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MUST WE VOTE FOR THE COMMON GOOD?

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Must we vote for the common good? This isn't an easy question to answer, in part because there is so little literature on the ethics of voting and, such as there is, it tends to assume without argument that we must vote for the common good. Indeed, contemporary political philosophers appear to agree that we should vote for the common good even when they disagree about seemingly related matters, such as whether we should be legally required to vote, whether we are entitled to vote secretly rather than openly, or what form of democracy is most morally desirable.[1] Such agreement is puzzling, then, given the extensive disagreements that surround it. Hence, the aim of this paper is to consider whether the only morally correct way to vote is to vote for the common good. My hope is that even those who are not persuaded by the answers that I can offer at the moment, will find that the question is less easy to answer than they may have thought, and that the ethics of voting merits more sustained attention than it has received thus far.

Most of us suppose that people are ethically bound to vote for the candidate who will best advance the common good of citizens – at least in national elections in democratic states – because voting for those who will govern us helps to define the type of society that we are, and can fundamentally affect the lives of our fellow citizens. It is wrong to vote without due consideration for those who may have to acknowledge as theirs the government that results from our choice.[2] Voting in national elections means helping to choose the government that

[1] It is noteworthy that this agreement seems to apply whether the authors are working in what is called 'ideal' or 'non-ideal' theory. Specifically, Jason Brennan, Lisa Hill and Brennan and Pettit all assume that we are in non-ideal circumstances, where voters are likely to vote selfishly or carelessly unless prevented from doing so. Yet they all insist that we have a duty to vote for the common good *if* we vote, although Jason Brennan and Hill disagree on whether we *are* morally required to vote, and Brennan and Pettit believe that we are morally required to vote openly, not secretly. For the differences between ideal and non-ideal theory see John Rawls, *Political Liberalism* (New York, NY: Columbia University Press, 1993.) 85. provides a rare discussion of the idea that we should vote for the common good in ch. 5, 119-124, but because the only alternative he presents to voting for the common good is voting in a purely egoistic manner, the discussion is fairly superficial. Lisa Hill, 'On the Justifiability of Compulsory Voting: Reply to Lever', *British Journal of Political Science* 40 (2010): 917–23. Geoffrey Brennan and Philip Pettit, 'Unveiling the Vote', *British Journal of Political Science* 20, no. 32 (1990): 311–33.

[2] Joshua Cohen treats what I would call 'the authorisation aspect' of democratic government as fundamental, compared to other aspects, such as its ability to affect our interests. This aspect of democratic government is also critical to Eric Beerbohm's interesting book. Joshua Cohen, 'Procedure and Substance in Deliberative Democracy', in *Philosophy, Politics, Democracy: Selected Essays* (Cambridge MA: Harvard University Press, 2009), 154–80., especially 154-5. Beerbohm, Eric, *In Our Name: The Ethics of Democracy* (Princeton, N.J.: Princeton University Press, 2012.). As Cohen and Sabel say, in their joint essay, 'directly-deliberative polyarchy', footnote 13 – 'A common rationale for democracy is that it treats people as equals by giving equal consideration to their interests…. We avoid this rationale because we do not find the idea of equal consideration of interests normatively plausible'. Joshua Cohen and Charles Sabel, 'Directly Deliberative

will represent our country to the world and that will legally commit us, as citizens, at home and abroad. So even if our electoral choice has no other consequences for our fellow citizens, these features of national elections are enough to make the ethics of voting a morally weighty matter. Specifically, given the ways that elections bind citizens, it seems that we should vote in ways that reflect our interests in the legitimacy of the government that will act in our name, and will claim to represent our freedom, equality and happiness. [3]

Nonetheless, there is something puzzling about the idea that there should be one and only one ethically correct approach to our choice as voters when, in all other aspects of life, acting ethically requires us to decide amongst *competing ethical criteria* - to consider the competing claims of friends and strangers, for example, or of parents and children; of global justice and domestic justice, or of justice to present and future generations. If the only morally correct way to vote is to vote for the common good, the sole legitimate cause of ethical disagreement as voters would be how best to define and pursue the ends that we have in common. Given reasonable pluralism, we can expect substantial disagreement about these matters.[4] Still, this picture of the ethics of voting seems too simple – in part because it strips out so much of the ethical content we might expect voting to have, such as issues of the *relative weight* we should attach to our shared good as citizens. While the common good of our fellow citizens is important, can this be the only thing that we have to think about in order to know what we should do as voters, and is it really plausible that our shared good is always more important ethically than other considerations – at least when it comes to voting?

