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Are Citizens Causally Responsible for Voting Outcomes?

Abstract

Can we hold citizens causally responsible for the outcomes of their voting decisions? They could stand in the causal relationship required for such responsibility either collectively or individually. Recent accounts ascribing responsibility to citizens have primarily taken the collective route because of a major obstacle to using an individualistic approach, namely, the problem of overdetermination: the actions of each citizen do not make an individual difference to, and therefore cannot be a cause of, the overall political outcome. I suggest, drawing on Parfit (1984) and Wright (1985), that we should allow for the idea that individuals can be causally responsible in virtue of making a difference to an outcome not only as an individual, but also as part of a set of agents. I conclude that we therefore can overcome the problem of overdetermination for the individualistic approach and that it merits further investigation.

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I.

Introduction. Can we hold citizens causally responsible for the outcomes of their voting decisions?[1] We can establish this causal connection linking citizens to a voting outcome, such that we could hold them to some extent responsible, by considering citizens either collectively or individually.[2] Recent attempts (Parrish, 2009; Pasternak, 2011; Stilz, 2011; Lawford-Smith, 2018) to account for the responsibility of citizens for the outcomes of political decisions more generally have taken the collective route because they have identified a major obstacle to using a more individualistic approach.

This is the problem of overdetermination.[3] Intuitively, we might only want to hold individuals causally responsible for a political outcome if they made a difference to it. Christopher Kutz has termed this the 'Individual Difference Principle' (IDP) (2007, p. 3). When we can trace a causal chain of events from agent to outcome, such that the agent's action made a difference to that outcome, we can ascribe causal responsibility for that outcome to the agent. In large nation states, however, each citizen's single vote cannot be said to make an individual difference to a political outcome. They are only one of too many and therefore cannot be said to have a sufficient causal impact. The chances of one vote being decisive are infinitesimally small. While I am particularly concerned here with the issue of voting, the same problem applies to any forms of political participation (e.g. attending demonstrations, social media posts) in which an individual's contribution is too small to make a difference. It is worthwhile noting that there may be a small subset of citizens that could satisfy the IDP and therefore the causal condition for moral responsibility. These citizens will likely be well-informed and hold some sway over political decision-makers (e.g. wealthy party donors). The majority of citizens, however, escapes causal, and therefore moral, responsibility.

I will argue that we can overcome this problem for assigning individual causal responsibility to citizens for the outcomes of their voting decisions by rejecting the IDP for cases of more complex causation. I will show that there is an additional way in which citizens can be causally responsible: they can make a difference to a voting outcome as part of a set of citizens.

II.

NESS Test. While the IDP may work in most straightforward cases of causation, more complex cases, with several agents involved in the causal chain of events, require a more sophisticated account of causation to evaluate their respective moral responsibility. Consider an example in which 'X and Y simultaneously shoot and kill me. Either shot, by itself, would have killed' (1984, p. 70). In such a case, had one of these contributions not been made, the outcome would have remained unchanged. One might mistakenly follow from this that neither X nor Y made a difference and neither X nor Y caused my death, and hence, neither is morally responsible for killing me. Parfit argues that we reach such an objectionable conclusion because we have committed the 'second mistake in moral mathematics' (1984, p. 70); we have falsely assumed that 'if some act is right or wrong because of its effects, the only relevant effects are the effect of this particular act' (1984, p. 70). In cases of overdetermination, however, we must consider not just

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[1] Causal responsibility is only one of the individually necessary and jointly sufficient conditions of moral responsibility. To be morally responsible a citizen must have been acting voluntarily, have had at least some awareness of the potential outcomes of their action, and have had the cognitive capabilities to assess the risks and benefits.

[2] One might argue that we can bypass the issue of citizens' causal implication by arguing that they stand in a responsibility-grounding relationship to the actions of their political leaders in virtue of having authorised them. For an account using democratic authorisation see (Stilz, 2011, pp. 190-208). For critiques of using a principle of democratic authorization see (Jubb, 2014; Atenasio, 2019).

[3] David Lewis (1973, p. 567) has distinguished between two types of overdetermination: 'symmetrical overdetermination', where two or more actions simultaneously cause an outcome together; and 'asymmetrical overdetermination' where one cause pre-empts an alternative cause.

the results of the individual act, but also of the set of acts of which it is a part. Inasmuch as X and Y are part of one and the same set of acts that kills me, X and Y *together* kill me. Inasmuch as they have contributed to a set of acts that, together, brought about my death, they are causally responsible for their contribution to this set. Parfit suggests that we can see the plausibility of this claim by considering a case in which the appropriate reaction to an individual's causal contribution would be praise, rather than blame. He evokes a scenario in which four people standing on a platform could provide sufficient weight to set in motion a lift, elevating a hundred people out of a well that is slowly filling with water. If, instead, five bystanders jump onto the platform, then it is true that none of these people individually make a difference because, if one individual does not make their contribution, the outcome remains unchanged. And yet, *together*, they moved the lift into motion. All five contributed to a set of actions that saved the hundred people. In virtue of this contribution they can satisfy the causal condition and be morally responsible so that we can assign praise to them for their action. It would be odd to conclude that, were there four people, we could have praised them for saving lives in virtue of their causal contribution, but since there were five people overdetermining the outcome, we can no longer give them credit for their causal involvement in saving people from the well.

