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Democratic Non-Participation

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Abstract:
The idea that there might be *democratic* forms of non-participation has been largely overlooked in the theoretical and empirical literature on democracy. Non-participation has variously been seen as a threat to the proper functioning of democracy, a rational choice, or (more rarely) as potentially beneficial at the systems level. We argue that there are forms of non-participation that may be justified on democratic grounds. Our main theoretical move is to distinguish between reflectivity (or thoughtfulness) and participation. We argue that the normative value of both participation and non-participation is conditioned by reflectivity, such that there may be democratically desirable forms of reflective non-participation. To support our claims, we provide examples of how non-participation can help support democratic goods — such as inclusion, influence, and legitimacy — that are normally associated only with democratic participation.

Key Words:
Democratic Theory; Participation; Non-Participation; Deliberative Democracy; Protest.

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1. Introduction

Participation is central to the modern democratic imagination. Yet non-participation is an unavoidable and important part of democratic life. It is unavoidable because there are so many ways of being active in democratic systems and so many collective decisions to be made. Voting is one of the most important forms of participation, but individuals and groups might also choose to petition their governments, initiate referendums, campaign for candidates, participate in public engagement processes, engage in online activism, or join street protests. Individuals might also enter the ranks of the political elite by, for example, joining the public service, running for elected office, or writing political commentaries. But participation is costly in terms of both time and effort and, as such, we must continually make choices about when to be politically active and when to refrain from participating. And even when we are willing and able to act, we may, instead, decide that non-participation is the better option. We may decide not to participate for self-serving reasons, which might threaten the integrity of a democratic system or process. Alternatively, non-participation might, in certain circumstances, be desirable from a democratic perspective.[1]

In this paper, we argue that participation and non-participation are like two sides of the same coin: when we are thinking about what makes for good participation, we also have to think about what does (or does not) make for good *non*-participation. Although it is theoretically possible to have 100 percent participation rates during elections, for example, it is not possible for individuals to choose participation in response to every opportunity they might have to actively influence collective decision-making processes. More importantly, participation may not always be the best option from a democratic perspective. In some cases, the integrity of a democratic process or

[1] We do not mean to imply that examples of reflective non-participation will be seen as desirable by all observers. Instead, we mean to say that democratic non-participation may be justifiable, at least in principle, on democratic grounds, even if observers do not agree that non-participation is warranted in specific cases.

system may be better served if some people reflectively decided to not participate for democratic reasons. In this paper we argue that there are, indeed, normatively desirable forms of *democratic* non-participation.

The idea that there might be democratic forms of non-participation has been largely overlooked in the theoretical and empirical literature on democracy. Non-participation is typically seen as a threat to the proper functioning of a democratic system, or as a rational choice in some (or most) circumstances.[2] Others have argued that it would be better if certain types of persons or groups, such as those who do not know enough to vote well, remain apathetic, disinterested, and uninvolved.[3] In our account, although participation remains an essential democratic good, there are forms of non-participation that may be desirable, not because they represent the freedom that individuals should have to remove themselves from politics or because they help protect political systems from too much (or the wrong sort of) participation, but instead because they are consciously understood *by non-participants* as forms of *democratic* non-participation.

Our main theoretical move is to distinguish between two related, but conceptually distinct, dimensions of democratic life: reflectivity and participation. This conceptual move identifies two familiar forms of participation and non-participation (namely, "reflective participation" and "unreflective non-participation"), but it also reveals two other possibilities: "unreflective participation" and "reflective non-participation." The forms of reflective non-participation that we discuss are examples of people advancing democratic norms or objectives through non-participation, and the concept of democratic non-participation therefore has an oxymoronic feel.

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[2] On "threats" see Benjamin Barber, *Strong Democracy: Participatory Politics for a New Age* (Berkeley: University of California Press, 1984); Carole Pateman, *Participation and Democratic Theory* (Cambridge: Cambridge University Press, 1970). On "rational choice" see Anthony Downs, "An Economic Theory of Political Action in a Democracy," *Journal of Political Economy* 65 (April 1957): 35-150; John R. Hibbing and Elizabeth Theiss-Morse, *Stealth Democracy: Americans' Beliefs about how Government Should Work* (Cambridge: Cambridge University Press, 2002).

[3] Bernard R. Berelson, Paul F. Lazarsfeld, and William N. McPhee, *Voting: A Study of Opinion Formation in A Presidential Campaign* (Chicago: University of Chicago Press, 1954); Jason Brennan, *The Ethics of Voting* (Princeton: Princeton University Press, 2012); Samuel P. Huntington, *The Crisis of Democracy* (New York: New York University Press, 1975).

This has led to some confusion: readers of this paper have sometimes found it difficult to think of something like non-voting for the purposes of protest as a form of non-participation. It looks like a form of political action *because* it is a protest. We share this intuition, but we want to emphasize that just because an inaction is intended to have some impact does not mean that we should think of it as action. When someone decides not to vote as a form of protest, they are non-participants with respect to voting, even if their non-participation *is* intended to have some impact or send a signal or message.

This paper thus aims to reorient our thinking about political participation in several ways. First, we want to articulate non-participation as part of the repertoire of good democratic practice. Many examples of democratic non-participation are familiar, such as choosing not to speak in the context of a deliberation in order to make room for others to speak, or refraining from voting as a form of protest against a democratic system that lacks legitimacy. The problem, from our perspective, is that these forms of non-participation are not typically understood as *democratic* non-participation. They are more commonly either seen as forms of participation (which they are not), or they are treated — in observational terms — the same as forms of non-participation that result from apathy or disinterest. Our theory of democratic non-participation gives us a new, and we hope useful way, of making distinctions between normatively desirable and undesirable forms of non-participation. This approach, furthermore, enables us to identify less familiar forms of democratic non-participation, such as deference to the more affected, that might go unnoticed — and indeed *have* gone unnoticed — without a theory of democratic non-participation.

Second, we challenge the (often implicit) idea that people can be organized into two broad category types: the inactive and the active.[4] Instead, we should recognize that each individual must continually make judgments about when (or how) to be active or inactive in response to each opportunity to participate. There are, of course, individuals who nearly always (consciously or unconsciously) choose political passivity over action, but it is not possible to be active all the time. As such, it is not helpful to categorize individuals as "passive citizens" or "active citizens" because this hides the fact that people must be inactive in response to a majority of their options for being active in democratic societies.[5]

Third, while there is overlap between theories of "exit" and what we call "democratic non-participation," they are conceptually distinct.[6] While exit is often thought of as being oriented to individual goods, with the improved responsiveness of organizations as the unintended side-effect, it can also be the case that exit — like democratic non-participation — can be motivated by the desire to improve the organization or association in question.[7] Furthermore, democratic non-participation itself may be considered a form of exit when it is used to protest forced or unwilling inclusion, as when, for example, colonized peoples refuse to participate in the democratic processes

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[4] Schlozman, for instance, talks of "...the kinds of people that are drawn into political activity..." Although we believe she would concede our point — that people must continually choose to be active or inactive in response to particular opportunities to engage — her characterization of the "active individual" makes it appear as if there are some "kinds" or "types" of people who are politically active and other types who are not. In reality, most of us are politically active some of the time and inactive most of the time, given our limited participatory resources. See Kay L. Schlozman "Creative Participation: Concluding Thoughts From the Land of the Boston Tea Party" in *Creative Participation: Responsibility-Taking in the Political World*, ed. M. Micheletti and A. S. McFarland (London: Paradigm Publishers, 2012), 173-190.

[5] The language of "citizenship", which we try to avoid in this paper, also hides the fact that non-citizens have opportunities to participate in various ways in democratic systems – such as joining protests, writing letters, or going to public consultation meetings – even if they are not entitled to vote or run for office.

[6] There is an extensive literature on the political implications of exit. See, e.g., Albert O. Hirschman, *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States* (Cambridge, Mass: Harvard University Press, 1970); K. Dowding, P. John, T. Mergoupis, and M. Van Vugt, "Exit, voice and loyalty: Analytic and empirical developments" *European Journal of Political Research* 37 (June 2000): 469-495; Mark E. Warren, "Voting with Your Feet: Exit-based Empowerment in Democratic Theory," *The American Political Science Review* 105 (November 2011): 683-701; Jennet Kirkpatrick, *The Virtues of Exit: On Resistance and Quitting Politics* (Chapel Hill, NC: University of North Carolina Press, 2017).

