribute to such outcomes even if their actions are not difference-making.[12]

Other defenses seek to solve the "paradox of voting" by centering *relational obligations.* On these accounts, citizens must vote to *stand in right relation* with co-nationals. Some contend that doing so is required to act *fairly* by not free-riding.[13] Others argue that citizens have a duty of rescue to do their share of saving people from the harms they would face absent things like a clean environment or public safety, or that they have a Samaritan duty of aid to vote in order to promote things

[7] George Klosko, *Political Obligations* (Oxford: Oxford University Press, 2010).
[8] Jason Brennan "Polluting The Polls: When Citizens Should Not Vote," *Australasian Journal of Philosophy* 87(4) (2009), 535–49.
[9] Jeff McMahan "On the Moral Equality of Combatants," *Journal of Political Philosophy* 14(4) (2006), 377–93; Eliot Cohen, *Citizens and Soldiers: The Dilemmas of Military Service* (Ithaca: Cornell Univ Press, 1990).
[10] Derek Parfit, *Reasons and Persons* (Oxford: Clarendon Press, 1987), pp. 73-75.
[11] Downs, 1957, pp. 268. Anthony Down famously suggests that citizens should vote to preserve democracy rather than to promote particular policy outcomes. While his interest was in whether voting is prudential, his argument has been considered as a model for civic obligation.
[12] Alvin Goldman "Why Citizens Should Vote: A Causal Responsibility Approach" *Responsibility* (1999), 201–17.
[13] Jeremy Waldron, "Participation: The Right of Rights," *Proceedings of the Aristotelian Society* 98: 307-37.

like income security and decent healthcare since doing so is not unduly costly.[14] Still others contend that citizens must vote to avoid or rectify complicity for injustices committed by their state. Democratic citizens, the story goes, hold "both authorial and sponsoring positions" in government.[15] This gives them a moral reason to vote so as to reform wrongs for which they consequently bear responsibility.[16]

A final set of claims contend that voting positions citizens to realize further values. On some accounts the act *communicates* the voter's concern for fellow citizens and signals the importance of peacefully working out a way of life together.[17] On others it *instantiates* the equality of every citizen.[18] Going to the polls, it is suggested, makes concrete the political authority of the citizenry as a whole.

These arguments have been subject to plenty of critiques. Outcome-oriented views struggle to explain why citizens have reason to act when their individual vote is unlikely to alter results.[19] Communicative claims have trouble explaining the significance of the vote given the secret ballot ensures that nobody will know with certainty what a citizen voted for. Fairness based views rely on controversial claims about non-voluntary obligations. Arguments that build on the value of equality must contend with the fact that the American electoral system has long been weaponized to prevent people of color and the poor from being heard.[20]

[14] Christopher Wellman, "Why I am not an Anarchist," in *Is there a Duty to Obey the Law* (Cambridge University Press, 2005); Julia Maskiver, *The Duty to Vote* (Oxford University Press, 2019).

[15] Beerbohm, 52.

[16] Beerbohm moves between abstract references to participating in democratic decision-making and concrete references to voting, treating the former as if it consisted in the latter.

[17] This is often advanced as an account of why voting is *rational* but has been considered as an explanation as to why voting is obligatory.

[18] Emilee Booth Chapman "The Distinctive Value of Elections and the Case for Compulsory Voting" *American Journal of Political Science* 63(1) (2018), 101–12; Emilee Booth Chapman, "Voting Matters, A Critical Defense of Democracy's Central Practice," 2015. PhD Thesis, Princeton University.

[19] Jason Brennan, *The Ethics of Voting* (Princeton, NJ: Princeton University Press, 2012): 53-56; Steven Landsburg, "Don't Vote: It makes more sense to play the lottery". *Slate* (September 29, 2004)

[20] I think Du Bois is best viewed as making a statement along these lines. Ari Berman "Rigged: How Voter Suppression Threw Wisconsin to Trump" *Mother Jones*. (2017); Nicholas Stephanopoulos, and Eric McGhee "Partisan Gerrymandering and the Efficiency Gap" *University of Chicago Law Review* (2015), 831–900; David Graham, "Ohio's 'Golden Week' of Early Voting Is Dead, Again." *The Atlantic* (August 23, 2016); Zoltan Hajnal, Nazita Lajevardi, and Lindsay Nielson "Voter Identification Laws and the Suppression of Minority Votes" *The Journal of Politics* 79(2) (2017), 363–79; Allison McCann, "How the Gutting of the Voting Rights Act Led to Hundreds of Closed Polls" *VICE News* (October 16 2018); Charles Stewart and Stephen Ansolabehere, "Waiting to Vote" *Election Law Journal* 14(1) (2015); [20] Larson Uggen "Six Million Missing Votes" *The Sentencing Project* (2016).

My interest, however, lies elsewhere. For the sake of argument, I will remain neutral between these claims, and accept that defenses of voting can overcome criticisms. Nonetheless, these views fail to show that citizens have a duty to go to the polls. Such arguments suffer a *particularity problem:* many other actions have the same characteristics said to lend voting its moral force. Casting a ballot is not the only thing that promotes good policy outcomes. You can call elected officials, stand on street corners holding signs, buy lottery tickets and donate any proceeds to charity. You can work to preserve democracy by running for office, taking a job as a journalist, printing ballots, or for that matter, farming.[21] You can help others avoid harm by conducting FDA inspections, forsaking lucrative business careers to work for environmental nonprofits, lobbying for good policies, and so on. I express my values when I wear a pin promoting queer rights, post a bumper sticker on my car, write a letter to the editor. I act in concert with others to reform injustice when I show up at a protest, draft a letter of complaint to the FEC, donate to refugees, register voters, or stick a resist poster in my yard. I instantiate the value of civic equality when I work to cleanse the electoral system of injustice—protesting, poll-watching, bringing electoral lawsuits, transporting would-be voters, recruiting responsive candidates. At best these arguments for voting thus show that citizens have a reason to take up any of these actions, not that they have a duty to go to the polls, per se.

If voting is merely one member of a morally significant set, any claim about how citizens ought to behave requires an *allocative* theory detailing how they should relate to the entire class of relevant acts. Should they take up *every* qualifying act? None? Some number of actions? Some specific subset? We will turn to the task of developing such a theory in section two. For now, it is enough to note that traditional claims are at best incomplete defenses of a duty to vote—or for that matter to undertake any particular civic act—insofar as they lack such an account.

