Designing Attentive Democracy: Political Interest and Electoral Institutions

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This dissertation investigates the question: what do we want from our democratic institutions and how should we design them to get it? I argue that we want our democratic institutions to promote cognitive political engagement among all citizens and that accomplishing this task requires focusing reform efforts on electoral institutions like mandatory voting rather than small-scale deliberative forums.

Democratic theory has been dominated by deliberative theories of democracy for at least two decades. As this literature turned to the question of how to institutionalize deliberative democracy, the inherently limited scale of deliberative institutions like deliberative polling or participatory budgeting has made scholars like Simone Chambers and Jane Mansbridge worry that deliberation abandons mass democracy, and with it meaningful democratic legitimacy.

I argue that such worries are well founded because the effective inclusion of all citizens, not deliberation, constitutes the most important democratic value and that as a result, participatory institutions should be arranged so as to promote inclusion, even at the cost of values like deliberation. The first part of the project advances a novel conception of inclusion based on reflective cognitive engagement with democratic politics and demonstrates the
central importance of inclusion within democratic theory. The second half of the project examines different institutions for their ability to promote inclusion and finds that, in the American context, most deliberative forums as currently designed are too small and feeble to do so but that adequately reformed electoral institutions like mandatory voting can promote inclusion and reflection well. One important implication is that in a world of limited activist resources and public taste for reform, democratic reformers in the United States should focus their attention on electoral organization and institutions rather than small-scale experiments if they hope to affect mass democracy.

This project sits at the nexus of empirical research on political participation, comparative institutional design, and the ethics of democratic citizenship. It considers questions like: when the resources of democratic reformers are finite, what is the most important goal for them to pursue? How demanding of the time, attention, and resources of its citizens must a flourishing democracy be? May citizens opt out of such demands? What specific reforms are most efficient at achieving the proper priorities of democratic theory? Answering these questions requires combining empirical insights about political behavior and the performance of different institutional arrangements with normative and ethical arguments regarding the priorities of democratic theory and the nature of democratic citizenship.
# Table of Contents

List of Tables, Graphs, and Illustrations ................................................................. ii

Acknowledgements ................................................................................................... iii

Chapter 1: Introduction: The Priority of Inclusion in the Design of Democratic Institutions .......... 1

Part I: Theory .............................................................................................................. 25

   Chapter 2: What is Cognitive Inclusion? .............................................................. 26

   Chapter 3: The Priority of Inclusion in Democratic Theory ............................. 64

   Chapter 4: Epistemic Worries Allayed ............................................................... 111

Part II: Institutions .................................................................................................. 160

   Chapter 5: Measuring Cognitive Inclusion ...................................................... 161

   Chapter 6: The Dangers of Deliberative Mini-publics ..................................... 183

   Chapter 7: Electoral Paths to Cognitive Inclusion: Mandatory Turnout .......... 231

   Chapter 8: Conclusion: The Ethics of Institutional Design ............................ 290

Bibliography ............................................................................................................... 302
List of Tables, Graphs, and Illustrations

<table>
<thead>
<tr>
<th>Figure/Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Figure 5.1</td>
<td>A Right Skewed Distribution</td>
<td>173</td>
</tr>
<tr>
<td>Figure 5.2</td>
<td>Right Skewed, Left Skewed, and Normal (No Skew) Distributions</td>
<td>179</td>
</tr>
<tr>
<td>Table 6.1</td>
<td>Ideal Types of Deliberative Mini-publics and characteristics along five dimensions</td>
<td>192</td>
</tr>
<tr>
<td>Table 6.2</td>
<td>Turnout in Canadian Federal Elections in Provinces with and without Citizen Assemblies</td>
<td>219</td>
</tr>
<tr>
<td>Table 6.3</td>
<td>Mean Political Interest by Year in Canadian Provinces with and without Citizen Assemblies</td>
<td>220</td>
</tr>
<tr>
<td>Figure 7.1</td>
<td>Austrian Presidential Turnout 1951-1998 by State MV Status</td>
<td>237</td>
</tr>
<tr>
<td>Figure 7.2</td>
<td>Austrian Parliamentary Turnout 1949-2013 by State MV Status</td>
<td>239</td>
</tr>
<tr>
<td>Figure 7.3</td>
<td>Dutch Turnout 1918-2012</td>
<td>240</td>
</tr>
<tr>
<td>Figure 7.4</td>
<td>Turnout by State in Australian national elections 1914-22</td>
<td>241</td>
</tr>
<tr>
<td>Figure 7.5</td>
<td>Australian Parliamentary Turnout 1901-2010</td>
<td>241</td>
</tr>
<tr>
<td>Figure 7.6</td>
<td>Americans agreeing or disagreeing that ‘I have a duty to always vote’ 1987-2012</td>
<td>262</td>
</tr>
<tr>
<td>Figure 7.7</td>
<td>Americans agreeing or disagreeing that ‘I have a duty to always vote’ 1987-2012 (combining completely/mostly)</td>
<td>263</td>
</tr>
</tbody>
</table>
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Chapter 1

Introduction: The Priority of Inclusion in the Design of Democratic Institutions

Democracy depends on those subject to it in ways that other forms of government do not. Perhaps the most important manifestation of this dependence is found in the fact that on all accounts, democracy is a form of government in which at least some consequential collective decisions are made by the people. But how does the democratic state come to learn the people's input? The answer is through the participatory institutions of the democracy.

Though no list can fully specify what participatory institutions a state might have, a suggestive list would include things like jury service, citizen oversight panels, avenues of communication with representatives, campaign finance systems allowing citizen contributions, citizen assemblies or other deliberative mini-publics, participatory budgeting processes, a citizens’ tribunate, institutions of direct democracy (that is, referenda, initiatives, and recalls), and, perhaps most importantly, the electoral system. A state's participatory institutions taken as a whole can be referred to as its ‘participatory regime.’ The participatory regime does not include many important political institutions, such as the bureaucracy, the courts (in almost all cases), or the legislature as a
parliamentary or law-making body, as opposed to a body made up of representatives who might be in responsive dialogue with constituents.

The participatory regime is an extraordinarily important part of any democratic regime. By connecting the people and their government, these institutions in one way or another unlock the unique form of legitimacy available to democratic governments. We must therefore ask: how should the participatory regime of a democracy be arranged? What aims should it have or principles it promote? Answering these questions and the subsidiary questions following from them is the fundamental task of this inquiry.