[7] We would like to thank an anonymous reviewer for pressing this point on us.

of colonizers.[8] However, there are many forms of non-participation that do not involve exit, but which involve supporting — and remaining committed to — democratic processes by not participating in them.

Fourth, we would like to emphasize at the outset that democratic non-participation, as we have conceived it, is not a marginal matter. Political non-participation is far more common than participation when we take a wide view of our opportunities to be politically active. Many of us vote but most of us do not join protests, write political commentaries, start petitions, organize advocacy groups, run for public office, or participate regularly in other political activities. Many of us will do *some* of these things *at some point*, but all of us are inactive in response to a majority of our opportunities to be active because of the limited participatory resources that we have. If this is the case (and we think it is), students of democracy have spent too much time thinking only about participation and not enough time thinking about whether there are better or worse ways of *not* participating.

The paper will proceed from here as follows. In Section 2, we briefly review how political non-participation has been conceptualized in democratic theory. In Section 3, we develop and discuss our theoretical framework, which makes a distinction between reflectivity and participation to draw out the differences between democratically productive or desirable forms of non-participation and those that are not likely to be justifiable from a democratic perspective. We do not set out to address all possible conceptions of democracy, but we do in this section claim that our emphasis on reflectivity is consistent with most mainstream accounts of democracy in so far as they are premised on a reflective choosing agent. In Section 4, we discuss forms of democratic non-participation, emphasizing how non-participation can help support or produce democratic goods, and in particular those goods typically associated with participation. We organize this discussion

[8] However, in our view this does not look like a simple case of exit because the colonized persons did not see themselves as part of the polity to begin with.

first around inclusion and influence, discussing ways in which non-participation can be used to support the effective participation of others (4.1.1) or to influence the dynamics of collective decision processes (4.1.2), and then around legitimation, exploring non-participation as protest (4.2.1) and as legitimation through mindful monitoring (4.2.2). We then briefly consider the counterintuitive possibility that non-participation can contribute to the classic participatory good of self-development (4.3), before drawing our conclusions.

2. Non-Participation in Democratic Theory

Non-participation is often seen as deeply problematic to democratic systems.[9] Even minimalist models of democracy, such as those developed by Schumpeter and Przeworski, require individuals to participate in choosing their leaders.[10] There are, however, scholars who have argued that some degree of passivity among mass publics may be beneficial to the system as a whole. Political scientists in the 1950s, for example, worried that some segments of the population — such as the poor and the working classes — had authoritarian beliefs or tendencies, and it would therefore be better if they remained politically inactive (as they were inclined to be) because this would reduce the risk of anti-democratic leaders being elected.[11] Berelson and his colleagues worried that the politically active have tendencies that may be viewed as obstacles to a smoothly functioning democratic system. In their view, politically active individuals are likely to be too absorbed in public affairs, highly partisan, rigid in their beliefs and thus less likely to change their minds or promote the sorts of compromises that may be necessary to find broadly acceptable solutions to

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[9] See, e.g., Pateman, *Participation and Democratic Theory*; Barber, *Strong Democracy*, (see note 2 above for both sources).

[10] Joseph Schumpeter, *Capitalism, Socialism and Democracy* (New York: Routledge, 1943); Adam Przeworski, "Minimalist Conception of Democracy: A Defense" in *Democracy's Value*, ed. I. Shapiro and C. Hacker-Cordon (Cambridge: Cambridge University Press, 1999), 23-55.

[11] Seymour M. Lipset, "Democracy and Working Class Authoritarianism," *American Sociological Review* 24 (August 1959): 482-501; Giovanni Sartori, *The Theory of Democracy Revisited* (Chatham, N.J: Chatham House Publishers, 1987).

political problems. [12] For this reason, Berelson and his colleagues argued that "a sizable group of less interested citizens is desirable as a 'cushion' to absorb the intense action of highly motivated partisans."[13]

In contrast, Huntington was concerned about the spread of participation beyond elections to institutions that, in his view, are fundamentally unsuited to them, such as workplaces and universities. He also worried about protest movements, the expansion of white-collar unionism, and the assertion of minority rights. Huntington believed that these developments overload democracy with diverse demands that cannot jointly be satisfied, and he thus concluded that the "effective operation of a democratic political system usually requires some measure of apathy and noninvolvement on the part of some individuals and groups."[14]

These three arguments — that some groups have anti-democratic beliefs and it is therefore better if they remain inactive; that those who are comparatively politically uninterested help temper the obstructionist tendencies of activists and entrenched partisans; and that democratic systems cannot bear the weight of too much participation — each view non-participation as a social or political good, but they do not consider forms of non-participation that may be desirable on democratic grounds. Indeed, non-participation has rarely been viewed as a potentially legitimate democratic option; it is, instead, more often viewed as a consequence of either: 1) a lack of opportunity; 2) a lack of interest; or 3) a lack of reflectivity.

2.1. A Lack of Opportunity

Many scholars are rightly concerned that those who "choose" not to participate may be constrained in various ways that make participation unlikely, ineffective, difficult, or impossible. People may be inactive because they lack socio-economic or political resources, or because they are legally

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[12] Berelson et al., *Voting*, (see note 3 above).

[13] Ibid, 317.

[14] Huntington, *The Crisis of Democracy*, 114 (see note 3 above).

excluded or socially alienated from the political arena.[15] The most nefarious forms of non-participation may be the result of unobserved power structures that prevent individuals from acting on their genuine interests.[16] When individuals are significantly constrained by unobserved power structures, we cannot know whether they genuinely prefer non-participation to participation. While it is important to consider the political, social, and ideational factors that may constrain political action, we do not focus on these problems here because we are interested in self-conscious decisions to refrain from participating in response to real and recognized opportunities to be politically active.

2.2. A Lack of Interest

Within the purview of largely unconstrained choices for action or inaction, many scholars associate non-participation with a lack of political interest. There is evidence that political interest is associated with higher levels of participation.[17] Indeed, a lack of interest is one of the most common reasons cited by survey respondents who are asked *why* they do not participate.[18] In their book *Stealth Democracy*, Hibbing and Theiss-Morse use surveys to show that many individuals do not like politics and prefer to avoid it whenever they can. They argue that most people prefer to leave the difficult work of "doing politics" to others — but only when they are confident that the powerful will not take advantage of them.[19]

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[15] On "lack," see Kay L. Schlozman, Sidney Verba, and Henry E. Brady, *The Unheavenly Chorus: Unequal Political Voice and the Broken Promise of American Democracy* (Princeton: Princeton University Press, 2012). On "legally excluded or socially alienated," see Iris M. Young, *Inclusion and Democracy* (Oxford: Oxford University Press, 2000).

[16] Tom DeLuca, *The Two Faces of Political Apathy* (Philadelphia: Temple University Press, 1995); Steven Lukes, *Power: A Radical View* (London: Palgrave, 2005).

[17] Pippa Norris, *Democratic Phoenix: Reinventing Political Activism* (Cambridge: Cambridge University Press, 2002), 86.

[18] Declan Bannon, "Voting, Non-Voting and Consumer Buying Behavior: Non-Voter Segmentation (NVS) and the Underlying Causes of Electoral Inactivity," *Journal of Public Affairs* 3 (July 2006): 138-151, at 146; Michael Marsh, "Accident or Design? Non-Voting in Ireland," *Irish Political Studies* 6 (April 1991): 1-14, at 4; Cliff Zukin, Scott Keeter, Molly Andolina, Krista Jenkins, and Michael X. Delli Carpini, *A New Engagement? Political Participation, Civic Life, and the Changing American Citizen* (New York: Oxford University, 2006), 92.

[19] Hibbing and Theiss-Morse, *Stealth Democracy*, (see note 2 above).