This idea of taking into consideration an agent's causal contribution to a set, rather than the individual difference they made, has led some legal scholars to use the NESS (Necessary Element of a Sufficient Set) Test by Richard Wright (1985, pp. 1788-1803)[4] in order to determine the responsibility of an agent. According to the NESS Test, 'a particular condition was a cause of (condition contributing to) a specific consequence if and only if it was a necessary element of a set of antecedent actual conditions that was sufficient for the occurrence of the consequences' (1985, p. 1790). The difference between relying on the IDP[5] and the NESS Test can be demonstrated by considering some of Wright's examples, for instance, a case of air pollution. In Wright's scenario, five units of pollution are both necessary and sufficient to harm an individual. If seven individuals simultaneously emit one unit of pollution, merging into a cloud of pollution, none of these seven units could be said to make an individual difference because their emission is 'neither necessary nor independently sufficient for the injury' (1985, p. 1793). Each single unit is not sufficient to cause harm by itself, because by definition only five units are sufficient for the harm, and had they not emitted the single unit the harm would have still occurred in virtue of the other six units present, so it is not necessary for the injury either. Because none of the polluters have been an individually necessary or sufficient cause of the outcome, though, the IDP would struggle to make sense of this case, leaving us with the counter-intuitive result that no-one is responsible for the harm to the individual. On the NESS Test, however, each unit of pollution was a necessary element of a sufficient set, as part of which it caused the harm. There are several sufficient sets that can be said to be the cause of the harm. As long as the single unit of pollution in question was necessary for one of these sufficient sets, then this single unit of pollution can be said to have caused the harm as part of that set. In Wright's second example, two agents, A and B, independently of one another try to kill a third agent, C. Imagine that A has poisoned C's tea, and just when C is about to drink, B shoots and kills C. According to the NESS Test only B is responsible for the death of C, because B's 'shot was necessary for the sufficiency of a set of actual antecedent conditions that did not include the poisoned tea' (1985, p. 1795). Remember that, per definition, the agent is only causally responsible for her contribution to an *actual* antecedent condition, so 'a set that included the poisoned tea but not the shooting would be sufficient only if [C] actually drank the tea' (1985, p. 1795) but C never actually did, so A cannot

[4] The NESS Test bears similarity to J.L. Mackie's 'INUS condition' which an action fulfils if it was 'an insufficient but necessary part of a condition which is itself unnecessary but sufficient for the result' (1965, p. 245). The important distinction between the two, for the purposes of this paper, is that Mackie does not intend for his account to answer the problem of overdetermination (1965, p. 245). I will therefore rely on the NESS Test for the issue of overdetermination instead.

[5] Wright calls this the 'but-for test' (1985, p. 1792).

be causally implicated and responsible. The IDP, in comparison, would again conclude that neither A nor B were responsible for the death of C. Had A not poisoned the tea, C would have died from B's shot, and had B not fired the shot, C still would have died from A's poisoned tea; so neither of them made a difference to the outcome. C would have died regardless.[6]

III.

The Causal Responsibility of Citizens. By the NESS test, for citizens to be causally responsible for a particular voting outcome they must have been part of a set that helped to elect a particular party or candidate. Initially we might think of voting as asynchronous, where one set of votes pre-empts another (Jensen, 2017). The first set consists of the votes cast up to time t_1, when the threshold of votes required to win had not yet been reached. According to the NESS Test, these votes would have been a necessary element of a set of antecedent actual conditions that was sufficient for the politician winning the election. What about votes cast after this threshold had already been reached? Wright argues in a footnote regarding a pollution case that if 'five units arrived before the other two and produced the injury before the other two arrived, the first five units were causes of the injury and the last two were not' (1985, p. 1793). Hence any votes cast after t_1 cannot be part of a set causing the winning threshold to be reached. If voting is indeed a case of pre-emption, by the NESS Test, many citizens who voted for a politician would not be causally responsible for that politician winning.

We might respond that voting is, rather, a simultaneous activity (Goldman, 1999). We do not care whether our vote is cast or counted first or last on election day; indeed, those who voted first may be counted last and vice-versa. Someone might object that independent of which temporal order we choose – i.e. the order of vote-casting or counting – some votes will pre-empt others, making those cast or counted later superfluous. But elections have an additional feature: the winner is not announced as soon as a majority is reached, but only once the final vote has been counted. This suggests that we conceive of voting as a simultaneous activity in which we need not distinguish between the actions of those before and after t_1. Alvin Goldman makes this point arguing that 'elections standardly feature a certain conventional element with respect to time. […] The system conventionally abstracts from [the] actual or "natural" order and considers all the votes on an equal basis' (1999, p. 213). If we accept this understanding of voting, everyone who votes for the politician becomes a necessary element of a set of antecedent actual conditions that was sufficient for the politician winning the election. Importantly, another consequence of this approach is that every non-voter could also satisfy the NESS test if that set was large enough to have impacted the voting outcome – and in real-life elections, even where turnout is relatively high, the number of non-voters tends to be large enough for this to be the case. The only citizens that could not be held causally responsible are non-voters in the unlikely situation where this set is of insufficient size to have made a difference collectively, and those who voted against the politician. I take it to be a major advantage of this account that it can explain not only the causal responsibility of those who vote, but also the causal responsibility of those who fail to vote.