The inquiry starts with the intuition that the conventional understanding of what is necessary for participation in these institutions to be meaningful leaves out an essential component. It is widely accepted that formal rights of participation are not sufficient for participation to be meaningful. A government that legally recognized the right of citizens to vote but whose elections were inconsequential or that terrorized its citizens into not exercising their franchise, for instance, would certainly not be democratic. Participation has necessary presuppositions that go beyond formal political inclusion. In the American context, there is a tendency to see these presuppositions in terms of social norms that support the exercise of formal participation on the part of all citizens as a result of the history of white supremacy, the enforcement of which was as much social and informal as it was legal and political. Combined with formal participation rights, these norms are generally held to approximate an ideal of equal opportunity to influence government decisions. Equal opportunity is in turn usually taken to be enough to make democratic participation meaningful. But this is a mistake because equal opportunity leaves out the primary element of meaningful participation: citizens’ critical cognitive engagement with democratic politics, or what I call *cognitive inclusion*. 
Cognitive inclusion consists in individual citizens paying attention to politics and thinking critically about its substance. It is at once a novel conception of what it means to be effectively included in democratic politics, a necessary precondition of meaningful political participation, and a universal requirement of democratic citizenship. Though I speak of inclusion a great deal, it will become clear that I am primarily interested in it as a problematic theme running through ideas like political equality, representation, political apathy, political engagement, and participation. I shall be arguing throughout this dissertation that cognitive inclusion has a unique importance in democratic theory which has been overlooked and that this importance properly makes the promotion of cognitive inclusion the first priority of the participatory regime.

Yet inclusion might seem an anodyne goal to set for participatory institutions. It is sometimes thought that political inclusion is only a proper worry for developing democracies. Once democracies consolidate and achieve universal suffrage and a competitive electoral system, inclusion seems to stop being of first-order importance, allowing democracies to move on to more august concerns. But this is a false impression. Inclusion remains a key concern of democracies at all times.

Consider, first, that it is far from evident that participatory regimes today are oriented toward encouraging inclusion even in the formal sense. Technocratic governance is ascendant across the world—including in established democracies—and has shifted the focus of some reformers toward ways to improve government’s technocratic-epistemic performance. Regimes like China and Singapore justify deviations from democracy by reference to such performance. As shared prosperity falters and political dysfunction rises in the established democracies, some are turning to these more authoritarian models as the new alternative to liberal democracy. In the social setting with which I am most concerned—the United States—political commentators and even philosophers have taken
the position that for democracies to generate good policy some citizens might need to stay out of politics. Philosopher Jason Brennan, for instance, has applied an epistemic framework to the ethics of voting and come to the conclusion that poorly informed citizens should refrain from “polluting” the electoral process with their ignorant votes.¹ Democracy is better off without these citizens. This preoccupation with technocratic-epistemic performance can be found even in the work of deliberative democrats like Archon Fung, whose study of community policing and local school councils in Chicago ultimately measures success by conventional technocratic standards.²

Moreover, political inclusion of the most basic kind, electoral eligibility and participation, has reemerged as a live political issue in the US. In recent years, over thirty states have placed new restrictions on the exercise of the franchise through policies like reducing early voting times, requiring photo identification to vote, abolishing polling places, and making it more difficult for independent groups to register voters, among other measures.³ The result has been to move the participatory regime of the US decisively away from encouraging full inclusion. Such efforts demand a sharp reminder from democratic theorists of the reasons why inclusion is so important.

Moreover, it is fairly clear that even before these recent reversals, the participatory regimes of democracies like the US were failing to encourage political inclusion. The most common metric of inclusion is the voter turnout rate, which in the US is just about the worst in the developed world, (though by other metrics such as campaign volunteerism the US compares favorably with other countries). Even by the low standards of US turnout, the figure of 36.3% recorded in the most recent

national election was the lowest since 1942, or in 72 years.\textsuperscript{4} In sum, there remain substantial levels of effective political exclusion in the US, and recent trends seem to be going in the wrong direction.

Secondly, we need to think more about inclusion and effectively engaging ordinary citizens because ignoring its importance biases efforts to reform participatory institutions and wastes the limited resources available for democratic reform. These resources include not only the time, attention, and material support of democratic reformers themselves, but also the public’s taste for political reform. The finitude of these resources requires us to carefully consider which values or principles should be prioritized in designing the participatory regime. A cursory examination of democratic theory will reveal the nearly exclusive focus theorists have given to deliberative institutions as avenues for reform in recent years. This focus is understandable given the deliberative character of democratic theory today, but I argue it ultimately defeats the aim of realizing the effective inclusion of all citizens. This is because of the limited size of deliberative institutions, the demandingness of deliberative participation, and inevitable self-selection into—and out of—participation. It would be far better in terms of inclusion and engagement to focus on electoral institutions which have the institutional capacity and wherewithal to reach all citizens. Not only can electoral institutions reach all citizens, they can reach them where they are and pull them into patterns of democratic engagement.

We shall see in Chapter 6 that deliberative institutions virtually all presuppose motivational resources that are lacking in those most in need of political inclusion. This is a serious problem because of the unique importance of cognitive inclusion in democratic theory. It is therefore important to press the case for inclusion in order to persuade reformers and theorists interested in institutional design of the relatively small role institutions like participatory budgeting, citizen juries, 

or deliberative polls are likely to have in addressing the problems they are concerned to remedy. Reformers and theorists need to be convinced that inclusion is the primary goal and persuaded that this recommends a focus on institutions with greater inclusionary potential than deliberative mini-publics, such as electoral institutions. These two tasks, demonstrating the priority of inclusion and its recommendation of certain kinds of institutional arrangements over others, are the tasks of the first and second halves of the dissertation, respectively. In the next two sections, I lay out the fundamental elements of the first of these two central arguments and do the same for the second argument in the third and fourth sections. I then outline the dissertation as a whole in the fifth and final section.

1. What Is Cognitive Inclusion?

What is this idea of cognitive inclusion precisely and why is it so important that it should take priority in the design of the participatory regime? I offer three general arguments for the priority of cognitive inclusion in democratic theory. Before discussing these arguments, however, I must briefly clarify the basic idea of cognitive inclusion.

On my account, citizens are politically included when they pay attention to politics in a critical or judgmentally active way—that is when they are cognitively engaged or critically attentive to politics. Unlike pure spectatorship, it is not enough for cognitive inclusion that individuals merely pay attention to politics.\(^5\) Attention must be active and critical, not passive as it is for Jeffrey Green’s spectators. Cognitive inclusion will therefore often consist in weighing the cases put forward by different political actors and judging of which would be most worthy of political support (if any). In so doing, one would be engaging in a kind of deliberation, albeit of an internal and reflective sort.\(^6\)

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\(^5\) Requiring more than attention marks the major difference with Jeffrey Green’s advocacy of an “ocular” account of democratic power based on political spectatorship. See Jeffrey Edward Green, *The Eyes of the People: Democracy in an Age of Spectatorship* (New York: Oxford University Press, 2010).

\(^6\) This idea of cognitive inclusion bears some resemblance to Robert Goodin’s notion of “democratic deliberation within” in its focus on inward processes of reflection. See Robert E. Goodin, “Democratic Deliberation Within,” *Philosophy & Public Affairs* 29,
Cognitive inclusion is therefore a form of active cognitive engagement in politics. This conception of inclusion is moreover an individualist one, since cognitive engagement is a feature of individuals, not of groups. It tells us what it means for the lived experience of individuals to be politically included. This makes cognitive inclusion a novel conception of inclusion in political theory and differentiates it from others which focus instead on what it means for groups, particularly marginalized groups, to be included in democratic politics. The conception focuses on individuals for several reasons, one of which is that most liberal and democratic theory is built on individualist presuppositions and so should have a correspondingly individualist conception of inclusion.