Political non-participation resulting from a lack of interest may be normatively desirable because it represents a free choice to avoid politics in favour of other concerns or pursuits. For many political thinkers — most obviously Hobbes and Constant — a successful political society is one where individuals have the freedom to pursue their version of the good life (constrained only by the law) in a relatively stable political environment without having to worry too much about politics itself. Thinking along these lines, Morris-Jones, for example, argued that being free to choose political apathy over action should be seen as a privilege of living in a functional, liberal society.[20] Similarly, Anthony Crosland, wrote that "all experience shows that only a small minority of the population will wish to participate" and the majority will "prefer to lead a full family life and cultivate their garden."[21] On these accounts, political passivity is a freely chosen and entirely justified expression of a lack of interest in politics, but it is not justified as a productive democratic option in its own right.

2.3. A Lack of Reflection

Non-participation has also been associated with a lack of reflection or thoughtfulness. Although similar in some respects, a lack of reflection is not the same as a lack of interest. One may be uninterested in a subject (such as math or politics) but nevertheless sufficiently thoughtful to perform some task (such as writing a test or voting). It may be more difficult to motivate thoughtfulness when one is uninterested in a subject, but a lack of interest does not itself indicate a lack of reflectivity.

The assumption that political inactivity goes together with unreflectiveness is related to the claim that good democratic citizens should be both active and "enlightened."[22] Indeed, the causal

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[20] W. H. Morris Jones, "In Defence of Apathy: Some Doubts on the Duty to Vote" *Political Studies* 2 (February 1954): 25-37, at 36-37.

[21] Charles Anthony R. Crosland, *Socialism Now* (London: Cape, 1974), 65-66.

[22] Angus Campbell, "The Passive Citizen" *Acta Sociologica* 2 (July 1962): 9-21, at 9.

relationship between participation and reflectivity is thought to run in both directions. On one hand, there is evidence that those who know less about politics are also less likely to participate.[23] On the other hand, theorists such as J.S. Mill and Carole Pateman have argued that the possibility of democratic participation (and the responsibility that comes with it) is an inducement to learning and reflection.[24] These claims help emphasize the extent to which reflectivity and participation can be mutually supportive, but this way of thinking can also obscure the differences between these two concepts. Just because reflectivity and action often *do* go together, does not mean that they *must.* And just because those who do not participate often do so unreflectively, does not mean that this must *always* be so.

The failure to analytically separate reflectivity and participation results in accounts of non-participation that vacillate uneasily between inactivity and unreflectiveness. Consider, again, the claim that apathy on the part of a "sizable group" dampens processes of social and political change, and thus serves as a source of stability within the system as a whole.[25] In order for the apathetic to have this dampening effect they must exercise their influence by being active in some way, probably by voting. In this case, then, "apathy" is used not to refer (as is usually the case) to unreflective, political inaction; instead, Berelson et al. use the term to say something about the *quality* of reflectiveness attached to political *action* (in this case, the act of voting). What Berelson and his colleagues mean is that some voters are basically unreflective, and their influence can help dampen the more radical or partisan objectives of those who are both active and reflective. What is important for our purposes is that these accounts of political "apathy" fail to make explicit distinctions between reflectivity (or cognitive engagement) and political activity.

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[23] E.g., Michael X. Delli Carpini and Scott Keeter, *What Americans Know about Politics and Why it Matters* (New Haven: Yale University Press, 1996).

[24] John Stuart Mill, "Considerations on Representative Government" in *John Stuart Mill: On Liberty and Other Essays*, ed. J. Grey (Oxford: Oxford University Press, 2008 [1861]); Pateman, *Participation and Democratic Theory* (see note 2 above).

[25]Berelson et al., *Voting*, (see note 3 above).

Modern theorists who invoke the concept of passivity have also often failed to make clear distinctions between reflectivity and action. MacKenzie and Warren, for example, argue that voters might use deliberative minipublics as trusted information proxies when voting in referendums on complex public issues such as electoral reform.[26] They argue that this is a "good way of being passive" because it involves placing warranted trust in an institution that is designed to be (or known to be) representative, independent, nonpartisan, well informed, and deliberative. But on this account, individuals are in fact active with respect to voting, and "passive" only with respect to reflectivity: they vote but they rely on members of a minipublic to do the difficult work of deciding *how* to vote. Thus MacKenzie and Warren conflate reflectivity and action, calling voters who rely on information cues "passive" when they really mean to say that they are not fully engaged cognitively.

3. Reflective Non-Participation

Political participation, as we understand it, combines an internal quality of reflectiveness and an externally observable act such as taking part in a protest, casting a vote, signing a petition, engaging in public argument, and so on. These two elements are often — though not always[27] — conflated. When we talk of participation we usually mean someone who is both reflecting *and* participating.

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[26] Michael K. MacKenzie and Mark E. Warren, "Two Trust-Based Uses of Minipublics in Democratic Systems" in *Deliberative Systems: Deliberative Democracy at the Large Scale*, ed. J. Parkinson and J. Mansbridge (Cambridge: Cambridge University Press, 2012), 95-124.

[27] Recent research on apathy and alienation, for instance, explicitly challenges the tendency to conflate apathy with non-participation. For instance, Marsh and his colleagues write that "it is frequently assumed that if individuals do not engage in the activities that researchers take to represent political participation, they are politically apathetic. In our view, this is an unsustainable proposition because political participation, defined in this way, has a number of 'others', including apathy, alienation/disaffection and other types of participation." See David Marsh, Therese O'Toole, and Su Jones, *Young People and Politics in the UK: Apathy or Alienation?* (Houndmills, Basingstoke: Palgrave Macmillan, 2007), 18. More recent empirical work by Dahl and colleagues has explicitly defined apathy as an attitudinal orientation, though they also emphasize that this is an innovation in the context of mainstream work on participation which "understand[s] political apathy as a lack of involvement in political participation." See Viktor Dahl, Erik Amnå, Shakuntala Banaji, Monique Landberg, Jan Šerek, Norberto Ribeiro, Mai Beilmann, Vassilis Pavlopoulos & Bruna Zani, "Apathy or alienation? Political passivity among youths across eight European Union countries" in *European Journal of Developmental Psychology* 15 (January 2018): 284-301, at 285. While these and other empirical studies have recognized something like our distinction, we think it has not been sufficiently emphasized or fully developed within democratic theory, and our aim in this paper is to give it clearer theoretical shape and explore its normative dimensions.

And when we imagine a non-participant, we are tempted to imagine someone being unreflective as well as not participating. In this section, we elaborate our conception of reflectivity and discuss its relation to participation and non-participation.

3.1. Reflectivity, Attentiveness, and Internal Deliberation

Reflectivity presupposes a degree of attentiveness or monitoring.[28] To be reflective in political terms, a person must be aware of opportunities for political participation, but reflectivity requires more than just attentiveness.[29] Reflectivity also involves the internal consideration of reasons for acting or not acting. This is similar to Goodin's notion of "internal-reflective" deliberation.[30] Like Goodin, we treat reflectiveness as choosing a course of action after some consideration rather than merely picking one with "scant regard to evidence or argument"[31] But Goodin also loads reflectivity with normative content, arguing that those who are reflective should make the arguments and interests of others "imaginatively present" in their minds, so that "deliberation within" can reproduce the sort of empathetic or other-regarding qualities of judgment that have been associated with interpersonal deliberation by other deliberative democrats.[32] This function of reflectivity is not our primary concern in this paper — although some forms of democratic non-participation, such as deference to the more affected, do require making others "imaginatively

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[28] On "attentiveness" see Kevin Elliott, "Making Attentive Citizens: The Ethics of Democratic Engagement, Political Equality, and Social Justice" in *Res Publica* 24 (February 2018): 73–91. On "monitoring" see Michael Schudson, *The Good Citizen: A History of American Civic Life* (New York: The Free Press, 1998); John Keane, *The Life and Death of Democracy* (New York: W.W. Norton & Company, 2009); Erik Amnå and Joakim Ekman, "Standby Citizens: Diverse Faces of Political Passivity" in *European Political Science Review* 6 (May 2014): 261-281. We discuss the idea of monitory or "stand-by" citizenship in greater detail below.