If they wish to avoid the need to develop an allocative theory, proponents of a duty to vote must demonstrate the act's unique significance. There are a few candidates. One defended by Jon Elster, George Stigler, Gerry Mackie, and Alexander Guerrero suggests that voting is special because it generates an accessible tally of support for a candidate. Margins of victory shape outcomes by offsetting (or raising) winners' fear of policy opposition and providing insight into the location of the median voter. In addition – or so Guerrero argues—candidates who receive higher tallies are justified in acting as trustees, while those who receive less support are justified only in acting as delegates.[22] The value of an individual vote thus lies in its contribution to making clear the degree to which an officeholder enjoys support.

[21] Loren Lomasky and Geoffrey Brennan, "Is There a Duty to Vote?" *Democracy* (2000), pp. 62–86.

[22] Alexander Guerrero "The Paradox of Voting and the Ethics of Political Representation," *Philosophy & Public Affairs* 38(3) (2010) 272–306.

The problem is that many things contribute to making clear the degree of an officeholder's support. Even if we treat election results as "the best available measure of a candidate's normative mandate," activities such as registering voters in underrepresented areas, making information about candidates publicly accessible, and so on, all contribute. Indeed vote tallies on their own are a weak signal of support—they do not explain *why* people preferred a candidate (because they like all of the candidate's proposals, or one in particular, or believe that the opponent would do terrible damage?) nor do they account for how views change across time (in 1972 Richard Nixon won in a landslide; in 1974 he resigned in popular disgrace), and so on. So even if we accept the relevant value, voting shares its significance with other behaviors that serve as data points; exit interviews, ongoing polling, newspaper op-eds, letters to elected officials and so on.

Julia Maskivker rests her case for the specialness of voting on the paired claims that governments have unique influence on the common good (what she calls the *Governmental Salience Fact*), and that elections put citizens in a position to render help at little cost. As she writes, "the machinery of elections emerges in front of you for you to vote…you do not need to create this structure…it exists automatically."[23] Voting, she holds, is thus required under a *principle of moral inescapability*. One ought to take actions that are easy if they contribute to collectively bringing about a morally significant outcome like improving the common good.

I find the Government Salience Fact highly questionable.[24] Social science suggests that private actors exert tremendous independent control over public goods.[25] Assisting such organizations – nonprofits, standards-setting bodies, ESG (Environmental, Social, and Governance) investment funds, for-profit corporations and others - in advancing the common good thus equally serves the end of promoting goods like health and safety, the feature that Maskivker takes to lend voting its worth . And of course many such efforts cost no more than voting—a one dollar donation here, a social media share there, a phone call, a ten cent increase in the price of our chosen toilet paper.

Still, even accepting for the sake of argument the special standing of traditionally recognized government actors—and accepting the further questionable proposition that elected government officials play a wholly distinct role in governance[26]—does not prove voting special. It is simply *not true* that the machinery of elections exists automatically. Elections occur—at least in a way that

[23] Maskivker, 137.
[24] Maskivker cites J.S. Mill in defense of this proposition but mentions no empirical research in political science, economics, or law that might provide support. Maskivker, 133.
[25] See, for example, Jody Freeman "The Private Role in Public Governance," *New York University Law Review* 75, no. 543 (2000); Richard Stewart, "Regulation, Innovation and Administrative Law: A Conceptual Framework," *California Law Review* 69, no. 5 (1981).
[26] See, for example, Matthew Stephenson, "Bureaucratic Decision Costs and Endogenous Agency Expertise," *Journal of Law, Economics, and Organizations* 23 (2007).

makes them reasonably accessible, representative, fair, and effective at producing good policy—because people donate their time and money to make them do so. They fill out their census forms, bring lawsuits to alter gerrymandered districts, fight for extended polling hours and locations, design fair ballots, push for legislation protecting access to the polls, volunteer to register voters, or as poll works, donate to pay the fines that stop formally incarcerated citizens from being permitted to vote, and so on. While some of the relevant acts come at great cost, many are no more burdensome than voting well. Voting is thus far from the only way to act as a good Samaritan via the electoral process.

Emilee Chapman advances the clearest argument for the special status of the ballot.[27] On her account, voting is distinct because it makes concrete the political authority of the citizenry as a whole and manifests the equality of every citizen.[28] It is obligatory because the act achieves this only if participation is widespread.

Setting aside the concern I mentioned earlier—that real world elections function to instantiate *inequality* and *public impotence* – these concerns continue to pick out a larger set of actions than Chapman acknowledges. Imagine that I do not vote, but I do work extensively to promote democratic procedures and outcomes that reflect egalitarian values. Can we truly say that I have not evinced the values of Chapman's principle? If this critique is right, then Chapman—like Guerrero, Beerbohm, Wellman and others-- succeeds at showing that citizens have *reason* to vote but fails to show that the reason is unique. It therefore does not follow merely from the truth of the moral reasons these arguments identify that citizens have an obligation to vote.

Proponents might argue that viewing the non-uniqueness of voting as an objection to these claim about civic duty sets the bar too high. They merely hold that citizens have a *pro-tanto* duty to vote.[29] Having undertaken enough other work that share's voting's morally significant features might be among the things that absolve citizens of this duty.[30] Thus the discovery that citizens might undertake other actions that instantiate the same value as voting is non-threatening to the contention that citizens have a duty to go to the polls. Notice, however, that this requires a radical re-understanding of the claim. As we shall see in sections three and four, the idea that citizens have reason to undertake millions of different acts in some combination

[27] Emilee Booth Chapman "The Distinctive Value of Elections and the Case for Compulsory Voting" *American Journal of Political Science* 63(1) (2018), 101–12; Emilee Booth Chapman, "Voting Matters, A Critical Defense of Democracy's Central Practice," 2015. PhD Thesis, Princeton University.
[28] Chapman also notes a number of instrumental advantages to moments of mass participation, but we can set these aside as clearly not creating a unique duty to vote.
[29] Maskiver, for example, explicitly holds the duty to vote is pro tanto. I thank [redacted] for this point.
[30] Notice that such a claim contains an implicit allocative theory—that one ought to do some amount of work x—which itself requires defense.

is a quite different thing than the notion of a specific "duty to vote." It suggests a profoundly different model of how citizens should relate to civic life and raises quite different questions about civic ethics. If proponents of a duty to vote wish to back off to this version of their views, they will thus need, at the very least, to drastically revise the tone of their claims. It makes no more sense, for example, to talk of a "duty to vote" than a duty to be a nurse practitioner or agricultural worker or donate to an anti-gerrymandering organization.

2. FAIR PLAY RECONSIDERED

Once we recognize that voting is non-unique, an account of civic ethics that seeks to understand the act's moral status must do two things: enumerate the *members* of the set of which voting is a token, and develop an *allocative theory* detailing how citizens are to relate to the set. Should they undertake *all* the relevant acts? None? Some subset?