Cognitive inclusion constitutes the more novel and interesting half of an overarching idea of effective political inclusion, the other half consisting in formal inclusion and supportive social norms. Formal inclusion and supportive norms are not themselves sufficient for effective inclusion because they are consistent with biased patterns of self-exclusion from politics which track inequalities in social position and power as well as unreflective cynicism and apathy about politics. One of the characteristic features of this conception of inclusion is that it in fact accommodates certain types of political cynicism and apathy, yet puts important limits on them as well in a sort of ethics of political apathy. So long as individuals think critically about their disengagement from democratic politics and periodically update their judgment endorsing disengagement with new information, they are cognitively included in democratic politics—as dissidents.

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I owe this phrase to Andrew Sabl.
Finally, cognitive inclusion is something different from civic virtue, or a motivational orientation toward the common good, though it is also presupposed by such an orientation. It is a way of thinking about what it means to be effectively enfranchised or of being effectively empowered by formal participation rights. Because the idea has few interesting implications for the purposes to which that empowerment is put, it is less expansive and normatively laden than thick conceptions of democratic citizenship. But it is nonetheless a constituent element of being a good democratic citizen. Citizens who say of politics, “what does it concern me?” cannot be citizens of a democracy. One of the burdens of my argument is to show that this is the case regardless of our normative conception of democracy and of the idea of citizenship following from it.

What are the implications of this conception of inclusion with respect to immigration, global democracy, and the boundary problem? The latter of these is particularly salient because it is precisely the problem of who gets a say in where to draw boundary lines, and thus, who is effectively included in democratic decision-making. These are pressing problems in democratic theory and actual politics and any conception of inclusion seems to implicitly address them in that it has implications for boundary-drawing and determining the limits and conditions of membership. The question I address is not about boundary-drawing, however, nor do I deploy my conception of inclusion to address it. Rather, my question is: given that boundedness of some significant kind is a fixture of all current and imaginable political communities, how can we promote inclusion within these bounds using institutions?

Cognitive inclusion could be interpreted to have implications for the question of who should be counted a citizen, but this is not how I use the idea. I am more interested in how to widen the

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10 I am indebted to Rogers Smith for pressing this issue on me.
ambit of this conception of inclusion in the existing polity, not with how that conception maps onto existing legal categories of membership. It is possible that this conception would not add much to existing debates on immigration and citizen status since it would amount to saying that people who are cognitively engaged in a polity’s democratic politics are effectively a part of that polity so long as they also have formal participation rights. But the main point of contention in many of these debates is about who should enjoy formal citizenship status, including participation rights, and on this question my account is silent.

Expanding inclusion beyond national boundaries is moreover at present primarily an exercise of expanding political imaginaries, allegiances, and identities. The task is essentially political and requires discursive efforts that convince people to rethink their relationships with people across existing boundaries. It is in particular not in need of detailed blueprints for global democratic institutions. That being said, it is also often the case that identities follow institutions, such that when we build institutions, common identities and expanded political imaginaries follow. This is an intriguing possibility, but it is not one that I address because I am interested in what it takes to promote inclusion within a given bounded democracy.

2. The Priority of Cognitive Inclusion

So why is the idea of cognitive inclusion important enough to take priority in the participatory regime? I offer three overarching arguments for the priority of inclusion. It is, firstly, an essential part of virtually every vision of the democratic good such that no matter which normative democratic theory one endorses, one is committed to endorsing the fundamental role of cognitive inclusion. I argue that each theory of democracy is internally committed to the fundamental importance of cognitive inclusion. Regardless of which of the most prominent theories of democracy one endorses—whether it is because it constitutes collective self-government, or because it best
approximates an ideal of political equality, or because it effectively protects our rights and interests, or because it simply preserves social order and stability—one must endorse the great and even overriding importance of inclusion. Democracy may be able to limp along in some degraded sense without inclusion, but it cannot flourish or fulfill its promise, regardless of how we understand the promise of democracy. This argument appeals to prevailing views regarding the value of democracy and shows why these views commit their adherents to prioritizing cognitive inclusion. It therefore begins with ideas from what Bernard Williams called each individual’s “motivational set” and tries to ground the argument in internal reasons each individual has to value democracy. It is thus a prudential or interpretative argument based on interpreting the internal requirements of various theories of democracy.

I address four of the most prominent grounds for valuing democracy in this first argument, including collective self-government, political equality, rights protection, and social stability. Cognitive inclusion turns out to be essential for all of them. For instance, concerning oneself mentally and emotionally with the political life of one’s democratic community is in many ways at the heart of what it means to be part of a scheme of collective self-government. Cognitive inclusion must precede political equality because efforts to equalize political influence prior to achieving universal inclusion leads to the empowerment of an activist elite defined by pre-existing cognitive engagement with politics. Since many people aren’t cognitively engaged today due to normatively problematic factors like thoughtless habit and operations of the third face of power—whereby socioeconomic, cultural, and political arrangements drastically limit individuals’ political

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imagination—domination by such an aristocracy of activists ought to be hugely problematic for egalitarians. For both stability democrats and those who favor democracy for its ability to protect our rights and interests, cognitive inclusion is essential because it helps to maintain civic skills and political socialization which are necessary for the effective use of participation rights when our rights or social stability is threatened. Cognitive inclusion is also coextensive with the kind of vigilance that both bodies of theory posit as necessary to the effective protection of rights or stability. I say more about why these four strands of democratic theory are committed to the priority of cognitive inclusion in Chapter 3, but these arguments give some idea of how cognitive inclusion is important to each theoretical perspective.

The second overarching argument for the priority of cognitive inclusion draws from the commonality of importance assigned to the idea to conclude that it constitutes something like the essence of democracy. The fact that virtually all existing democratic theories agree about the unique importance of inclusion—for their own independent reasons—suggests that it taps into something fundamental to the idea of democracy. Strands of democratic theory have developed in independent directions from this basic inclusionary idea but the fact that they can all be traced back to it is striking and suggestive of its importance. Of course, it is possible that different theories may agree on banal features of a common idea rather than on essential ones, but the fact that cognitive inclusion is not only common to all of these theories but is also indispensable to them all demonstrates its true centrality to the democratic idea. It is a key part of what it takes for democracy on any account to flourish and to deliver upon its promise for a better world. We can see this also in the fact that a decision procedure that is inclusive will always have a strong claim to democratic legitimacy, but one

that lacks inclusion, no matter how many other seemingly democratic virtues it might have, gives us no compelling reason to call it democratic.

The final overarching argument also draws from the common overlap between different strands of democratic theory to argue that, even if inclusion isn’t the essence of democracy, it still can serve as a common ground between different camps of democratic reformers and so as an intermediate principle of institutional design. Recognizing the priority of cognitive inclusion as an intermediate rather than a fundamental principle of democratic theory opens the door to the widest possible coalition of support for inclusive institutional reform. Democratic theorists and reformers don’t have to agree about the final grounds of cognitive inclusion’s justification to endorse reforms that promote it. A cognitively inclusive polity is thus not a utopia. It is instead the precondition for the proper functioning of any further specification of an attractive system of democracy.