[29] Elliot regards attentiveness as a "stable proclivity or aspect of character." In contrast (as explained in note 4 above) we want to get away from notions of a participatory "type," and focus on modes of participation or non-participation instead. Elliot, *Making Attentive Citizens* (see note 28 above), esp. 75-76.

[30] Robert E. Goodin, "Democratic Deliberation Within" *Philosophy & Public Affairs*, 29 (Winter 2000): 81-109.

[31] Robert E. Goodin, *Innovating Democracy: Democratic Theory and Practice After the Deliberative* (Oxford: Oxford University Press, 2008), 20. See also Edna Ullmann-Margalit and Sidney Morgenbesser, "Picking and Choosing" *Social Research* 44 (Winter 1977): 757-785.

[32] Goodin, *Democratic Deliberation Within* (see note 30 above), 83.

present" and empathizing with them. On our account, reflectivity simply requires a minimal consideration of reasons for or against action in a given situation. The reflective person must thoughtfully consider her options to participate or not participate, she must be aware of the fact she is doing so, and she should have some sense of the terms, rationales, objectives, or principles upon which her judgments are based.

Our concept of reflectivity is not overly demanding but it nevertheless does some heavy theoretical lifting: it rules out impulsive behaviour, as well as behaviour that is unwitting, unconscious, habitual, or generated by unrecognized (or unacknowledged) external stimuli.[33] This conception of reflectivity helps clarify distinctions between reasoned actions and "knee-jerk" reactions but it does not go so far as to identify reflectivity with rationality. Individuals might make reflective judgments while at the same time being aware that those judgments are not rational. For example, someone may decide to vote because she sees it as a duty, and because it makes her feel good, even though she might, also, know that each vote has a fantastically small probability of being decisively influential.[34] On our terms if this individual *thought* about voting as a duty, and she was aware that she was doing so, she is being reflective even if she is not being fully rational (on that account of rationality).

3.2. Reflectivity and Democracy

Our suggestion that reflectivity provides participation with its normative content follows from the basic intuition that democratic decisions look less legitimate if we discover that those who have made them do not understand *why* they made them. This intuition is widely shared in diverse

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[33] Passive information acquisition and behavioural cueing may in the right circumstances serve democratically decided or democratically productive ends, but on our account they are not in themselves reflective. See Thaler and Sunstein, *Nudge: Improving Decisions About Health, Wealth, and Happiness* (New York: Penguin, 2008).

[34] André Blais, *To Vote or Not to Vote: The Merits and Limits of Rational Choice Theory* (Pittsburgh: University of Pittsburgh Press, 2000); Anthony Downs, "An Economic Theory of Political Action in a Democracy" (see note 2 above).

approaches to thinking about democracy. The normative value of reflectivity is most obviously present in accounts of democracy that focus on substantive forms of representation, deliberation, and participation.[35] Deliberative democrats, for instance, insist that legitimate collective decisions are those that are, or might be, justifiable to those who are affected. It is not the decisions or votes of individuals that do the work of legitimation, but rather the ways in which those decisions may be justified to others.[36]

But even minimalist theories of democracy — such as those outlined by Schumpeter and Przeworski — rely on a degree of reflectivity for their normative legitimacy in so far as they are still rooted in the decisions of reflective choosing agents. Although Schumpeter clearly rejects the idea that voters have well-formed policy preferences that constitute a common will that it is the job of governments to enact, his conception of democracy as a "free competition for a free vote" nonetheless makes some substantive demands on voters. He allows that voters must to some degree have their latent wills "called to life" by political leaders, but he recognizes that there are limits to this, and that a condition of the success of the democratic method is that electorates "must be on an intellectual and moral level high enough to be proof against the offerings of the crook and the crank."[37] Przeworski, interestingly, does make the case that rotating office randomly — that is, removing all connection to a reflective choosing agents — would itself (theoretically) give losers reasons to comply with the result.[38] But he goes on to defend a distinctive claim about why voting itself can induce compliance, and this claim draws on the idea that voting "reveals information

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[35] On "representation," see Hanna F. Pitkin, *The Concept of Representation* (Berkeley: University of California Press, 1967). On "deliberation," see Simone Chambers, "Deliberative Democratic Theory" *Annual Review of Political Science* 6 (June 2003): 307-326; Robert E. Goodin, *Reflective Democracy* (Oxford: Oxford University Press, 2003); Amy Gutmann and Dennis Thompson, *Why Deliberative Democracy?* (Princeton: Princeton University Press, 2004); Young, *Inclusion and Democracy* (see note 15 above). On "participation," see Barber, *Strong Democracy*; and Pateman, *Participation and Democratic Theory* (see note 2 above for both sources).

[36] E.g., Chambers, "Deliberative Democratic Theory"; Gutmann and Thompson *Why Deliberative Democracy* (see note 35 above for both sources).

[37] Schumpeter, *Capitalism, Socialism, and Democracy* (see note 10 above), 271, 294.

[38] Przeworski, "Minimalist Conception of Democracy" (see note 10 above), 45.

about passions, values, and interests." In this way, "even if voting does not reveal a unique collective will, it does indicate limits to rule. Why else," he asks rhetorically, "would we interpret participation as a sign of legitimacy"?[39] It is hard to see how voting could reliably serve to indicate the relative strength of social positions if the votes themselves were random or wholly manipulated, or if people are simply forced to vote. Thus, even the most minimalist accounts of democratic legitimacy involve implicit claims about the reflectivity of the choosing agents — the voters — on which they rest.

On a minimalist account of democracy, voters are not required to explain their decisions to others or publicly justify them, and there is no expectation that voters will always have good reasons — or reasons that *we* agree with — for the decisions that they make, but most observers agree that democratic outcomes, such as majority decisions, look less legitimate when they are predicated on thoughtlessness, insufficient reflection, misinformation, or misinterpretation. This is, in part, why political scientists have focused so much attention on the importance of political knowledge and information.[40] At the most basic level, we have to think that people know why they voted for a candidate or why they support certain policy options to think that the outcome of a vote might carry the force of legitimacy. If we think that votes are cast randomly, or completely apathetically, or if people have been duped or lied to, we tend to think that those votes lack legitimacy, even if they produce large majorities.

We raise the above points because they help us think more clearly about the nature of participation and non-participation in democratic systems. If it is true that democratic legitimacy relies on reflectivity for much of its normative force, then we should think less about participation

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[39] Ibid, 49.

[40] E.g., Brennan, *The Ethics of Voting* (see note 3 above); Delli Carpini and Keeter, *What Americans Know About Politics and Why it Matters* (see note 23 above).

as an unalloyed democratic good, and more about the role that reflectivity plays in conditioning the normative desirability of both participation and non-participation.

[figure 1 about here]

This conceptual move can be visualized by relocating normativity from the horizontal to the vertical axis in Figure 1. From this perspective, there are forms of participation that are normatively undesirable (i.e. unreflective participation) and forms of reflective non-participation that *may* be desirable. We say *may* be desirable because reflectivity is not enough: we can imagine forms of reflective non-participation that are undesirable from a democratic perspective, such as taking bribes to refrain from voting. As such, we argue that democratic forms of non-participation — like democratic forms of participation — must meet two criteria: they must be reflective, *and* they must be justifiable on democratic grounds. This, then, excludes forms of non-participation (or participation) that are unreflective (like those motivated by habit or unconscious impulse) *and* those that are reflective or thoughtful but undemocratic (or antidemocratic) in one way or another.[41]

It is worth clarifying that we are primarily interested in democratic *motivations* and not, necessarily, the system level *effects* of (democratically grounded) decisions to be politically active or inactive. Forms of democratic participation or non-participation may be justifiable on democratic grounds without being: 1) justified to all observers; 2) justifiable on all accounts of democracy; or 3) effective in terms of achieving system-wide effects. It is, then, possible to be a reflective non-participant in democratically justifiable ways even if one's non-participation does not actually improve democratic processes or outcomes to any substantive (or measurable) degree.