In order to concentrate the paper on the question that concerns us, I will abstract from doubts about whether societies can have a common good.[5] Instead, I will assume that there is nothing particularly obscure about the idea that large numbers of people might have normatively compelling interests in common – interests in peace, physical security, in freedom, equality, well-being, respect, happiness and the like – even if it can be difficult to provide any very determinative content for those interests, and efforts to go beyond abstractions tend to generate reasonable disagreement amongst citizens. I will also assume that our common good cannot be reduced to what we happen to agree on or to desire at the moment – that what we are concerned with is an ethically compelling account of our shared

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Polyarchy' in *European Law Journal,* 3.4, (1997) 313-342. Available free online at *http://www2.law.columbia.edu/sabel/papers/DIRECTLY-DELIBERATIVE%20POLYARCHY.pdf*

[3] For a discussion of the common good in the context of an interpretation of Rousseau, see Joshua Cohen, *Rousseau: A Free Community of Equals* (Oxford: Oxford University Press, 2010.). especially pp. 44 -50

[4] On reasonable pluralism see Joshua Cohen, 'Moral Pluralism and Political Consensus', in *The Idea of Democracy*, ed. David Copp, Jean Hampton, and John E. Roemer (Cambridge: Cambridge University Press, 1993).

[5] William Riker, *Lib*eralism *Against Populism* maintains that social choice theory shows that the idea of a common interest is incoherent, and that the idea of a general will must depend upon a populist ideal of groups as united by a single will. For the difficulties with Riker's views see Joshua Cohen, 'An Epistemic Conception of Democracy', originally published in *Ethics* 97.1, (1986) 26-38.

interests, rather than the interests that we happen to share at the moment, or that we can currently agree that we share. Considerations of justice, as well as other ethical considerations, therefore form part of our understanding of what we have in common and of what we should pursue collectively as citizens.

I will refer, at various points, to interests which are legitimate but not shared. By this, I mean interests which are consistent with the freedom and equality of others, but which are, at least at present, objects of reasonable disagreement.[6] Examples of interests which are legitimate, but not shared, are interests in practising a *particular* type of religion, tolerant of others and accepting of democratic government, or interests in marrying a *particular* person, with their free and informed consent. By contrast, interests in acting according to one's conscience are interests which will be legitimate and shared, if our different conscientious convictions are shared and consistent with the freedom and equality of others. Likewise, interests in physical security may be widely shared and legitimate, although some of our interests in security may be rather specific, give our hobbies or professions. I assume that, even if consistent with the legitimate claims of others, these would be instances of personal, rather than common, interests. Interests which are illegitimate – however widely shared – are interests in domination, in coercion and exploitation, all of which may advance our particular interests as individuals and as members of diverse social groups, but which cannot be squared with a commitment to the freedom and equality of others, nor with democratic government as the political expression of that commitment.

Unfortunately, we sometimes confuse legitimate and illegitimate interests, because we make factual mistakes about what will, indeed, advance people's freedom and equality, or we make normative mistakes – for example, about the differences between democratic and undemocratic government. In particular, we sometimes confuse reasonable disagreement with the expression of preferences, whether reasonable or not, or with dogmatic insistence on one's favoured alternative, or with indifference to the truth of one's beliefs. By contrast, I assume that reasonable disagreement concerns disagreement about matters of fact, value and interpretation which reflect beliefs that are logically consistent, fit with the best available evidence on the matter at hand, and are compatible with a willingness to treat others as free and equal. Logic and the best available evidence are often insufficient to decide amongst competing claims of fact, interpretations of ideas or claims about what is valuable. So, interests that are legitimate but not widely shared generally reflect reasonable disagreement about how best to live, or what to do as individuals and as a society.