We might think that cognitive inclusion will often be insufficient to achieve ends like collective self-government or rights protection, and this is surely right. These ends will often require more active forms of participation like voting. But cognitive inclusion is not only important for itself, it is also a conceptually necessary precondition for any meaningful act of political participation. This is because forming an intention regarding what government should be doing (or not doing), or even simply articulating one’s political preferences and interests, is not possible without attending to the content of politics. Cognitive inclusion is the process whereby we form the judgments which are expressed in acts of political participation. Participation would, therefore, be meaningless without having cognitive inclusion beforehand. Moreover, as an empirical matter, cognitive inclusion powerfully motivates political participation because one of its constituent elements, interest in politics, has been found to be the most powerful predictor of political participation of virtually every
Cognitive inclusion therefore motivates meaningful participation in a way that is essential for any theory of democracy that values actual popular participation. Even if sometimes democracy requires more than cognitive inclusion, it can never demand less.

Thus, on the grounds of agreement across democratic theories, the importance assigned by the theories themselves, and the essential importance of cognitive inclusion to the basic idea of democracy, democrats should prioritize cognitive inclusion when we come to design the participatory regimes of democracies.

3. Institutions Can Promote Cognitive Inclusion

What does the priority of inclusion mean for the design of democratic institutions? The main implication I explore is that participatory institutions should promote cognitive inclusion in every citizen. But can institutions promote it? And what are the best institutional arrangements for doing so? As mentioned above, most democratic theorists interested in institutional design today are focused on reforms that seek to make democracy more deliberative, particularly deliberative mini-publics like deliberative polling, participatory budgeting, or citizen assemblies. This seems to be a serious mistake, however, because these institutions cannot reach mass publics in the way that, for instance, electoral institutions can. Before discussing why we should look to electoral institutions rather than deliberative ones, we must consider whether cognitive inclusion is something that institutions can affect in the first place.

A variety of things are likely to influence cognitive inclusion but I concentrate on the influence of political institutions because of their manipulability. Political interest, for instance, has

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been shown to be strongly related to one’s social and political circumstances.\textsuperscript{14} Likewise, the effectiveness of political mobilization efforts has been shown to be related to the cultural availability of schemas in which ‘people like me’ engage in politics.\textsuperscript{15} I focus on the effect of institutions because they are more amenable to intentional change than are social and cultural influences on cognitive inclusion. In fact, there is good reason to think that social and cultural patterns are often formed \textit{in response to} institutions and the patterns of behavior they produce.

But perhaps cognitive inclusion is not the kind of thing that institutions can bring about in the first place. Institutions quintessentially regulate behavior, not the minds or attitudes of individuals. Perhaps it is too much to expect blunt tools like institutions to be able to affect anything as specific and personal as cognitive inclusion. But this worry is probably baseless because cognitive inclusion is not a particularly complicated cognitive style. Being attentive to politics is extraordinarily simple, particularly in a time when information has become cheap and plentiful. Moreover, being \textit{uncritically} attentive to politics opens the door to being \textit{critically} engaged with it, since a critical viewpoint often comes about as a natural side effect of the flow of events bringing political figures we trust or positions we advocate into disrepute. Such muggings by reality often encourage a more reflective attitude about our political commitments, and thus cognitive inclusion.

We also know that cognitive inclusion is often a side effect of institutions that mobilize citizens for other reasons. Mobilization campaigns by parties or civil society groups typically focus on getting people out to vote. While there is a sense in which turning out to vote and submitting a blank ballot is ‘voting,’ it is not the sense that advocates of wider mobilization mean. What makes voting meaningful is that it reflects the citizen’s considered judgment. Cognitive inclusion is the process of

forming the individual’s judgment and so is not only intrinsically linked to the object of political mobilization, but in important ways actually constitutes it. Political mobilization is thus not actually about voting per se but rather about changing the cognitive orientation of individuals toward democratic politics in the way inscribed in the idea of cognitive inclusion.\textsuperscript{16} To the extent that institutions’ mobilization techniques create lasting political engagement, it is because they have successfully induced cognitive engagement with politics.

There is, moreover, significant evidence that institutions like mini-publics and mandatory voting can in fact create cognitive inclusion among those who are affected by them. For instance, evidence shows that those who participate in deliberative polls report significantly elevated levels of political interest after participation in the medium term. Also, mandatory voting demonstrably boosts turnout, in part through the kind of mobilization effects that generate cognitive inclusion mentioned above. Reviewing this evidence is one of the main tasks of the second half of the dissertation.

It is essential that democracy do what it can in its institutional design to promote cognitive inclusion because in so doing democracy secures its own preconditions. So long as there is some reason to think institutions can promote cognitive inclusion, as I’ve argued there is, the priority of inclusion requires that we restructure the participatory regime to do so. If actual institutional interventions ultimately fail to cause wider cognitive inclusion, moreover, there is nonetheless great value in having them. For even if such institutions are ineffectual, having them will have discharged a responsibility to secure as best we can a fundamental precondition of democratic flourishing and even of legitimacy, as dictated by the spectrum of democratic theories surveyed briefly above and discussed at greater length in Chapter 3. No vision of the democratic good is possible without

\textsuperscript{16} Indeed, in seeking to understand political mobilization in a massive experimental study, Garcia Bedolla and Michelson argue precisely that it is about reshaping individual political cognition. Ibid.
cognitive inclusion and democracy cannot deliver on its promise—however that promise is understood—without it. We will have taken all reasonable steps to secure this precondition if we remake democracy’s participatory regime to encourage it. It is only if we’ve taken such steps and they fail to promote cognitive inclusion that we are entitled to despair, as many already do, of the promise of democracy in our age.

4. **Electoral Institutions are Better for Inclusive Democracy than Deliberation**

If institutions should indeed be structured so as to promote cognitive inclusion, what are the best arrangements for doing so? I concentrate on comparing two kinds of institutions, electoral and deliberative. I select these two because of the great influence that deliberative theory has had over democratic institutional design in recent years and because of the enduring importance of electoral institutions in all existing democracies, and indeed, in most imaginable ones as well. I argue that we should favor electoral institutions over deliberative ones because deliberative institutions are subject to unsolvable problems of scale which exacerbate and reinforce existing patterns of exclusion, but that properly reformed electoral institutions have a nearly universal reach and influence that is sufficient to promote cognitive inclusion in all citizens.

The chief characteristic of deliberative institutions is that they involve face-to-face discussion between average citizens, often for the purpose of making a common decision. The dependence upon deliberation in the sense of face-to-face discussion imposes significant design challenges for these institutions. Specifically, it renders the number of participants they can accommodate very small compared to the total population size of any modern polity. Most deliberative institutions accommodate just a few dozen participants, while the largest ones include a few thousand. The most

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17 There has been interest in recent years in integrating lotteries into authoritative democratic decision making procedures, displacing elections in some cases. See e.g. Alexander A. Guerrero, “Against Elections: The Lottocratic Alternative,” *Philosophy & Public Affairs* 42, no. 2 (2014); Claudio Lopez-Guerra, *Democracy and Disenfranchisement: The Morality of Electoral Exclusions* (New York: Oxford University Press, 2014).
successful instances of the largest successfully-implemented deliberative forum, participatory budgeting, have still only managed to engage about 10% of a municipal population.\textsuperscript{18} When compared to the size of the polity, most deliberative institutions thus only ever directly reach a small fraction of the total population. This insignificant size drastically restricts the effects of deliberative participation on the wider public and creates serious doubts about the institutions’ utility as tools for promoting cognitive inclusion. But of course concerns about the size of deliberative forums are by no means lost on their advocates.