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[41] It is worth pointing out that each of us is likely to occupy each of the quadrants in Figure 1, at the same time, depending on our responses to specific participatory opportunities. One might be a passionate activist with an advocacy group (Quadrant II), a largely unreflective habitual voter in national elections (Quadrant IV), a thoughtful observer of a protest movement (Quadrant I), and an unreflective (or completely unaware) non-participant in local town hall meetings (Quadrant III).

Furthermore, we do not discuss unreflective action at any length in this paper because our primary concern is with democratic forms of non-participation. Nonetheless, unreflective action raises equally important (although different) normative considerations. We might, for example, prefer inaction over unreflective action on moral, ethical, or epistemological grounds.[42] Individuals might vote without sufficient thought about the consequences of their actions, or their actions might be conditioned by power structures that they do not fully recognize.[43] In either case, the normative desirability of participation is undermined by the fact that it is unreflective, insufficiently independent, or both.

4. Forms of Democratic Non-Participation

Political participation is closely associated with at least three democratic goods.[44] Perhaps most obviously, participation is a manifestation of inclusion, which, in turn, can enable at least some measure of influence over collective decisions in the form of voice or votes. Secondly, participation contributes to the legitimation of political processes. Voting, for example, not only influences the selection of particular office holders, it also signals consent to the political system as a whole. Thirdly, participation has been valued for its contribution to self-development.[45] On this account, those who participate learn to be better democrats and more effective participants through their

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[42] Brennan, *The Ethics of Voting* (see note 3 above).

[43] DeLuca, *The Two Faces of Political Apathy*; Lukes *Power* (see note 16 above for both sources).

[44] In this paper, we draw on concepts that are widely viewed as democratic goods within democratic theory but we do not build an independent argument for them or claim that this list is exhaustive. For a recent discussion of the types of goods that may be required in democratic systems see Mark E. Warren, "A Problem-Based Approach to Democratic Theory" *The American Political Science Review* 111 (February 2017): 39-53.

[45] Mill, "Considerations on Representative Government" (see note 24 above); Pateman, *Participation and Democratic Theory* (see note 2 above).

participation. In this section we ask: Might some of these democratic goods also be served — or served in different ways — by non-participation?

4.1. Inclusion and Influence

4.1.1. Supporting the Effective Participation of Others

There is little doubt that inclusion and influence are primary democratic goods.[46] Inclusion is about getting one's foot in the door, or getting a seat at the decision-making table. We cannot have influence over collective decisions if we are not meaningfully included in the processes that are used to make those decisions. But there is a conceptual distinction between inclusion and influence. One might be formally included but still unable to exercise effective influence. This will be the case if one's status as an equal participant is undermined by, for example, socio-economic, racial, or gender stereotypes. These forms of "internal exclusion" — as Young calls them — disempower the formally included.[47] But there is another option as well: if inclusion and influence are conceptually distinct, it is also possible for those who are included to reflectively refrain from exercising their influence in order to support the effective participation of others.

Perhaps the most straightforward example of reflective non-participation supporting the effective participation of others has to do with the deliberative practice of "not talking too much." In effective deliberative environments participants are expected to both talk *and* listen.[48] If time is a scare commodity in a deliberative environment, and if the influence that any one participant has depends on an ability to persuade others, it is essential that each participant refrain from talking too much in order to help facilitate the potential influence of others. Although it is important for

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[46] Robert Dahl, *On Democracy* (New Haven: Yale University Press, 1998); Warren, "Voting with Your Feet," (see note 6 above).

[47] Young, *Inclusion and Democracy* (see note 15 above).

[48] Andrew Dobson, *Listening for Democracy: Recognition, Representation, Reconciliation* (Oxford: Oxford University Press, 2014); André Bächtiger and John Parkinson, *Mapping and Measuring Deliberation: Towards a New Deliberative Quality* (Oxford: Oxford University Press, 2019).

everyone in a deliberative group to both talk and listen, it may be especially important for those with normally powerful or influential voices to consciously reflect on their influence and refrain from talking when appropriate. It has, for example, been demonstrated that men tend to dominate discussions in small-scale face-to-face deliberations.[49] In this context, by consciously choosing to remain silent at appropriate moments, men can create space for the voices of women, making deliberative exercises more deliberative, equal, or fair, and deliberative outcomes more representative of a fuller diversity of potential perspectives.

It is important to emphasize that this form of democratic non-participation is, in fact, non-participation *within* the context of inclusion. Men who reflectively remain silent in order to make room for others (such as women) to speak must do so while being present in those deliberations. They are, then, both participating, when talking, and not participating, when choosing to remain silent. The fact that they are included in the deliberations, and thus have opportunities to participate, does not challenge the point we are making. The fact of inclusion – or presence – is, in this case, a prerequisite for democratic non-participation, while the non-participation, itself, is used to support the effective inclusion of others.

It is also important to note that what is at stake in this example is choosing not to speak in order to make space for others when one would otherwise have spoken. This presupposes listening or, more generally, mindful monitoring of the context, but this form of non-participation involves more than simply listening. The important point in this example is the decision to remain silent out of concern for the effective participation of others.[50]

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[49] Christopher F. Karpowitz and Tali Mendelberg, *The Silent Sex: Gender, Deliberation, and Institutions* (Princeton: Princeton University Press, 2014).

[50] Nor, we should add, do we regard listening itself as a form of participation. We recognize that attentive listening is an aspect of good deliberation, but that is because listening is a condition for finding space to speak and respond – and for letting others speak – rather than because it is participation in itself. To see our point, consider a college seminar. Those who attend but never speak may be members of the seminar, but they are not participants in any ordinary sense of the term – and they certainly do not receive participation credits in *our* courses. Those who listen attentively in a deliberation will be better positioned to participate effectively but they are not participants in the deliberation until they actually speak. This approach is consistent with how participation is normally understood in empirical studies of deliberation, e.g., Karpowitz and Mendelberg *The Silent Sex* (see note 49 above).

Reflective non-participation can also help support inclusion and influence in other political contexts, such as protests or social movements. Consider an example from Argentina, where, from 1977 to 1983, mothers held regular protests to bring awareness to the disappearances of their sons during the "Dirty War" period. As Alison Brysk explains, "Mothers of the disappeared asked other relatives (especially fathers) not to go to the [protests], since they felt that the police were least likely to attack unarmed middle-aged women, while the men might become drawn into the conflict."[51] In this situation, the men had to choose between two desirable goods: 1) making their voices heard as part of a protest movement; and 2) helping to keep the peace and thereby ensuring that others could make their voices heard. The men who refrained from protesting in this case, did so out of deference to the women whose voices might be silenced by the men's participation. This form of non-participation is, then, qualitatively different from forms of passivity that are unreflective or rooted in a lack of motivation. In this case, the men who chose non-participation over action might have preferred to act instead. They had to be persuaded *not* to act, and for some, non-participation may have been the more difficult option. Those who were motivated to not act did so reflectively and in response to principled considerations about the undesirability of violence and the effective participation of others.

Political elites might also use reflective non-participation to enhance the voices or influence of others — even, occasionally, their political opponents. Consider, for example, the practice of "pairing" in legislative chambers. Pairing is a legislative tradition whereby a representative refrains from voting because another representative is absent for reasons that have nothing to do with politics, such as illness, weather, or the birth of a child. Representatives who "form pairs" must have opposing positions on the vote in question and, as such, the practice is intended to produce the

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[51] Alison Brysk, *The Politics of Human Rights in Argentina: Protest, Change, and Democratization* (Stanford: Stanford University Press, 1994), 8.

same result that would have prevailed if both members had voted.[52] There are several ways to think about the democratic goods associated with the practice of pairing. On one level, pairing may be viewed as productive cooperation between political opponents. More substantively, pairing ensures that representatives who are absent are nevertheless empowered with respect to voice — and this, in turn, helps produce the necessary conditions for electoral accountability. If a representative is absent for a vote it will be difficult for voters to know with confidence which way the representative would have voted, even if his or her position is publicly stated before or after the vote. On this view, pairing helps ensure that the commitment involved in voting is preserved, and recorded in the official record, even when a representative is not able to vote. Lastly, pairing aims to preserve the democratically decided distribution of seats within a legislature even when some members of the legislature are absent for reasons that are beyond their control. Maintaining a democratically decided balance of power will be of little practical import in most cases, but it is an important principle nonetheless, and it will be of practical concern in those rare cases where one of a pair of votes would have been decisive.[53]

Indeed, the normative significance of pairing can be seen in the breach, as in a recent case in the United Kingdom, in which Conservative Member of Parliament (MP) Brandon Lewis broke his pairing agreement with Liberal Democrat MP Jo Swinson while she was on maternity leave, in order to participate in a key Brexit vote.[54] Lewis' decision to break the pairing agreement did not

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[52] In the US House of Representatives, pairing is an official practice where one member of a pair must be present in the House during voting to announce how each would have voted if both had been present. Pairing is also used in the US Senate but there are no rules governing the practice. In cases requiring a two-thirds vote, representatives must form groups of three to ensure that the outcome of the vote remains as it would have been if all three were present. See Christopher M. Davis, *Pairing in Congressional Voting: The House* (Washington: Congressional Research Service, 2015); Floyd M. Riddick, "Riddick's Senate Procedure: Precedents and Practices" in Riddick's Senate Procedure, ed. A. S. Frumin (Washington: United States Senate Publication, 1992), 1-1608.