Further specification will depend on the moral grounds in question. Complicity picks out different actions and asks something different than communicative ethics, which in turn demands something different than worries about good samaritanism and so on. The allocative theory appropriate to one such concern will rightly differ from the one applicable to another. Developing these theories thus merits a quite broad reconsideration of the obligations that we ascribe to citizens, far more than can be achieved in a single work.[31] In the remainder of this article I will focus on just one such account, that which follows from concerns about *fair play*.[32] More specifically, I will consider accounts of fair play that concern themselves with the production of public goods.

Concerns about fair play are grounded in worries about fairness. We ought not, the claim goes, take advantage of those who work to our benefit. As John Rawls writes, "We are not to gain from the cooperative labor of others without doing our fair share."[33] Each of us enjoys health, a clean environment, public safety and other goods because fellow citizens cast ballots for good policies. Consequently, the argument goes, we should in turn go to the polls to avoid free-riding on their efforts.

Recent critiques of this argument rely on just the observation we considered above. Of these, the most developed is that advanced by Jason Brennan. Brennan agrees that people receive benefits because their fellow citizens vote well. This, he acknowledges, generates obligations. It is *unfair* if citizens fail to return the

[31] At first pass it is improbable that these views will endorse a standing duty to vote. The only allocative theory that would clearly require voting is one that asks citizens take up the entire relevant set. That position would be not just unattractive but impossible. The included duties would swamp citizens' existence.
[32] I select this theory both because it is promising and widely shared and because versions of it underlie several arguments for voting (for example, Wellman's case for duties of rescue).
[33] John Rawls, *The Law of Peoples* (Harvard University Press, 1999), p. 96.

favor. Brennan's insight is to recognize that citizens can return the favor without acting in kind. He writes, "consider artists, entrepreneurs, small-business owners, venture capitalists, teachers, physicians, intellectuals, stock traders... janitors, grocery clerks... each of these kinds of people in one way or another…help create the bundle of goods others in their society receive."[34] Though such people do not go to the polls, they benefit their fellow citizens. Consequently, he contends, they return the favor they received when others voted. They do not take advantage. This claim avoids the error of the views discussed above—Brennan sees voting as part of a set, not as unique, and he advances an allocative claim about how citizens should approach that set.

The problem with Brennan's view is that he mistakenly treats fair play as picking out only *one* morally important trait (that of promoting public goods) when in fact it is concerned with (at least) two. Consequently, he misunderstands what fairness asks of citizens.

On Brennan's account the morally relevant set of which voting is a part consists in all actions that foster goods like economic opportunity, public health and safety. On his reading, a person provides a fair return so long as they *generate as much such value as they received.* This is his allocative theory. Call it:

> *Value-Added* (VA): A return is sufficient to satisfy a beneficiary's duty of reciprocity when the good she provides her benefactor equals or exceeds the good she received.

Thus Brennan writes, "to pay your debts to society…just requires that you provide sufficiently valuable goods and services to society in return."[35] Consequently, he concludes that citizens can satisfy their civic obligations merely by owning and operating for-profit businesses. He writes, "Larry Page and Sergey Brin could exercise civic virtue by creating and running Google. Randall Smith of Mesa/Boogie could exercise civic virtue by continuing to make good amplifiers," and so on.[36] After all, such people add greatly to our stock of economic and social goods.

This approach captures *something* important about voting with which fairness is rightly concerned. But it overlooks an equally significant feature—that voting is *burdensome.* This feature plays a central role in our sense of fairness. Larry Page is *not* in the same position as a voter when he promotes the common good by running a fortune 500 company. In doing so, he ends up *better off* than he would otherwise be. Because he is amply remunerated for his efforts he would not prefer that some other take up the task in his place. That's why we worry about free-riding

[34] Brennan, 2011, 52.
[35] Brennan, 2011, 53. David Schmidtz, Geoffrey Brennan and Loren Lomasky make similar points. David Schmidtz, *Elements of Justice* (Cambridge: Cambridge University Press, 2007); G. Brennan and Lomasky, 2000.)
[36] Brennan, 313

in the case of voting, and not in the case of being a CEO. By contrast, a voter who goes to the polls pays an uncompensated price for her efforts. She would prefer that another take her place.

This tells us something important about our moral obligations. Our concerns about fairness are worries about the distribution of benefits *and burdens*. This shapes the allocative approach that we should take and the set of actions to which we should attend. In thinking about paying their debts to fellow citizens who voted to advance public goods, citizens should concern themselves with whether they are taking on enough burdens to their fellow citizens' advantage, not merely with whether they are adding enough value. Call this allocative approach:

> *Qualified equal benefit (QEB)*: A return is sufficient to satisfy a beneficiary's duty of responsibility when she works to benefit her benefactor at least as much as the benefactor benefited her until such point as doing more would set back her interests more than the burden the benefactor took on to her behalf. [37]

QEB is consistent with compelling intuitions about the nature of fairness, the extent of our debts, and the conditions that constitute repayment. Consider that actions only seem to give rise to demands for reciprocity when they come at a cost. If hearing that I bought the winning lottery ticket fill you with joy, it doesn't seem "only fair" that you now owe me. This is true even if the value generated is significant—if your exuberance gives you a burst of energy to complete a lingering book project or smile just enough in your tinder profile to romance your future spouse. By contrast, burdensome acts create duties even when no benefit ensues. If you drive two hours out of town to help when my car breaks down, I owe you even if I ultimately manage to catch a taxi ten minutes before you arrive. It is enough that you tried to work to my good by undertaking necessarily costly work that you reasonably expected would benefit me.

Consider also that debts increase in proportion to the cost of the benefit for which repayment is due. A carless friend on crutches who struggles to bring your lost wallet across town is due more than an able-bodied friend for whom the trip is a pleasant short drive. This is true even though the resulting benefit is the same. A purely value-focused account cannot explain why this is so.

Or picture a farmer in Chad whose life is saved by a two-dollar anti-malarial medication purchased by Jeff Bezos. According to *VA*, the farmer owes Bezos a life-altering benefit—something he is unlikely to achieve even if he devotes all his resources to the project. This suggests the poor are either beyond the reach of reciprocity or in permanent debt, both unappealing. Conversely, *QEB* entails the farmer owes a benefit that sets back his interests to the degree the medication he

[37] I develop this account of fair play further in [redacted.]

received cost Bezos. Given Bezos's immense wealth, the resulting obligation is far more manageable. Of course, should the farmer find himself in a position to cheaply save Bezos's life, the same logic entails that he is obliged to do so.

Critics might raise three concerns against QEB: that the view asks too little of the lazy, too much of the cheerful, and encourages useless sacrifice. Each fails.