Perhaps the most common response to the problem of scale is to posit that improving the quality of participatory opportunities, as by making them more deliberative, will itself solve the inclusion problem. Call this the ‘if you build it, they will come’ hypothesis.\textsuperscript{19} The problem is that it does not work even if we affirm the participation hypothesis—and so believe that political participation generates its own support through skill development, habituation, and by closing feedback loops of political efficacy\textsuperscript{20}—because people will often fail to take the necessary \textit{first} step into the political forum which kick-starts this self-reinforcing process on their own. This is particularly likely to be the case for deliberative institutions because face-to-face discussion is a particularly demanding mode of participation which requires a great deal of time and inconvenience from participants and which also advantages traditionally privileged groups who disproportionately


\textsuperscript{19} This and other responses to the scale problem are more fully discussed in Chapter 6.

possess public speaking skills. The belief that ‘if you build it, they will come’ mistakenly assumes that the people most in need of being politically included already have the motivational resources and orientation to engage democratic politics. They do not; this is why cognitive inclusion needs to be cultivated in the first place. Moreover, people are busy and justifiably interested in things besides politics. This is notably because as societies have become wealthier and expanded the range of rewarding activities, the opportunity cost of political participation has skyrocketed. This process exacerbates the demandingness of participation and increases the incentives to orient ourselves toward other, non-political pursuits, causing many citizens to lack precisely the motivation to take advantage of better opportunities for participation.

This fact highlights one of the greatest problems with deliberative institutions: they are actually more likely to exacerbate existing patterns of political exclusion than they are to ameliorate them. As mentioned above, the form of participation emphasized in deliberative institutions is characteristically demanding. It requires large amounts of time, interest, and attention, as well as skills of self-expression and self-confidence which are often scarce and unequally distributed. Just as it is predictable that people will not automatically opt in to such demanding modes of participation, it is equally predictable that the people who are most likely to take advantage of new, highly demanding opportunities for deliberative participation will tend to be those already civically skilled and motivated to participate, a population we know to be skewed toward the wealthier and better educated. Even carefully designed deliberative forums which attempt to secure representative populations suffer from this self-selection effect.

23 Verba et al. have provided a comprehensive account of the factors associated with participation, finding that the financially and educationally well-off both participate more and are the ones possessing the skills and motivation to take advantage of further opportunities to participate. Verba, Schlozman, and Brady, Voice and Equality.
The British Columbia Citizens’ Assembly (BCCA) was a particularly well-supported and thoughtfully executed example of a deliberative institution that illustrates this selection issue. BCCA put out an open call for participants and randomly selected one man and one woman from each riding in the province of British Columbia among those who attended informational meetings. Because of the underrepresentation of the First Nations, two aboriginal representatives were added to the group. Despite these efforts, the members of BCCA ended up being substantially more white, older, better educated, and more professional than the population as a whole. Thus we see that even one of the most high profile and successful deliberative institutions still could not even achieve descriptive representation of the population, to say nothing of effective inclusion. This suggests that considerations of cost, novelty, and the inconvenience of participating in these institutions are as prohibitive for the political neophyte as they are for the apolitical working class. Deepening democratic participation by providing more and more deliberative opportunities for the already politically engaged is a perversion of the end of inclusion. Far from drawing more people into critical engagement with politics, doing so promises to further empower the already deeply engaged.

Many of the basic advantages of electoral institutions and participation are apparent in light of these problems with deliberation. Unlike deliberative participation which is uniquely demanding and helps disproportionately empower those who are already motivated to participate, electoral participation is the most undemanding form of participation there is and as a matter of fact involves the least biased body of citizens of any virtually any form of participation. Nonetheless, because elections directly determine important governmental decisions, electoral participation is collectively potent. In contrast, most deliberative participation, both actual and theorized, is not particularly

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effective because it results mostly in non-binding recommendations. The low cost of electoral participation and its collective consequentiality increases its utility as a tool for reaching all citizens.

Indeed, I focus on electoral institutions because of their demonstrated ability to reach virtually all citizens. There are few institutions of any kind in modern pluralistic societies which can reach everyone, but electoral institutions can. This is because some electoral institutions, like political parties, are deeply linked to the media and groups in civil society, while others, like mandatory voting, reach everyone through the medium of law. These mechanisms allow electoral institutions to reach people where they are, rather than presupposing motivational resources in citizens that often lack them. In this universal reach, electoral institutions can be seen as a kind of mirror image of deliberative ones. Where deliberative institutions focus a tremendous experience of democratic citizenship on an infinitesimally small group, electoral institutions offer a far more humble intervention but do so across every group and social category, touching the lives of every single democratic citizen. Because of the ease with which cognitive inclusion can be promoted, the mild intervention of a legal requirement to turn out to vote, for instance, is sufficient to secure it.

Electoral institutions also tap into competitive and partisan passions which can be highly effective, and perhaps even indispensible, for engaging citizens. Whereas most deliberative theorists—and political theorists more broadly—see such competitive fervor as pathological, there is a great deal of reason to see it as an inescapable element of politics as such. We would do well, therefore, to harness these kinds of passions to the purpose of promoting cognitive inclusion. Since electoral institutions are probably the key to doing so, they present a better institutional approach than deliberative ones that purposely seek to evade such passions.

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5. Overview of the Argument

The dissertation is divided into two parts. The first part, entitled Theory, introduces the idea of cognitive inclusion and argues that it should guide the design of participatory institutions due its unique importance. The second part, entitled Institutions, examines two sets of institutions for their ability to promote cognitive inclusion.

Part I consists of three chapters. Chapter 2, entitled “What is Cognitive Inclusion?” introduces the idea and illustrates why it is an attractive conception of being part of a democratic polity. This chapter shows why formal inclusion is not sufficient for the effective integration of citizens into democratic politics. It argues that effective inclusion requires a connection to the lived experience of individual citizens but that individuals must also be actively engaged with politics, at least mentally. It also differentiates cognitive inclusion from political spectatorship, with which it might otherwise be confused. The chapter also demonstrates that inclusion should not be conflated with political equality, despite the influential view of Iris Marion Young which does conflate them. The chapter concludes that cognitive inclusion, as a form of active mental engagement with the substance of democratic politics, can effectively make all citizens a part of the democratic political world.