[53] E.g., William N. Eskridge, "Interpreting Legislative Inaction." *Michigan Law Review* 87 (1988): 67-137, at 102.

[54] Dan Sabbah and Jessica Elgot, "Jo Swinson pairing row: Conservatives admit chief whip asked MPs to break arrangements" *The Guardian*, July 19, 2019.

change the result of the vote, but the vote *would* have been different if other pairing agreements had been broken, as the Conservative Party whip had wanted.

The example of pairing – understood as a form of democratic non-participation – also helps make the point that we should not, normally, treat people as either fully active or completely passive citizens. By all accounts, elected representatives are politically active, but even those who are members of a legislature might sometimes choose non-participation to advance democratic norms, such as ensuring the effective inclusion of others or maintaining legislative majorities.

Another form of democratic non-participation involves reflectively deferring to those who are more (or most) affected by particular issues.[55] For example, older individuals might reflectively defer to younger ones when collective decisions are likely to affect the future more than the present. Elderly voters, for example, might refrain from voting in referendums having to do with the long-term consequences of political independence or integration (e.g., Quebec 1995, Scotland 2014, or "Brexit" 2016) — just as retiring professors might refrain from making departmental decisions in the last years of their tenure. This is not to be confused with proposals to formally disenfranchise citizens on such grounds.[56] Reflectively deferring to the more affected is a voluntary, temporary, and limited form of self-exclusion that may be informed by a principled commitment to achieving a better balance between affectedness and influence. In other words, this form of non-participation helps support a democratic principle (namely, political influence in proportion to affectedness), and it does so in a democratically legitimate way. It also helps ensure that, although we may be differently affected by political decisions, and thus justified in having more influence than others

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[55] Another (perhaps related) possibility is that people could choose to defer to others they believe to be more informed or knowledgeable on a particular issue. Reflective deference to the more informed could help ensure – in a voluntary, limited, and trust-based way – that those who know more have appropriately more influence than those who know less, *and* it could, in principle, make it possible for individuals or groups to spend their limited resources on other democratic activities. One example is the way that minipublics such as Citizens' Assemblies or Citizens' Initiative Reviews can serve as trusted information proxies on issues that voters know little about (see Mackenzie and Warren, Two Trust-Based Uses of Minipublics, note 26 above). However, we do not have the space here to more fully develop this argument.

[56] E.g., Philippe Van Parijs, "The Disfranchisement of the Elderly, and Other Attempts to Secure Intergenerational Justice" *Philosophy & Public Affairs* 27 (Autumn 1998): 292-333.

over certain decisions, we can, nevertheless, remain committed to our status as political equals — this is because voluntary non-participation, unlike legal disenfranchisement, does not involve a tradeoff between (formal) equality and influence.

This form of democratic non-participation is also relevant to discussions about the affected interests principle. As Goodin has argued, although it would be desirable, on normative grounds, to adopt a principle of "proportionally" affected interests, it is not possible to identify a general rule for determining whose interests are (or will be) most affected by any particular public decision.[57] In our account of deference to the more affected, individuals (or groups) would make decisions about whether they are sufficiently affected to justify their own participation, while giving due consideration to the ways in which others are, or may be, affected. It is unlikely that any vote, or democratic process, would produce a perfect balance between influence and affectedness. Nevertheless, reflective non-participation in the form of deference to the more affected would, if widespread, help produce a better balance between influence and affectedness each time a collective decision is made.

The idea that non-participation might take the form of deference to the more affected also emphasizes the centrality of democratic non-participation to democratic theory and practice. In this case, the legitimacy of democratic decisions hangs on whether or not would-be participants have made thoughtful decisions about whether their participation is warranted, given their own judgments about how collective decisions will affect themselves and others. On this account, deference to the more affected should, on normative grounds, be a component of *every* decision to participate, or not, in collective decision-making processes.

There are other reasons why those who are formally included in a political entity might refrain from exercising their influence. One has to do with whether they feel themselves to be

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[57] Robert E. Goodin, "Enfranchising All Affected Interests, and Its Alternatives," *Philosophy & Public Affairs* 35 (January 2007): 40-68. See also Harry Brighouse and Marc Fleurbaey, "Democracy and Proportionality," *Journal of Political Philosophy.* 18 (April 2010): 137-155.

legitimate members of that entity. For example, students or others who temporarily reside in a city or region and have the right to vote might nevertheless decide not to vote in municipal or regional elections if they do not see themselves as committed members of those communities. This may be thought of as a form of deference to the more affected (i.e., temporary residents may decide that longer-term residents have a greater stake than they do in municipal affairs); but this form of reflective non-participation might also be justified with reference to a principle of non-interference, according to which those who are formally included but do not see themselves as members of a political community should not interfere in the affairs of those who are members; they should not pose as members, and they should not participate as equals if they do not believe that is what they are. This form of non-participation overlaps to some extent with the concept of exit because it involves people refusing membership in a political community, but it is not a straightforward example of political exit. Temporary residents of a municipality or region may refrain from participating *in that area* but they are entitled to participate precisely because they are members of some larger political community of which the municipality or region is a part. As such, their non-participation may be motivated by a principled concern for the democratic integrity of the parts of that larger system and not, therefore, understood as a form of exit or protest against the illegitimacy of the system.

4.1.2. Non-Participation as Influence

In addition to supporting the voices and influence of others, reflective non-participation may be used to influence the dynamics of collective decision-making processes. Consider, for example, reflective forms of non-opposition. Political actors (or those who *would be* actors) may let things happen without actively opposing or supporting the actions of others. This form of reflective non-participation is well documented in small group consensus processes, such as political party meetings or expert committees, where group decisions are understood to have been made when

there are (finally) no objections expressed to specific proposals. When collective decisions are made in this way they do not rest on the active agreement (or consent) of all participants; instead, they rest, in part, on the willing suspension of disagreement and thus on the reflective silence (or non-opposition) of those who might otherwise still disagree.[58]

Inaction as non-opposition might, of course, be underpinned by considerations that are undesirable from a democratic perspective. Individuals (or groups) may be silent for self-serving reasons, or they may be cowed into silence by external or internal group pressures.[59] But the willingness to suspend disagreement might just as well be underpinned by principled considerations about, for example, the quality of the decision-making process itself. If those who disagree with an "apparent consensus" agree that their views were given a fair hearing, they might reflectively suspend their disagreement out of consideration for the integrity of the deliberative process.[60] Or they might suspend disagreement because they believe that collective action is more desirable than inaction, even if they do not agree with the specific form of action that a collective process has sanctioned.

Although it has been well documented in small group decision-making contexts, non-participation as non-opposition is also relevant in other political contexts. Consider, for example, the use of "no confidence" motions in parliamentary systems. In these systems, a government must have the support of a majority of members of parliament to retain its legitimacy to govern. If a parliament votes against a government on a motion of "no confidence" the government is dismissed, and either a new government must be formed or elections must be held. In some

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[58] On "political party meetings," see Jürg Steiner and Robert H. Dorff, *A Theory of Political Decision Modes: Intraparty Decision Making in Switzerland* (Chapel Hill: Chapel Hill University Press, 1980). Steiner and Dorff call this sort of decision-making "decision by interpretation." On "expert committees" see Phillipe Urfalino, "Reasons and Preferences in Medicine Evaluation Committees" in *Collective Wisdom: Principles and Mechanisms,* ed. H. Landemore and J. Elster (Cambridge: Cambridge University Press, 2012), 173-202.