[6] My conception of interests which are legitimate, but not shared, is therefore broader than Rawls' idea of reasonable comprehensive conceptions of the good, though inspired by it. See *Political Liberalism*, Lecture 2, section 3.

Justice, Voting and the Common Good

People need to have some ends in common for us to attribute a 'common good' or 'collective interest' to them. This agreement must be explicit, if the ends that people have in common are to form the deliberate objects of collective action and to order their judgements, and shape their motivations. Moreover, if the common good is to explain and justify the ethics of any decision – whether to the individuals concerned or to other people – this agreement must have ethically significant content and be constrained in ways that reflects ends which people are morally entitled to pursue collectively as well as individually. At least some of these ethical considerations will be considerations of justice – or of what members are entitled to expect of each other and of the basic institutions of their society – though their shared good need not be limited to questions of justice, or to principles of social justice in particular.

Assume, then, that we live in a society with a shared conception of the common good - shared interests in physical security and freedom, for example. These shared interests give us some interests in international justice, not just justice within our borders, and some interests in protecting the environment, both natural and cultural. This is partly because global justice, and the protection of our natural and built environment affect our security and freedom as a society. More strongly, however, we accept that the principles of justice that should govern our society mean that other people and other societies are entitled to enjoy freedom and physical security too, so long as they do not aggress or injure others. And so, a logical entailment of our shared conception of the good would be that we have duties of justice to non-citizens living in distant lands, as well as to those who will be citizens of our society in the future. It therefore seems that we are in the fortunate situation where we can pursue our common interest as citizens without worrying that this will bring us into conflict with the legitimate claims of others. Put simply, it looks as though voting for what best advances our common good is consistent with the duties of justice that we owe to others – at least in ideal theory.[7]

If we can vote to advance the common good without injustice, does it follow that under duly idealised conditions we have a duty to vote only on considerations of the common good? The answer, I think, is 'no'. First, there is no reason to assume that elections under ideal circumstances inevitably – or, even, usually – result in at least one candidate being obviously better than the others from the perspective of the common good, however we define the latter. For example, although we are in a society with a clear common good and competing political parties seeking to provide the best interpretation of that good, the alternatives before us may strike us as equally compelling – and for good reason. Granted, some parties may be stronger on some points than on others, or have a more credible idea about how to

[7] For Rousseau, justice and interest always agree, so long as citizens are willing to impose on others only those constraints on their liberty which they accept for themselves. This is not a purely formal requirement, as Cohen emphasises, because 'the common good needs to be interpreted against the background of the fundamental commitment to treat associates as equals', *Rousseau*, p. 43

advance one particular aspect of our shared interests. But then, they may be less good in other ways – we may be unsure how realistic their economic or political assumptions are, or if they are psychologically plausible. And so, even abstracting from issues of enforcement and assuming that people are genuinely motivated to pursue the common good, it would be wrong to assume that a concern for the common good always gives us a determinate answer to the question 'how should I vote?'.

In such cases, a concern for the common good might give us no definite reason to favour one candidate over others. If we are to have reason to vote, therefore, we must be morally entitled to treat some consideration other than our common good as dispositive of our electoral choice. Fortunately, we will almost certainly not lack for ethical considerations which we might use as tie-breakers, because while principles of justice that we share may not be sufficient to discriminate amongst the candidates, there may be important principles of justice on which, as a society, we do not have unanimity and, of course, there are many important ethical considerations which are not principles of justice at all. There are ethical ideals – of world peace and harmony or of happiness and wellbeing which may be ethically compelling even if our society is far from unanimous on their importance. So, while not part of our common good, as we currently understand it, these are reasons for action which are capable of being accepted by others who see themselves as our equals. It seems ethically permissible to look to these other ethical considerations as tie-breakers, if we are unable to decide amongst electoral candidates based upon our shared interests.