Chapter 3, entitled “The Priority of Inclusion in Democratic Theory,” argues that cognitive inclusion enjoys a special theoretical priority because it is required to realize virtually any vision of the democratic good. The chapter offers arguments as to why cognitive inclusion is essential to collective self-government, political equality, the protection of rights and interests, and social stability. These arguments are meant to persuade those who endorse democracy on these different grounds of the importance of cognitive inclusion by appealing to their preexisting commitments regarding democracy. The common agreement itself, moreover, motivates two further arguments for the priority of inclusion. One of these arguments posits that inclusion constitutes the normative
essence of democracy and democratic legitimacy while the other says that even if inclusion is not fundamental in this way, it can be agreed upon as an intermediate principle of institutional design for democratic reformers with different ultimate reasons for endorsing it. The chapter also discusses the substantial but limited tolerance for political cynicism and apathy built into the idea of cognitive inclusion.

The final chapter of the first part, Chapter 4, addresses worries about expanding inclusion that arise from a strand of democratic theory that isn’t addressed in Chapter 3: epistemic democracy. Because epistemic democracy’s characteristic theory of legitimacy is instrumental and based on approximating truth or delivering good policy, it can only ever endorse inclusion provisionally, when the facts recommend it. Entitled “Epistemic Worries Allayed,” the chapter reviews empirical evidence regarding the wisdom and decision-making competence of mass publics. Whereas many readings of this literature, particularly in democratic theory, lead scholars to pessimism regarding mass political competence, I argue that this impression is based on an insufficiently critical reading of the evidence. I also show why the most reliable mechanism of collective wisdom, diversity, requires not only wide inclusion as is usually argued by epistemic democrats, but universal inclusion. This completes the normative and theoretical arguments for cognitive inclusion that occupy Part I.

The second part of the dissertation, called Institutions, looks for ways to promote cognitive inclusion through institutional design. Chapter 5 begins this argument by searching for ways to measure cognitive inclusion in the world so as to be able to tell whether institutions are promoting it or not. The chapter argues for three proxies for cognitive inclusion which are familiar to social science: political interest, political knowledge, and turnout. I weigh the benefits and drawbacks of each measure and argue that together they can give a good indication of whether cognitive inclusion
obtains. The chapter concludes by elaborating a picture of what a cognitively inclusive polity would look like based on these measures.

The sixth chapter, “The Dangers of Deliberative Mini-publics,” examines deliberative institutions for their ability to promote cognitive inclusion. It highlights significant empirical evidence that participation in mini-publics encourages cognitive inclusion over the medium to long term. Despite this efficacy, I argue that mini-publics face unsolvable problems of scale due to the insistence upon face-to-face discussion and that attempts by deliberative theorists to overcome these scale problems cannot succeed. These problems defeat deliberative institutions’ ability to promote cognitive inclusion at the scale required to secure the inclusion of all citizens. The chapter then discusses possible indirect routes by which mini-publics might influence political engagement among those who do not directly take part in them. I find no evidence of such indirect influence. Through the course of the discussion, I find that the deliberative institutions with the widest influence—and so the greatest promise for promoting cognitive inclusion—are those closely integrated with electoral institutions. Because of this, I close the chapter by suggesting a new mini-public that is closely tied to partisan electoral institutions.

Chapter 7, “Electoral Paths to Cognitive Inclusion: Mandatory Turnout,” directly examines a particular electoral institution—mandatory voting, or as I call it, mandatory turnout—for its promise in promoting cognitive inclusion. The chapter reviews suggestive evidence that mandatory turnout regimes can promote cognitive inclusion and I derive principles for designing such regimes from comparative evidence on their historical performance and characteristics. In the spirit of the argument from Chapter 3, the chapter then offers a novel argument for mandatory turnout based on its ability to help citizens achieve the goal of voting which they endorse for their own reasons.
Mandatory turnout is thereby conceived of as a precommitment mechanism and this designation is supported by survey evidence showing the virtually all Americans view voting as a civic duty. For those that don’t view voting in this way, I argue that mandatory turnout constitutes a nudge in Richard Thaler and Cass Sunstein’s sense. The chapter then considers some underappreciated historical lessons and contemporary circumstances which suggest that introducing mandatory turnout is not a complete fantasy in the United States context. It concludes by considering an important objection articulated by Jon Elster which applies to the argument of the entire second half of the dissertation due to its assessment of institutions based on having the side effect (or not) of generating cognitive inclusion.

The final chapter, “The Ethics of Institutional Design,” considers a serious objection put forward by Ruth Grant to projects of institutional design more generally. Grant worries that such projects usually involve an unexamined use of power and so she posits ethical requirements that all efforts of institutional design should meet. I demonstrate that my own argument meets Grant’s conditions and in so doing sum up many of the key elements of the argument as a whole.
Part I: Theory
Chapter 2: What is Cognitive Inclusion?

What should our first priority be when designing the participatory institutions of a democracy? Recall that participatory institutions include things like jury service, citizen assemblies or other deliberative mini-publics, avenues of communication with representatives, and elections. A state’s participatory institutions taken as a whole can be referred to as its ‘participatory regime.’

The question that concerns me in the next two chapters is: what should a democracy’s participatory regime seek to do? It seems to me that a great many democratic theorists today are motivated by a flawed intuition that the most important task of democratic politics is securing more deliberative and deeply engaging forms of participation, particularly those whose work focuses on deliberative mini-publics.\(^1\) I argue, on the contrary, that the most important aim of a democracy’s participatory regime should be to encourage effective political inclusion in the form of persistent, attentive, and critical scrutiny of the public realm and politics by every citizen. I call this conception of inclusion the idea of cognitive inclusion.

This chapter begins the argument by introducing this novel conception of inclusion whose promotion I argue in the next chapter should be the main or first goal of democratic participatory institutions. This conception is based on the view that individual citizens are politically included

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\(^1\) Deliberative mini-publics and their relative inability to promote inclusion is the primary subject of Chapter 6.
when they are attentive in a critical way to democratic politics, that is, when they feature critical
cognitive engagement with politics.\textsuperscript{2} Strictly speaking, cognitive inclusion constitutes only part of a
more general conception of effective inclusion which also integrates formal inclusion, or the
possession of formal rights to participate in politics. I argue below that formal inclusion is utterly
insufficient as an account of inclusion, though it does constitute an important element of effective
inclusion. Cognitive inclusion, however, constitutes the more novel and important of the two
elements of effective inclusion and so I focus on it in what follows.

Although there are many things we wish democracy’s participatory regime to accomplish,
promoting cognitive inclusion should take a special priority due to its great importance to all major
democratic theories. This is the main claim of the next chapter. But before this claim about the
priority of inclusion can be defended, the idea itself must be understood. Therefore the elaboration of
this conception of cognitive inclusion is the central task here. Because of how closely linked the
topics of these chapters are, the current chapter sketches and references arguments that are more
fully espoused in the next chapter. This is unavoidable because the idea of inclusion used throughout
the dissertation is too unfamiliar and complex to be simultaneously explained and defended. I have
therefore divided this task between the present chapter and the next, despite the occasional
awkwardness this generates. In this chapter I elaborate the conception of inclusion used throughout
the dissertation and defend it as a compelling account of what it means to be a part of a democratic
polity. In the next chapter I explain why inclusion is a uniquely important idea in democratic theory

\textsuperscript{2} One might ask why I emphasize political inclusion when, for instance, workers are often excluded from any formal right to
determine the conditions of their labor. Promoting more democratized workplaces has long been an interest of participatory
democrats and seems to detract from the narrow focus on politics I take here. I would respond that my conception of inclusion
is compatible with any idea of politics, including expansive ones that make it “nowhere and everywhere,” in the words of Ian
Shapiro, and so potentially encompassing the workplace. See Shapiro, "Three Ways to Be a Democrat," 127-30.
and why its promotion should take precedence in the design of democracy’s participatory institutions.