[59] Young, *Inclusion and Democracy*, (see note 15 above).

[60] On "apparent consensus," see Urfalino, "*Reasons and Preferences in Medicine Evaluation Committees"* (see note 58 above); also John Beatty and Alfred Moore, "Should We Aim for Consensus?" *Episteme* 7 (October 2010): 198–214.

situations, opposition parties may try to avoid motions of "no confidence" if they wish to neither actively support nor actively oppose the government. One way to do this is to ensure that the right number of representatives from one's party are absent from parliament when votes of "no confidence" are taken. If this strategy is adopted for purely self-interested reasons, such as not wishing to oppose bills that will please donors but harm constituents, it cannot be considered a democratically desirable form of non-participation. But this strategy may be justifiable on democratic grounds if it is, for example, adopted to prevent an unnecessary or destabilizing election, or because an opposition party believes that progress on other issues may be made by working with instead of against the government.

4.2. Legitimation

Political participation also has a legitimation function. In contract theories of political legitimacy, for example, the consent of individuals serves as the primary source or justification for political authority. Likewise, in modern electoral politics, voting is the foundational source of political consent, legitimacy, and authority.[61] If democratic participation has a legitimation function, it is also worth considering whether non-participation might serve similar functions. One complication is that non-participation is typically information poor: without additional information (explanation or contextual interpretation) it may be difficult to determine whether non-participation represents passive apathy or disinterest, reflective protest against existing decision-making processes, or general consent (or contentedness) with the political system as a whole. In the first case, where non-participation is the result of disinterest, a lack of awareness, or general apathy, it is does not clearly serve any legitimation function. In the other two cases, non-participation might challenge the legitimacy of a system *or* support it — both of which are forms of non-participation that may be justified on democratic grounds.

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[61] Bernard Manin, *The Principles of Representative Government* (Cambridge: Cambridge University Press, 1997).

4.2.1. Non-Participation as Protest

Non-participation may be a way for individuals or groups to protest against democratic processes that they do not consider legitimate. Take, for example, the reflective non-participation of some indigenous people in countries such as the United States, Canada, and Australia. When indigenous people participate in the politics of a colonizing country, their participation may be viewed as a signal that they have come to accept political arrangements that many do not, in fact, view as legitimate. In these circumstances, non-voting or other forms of non-participation, might be justified by those who do not wish to confer legitimacy on the political system they find themselves within.[62] Consider, for example, the case of Callum Clayton-Dixon. He refused to vote in an election in Queensland, Australia, even though non-voting is subject to a fine. When appealing the fine, Clayton-Dixon argued that his participation would be illegitimate because as a member of a sovereign indigenous nation he does not consider himself to be a member of the Australian state. To participate in Australian elections would, in his view, involve speaking on behalf of others in an unauthorized and unwarranted representative role. On this account, his influence (however small) would, in principle, distort the decision-making processes of another group and thereby constitute an illegitimate intervention.[63]

Or consider the example of Sinn Féin, the Irish republican political party. They run candidates in Northern Ireland for election to the United Kingdom Parliament even though they do not regard Northern Ireland as a legitimate part of the UK – and although they consistently win

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[62] E.g., Pamela Palmater, "The Power of Indigenous Peoples has Never Come from Voting in Federal Elections" *Rabble.*ca, August 9, 2015.

[63] Birdie Jabour, "Aboriginal Activist who Refused to Vote for Cultural Reasons has Fine Quashed" *The Guardian*, November 10, 2015.

elections they do not take their seats in the UK parliament. In this way, by winning elections and then refusing to joint Parliament, they use non-participation as protest.[64]

In circumstances where non-participation is used as a form of protest against inappropriate or undesirable forms of inclusion — and the expectations of participation that go along with them — it is, in fact, a form of exit. In these cases, those who refrain from participating do so *because* they do not see themselves as members of the political communities in which they are included, and they use non-participation to call attention to this fact. In contrast, all the other examples we discuss involve using non-participation as a means of supporting or improving democratic processes or systems from *within*.

At the same time, non-participation might be used as a form of protest against a system without being a form of exit. In these cases, those who feel that they are, or should be, members of a political community might protest against the system in the hope of improving it or enhancing their influence *within* the system. An example of this comes from Saudi Arabia where in 2015 women were granted rights to vote and run as candidates, but only in municipal elections. Some women have embraced these opportunities to participate, but others have refused to vote in protest against the fact that women have not been granted equal political (or social) rights in Saudi society.[65] Given these circumstances, many Saudi women (and men) decided that it was better to refrain from voting than to legitimize a system that is not sufficiently democratic.

Similarly, individuals might reflectively refrain from voting in uncontested elections — which are relatively common in the United States.[66] This decision may be underpinned by disinterest or general apathy, but it might instead reflect a belief that democratic elections should,

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[64] This example, like that of pairing, challenges the common assumption that political elites are by definition active participants. Just because a political elite is, by definition, active in some way (such as running for election) does not mean that she will always choose action over passivity.

[65] Simon, Scott, "Women In Saudi Arabia Can Finally Vote, So Why Is Turnout So Low?" *National Public Radio,* December 12, 2015.

[66] Peverill Squire, "Uncontested Seats in State Legislative Elections" *Legislative Studies Quarterly* 25 (February 2000): 131-46.

on principle, provide voters with choices between meaningful alternatives. Choice, itself, is a democratic good, but it is also a prerequisite for the realization of other goods such as electoral accountability.[67] In uncontested elections, voters can accept a candidate but they cannot actively choose an alternative or replace an incumbent. In these situations, individuals might choose to refrain from voting in protest against this lack of choice and accountability, even if they would otherwise support the candidate on the ballot. This form of reflective non-participation can therefore be distinguished on democratic grounds from those forms of passivity that are underpinned by disinterest or unawareness.

It is, in our view, confusing to call non-participation "political action" when it is conceived of as protest and motivated by concerns about democratic legitimacy, while at the same time calling non-participation passivity when it is grounded in apathy or disinterest. Both are forms of non-participation: the difference is that the former involves reflective decisions to refrain from participating in democratic processes for (in these cases) democratic reasons; while the latter is — by definition — largely unconcerned with those processes. This is an important distinction, and it is one we wish to highlight in this paper, but it is a distinction that turns on the difference between reflective, democratically motivated non-participation and (largely) unmotivated non-participation, and not on the difference between political action and inaction.

4.2.2. Non-Participation as Legitimation

Interestingly, although non-participation can be used to protest the legitimation functions of participation, it might also be used to do the opposite. In certain contexts, non-participation might be intended (or interpreted) as a signal that the political system is functioning well, or that decision makers can (or should) be trusted and invested with legitimate authority.

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[67] Mark E. Warren, "A Second Transformation of Democracy?" in *Democracy Transformed? Expanding Political Opportunities in Advanced Industrial Democracies*, ed. B. Cain, R. Dalton, and S. Scarrow (Oxford:Oxford University Press, 2003), 223-249.

Mindful monitoring is one form of non-participation that can help support the legitimation functions that are normally associated with political participation. Mindful monitoring involves observing political issues without taking action on them. Such monitoring might be thought of as peripheral political vision: our focus may be elsewhere but we are aware of what is happening on the sidelines of our main concerns. When we judge that things are going reasonably well, and that certain issues are being adequately addressed by others, we may decide to forego opportunities to participate, but we may be spurred into action when things go badly or if we think that important issues are being left unaddressed or inadequately resolved.