Brennan imagines a woman who has had many resources invested in her but dislikes being productive. "If you thought that the way to pay our debts to society is to suffer a certain amount," he worries, "you might conclude that Katrin has paid her debts because she's suffered enough. This seems implausible.[38]" So it does. But that is because it ignores the motivational component of reciprocity. Katrin acts wrongly if she cultivates a distaste for beneficial work. Such behavior is inconsistent with the kind of attitude repaying a benefactor requires. But simply assuming this to be Katrin's mindset ignores the potential reality of her situation. Imagine that Katrin suffers from severe depression and an attendant inability to find pleasure in any activity. Working is genuinely harder for her than a more psychologically fortunate counterpart. Why should we take this less seriously than a physical disability?

Concerns about burdening the cheerful are similarly mistaken. Picture Pollyanna who enjoys everything. *QEB* would seem to ask she do an awful lot. In one sense, this is right. Pollyanna will likely do more than somebody like Katrin. But that doesn't mean that she *pays* more. Each act costs her less, just as it costs a billionaire less to pay ten thousand dollars in taxes than it does a person living in poverty. This distinction aside, *QEB* is much less demanding than critics envision since we must account for the effects of aggregation and the value of free time. I like baking and eating ice cream. It is easier for me to do these things than somebody who hates the task or has a milk protein allergy. But I would burn out quickly if I had to do a three-day cookie-making marathon or eat twenty gallons of rocky road.

It is equally erroneous to suggest that an allocative theory that accounts for burdens encourages useless sacrifice. Brennan worries, "If Luke decides to contribute to society by becoming a policeman rather than an investment banker, he will probably bear higher personal costs…However, it does not follow that society gains more… if Luke wants to contribute as much as possible to society, he will not search for the role that costs him the most. He will search for the role in which he will do the most good.[39]" And so he should. *QEB* does not suggest otherwise. It merely demands that Luke keep doing good by continuing to do his banking on some afternoons when he would rather sip margaritas by his pool.

Contra Brennan, it follows from this account of fairness that citizens cannot satisfy their duties of fair play merely by owning or operating for-profit businesses.

[38] Brennan, 59.
[39] Brennan, 2011, 58.

However valuable, such actions do not—or at least do not typically—come at the right cost.

3. CIVIC WORKS

Despite this limitation it might seem the way that citizens can pay their debts is quite broad indeed. Astute critics might challenge my implicit endorsement of Brennan's contention that voting is part of a morally valuable set defined in part by *promoting the public good.* Fairness, they might argue, requires that citizens *benefit* their *benefactors.* Aiming to destroy your favorite piece of art or kick your dog is no fitting return for the hours you spent helping me buff my car, even if all I end up doing is adding to the artwork's value by creating a novel piece of post-modernist sculpture or teaching your puppy to duck. Nor is it only fair that I repay your efforts by baking cookies for Emma, a friend that you have never met, unless I reasonably believe that you would like me to do so. I owe you, not her. In this sense fairness has an *intent*, *content* and *scope* requirement in addition to its allocative demand—to qualify an act must be the *right kind*, reaching the *right people*, for the *right reason*, to the *right degree.* None of this specifically picks out acts that contribute to public goods. While it is true that citizens acquire duties of fair play when their co-nationals vote to advance such goods, this is *because they are benefited*. In turn they are required to:

(1) *Intent*- Intentionally
(2) *Content and Scope*- undertake actions expected to benefit their fellow citizens who have voted to their good
(3) *Proportionality*- (*QEB*) at least as much as those citizens benefited them, until such point as further work would exceed the cost fellow citizens took on to their good.

The set this picks out is not limited to acts that contribute to things like health, safety, or a clean environment. A citizen might pay her co-nationals back in dog walking, brownies, margaritas. After all, these actions benefit their recipients.

In theory, this is correct. In reality, however, the set is much more limited. In practice this piecemeal approach is unachievable. Citizens owe a debt to every person who voted to promote good policies. Each person who did so took on a burden to their benefit. Yet it is impossible for any citizen to realistically know the individual aims and preferences of millions of co-nationals. To satisfy their duties of fair play they must therefore undertake actions that benefit *every* citizen who has benefited them. This is a high demand. But there are actions that we know qualify--- precisely the kind of goods whose provision triggered the initial debts. Those who advance public health, safety, and so on work to the benefit of all those who voted. Voting, it follows, is part of:

Civic Work: Actions that contribute to goods that leave each citizen better off *and* set back the interest of the person who undertakes them in comparison to the position they would enjoy if somebody were to act in their place.

To discharge their duties of fair play citizens must undertake such work until they have satisfied QEB.

Notice that voting remains non-unique. Many other actions contribute to public goods at a cost, including both conventional political behaviors—door-knocking, fundraising, donating—and also many actions *not* traditionally associated with politics, including many undertaken by non-governmental organizations and for-profit businesses. Consider the Financial Industry Regulatory Authority (which oversees brokerages and exchanges), the North American Electric Reliability Corporation (which establishes standards for the power grid,) or the Advertising Self-Regulatory Council (which sets consumer privacy standards.) These organizations advance public health, safety, and economic growth by filling in where lawmakers lack the knowledge, attention-span, resources, or interest to provide adequate direction.[40] Their staff and those who abide by their guidelines routinely incur meaningful personal costs. People take lower-paid jobs in the regulatory sector, accept voluntary restrictions that limit their freedom or their profit, and do organizational labor not because they hate free-time or money but because they believe the work important to the common good.[41]

Three things shape how this *civic works account* asks citizens to behave. First, the set of actions that qualify as civic work are not static. They differ across time and community. For example, the work that must be done to sustain public health depends on the resources that a particular society has at its command, its technological capacity, demographics and so on. Second, what counts as civic work *depends on how other people behave*. Remember the relevant set includes acts that *further* beneficial goods—or are at least reasonably expected to contribute. Actions do so only if they combine in the right way with the behavior of others. The brilliant energy plan I develop is of little worth if nobody implements it. Conversely acts lose

[40] Jody Freeman "The Private Role in Public Governance" *New York University Law Review* 65 (June, 2000), 13.