Indeed, if candidates are equally good from the perspective of our shared interests, it seems permissible to decide in favour of one of them based on their consequences for our *personal interests*, because candidates may have different consequences for our ability to advance that part of the common good which concerns our personal interests. We would therefore have based our vote on considerations of the common good as far as we were able, but our vote would, nonetheless, have reflected other factors too - though ones consistent with maximising our shared ends.

For example, we may believe that one candidate rather than another has a deeper commitment to peace, though both are equally good from the perspective of our shared interests, because one of the candidates is a pacifist and therefore holds an approach to peace which, while 'sectarian' and 'unworldly', as Rawls put it,[8] may strike us as a tie-breaker when we compare the best candidates based on something that is of ultimate importance to us – world peace. Or suppose that two candidates are equally good from the perspective of the common good, but that the consequence of their economic plans differ for our interests in university education. Because both candidates are consistent with my legitimate interests, they both have policies which treat my interests in university education fairly. I have no complaints on that score. However, one of them has policies for funding access to universities which will cost me less than the other. If the candidates are otherwise tied on my best

[8] John Rawls, *A Theory of Justice* (Cambridge MA: Harvard University Press, 1972). section 58.

understanding of the common good (because one is better at some things, but worse on others, or because I am not sure that I believe the proposals can really be implemented, much as I like them), it seems permissible to use the different consequences of their policies for my access to university as a tie-breaker. The common good is consistent with me paying a variety of different prices for my university education; just as it is consistent with a variety of different outlooks on peace. However, some of these advantage me more than others *without implying injustice to other people*, according to the principles of justice that we explicitly share. My suggestion is that where all else is equal, it must be ethically acceptable to use these differences as a tie-breaker.

Maximising v. Satisficing the Common Good

It looks, then, as though in ideal theory we can imagine voting based on considerations other than the common good. But the cases that we have just looked at are highly particular, even if they might occur quite frequently, and the permission to vote on factors other than the common good that they imply is highly constrained. Specifically, it amounts to the supposition that we are allowed to treat other ethical factors as determinative of our vote in cases where we would otherwise have to decide a tie at random, or lack ethically significant reasons to vote at all. But do we have reasons to think that it is only in such circumstances that it would be ethically acceptable to vote on considerations which are not widely shared? Again, I think the answer must be 'no'. A commitment to pursue the common good of our fellow citizens does not entail a duty to *maximise* that good, or to suppose that the pursuit of our common ends is more important morally or politically than everything else. If, on the one hand, the justification for government *is* that it enables us to pursue together ends that we could not pursue separately, it hardly follows that we judge the pursuit of these joint ends more important than other things. Recognising this, we accept that the use of coercive power must be justified in ways that we can all accept and that, as a general matter, this makes it wrong to give priority to our personal objectives – however idealistic and altruistic – when determining who will exercise political power and why. Seeing each other as equal partners in a voluntary cooperative enterprise means that I cannot co-opt others without their consent for my own ends. But it does not follow that I must therefore *maximise* rather than *satisfice* our common good, or do so in all circumstances.

Imagine that we are members of a society with a shared conception of the common good that we actively seek to promote. We face an election with a variety of different candidates, all of whom are adequate from the perspective of the common good, and some of whom are better than adequate. However, in addition to reasonable disagreement about which candidates *are* best, looked at solely from the perspective of our shared interests, we also have reasons to rank the candidates quite differently based on legitimate interests which we do not share. That is because we all have a variety of personal interests which are consistent with treating others as equal citizens and valuing their freedom and wellbeing even though others do not share them. At least some of these personal interests are of great ethical importance to us.

Thus, in addition to our shared ends, some of us hold personal ends which require us to strive for the greatest good of the greatest number of people, others amongst us believe that service to god is of the greatest ultimate importance, and others that it is of the utmost importance to secure natural diversity for future generations, or to preserve great works of art and to make them widely accessible.