The argument proceeds as follows. In the first section, I address a common misconception that the idea of inclusion is an inescapably egalitarian one. I argue that it is not but rather addresses different issues that are no less important than those of political equality. In the next two sections I lay out two requirements of an adequate conception of inclusion. These are that it must provide a compelling account of the phenomenological experience of political inclusion and involve some active engagement with the democratic political world. In the fourth section, I illustrate how cognitive inclusion meets these requirements by comparing it with Jeffrey Green’s conception of democratic spectatorship. I argue that cognitive inclusion presents a compelling account of the lived experience of inclusion in the idea of being interested in politics in a judgmentally active way and that the active application of one’s critical judgment to political issues constitutes a form of active political engagement. In this way, cognitive inclusion presents a convincing account of effective inclusion. The fifth section defends the idea of cognitive inclusion from a number of criticisms and the concluding section flags five features of this conception that are of continuing relevance for the overall argument of the dissertation.

1. Inclusion Is Not Equality

There is a common view among political theorists that inclusion is in some essential way an egalitarian idea, such that its value is dependent upon this connection to political equality. I argue in this section that this notion is seriously defective and that inclusion is a freestanding concept by critiquing the influential view of Iris Marion Young, who makes this mistake. Young conflates inclusion with political equality in a way that muddles what is at stake in these two ideas and
overextends the idea of inclusion. Her error is thinking that because political equality probably entails inclusion—because equality among a select group of citizens is inconsistent with political equality—inclusion also entails equality. But the latter is not true. Although there are obvious affinities between inclusion and political equality, inclusion stands independent from equality both conceptually and in terms of its value. We should retain their separateness for the sake of conceptual clarity and parsimony, as well as to appreciate the independent importance of inclusion (for which I argue in Chapter 3).

Young is interested in inclusion in order to embody “a norm of moral respect” for persons, which requires that they not be treated solely as a means for the purposes of others. This in turn necessitates that they have their “voice and interests” present in the making of rules or decisions which affect them. Young’s idea of inclusion is therefore based on the familiar ‘all affected’ principle, whereby binding obligations and decisions must be made acceptable in some sense to those subject to (or affected by) them. Crucially for the argument to come, Young distinguishes inclusion from political equality as an analytical matter. However, she then observes that in “real political conflict” over exclusionary policies, political actors and movements “invariably appeal to ideals of political equality.” For this historical reason, she understands inclusion to entail political equality as a political matter and so uses inclusion to capture both ideas. We shall see that this combination serves to encompass two importantly different questions. This is evident in her distinction between external and internal exclusion.

External exclusion consists of the familiar political vice of keeping people outside the process of political decision-making. Young mentions backroom political dealing, discriminatory voter

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5 *Inclusion and Democracy*, 23-4.
registration requirements, and political domination by social and economic elites as instances of external exclusion. She credits many democratic theorists with noticing and responding to the problem of external exclusion even if she doesn’t think they go far enough.

“Less noticed,” she writes, “are those forms of exclusion that sometimes occur even when individuals and groups are nominally included” in the political process. Examples of such internal exclusion are when “the terms of discourse make assumptions some do not share,” when forms of deliberation or participation privilege “specific styles of expression,” and when “the participation of some people is dismissed as out of order.” Forms of internal exclusion share the feature that while they do not formally exclude anyone, they cause some people to be ignored, dismissed, or patronized such that “their claims are not taken seriously” in collective decision-making procedures. Young is concerned that models of deliberative democracy, of which her theory is a variant, involve an excessive focus on argument as the appropriate mode of political communication for public deliberation. She therefore champions a more expansive conception of communication which includes forms of speech like public acknowledgement, rhetoric, and storytelling which do not share the strictures of argumentative speech.

The distinction between internal and external exclusion reveals that for Young, the value of inclusion requires not just bringing people into democratic politics but also ensuring that they are heard in an equal and meaningful way. One of these questions addresses the issue of who is within the political realm and identified as a member of the citizen body, while the other addresses that of the appropriate division of power within the political realm.

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6 *Inclusion and Democracy*, 54.
7 *Inclusion and Democracy*, 53.
8 Ibid.
9 *Inclusion and Democracy*, 55.
10 *Inclusion and Democracy*, 57-77.
Consider first that the issue of access to the political realm is very importantly different from that of the distribution and use of political power within that realm. While we might appeal to the same set of (egalitarian) standards to settle both the question of access and that of the division of power, as does Young, this is by no means obvious. No less an advocate of the disempowered than John Stuart Mill argued that everyone should be included in politics but that this did not imply that they should all have equal (voting) power within the political realm.\textsuperscript{11} Identifying inclusion and equality is also disputed when it is argued that everyone should have the right to vote, but that it is better if some people choose not to exercise that right.\textsuperscript{12} This view implies that everyone should be allowed into the political realm if they wish, but that there are non-egalitarian, perhaps epistemic standards for determining how political power is best distributed. In other words, while political equality may entail inclusion, inclusion does not entail political equality and inclusion may indeed be supported by reference to some other, non-egalitarian principle.

Conflating equality with inclusion also muddies the idea of inclusion by pairing unrelated ideas under the same heading. We can see this by taking a critical view of the internal vs. external exclusion distinction. Roughly speaking, it seems that internal exclusion refers to issues of political equality in deliberative contexts while external exclusion addresses issues associated with a narrower and more intuitive idea of inclusion. For instance, discriminatory voting registration requirements are the paradigm case of external exclusion in the US context and also clearly have to do with refusing entrance to the political realm and not with equality, since such requirements might be paired with a scheme of plural voting that violates equality. Likewise, internal exclusion addresses the ways in which individuals do not have their voices heard on an equal basis in politics.

\textsuperscript{12} Brennan, \textit{The Ethics of Voting}.  

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Yet there are elements of political equality in Young’s examples of external exclusion and issues of inclusion in a narrow sense in her examples of internal exclusion. For instance, Young thinks domination by social and economic elites constitutes a form of external exclusion because it gives rise to “exclusive tyranny” and renders political influence “wrongly unequal.”\footnote{Young, Inclusion and Democracy, 54.} But this explicitly tells us that domination actually threatens the equitable distribution of political power within the political arena rather than a sensible idea of inclusion. It seems instead that domination will not threaten inclusion unless it has gone so far as give others no access to meaningful decision-making centers, in which case there ceases to be democracy at all. Domination in the sense meant by Young therefore offends political equality, not inclusion, since it may describe a world in which everyone is meaningfully politically present but power is concentrated in the hands of the few. Yet it is included under a category of external exclusion which also includes the paradigmatic inclusion-harming policy of restrictive voting requirements. By mixing these questions together in her idea of inclusion, Young has us lose track of the offense to which different forms of ‘exclusion’ refer. This is related to the overextension of the idea of inclusion referred to above but differs from it in that it is about obscuring the nature of the offenses found in Young’s examples.