[41] Of course, some corporations merely wish to avoid increased regulations or promote self-serving policies, just as some people vote to line their wallets. But empirical research suggests even for-profit businesses regularly advance valuable causes (or what they credibly believe to be such) in ways that they do not expect to redound to their benefit. As David Levy & Remi Kaplan observe, it is surprising how readily multinational corporations adopted CSR standards and reporting mechanisms considering the lack of financial incentives or regulatory coercion. David Levy "Corporate Social Responsibility and Theories of Global Governance" in Remi Kaplan, *The Oxford Handbook of Social Responsibility* (Oxford, UK: Oxford University Press, 2008). As one example, companies who divested from South Africa believed they would suffer negative market reactions, and did so. David Vogel, *The Market for Virtue: the Potential and Limits of Corporate Social Responsibility* (Washington, D.C.: Brookings Institution Press, 2006).

their merit if too many people take them. Voting is ethically complicated at least in part because the outcomes it promotes ensue only if enough people act, but do not require that all do so. If you know that a sufficient people are already doing a given act, it follows that the behavior no longer qualifies as civic work. It cannot be expected to advance the public good. Third, reciprocity gives us reason not to impose on our fellow citizens when they act to our benefit—at the very least because we will have to make up to them the costs that they incur.

Here is one way to think about the application of the duty that is responsive to these concerns. Imagine that we could conduct a network analysis of all the possible ways we could collectively combine our behavior to produce the desired level of public goods, given our current circumstances. This network should include all the actions a given behavioral combination requires to be reliably successful — not merely voting, or assisting with elections, but also the broader work that goes into developing and implementing systems of behavior that produce the relevant outcomes.

Imagine as well, that we can know how much labor each task involves for the person to whom it is assigned in each combination. A simplified case study makes it clear how this might go. Say Bert and Ernie are going to make dinner. We can plot out all the ways that they might proceed. Either Bert or Ernie could select a menu and recipes, by going on the internet, relying on memory, using a cookbook, calling a friend. One or both could acquire the necessary groceries, by going to the store nearby or far away, by ordering on-line, by hiring a private shopper. They could ensure the vegetables are diced by buying them pre-cut, chopping individually, chopping collectively, asking a friend to chop, and so on. Each pathway has attendant costs (going to a far grocery store will take more time; a shopper will cost money) that may differ across persons (perhaps Ernie has a doctor's appointment, or Bert works next to a greengrocer). We can map the behavioral combinations that sufficiently produce the desired outcome—in this case, edible dinner. Call this a *process map*. Applied to the production of public goods such a map identifies everything that would qualify as civic works if the relevant map were implemented, and details their attendant burdens.

We can rank these maps along several desiderata—the goods that they produce, the total labor that they involve, how fairly they distribute benefits and burdens. A concern for reciprocity gives us reason to avoid imposing unnecessary or unequal labor on our fellow citizens and by extension, ourselves who must out of fairness repay the costs our co-nationals incur. The map that we have most reason to pursue is therefore the one that does best by these criteria- that produces the most goods, at the lowest burden, most equally distributed.

At first pass, to say that a citizen should take up her share of civic work is to say that she should take up the tasks she is assigned in the winning combination.[42] Only by joining the scheme in this way will she be able to see herself as advancing the public good in a manner that satisfies our desiderata and thus discharges her duty. The content of this assignment will differ across persons. The tasks that a process map assigns to an individual reflects her portfolio of resources, skills, obstacles, and costs. It matters that Ernie has arthritis and finds it hard to chop, that Bert finds doing dishes soothing, that one of them is wealthy and the other poor, has a child who requires care, and suchlike. The tasks with which civic works are concerned prove no different.

What does this tell us about how fairness relates to voting? Given the rich landscape of civic work, it is unreasonable to believe that *everybody's* allotment includes the ballot box. Of course, voting is *among* the actions that must be assigned to *some* participants in any democratic society. We won't get the outcomes we want if too few people vote well. Those so assigned have a duty. Showing up at the ballot box ready to vote appropriately is part of their portfolio of responsibilities. But it is equally likely that there are some citizens whose assignment does not require voting. After all, there is much work to be done: somebody needs to research and advocate for good causes, drive the home-bound to the polls, donate time and money to fair redistricting, take lower paid jobs to develop new techniques to fight wild-fires.

It is equally important to note that it is unlikely that voting will be *enough* to satisfy any citizen's obligations. In recognizing that voting is not the only way of paying debts, we also need to acknowledge that it is far from the only debt citizens *acquire*. Good social outcomes rely on many tasks, of which voting is rarely the most burdensome. It is doubtful—at least for those not facing severe educational and financial barriers—that merely casting a sufficiently informed ballot every year or so is enough to constitute a full share of civic work. At the very least, this suggests the expansive focus philosophers have devoted to the act's moral status is unjustified.

So far we have focused on ideal conditions. Of course, many communities deviate from their ideal process map as citizens deliberately or mistakenly depart from their assignments. In practice, citizens are therefore responsible not for doing what they are assigned under ideal conditions, but for interpreting the extant combinatorial scheme for the production of common goods to ensure that their actions actually work to promote valuable goods and undertaking their share of the

[42] The view is thus more compatible than it might seem with claims that citizens should play practice-assigned roles. Those who endorse such views can read this as an argument for an expanded view of our practice, one that includes all civic work rather than narrowly focusing on voting. Any theory arguing citizens must vote *in addition* to undertaking their share of such work—as critics might be want to claim—must explain what distinguishes voting from other civic works.

relevant civic works.[43] Those who do so have done their part. Their fellow citizens cannot complain that they acted unfairly.

Those who defend a standing duty to vote on grounds of fairness are thus wrong. Many citizens can do their share of civic work without casting a ballot. To ask more of them is unjustified. Still, some may find that they can achieve an adequate portfolio of civic work only if they vote. Whether this proves so will depend in part on how many fellow citizens choose voting as part of their share. Since citizens are bound by QEB to undertake activities they reasonably believe will advance public goods, they have greater reason to tackle particular actions the more likely the act is to be un or under-done. The strength of a citizen's moral reason to go to the polls thus (quite plausibly) depends on the probability that enough people will cast a good ballot.

4. ADVANTAGES AND OBJECTIONS

This way of understanding the moral status of voting has several advantages over traditional approaches.

To start, the view better reflects the actual nature of political communities. Intentionally or otherwise, classic arguments about voting portray a stripped-down vision of the world, one where the state of our communal lives seems to reflect only the choices that we make at the polls. Skeptics like Brennan make the opposite mistake, treating manufacturing Chia pets at massive profit as no more or less significant than spending your time fighting to correct a legal injustice or volunteering at a free health clinic. The civic works approach avoids both errors. It accounts for the intricate array of institutions and behaviors that advance our collective lives while attending to the actual contributions that particular organizations and actions make and the costs they impose.

This feature carries an additional benefit. Because the view is not wedded to any fixed claim about the *identity* of civic work it is flexible enough to provide guidance to citizens across time, in communities with differing political and social structures. As a result, the account can speak to citizens in weak, failing, or less than fully democratic states, circumstances where voting makes far less of a difference to the state of public goods. These conditions change the content, but not the nature of the duty. They simply alter what qualifies as civic work. This is a significant advantage. Most of us do not live in perfectly structured or democratic states. Too often, political theory fails to consider what good citizenship actually looks like in such conditions.[44]

[43] In this, I disagree with Liam Murphy. Murphy, *Moral Demands in Non-Ideal Theory* (Oxford University Press, 2000).