As a general matter, our different personal objectives give us no reason not to vote for the candidate/s we each judge best according to our conceptions of the common good, because there is sufficient overlap between what is best for us all and our most important personal commitments. However, occasionally that is not the case. The question, then, is what, if anything, follows for the ethics of voting from the fact that our most important personal commitments may be at odds with the ends that we share as citizens?

Imagine that the preservation of some especially beautiful artistic or archaeological site in a poor country abroad is more vulnerable than anyone had thought. Urgent and expensive action is needed to protect it. Some candidates openly argue that we should take this action (along with people in other countries), even if it means that we will have to put off other projects that we had wanted to pursue, and which were clearly relevant to the advancement of our shared interests. Other candidates disagree, because they are unpersuaded that the best interpretation of our shared interests includes protecting the site, special though it is. That is the position of the candidate you think most likely to advance the common good. You therefore agree with the candidate that saving the site may not be the best way to use collective resources if all we consider are our shared interests. But you are not persuaded that this *is* the only thing that we should consider, in the circumstances. You are aware that you face an ethical dilemma – but are comforted by the fact that all of the candidates are clearly adequate from the perspective of the common good. And so you decide to vote for the candidate who, out of those who are best from the perspective of the common good, is also willing to protect the site. You accept that if this is to be an ethically acceptable way of voting, other people, too, must sometimes be entitled to satisfice, rather than maximise, the interests that we share. But that does not bother you overmuch, because you think that it is consistent with a commitment to equality and solidarity that we must sometimes satisfice rather than maximise our shared goals, in order to accommodate each other's conscientious convictions, even if these are not widely shared.

Is it morally wrong to vote in the way that I have just described? If it is wrong, it seems that this must be because we have duties to maximise the common good, or to treat our shared ends as more important than anything else, at least when it comes to voting. However, I am not sure why we should assume this, even under idealised conditions. We can agree that our shared ends should usually *take primacy* over other considerations when determining the use of collective resources and powers without supposing that they must be the *only* things that

we consider.[9] It seems odd, after all, to suppose that it would be better to randomise or to abstain when considerations of the common good are not determinate, than to use ethically weighty, but not generally shared, considerations to determine our choice amongst electoral candidates. But if such weighty but personal considerations can act as a tie-breaker in such cases, why suppose that it is morally wrong to attach *any* weight to them in other cases? After all, the difference between the best and the next best, from the perspective of the common good, may not be very great but the difference between them from the perspective of our particular concerns may be substantial, perhaps irreparable. It seems dogmatic to insist that it would be morally wrong to vote for the next best in such a case.[10] Even where the difference between the best and the next best is greater, we can hardly be accused of culpable indifference to the freedom and equality of others if the person we deem second best is deemed best by some, even many, thoughtful and conscientious citizens. And while it is much less clear that we are entitled to satisfice, rather than to optimise if the gap between the satisfactory and the best is really quite large, I have suggested that this might sometimes be permissible and quite distinct, ethically, from pursuing one's self-interest at the expense of others.[11]

The Ethics of Voting and Ideal Theory

If the arguments we've looked at are plausible, the ethics of voting, even in ideal theory, are more complicated than we might have supposed, because respect for each other's moral

[9] The language of primacy figures repeatedly in Cohen's interpretation of Rousseau. However, this seems to be a reflection of Cohen's interpretive argument that Rousseau seeks the unity of the general will through individuals *ordering* their preferences so that concern for shared ends dominates, rather than supposing that citizens have *no* other ends, as some have thought. There is no suggestion that Rousseau – or, indeed, Cohen - think that voters may permissibly vote for anything other than the common good. See *Rousseau*, 33-40, 54 where citizens 'deliberate about conduct by giving first consideration to reasons of the common good' – which might suggest that second and third consideration goes to something else. However, in practice this seems not to be the case.