The problem is that the simultaneous view of voting does not necessarily align with real-life practices.[7] For example, on voting day, the 2000 US Presidential Election came down to the results in Florida. Based on the exit polls, TV networks prematurely announced that Al Gore had won in Florida, but then had to backtrack when, during the early stages of counting, George W. Bush appeared to be substantially in the lead. The TV stations then declared that Bush had won, resulting in Gore privately conceding the election to Bush. These statements then also had to be

[6] The NESS test has been much debated since Wright's articulation of it. An overview of these debates, the impact it has had on the legal literature, as well as Wright's compelling responses to criticisms of his account can be found in Wright (2013).

[7] Thank you to Rachel Cooper and Bill Wringe for their helpful suggestions on this part of the paper.

retracted when Gore appeared to catch up late in the count. Ultimately Bush won by a couple of hundred votes. It would appear an odd conclusion that, in systems that wait until all votes are counted before declaring the winner, all citizens who vote for the winning candidate are causally implicated in their election, whereas in systems that announce a winner as soon as the threshold is reached, only a subset of those voters would be causally implicated. On the account that I am proposing, a citizen's causal responsibility would therefore appear to be fundamentally dependent on contingent factors about how we conceive of our voting system. I think we can offer two comments in relation to this observation.

Firstly, it is only natural that the causal processes on which our ascriptions of causal responsibility rely are fundamentally affected by the nature of the electoral process. Accepting that such asynchronous systems present us with instances of pre-emptive causation, such that some citizens may not be able to satisfy the NESS test despite having voted for the candidate in question, therefore does not appear to be inherently problematic. What underlies the worry above is, presumably, the assumption that my account entails that when a citizen votes for a morally problematic candidate, but their vote happens not to be a part of the causally responsible set of votes, they cannot be blamed for their action. Nothing in the theory I have presented, however, means that such a voter would be completely off the moral hook. One reason for this is the epistemic uncertainty under which citizens cast their vote. There are too many complicating factors in an asynchronous system for citizens to predict with certainty that their vote will not be part of the set of votes causally responsible for electing the politician in question. For example, the fact that they voted very late in the day does not guarantee that their vote will be counted so late in the process that a winner has already been announced and officially declared. Similarly, the fact that the voter lives in an area that is known for processing votes slowly cannot guarantee that their vote will only be counted at a point in the process at which the winner has already been determined and officially declared. For example, all it would take for their vote to suddenly be part of the set causally responsible for electing the winner, would be a hold up in another constituency. Given this epistemic uncertainty, when a citizen, for example, votes for a morally problematic candidate but their vote happens not to be part of the set causally responsible for electing that politician, we would still have good grounds to blame them for the risky action they took. Additionally, even if a particular vote was not, in the end, causally responsible for that politician winning, we may still be concerned about the way in which additional votes added to the winning margin. A politician winning by a fine margin likely acts very differently to a politician who wins by a landslide: the latter may justifiably claim to have a stronger mandate from the people. So, we may also have good grounds to blame a citizen in this case for causing the winning margin to increase, thereby helping to embolden a morally problematic candidate. While, on the account that I have presented here, some voters in asynchronous voting systems may not be causally responsible for a candidate winning despite having voted for them, this does not entail that they cannot be blameworthy (or indeed praiseworthy) for their voting decision on other grounds.

Secondly, what the worry above indicates is that we may have good moral reasons to prefer systems which treat votes as simultaneous and do not announce the winner of an election until all votes have been counted. By treating every vote as if it had been cast and counted at the same time, it aligns better with the underlying purpose of democratic elections in which each individual citizen's vote is supposed to carry the same weight. Synchronous voting systems create a parity between voters that asynchronous ones are unable to.

IV.

Conclusion. The problem of using an individualistic approach to explain the causal responsibility of citizens for political actions was that, apparently, it could not even explain how citizens could

be causally responsible for electing a politician given that their single vote did not make a difference to the final outcome. I have argued that, by rejecting the IDP and adopting the NESS test, we can show why citizens can be causally responsible by making a difference as part of a set of voters. To reach the conclusion that citizens are not only causally but also morally responsible for the outcomes of state actions we would have to take a further step, showing that they can also satisfy any additional criteria necessary for an agent to be morally responsible. While doing so is beyond the remit of this paper, what I have shown is that the overdetermination objection to an individualistic approach for ascribing causal responsibility to citizens for voting outcomes fails and that this approach therefore merits further investigation.

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