[44] Traditional arguments for voting (whether fair-play, complicity, instantiating democratic equality etc) provide no guidance when the act of voting is not well-connected to good policy outcomes or is unequally available.

The civic works approach equally provides a more attractive account of good citizenship. Extant views are either too restrictive or too generous. The claim that citizens have a duty to vote, narrowly understood, entails that Elijah, who dedicates his life to the promotion of good public policy—gives up high-paying enjoyable work in finance to labor in public health, spends his spare time lobbying for important causes, drives people to the polls—is fundamentally lacking as a citizen if he fails to get to his polling place in time to participate in an overdetermined election. At best, his behavior is excusable. Conversely an account like Brennan's implies that a CEO who spends her life making gobs of money selling breakfast cereal is in virtue of that behavior just as good—perhaps better—a citizen as Elijah. The former approach grants too little credit, the latter too much. By contrast, the civic works view adopts a nuanced approach, crediting all -- but only -- the necessary burdens people take on to advance the civic good.

As a result the approach is better able to speak to the moral status of poor, marginalized, and disabled citizens. Classic fair-play advocates of a duty to vote suggest a binary accounting. Those who go to the polls are fair citizens. Those who do not act wrongly. When these views do consider the differential burdens such labor imposes, it is only to suggest by implication that the costs are so high that the citizen is altogether absolved of civic duty.[45] If what it means to pay your fair play debts to voting co-nationals is to vote, and it is too costly for a single-parent working two minimum-wage jobs to do so, then her obligation is erased, her failure excused. But this removal of marginalized citizens from reciprocal relationships is unjustified and disrespectful to the work in which many such persons are engaged. Far from being excused, such citizens may be already paying their debts in other ways, serving in the military, undertaking unremunerated care work, and so on. Indeed, given how the laws and structure of our society often place unequal burdens on poor citizens of color, they may have done more than their share.[46]

Voting critics like Brennan equally fail to give marginalized citizens the recognition they are due. They credit citizens for the value that they add without considering the cost such work imposes. They thus systematically imply that the well-off are better citizens than the poor or unprivileged, even when the latter's work comes at great cost, and the former's at personal benefit. A stockbroker's purchase of a luxury theater box or a yacht adds great value to the economy and (perhaps) our cultural options, making her by this metric a better citizen than a poor citizen who volunteers for an hour at a soup kitchen. By contrast, the civic works approach acknowledges that poor, disabled, and marginalized citizens face special

[45] For example, Maskivker holds that a citizen might have her duty to vote overridden by the need to care for a sick relative, rather than suggesting it is therefore satisfied by fewer actions, 42.

[46] Tommie Shelby discusses similar claims with regards to legal compliance. Tommie Shelby, "Justice, Deviance and the Dark Ghetto," *Philosophy and Public Affairs* 35, no. 2 (2007).

challenges in showing up at the polls or undertaking other civic work without contending that they are freed of duty. On this account marginalized persons have the same obligation as all citizens—to take on their share of civic work. They are simply granted full credit for the fact that certain acts are *harder* for them than their more privileged counterparts and are thus treated with the respect that they are due.

As an additional advantage, the civic works approach offers an appealing solution to a lingering puzzle. A classic concern in debates about voting focuses on generalization. What if nobody voted? Voting proponents suggest it follows that *everybody* should vote even when the expected efficacy of their vote is so minimal as to be non-existent; voting skeptics seem to accept that *nobody* need act. Both are unappetizing. The former suggests that people must undertake costly acts that do nothing to further the public good. The latter (depending on the account in question) entails either that people who receive benefits from others' labor can justly free-ride, or that no complaint can be directed at them if valuable systems or goods fail.

The civic works approach avoids both mistakes. It holds that everybody must act. No one can rightly free-ride and there is blame to apportion if public goods fail to ensue. But it recognizes that this does not require that everybody vote, any more than it commands that everybody volunteer as a poll worker or open a free clinic in an underserved community. Instead, each citizen is responsible for doing her share of the work of bringing about public goods. There are many forms this work can take. Still, the options are not unlimited. As we discussed earlier, citizens must aim to give a proportional beneficial return. The must therefore aim to act in ways expected to promote the public good. What qualifies is responsive to the anticipated behavior of others. The more people who practice a particular form of civic work-- show up at the polls, call their senators, collect policy data—the stronger reason citizens will have to pursue other forms of labor. If enough others are already undertaking an act, further efforts are no longer likely to advance the public good. Conversely, the fewer people who take up some instance of civic work, the greater reason citizens have to undertake it.[47] Citizens thus have no right to free-ride—but their reasons for taking up particular tasks vary depending on their circumstances and the behavior of their fellow citizens in a way that alleviates concerns about generalization. This is made easier by the fact that choices about what civic work to undertake are ongoing and iterated processes about which citizens receive feedback. Indeed, the provision of this feedback in the form of journalism, research, and so on is itself among the things that can constitute civic work.

In this way, the civic works approach avoids relying on controversial claims about causation and rationality. Contemporary skepticism about a duty to vote found its initial home in rational choice theory. Given that voting comes at a cost—at the very least the time and energy it takes to get to the polls— and has a

[47] Of course, extremely low levels expected engagement equally leave actions no longer be viewable as contributions. Such cases are sad, but not, I think, inaccurate.

vanishingly small chance of making a difference in the outcome, it seems *irrational* to take up the act, much less morally required.[48] This is true even if one cares a great deal about the goods that elections help bring about.[49] Proponents of an obligation to vote have responded in two veins. The first insists that acting on such small odds *is* rational. Some claim that citizens desire (or should desire) to be part of bringing about a contribution, even if their individual act makes no difference.[50] Others argue that what matters is the aim or intent under which the citizen acts, not (or not merely) their probability of altering an outcome.[51] Still others simply that rationality merely requires that actions have a non-zero chance of contributing to desirable outcomes to trigger obligations to act, or that they be part of a recognizable set that was sufficient for the occurrence of the outcome, if not necessary.[52] The second approach contends that the difference-making math is not as dire as critics suggest. There is, some argue, value in communicating an expression through one's vote,[53] or in altering the extent of a candidate's mandate.[54] Others contend that the cost of voting is lower than skeptics presume.[55]