[10] My argument here has affinities with worries about the absolute priority that Rawls gives to improving the situation of the worst off social group, once the Equal Basic Liberties and Fair Equality of Opportunity have been secured. Such an absolute priority makes sense if the situation of the Worst Off is either very bad or very much worse than everyone else. To the extent that these are not the case, it can seem harder to justify. However, granting absolute priority to the worst off social group, on Rawlsian assumptions about the relationship between their situation and that of others, means that we do not have to make complex interpersonal comparisons in order to know when improvements in people's wellbeing are justified. Thus, considerations of transparency and solidarity may favour stringent priority rules, even if we're not sure that they are required by fairness, or that economic inequality *is* justified in order to improve the wellbeing of others.

[11] By contrast, Jason Brennan supposes that satisficing rather than maximising cannot be justified, because he assumes that 'if you take on the office of voter, you acquire additional moral responsibilities, just as you would were you to become the Federal Reserve Chairman…The electorate decides who governs…They owe it to the governed to provide what they justifiably believe or ought to believe is the best governance, just as others with political power owe it to the governed to do the same'. Pp. 128-9. However, the difficulty with this way of thinking, is that it treats voting as a special office, rather than a natural exercise of democratic rights, and ignores the difference between the power of an individual voter and the power of legislators or Chairmen of the Federal Reserve. For the reasons why this matters, and its significance for arguments against open voting, see Annabelle Lever, 'Mill and the Secret Ballot: Beyond Coercion and Corruption', *Utilitas*, 2007, 354–78.

capacities does not mean that we must always vote to maximise the legitimate interests which we share as citizens. On the contrary, solidarity can manifest itself through a generalised permission to satisfice rather than maximise shared interests on occasion, given the ethical dilemmas in voting which conscientious citizens may face.

One of the difficulties about being a voter, ethically speaking, is that we can only vote on the choices before us and, however much we might wish for things to be different, we cannot expect there to be so many good candidates – even in ideal theory –that it is easy to decide how to vote. Moreover, as a voter it is generally difficult for us to influence political debate, or to reshape existing conceptions of the common good if we come to think that they are inadequate. In short, one of the difficulties about voting ethically is that voters at election-time are more like price-takers than price-shapers, in that their ability to shape the electoral choices before them is now largely set. We can deliberate publicly on those choices, and try to improve them at the margins, but for the most part, once an election is called, town meetings and questions to political parties and candidates are better at *informing* us about the choices we face than at enabling us to *influence* those choices themselves.

Nor, it must be said, is it easy for individuals to influence the choices that will be put before the electorate without dedicating large amounts of time and energy, over very long periods, to the task of influencing the political agenda. This may be possible for most people at some moments in their lives, but even for people who care about politics, or who are particularly civic-minded, such forms of political engagement may be difficult to sustain and may prove a less productive use of time and energy than other forms of political or civic engagement.

Taken together, these points suggest that the ethics of voting need to consider not only what people can do with their vote – at least, as part of an electorally-winning coalition – but also what they cannot do.[12] The reasons to insist that voters should only vote for the common good reflect the important point that elections seek to define a legitimate government, with the power to bind citizens morally and politically. However, once we acknowledge that voters do not get to choose the candidates before them, and may have had rather limited opportunities to influence the political agenda between elections, it is easy to see why, even in ideal theory, voters may face a choice between the candidate that seems best to them when they consider only their shared interests as citizens, and the candidate that seems best to them when they consider what they should do more generally.

There are many things which we should do which have no particular relevance to electoral ethics. We can give money to charity, volunteer our time and experience, as well as our money; set up associations of different sorts or participate in ones that are already established; we can write letters to the press, demonstrate, protest and generally seek to advance the ends that strike us as ethically important without feeling obliged to further those

[12] Annabelle Lever, 'Compulsory Voting: A Critical Perspective', *British Journal of Political Science* 40, no. 04 (October 2010): 897–915.

ends by *voting*. However, sometimes politics can promote or impede ends that we think are of such importance that we have ethical reasons to vote that we otherwise lacked, and to vote one way rather than another. I conclude then that, even in ideal theory, we do not have to vote for the common good, or treat our shared interests as citizens as the sole criteria of electoral choice. Unfortunately, it is not easy to estimate how often we are permitted to vote on other considerations, although there is surely much more that can be said on the matter than I can offer here. However, we are likely to confuse reasonable disagreement over the *best interpretation* of the common good with disagreement over the *relative weight* and importance of our common good, as long as we insist that our shared interests are the sole legitimate basis for voting. Such confusion will be particularly problematic in so far as we are concerned with the relationship between claims of justice and claims of the common good.