But there is a difference between forms of non-participation that support the possibility of action (such as mindful monitoring) and those that undermine or challenge the possibility of effective political action (such as unreflective apathy). We cannot, of course, effectively challenge decisions that we disagree with if we are unaware of those decisions or our opportunities to act. Thus mindful monitoring is normatively better than unreflective apathy because one cannot be both (completely) unreflective and politically vigilant at the same time. If we are unreflectively passive we will be ill-equipped for action when the need to act arises. It follows from this that mindful monitoring can be viewed as a signal of political legitimacy if, and only if, we have reflectively decided to forgo real opportunities to influence public decisions because we believe that those who are actively involved in making those decisions are doing a reasonably good job.

It is also useful to clarify the difference between mindful monitoring, as a form of democratic non-participation, and decisions to remain silent in order to ensure that others have opportunities to speak. Mindful monitoring includes attentive listening, which is necessary if participants in deliberations are to make good judgments about when to speak and when to make room for others to speak, but any decision to remain silent is not itself a form of mindful monitoring; it is, rather, a form of democratic non-participation that is predicated on a commitment to the idea that everyone in a deliberation should have adequate – if not equal – opportunities to

contribute. While mindful monitoring is not itself a form of participation, it nevertheless supports both the possibility of effective participation (as we have explained) *and* other forms of democratic non-participation, such as remaining silent to let others speak.

Although mindful monitoring is reflective, individuals do not have to be extensively (or even adequately) informed on each public issue in order to engage in effective monitoring. At minimum, we must be peripherally aware of what is going on around us, and we must know where to start looking for information or opportunities for action when issues or political situations become problematic. In Amnå and Eckman's theory, "standby citizens" are those who are relatively knowledgeable and interested in politics but nevertheless decide to refrain from actively participating in the democratic system.[68] Our account of mindful monitoring is closer to Schudson's model of the "monitorial citizen." On his account, there is a difference between "environmental surveillance" and "information gathering": becoming well-informed is costly in terms of both time and effort but "keeping an eye on the scene" does not require so much investment.[69] Mindful monitoring is an important condition for choosing how and where to act, but it does not require extensive information gathering, and it does not in itself amount to a form of participation.

Mindful monitoring can also be viewed as a non-participatory way of exerting political influence — and this, in turn, emphasizes the extent to which different democratic functions of non-participation are not always mutually exclusive of one another. Consider, for example, Jeffrey Green's theory of "ocular power." In this theory, the public, and their assumed opinions, exercise influence over the actions of elected representatives and other public officials even when the public itself does not act.[70] If decision makers who know they are being watched are likely to act differently than those who believe or know that they are not being watched, then mindful

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[68] Amnå and Eckman, "Standby Citizens," (see note 28 above).

[69] Schudson, *The Good Citizen*, (see note 28 above), 310.

[70] Jeffrey E. Green, *The Eyes of the People: Democracy in an Age of Spectatorship* (Oxford: Oxford University Press, 2010).

monitoring can exert influence on the political world even when individuals decide not to act. But like other forms of reflective non-participation, mindful monitoring is normatively desirable from a democratic perspective only if it is supported by real opportunities for action. This point does not, in our view, receive enough attention from Green. If the principal avenues for action in a democratic system are occasional elections or plebiscites, as Green suggests, then the power of the public's gaze will be correspondingly intermittent. A popular gaze without sufficient opportunities for (continual) action cannot plausibly deliver the (continual) influence that is required to shape the actions of empowered decision makers — a point that is more clearly articulated by Urbinati in her account of "watching power" and by Keane in his account of monitory democracy.[71] In our view, mindful monitoring will be most effective as a disciplinary force in democratic systems that provide many avenues for continual political action, even if each is only ever used by a relatively small number of people.

4.3. Non-Participation as Self-Development

We have argued that reflective non-participation can, somewhat counterintuitively, help support democratic goods, such as inclusion and legitimation, that we normally associate with democratic participation. Can non-participation also help support the self-development functions of participation? Perhaps. Participatory democrats have argued that the best school of democracy is democracy itself.[72] The argument is that people learn to be better democrats by acting with others in democratic situations. Where there are differences of opinion and divergent interests, democratic actors must learn to negotiate those differences if they are to get some of what they want from collective decisions: they must articulate their own claims or concerns, concede and compromise

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[71] Nadia Urbinati, Nadia, *Mill on Democracy: From the Athenian Polis to Representative Government* (Chicago: University of Chicago Press, 2002); Keane, *The Life and Death of Democracy* (see note 28 above).

[72] E.g., Mill, "Considerations on Representative Government" (see note 24 above); Pateman, *Participation and Democratic Theory* (see note 2 above).

where necessary, and frame their arguments in ways that are (or may be) acceptable to others. On this account, non-participation is the opposite of what is needed for democratic self-development.

But our account of democratic non-participation gives us another way of thinking about the relationship between participation and the development of democratic capacities. We have argued that learning how and when to *not* participate is an important part of learning how to be a good democratic actor. Indeed, making judgments about when *not* to participate may be as important as learning how to act well in democratic contexts — because, as we have argued, reflective non-participation is itself a component of acting well. (Here, again, is the oxymoronic dimension of the concept of democratic non-participation).

As with any skill, one needs experience and opportunities to practice in order to learn how to participate effectively in democratic contexts. If this is true for democratic participation it is also likely to be the case for democratic non-participation. Learning when to leave space for others to speak in a deliberation, for example, is a skill that has to be developed through practice, just as learning to articulate or defend arguments is a skill that must be learned through participation. Likewise, learning when, and why, to defer to the more affected is the sort of democratic skill — a skill of reflective non-participation — that is only likely to be learned through participation, and is only *possible* where participatory opportunities exist.

In our view, democratic participation and non-participation are two distinct but equally important components of democracy. Even though democratic non-participation is not itself action, it is may be necessary for political actors to learn the art of good non-participation through experiences of participation.

5. Conclusion

The idea that democratic participation and non-participation are two sides of the same coin is not only consistent with the arguments that Mill and Pateman, and other participatory democrats, such

as Barber, have made — it is, we think, implied by them.[73] The problem is that most participatory democrats have not articulated a theory of democratic non-participation to help distinguish forms of non-participation that help support or enhance democratic processes from those that threaten to undermine them. In this paper we have suggested that there are forms of non-participation that help support or produce democratic goods — such as inclusion, influence, and legitimacy — that are normally associated with participation. Reflective non-participation — far from undermining our capacities for action in the future — might help support the effective participation of others, as well as our own efforts to participate in other ways. Furthermore, we have argued that democratic non-participation is not a marginal option that we only occasionally confront when very specific circumstances arise. It is, instead, a common, familiar, and necessary (if nevertheless neglected) component of democratic life.

We have developed a theory of democratic non-participation but we hope that others will explore this concept in systematic, large-N studies. Survey researchers might, for example, ask respondents to explain the reasons they have for being active or inactive in response to specific (real or hypothetical) opportunities for action.[74] Another approach might use experimental treatments to prime participants to consider forms of democratic non-participation in order to determine when people are willing to choose inaction over action for democratic reasons. It will be especially interesting to explore when, or whether, people are willing to tradeoff democratic goods associated with non-participation, such as allowing others to speak, with democratic goods associated with participation, such as voicing one's own concerns. Non-participation has often appeared as a sort of shadow behind the ideal of democratic participation. In this paper we have tried to give greater

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[73] Ibid. See, also, Barber, *Strong Democracy* (see note 2 above).

[74] Studies that explore respondents' reasons for non-voting typically ask people to choose reasons from among a fixed set of options. There are, as well, qualitative analyses of non-voting that are more open-ended. We are unaware of any studies that make explicit distinctions between forms of passivity that are grounded in apathy or disinterest and forms of non-participation that may be motivated (or justified) by democratic concerns or principles. For surveys that ask about non-participation see Bannon, "Voting, Non-Voting and Consumer Buying Behavior; and Zukin et al., *A New Engagement?* (see note 18 above for both sources). For open-ended surveys about non-participation see Jack C. Doppelt and Ellen Shearer, *Nonvoters: America's No-Shows* (Thousand Oaks: Sage Publications, 1999).

visibility and structure to the concept of non-participation in order to develop the theoretical resources need for articulating, and empirically exploring, its democratic potential.

Figure 1: Participation, Non-Participation, and Reflectivity