Each of these claims is highly contentious. The former approaches typically require giving up widely-shared intuitions about counter-factual causation or about the relationships between causation and moral responsibility, or rest on highly-debatable claims about citizens' mental states[56] Adopting ways of reasoning that recommend action in the face of such minimal probabilities of difference-making endorses troubling patterns of behavior.[57] The latter approaches rely on questionable empirics. Given the private ballot and the diffused structure of modern

[48] Gordon Tullock, *Toward a Mathematics of Politics* (Ann Arbor: University of Michigan Press, 1968*);* Ricker and Ordeshook, 1968; Vittorio Bufacchi, "Voting, Rationality and Reputation," *Political Studies* 49 (2001), 716.
[49] Brennan, 24.
[50] This is a reading of Richard Tuck, though Tuck himself does not make the normative version of this claim. Richard Tuck, *Free Riding* (Cambridge, MA: Harvard University Press, 2011). For this reading, see Brennan, 31. Goldman's view can also be understood in this way.
[51] Beerbohm, 239. Beerbohm's view accepts that knowing difference-making compounds blame, but takes baseline complicit to focus on what citizens aim to do when acting in concert with others.
[52] Maskivker, 188; Richard Wright (1985). Though Wright does not focus on voting, claims like this would apply to the case.
[53] Gerry Mackie, "Why It's Rational to Vote," in *Rationality, Democracy, and Justice* (Cambridge University Press, 2014) ed. Claudio Lopez- Guerra, Julia Maskivker.
[54] Guerrero (2010).
[55] Maskivker, 186.
[56] For example, you have to show that the right account of causation is not counter-factual. David Lewis, *Counterfactuals* (Blackwell, 1973); P. Menzies, "The Problem of Counterfactual Isomorphs," in *Making a Difference: Essays on the Philosophy of Causation* ed. Helen Beebee, Christopher Hitchcock, and Huw Price, (Oxford University Press, 2017); or that citizens aim to bring about particular policy ends, or take it to be important that they participate in bringing about a difference.
[57] Beerbohm, 61.

governance, it isn't clear that communicative expressions are reasonably viewed as products of an individual's vote or that a vote tells us much about the degree to which candidates enjoy support, or that mandates make a difference to official's capacity to act.[58] Even if we include the worth of these goods in our calculations critics contend that the value of a vote remains too small to justify action.

The civic works approach sidesteps these debates. On this account, the strength of citizens' reason to take up an act is responsive in an ordinary way to the likelihood of making a difference. The account recommends against useless labor or overdetermined acts. What civic works citizens should pursue is dependent upon what work needs to be done, which in turn is responsive to reasonable expectations about how others are likely to behave. Citizens therefore ought to act in ways they anticipate to be difference-making. At the same time, the view shares in the belief that citizens ought to collectively work to bring about valuable outcomes and that their doing so demands engagement in a joint scheme. It is compatible with the notion that citizens ought to desire and aim to contribute to the civic good or to the rectification of injustices to which they are tied, including the view that they ought to communicate this desire and make public their work to fulfill it.

Advocates of a duty to vote might respond with three objections: The civic works approach, they might argue, is too burdensome, too epistemically challenging, and fails to provide a publicly accessible standard of good citizenship. Each proves misguided.

As we have seen, the category of civic works extends to actions not traditionally recognized as political. Citizens are obliged to play their assigned role in the ideal (or in non-ideal cases extant) scheme for the production of public goods. It follows that the approach might make demands on a wide range of actions, including potentially a citizens' choice of occupation. Some might consider this a demand too much.[59]

My own view is that justice may require we take up certain roles, just as it may demand we take up certain tasks or accept certain losses. Nonetheless, I think the civic works account can answer those who grant this concern more weight. Citizens are free to take up roles other than those assigned in an optimal distribution. However, two things follow when they do so.

[58] Hans Noel, "Ten Things Political Scientists Know that You Don't," *The Forum* 8(3) (2010). Mandates appear to be after-the-fact constructions, not conferrals of power. See Lawrence Grossback, David Peterson and James Stimson, "Electoral Mandates in American Politics," *British Journal of Political Science* 37(4) (October, 2007).

[59] Classic debates about occupational choice focus on coercive role assignment. The complaint here is less compelling—that *justice* might determine career. Nonetheless, some who view choice as deeply significant might see this restriction as too extensive. For proponents of occupational choice, see, for example, Michael Otsuka "Freedom of Occupational Choice," *Ratio* 21(4) (2008): 440–53.

First the citizen remains obliged to do her assigned share of value promotion. If she selects to do so by undertaking a sub-optimal task, she may take on a greater burden. After all, one criterion for the initial scheme is that it produce the desired ends at the lowest cost. Yet a citizen who alters her assignment at additional cost has no cause for complaint. Her increased burdens are the consequence of her choice, selected against a just background.

A case from individual morality illustrates. Imagine that a person is injured in a car accident in front of you. Assuming certain facts- you live in a society with a well-functioning EMT system, the car is not about to combust, a delay in treatment will not harm the victim—the most efficient way for you to satisfy your obligation to the injured party is to call 911. Nonetheless, morality does not require that you do so. Assuming that you are capable you can also treat the person yourself. That too will satisfy your obligation. However, it will prove more burdensome. You will have to make sure that you are removing the person safely, that you are accurately diagnosing the injury, that you are providing an appropriate remedy and so on. Should you choose the latter, you have no cause for complaint that the actions are more burdensome—after all, you rejected the easier path.

Second, a citizen who knowingly selects a sub-optimal contribution unsettles the distribution of labor. In ways large or small her actions reshape the scheme into one that either involves overall greater or worse-distributed costs. Fairness thus requires she make it up to the affected parties by taking on further civic works. Her freedom to choose is not a freedom to choose without cost.[60]

Critics might respond that the civic works account is too epistemically challenging. Individuals cannot fully grasp the extant social scheme for achieving public goods or calculate the benefits and burdens involved in particular acts.[61] Consequently, they might argue, you should vote to have confidence that you have done your part.

I should note: Even this would tell us something interesting. Our duty to vote, it would turn out, is merely a concession to our epistemic limitations. But I think this criticism is mistaken. Recall the lesson of section one. Voting is not unique. There are many actions that share it's moral standing. If citizens should vote to make sure that they are doing their part to promote the public good, they should equally undertake *every other civic work* on the same grounds. That is utterly untenable. No single citizen can possibly volunteer as a firefighter, and a crossing guard, take a

[60] Even advocates of occupational choice should not find this concerning, since most support progressive tax rates. See Otsuka, 2008.