Thus far, we have assumed that if our conception of the common good reflects principles of justice, then we will never face a conflict between claims of justice and claims of the common good. However, it is hard to be confident that this is true, given the reasons for supposing that rights are not absolute.[13] Even when we try conscientiously to give others their due, and are not impeded by injustice from acting, we may be unable to honour the conflicting claims upon us. This is a sufficiently familiar occurrence to suggest that, even in ideal theory, the principles of justice we affirm as part of our common good may give us reasons for action which are at odds with other principles of justice - of global justice, for instance, or of justice to future generations. In such cases we are faced with a conflict of duties within our shared conception of justice – between the principles we affirm as part of our shared ends, and those principles which we affirm when we reflect on the claims of others.

We can describe the moral situation we face in terms of a conflict within our shared conception of justice, but we might also describe it as a conflict within our shared conception of the good, in so far as a commitment to justice is something that we share. But we may experience, and want to describe our situation as one which pits the claims of justice against our common good. We are particularly likely to describe our situation this way if we believe that the conflict we face gives us reasons to subordinate our common good to the just claims of those who are not our fellow citizens. If the conflict arises in circumstances consistent with ideal theory – being the result of misfortune rather than injustice - we will have no good reason to *revise* our conceptions of the good or the just, but will, rather, have to decide on the *priority* to give our different duties, based on the conceptions of goodness and justice that we currently have. In short, even in ideal theory it is reasonable sometimes to believe that we should vote on considerations of justice *rather than* of the common good.

Conclusion

[13] Jeremy Waldron, *Liberal Rights: Collected Papers 1981–1991* (Cambridge: Cambridge University Press, 1993).especially the discussion of Nozick's conception of rights in chapters 1 and 2. For other objections to Nozick on rights, see Jonathan Wolff Jonathan Wolff, *Robert Nozick: Property, Justice and the Minimal State* (London: Polity Press, 1991).

It is hard to know how different our circumstances as democratic citizens are from the world assumed by ideal theory. If we are fortunate, we can assume that we have a shared interest in justice with our fellow citizens even if we find it hard to agree on the principles that define that interest, or to act upon them as we could or should.[14] It is plausible, however, that we will face more occasions than in the circumstances of ideal theory when our best understanding of the common good is not precise enough to determine how we should vote. There are likely more circumstances when it will seem ethically compelling to satisfice, rather than to maximise the common good, in part because we may be concerned with determining which is the 'least bad' option of the ones we face, rather than trying to evaluate which of several appealing options to choose given uncertainties about our knowledge, or about the likely consequences of different policies. Above all, we will likely face many more circumstances where justice will be a *constraint* on our common good, rather than *an expression* of it.[15] Democratic citizens in non-ideal states, then, may face many of the same dilemmas as their counterparts in ideal theory and, like the latter, may feel unsure how to describe or evaluate the demands upon them. Ideal theory suggests that such doubts are often reasonable, and admit of no easy resolution, because even in the world of ideal theory, we do not always have to vote for the common good.

[14] For a particularly interesting analysis see Joshua Cohen and Charles Sabel 'deliberative polyarchy', section 3, with its claim that institutional failure, at present, makes it unnecessarily hard for citizens to agree on solutions to collective problems '…we assume that for some substantial range of current problems, citizens agree sufficiently much about the urgency of the problems and the broad desiderata on solutions that, had they the means to translate this general agreement into a more concrete, practical program, they would improve their common situation, and possibly discover further arenas of cooperation. This Is not to make the foolish claim that everyone endorses the same ranking of solutions, only that they prefer a wide range of alternatives to the status quo'.

[15] Annabelle Lever, 'Mill and the Secret Ballot', 375-6.

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