[61] This is among the arguments said to make justice a property of institutions rather than individuals. For responses to this concern, see, for example, G.A. Cohen, "Where the Action is: On the Site of Distributive Justice," *Philosophy and Public Affairs* 26(1) (Winer, 1997) pp. 3-30.

lower-paying job as a nurse in an under-served community, serve as a poll-worker, monitor water quality, develop best-practices for boiler-safety, and so on. In practice, even those who defend a duty to vote are therefore suggesting that citizens should muddle through doing their best to calculate what doing their share requires. Voting might seem an easy inclusion in the basket because it is perceived as low-cost and high-benefit (though whether this is so is highly debatable), but it is distinct in neither of these features.

This epistemic concern is thus merely a call for caution. We should all be aware of cognitive biases that give us a tendency to overvalue our own work and underestimate what needs to be done. And we should be cautious in our assessments as to whether enough others are undertaking particular civic works. Yet this is no more a reason to conclude every citizen has a firm duty to vote than is to declare that every person has a duty to volunteer as a poll worker, help fund a free-nursing clinic, or lobby for water-treatment policy reforms.

A related worry is that a shared obligation to vote provides a publicly accessible standard for assessing good citizenship. It is (relatively) easy to assess whether others have gone to the polls—much harder to tell whether they have done their part of a nebulous set of actions. Therefore, critics might argue, citizens ought to vote as a way of recognizing and acknowledging each other as equal contributors.[62]

There are two problems with this claim. First, it values the ease of declaring people to be good citizens over the truth of actually assessing their moral standing. While publicity is an important value, I hold with those who view such shared knowledge as something for which we should strive, not as a desideratum of justice.[63] If good citizenship does not otherwise require that citizens vote, taking this to be a requirement *merely so that we can more easily categorize people as good or negligent citizens* will wrongly tag as shirkers many who have done their part and as good actors many who have done less than is owed.

Conflating voting with *equal* participation is especially problematic because voting is not equally costly to all who participate; poor single mothers and wealthy emeritus professors face very different burdens. If we value shared knowledge of civic contributions, we thus have reason to make it easier to be aware of the civic work citizens do and their actual contributions and costs. But this is not a reason to reject the civic works standard nor to narrow our focus to a single act. After all,

[62] Andrew Williams raises this concern about distributive egalitarian ethos requirements. Andrew Williams "Incentives, Inequality, and Publicity" *Philosophy Public Affairs* 27(3) (1998), 225–47.

[63] For a similar position, see Ben Eggleston "Rejecting The Publicity Condition: The Inevitability of Esoteric Morality," *The Philosophical Quarterly* 63(250) (2012): 29–57.

voting well is no more publicly accessible than other civic acts like paying taxes, volunteering for the military, door-knocking, or running for office.

6. CONCLUSION

In eulogizing the late Congressman John Lewis, former President Barack Obama said, "Everybody's got to come out and vote…we have to treat voting as the most important action we can take on behalf of democracy. Like John, we have to give it all we have."[64] There is special irony in referencing John Lewis in this statement because voting was—quite clearly—*not* the most important action Lewis took on behalf of democracy. Lewis was one of the original Freedom Riders, attacked and left for dead trying to integrate segregated buses and waiting rooms. As a founding member of the Student Non-Violent Coordinating Committee he ran voting registration efforts throughout the segregated south, and was viciously beaten while protesting in Selma, giving him scars he carried for the rest of his life. He served sixteen terms as a Congressman. To treat voting as the most important action John Lewis took would be to deliberately ignore the truth of his legacy and of the burdens he bore. Were we to discover that he had missed casting a ballot in some over-determined election, it should have no bearing on our view that he was a superlative citizen.

Yet that is precisely the choice traditional debates about voting forces upon us. Either we must conclude with Obama that *everybody* must vote on pain of acting wrongly—even when it will make no difference to the outcome, even when they have already risked their lives for the cause—or we must hold with critics that voting is so insignificant or broadly commensurable that *nobody* is obliged to cast a ballot. Both conclusions seem silly. John Lewis and W.E.B. Du Bois were exemplary citizens, whether or not they voted. To contend that the billionaire investor Ken Fisher, who is "not a fan of philanthropy," and finds volunteering his time "distracting," is equally meritorious—whether or not he has voted—seems patently ridiculous.[65]

The civic works approach offers an alternative. On this account, John Lewis himself was right when he said, "…each generation must do its part to help build what we called the Beloved Community, a nation and world society at peace with itself."[66] Participation is important. Each of us of us has a duty to do *our share* of the work required to maintain public health, security, and the other goods that we

[64] Barack Obama, "TRANSCRIPT: Barack Obama's full eulogy of John Lewis". https://edition.cnn.com/2020/07/30/politics/barack-obama-john-lewis-eulogy-full-transcript/index.html

[65] Lauren Debter, "Trump And Other Billionaires Who Scored As Stingiest Members Of Forbes 400". https://www.forbes.com/sites/laurengensler/2018/10/12/stingiest-billionaire-philanthropists/#517301a72822 (August 27, 2020)

[66] John Lewis, *Across that Bridge: A Vision for Change and the Future of America* (New York: Hatchett, 2012).

enjoy. But participation should not be equated with, nor satisfied by, casting a ballot. It would be near absurd to suggest that W.E.B. Du Bois did not take on his portion of this burden, even in the years when he pulled no electoral lever.

Of course, few of us are in Du Bois's position. So each of us has a duty to reflect on what constitutes our share of this work, and to ensure that we do our part. For some, voting will prove obligatory: given their circumstances and the civic work that others are taking up, there is no portfolio of contributions that will satisfy their obligations unless they go to the polls. For many, it is not. There are other actions they can take that will constitute fair reciprocation. It turns out the right question is not, "do citizens have a duty to vote?" but rather, "is it part of *my* moral responsibility to do so?"

Much about this view remains to be worked out. To fully understand what fair play requires we need to know more about what qualifies as civic work in particular communities, what counts as a cost, and what features shape an individual's portion of civic labor. Nor is fair play the only value that we should examine. Far from it. The same methodological move we made in considering duties of fairness applies equally to principles of complicity, duties to support democracy, instantiate civic equality, rescue and others. Each points to a class of actions with moral significance. To understand our civic obligations, we must consider how these principles require citizens relate to the relevant class understood as a whole.

Nonetheless, the civic works account and the methodological approach it reflects represents real progress. The approach promises to integrate disparate debates about good citizenship, pulling together discussions about voting, legal compliance, military service and more into a unified account of civic responsibility. As an account of fairness, the civic works view appropriately speaks to the status of the poor and marginalized. It offers a way of understanding civic obligations that can speak to real-world conditions, one that accounts for the actual structures of our political communities. Just as importantly, it is a theory of civic morality that can benefit from improvements in empirical political science that reveal more about the work that sustains health, security, and other goods. As such, the view suggests a pathway for research that can better provide real citizens with moral guidance.