We see the same confusion in the idea of internal exclusion. If it is the case that standards of argumentation are so restrictive as to effectively push individuals out of the political forum, then this surely is an issue of political inclusion in a narrow sense. But if it is the case that some groups are taken less seriously than others because their members are unable to articulate cogent political arguments and insist upon communicating by way of religious testimony, for instance, this is probably better conceived as a problem of having an equal chance of being heard in political deliberation—in other words, political equality.
Thus both forms of exclusion distinguished by Young involve examples in which the problem stems from either political equality or inclusion. This suggests that Young’s usage of inclusion as an umbrella term for political equality and inclusion ends up preventing us from seeing what is at issue in many of the examples of exclusion with which she is concerned and so may lead us astray in thinking of responses to them.

In sum, we have strong reasons to resist Young’s confounding of inclusion with political equality. Because inclusion refers to the issue of who is in and who is out of the arena of political contestation and political equality refers to the balance of power within that arena, and because this is a hugely important difference about which there is disagreement, we want to retain different concepts to refer to them. Moreover, by taking up Young’s terminology, we end up losing track of the precise nature of the problem in different sorts of situations. Thus it seems that Young overextends the idea of inclusion by pairing it with political equality and in so doing muddies the waters where we want them to be clear.

The upshot of this discussion of Young’s view is that we must keep inclusion conceptually separate from the very different ideal of political equality. Doing so is essential in order to grasp the independent value of inclusion for which I argue in the next chapter. For although political equality seems to entail the importance of inclusion, I argue that other, non-egalitarian strands of democratic theory are also committed to inclusion for their own independent reasons. Appreciating this argument means abandoning the equation of inclusion with equality posited by Young.

2. The Importance of the Individual Experience of Political Inclusion
What does it mean to be effectively included in democratic politics? The next two sections argue that effective inclusion consists in active engagement with the political world in a way that affects the individual’s daily lived experience. This conception emerges from considering the shortcomings of existing views of inclusion. In this section, I argue that effective inclusion should reflect what it means for individuals to be included in politics, not just of groups.

Many of the most sophisticated contemporary accounts of political inclusion focus on the inclusion of groups and have very little to say about what it means for individuals to be included in democratic politics. This focus on groups is quite understandable given the continuing history of political exclusion. But it remains philosophically curious due to at least five reasons we have to care about the individual’s experience of political inclusion.

First, the point of view of the individual is an intrinsically interesting perspective to take with respect to inclusion and represents a neglected analytical perspective in democratic theory today. As I discuss below, democratic theory tends to focus on the inclusion of groups because of the history of group-based exclusion and also because groups are obviously relevant for the system-level operation of democratic regimes. But this focus on groups has the unfortunate result that democratic theory is left with little to say about the experience of everyday democratic citizenship.

Groups are, after all, made up of individuals, and it makes little sense to offer an account of group inclusion which says nothing about how the essential constituent elements of groups—individuals—relate to democratic politics. Paying attention to the perspective of individuals within groups can also provide insight into other important group-related questions, such as the microfoundations of group behavior and the ethics of group membership, topics of independent interest and which can also provide insight into the macro-behavior of groups.
The first-personal viewpoint is also essential for discussing the ethics of democratic citizenship. In order to consider the characteristic ethical questions that beset democratic citizens, such as how they should behave or what kinds of political goals and tactics are morally and ethically acceptable, one must take up the perspective of the individual citizen. It is particularly important to consider this perspective with respect to inclusion because citizens who have been effectively or legally excluded from full membership in the political community may have different duties or permissions vis-à-vis the democratic state compared to those who are included.

Ignoring the individual's view of inclusion is, moreover, ironic given democracy's individualist theoretical presuppositions. Democratic legitimacy depends in some sense upon the consent of the governed and, as I argue in Chapter 3, this requires the meaningful inclusion of each individual. Any account of inclusion that does not address each individual would fail to accord with the normative presuppositions of democratic theory.

Finally, and following from this last point about the presuppositions of democratic legitimacy, inclusion as a concept is badly understood when it is not applied to individual citizens. Being politically included is more usefully understood as an individual-level status. Individuals should, for instance, have a sense as to whether they are politically included. It is a status that should attach to recognizable elements of one's phenomenological experience of the world. This is why I call the more general conception of which cognitive inclusion is a part an account of effective inclusion—to be effectively included in politics as a democratic citizen requires the citizen to have some kind of self-aware relationship to their democracy. Yet this sense of inclusion is entirely absent from even the most sophisticated contemporary conceptions, as we shall see presently, abandoning something essential about the idea of inclusion and of effective inclusion in particular.
Other thinkers’ conceptions of inclusion give us no idea of how the citizens they are concerned to include would experience the inclusion they advocate, despite the reasons just elaborated. All of these conceptions focus on groups in ways that leave the nature of individual-level political engagement unclear.

On John Dryzek’s account, inclusion is only sometimes valuable because many democratic improvements must come from groups located outside the state. Dryzek distinguishes between inclusion in the state and inclusion in politics more broadly (in what he calls “the polity beyond the state”) and generally uses the term inclusion to refer to inclusion in the state. Inclusion in the state will only sometimes promote his stated end of “authentic democracy,” consisting in a state of affairs where the people’s reflectively-held preferences influence collective outcomes. This is because of the necessary role that non-state actors play in advancing democracy, particularly those stemming from civil society. Dryzek believes that recent democratic history supports this conclusion. “An examination of the history of democratization indicates that pressures for greater democracy almost always emanate from insurgency in oppositional civil society, rarely or never from the state itself.”

Thus, there is no reason to think that inclusion (in the state) will necessarily promote the improvement of democracy, not even as a general rule of thumb. Rather, Dryzek argues that exclusion from the state can often bring democratic gains, even to those who are excluded. If an excluded group’s purposes are inconsistent with the state’s overriding aims, for instance, their inclusion is likely to only bring about token advancement of their purposes and so will constitute co-option. Dryzek is particularly concerned that environmental groups will be co-opted in this way because their aims conflict with the fundamental imperatives for economic growth embedded within

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14 Dryzek, Deliberative Democracy and Beyond, 87.
15 Deliberative Democracy and Beyond, 2.
16 Deliberative Democracy and Beyond, 87.
existing democratic states. Such groups’ formal incorporation into the organs of the state could only result in token advancement of their aims due to the conflict with existing state imperatives. In such circumstances, democratic gains are better made through agitation in civil society. Moreover, when moving an excluded group into the state’s purview causes a serious loss to civil society’s “discursive capacity,” this weakens democracy on balance and so should be opposed on democratic grounds.¹⁷

Thus, Dryzek is mainly concerned with the locus of inclusion. His question is: what are we included in when we are politically included? Must it involve institutions of the state? Or can it be through civil society? He clearly views inclusion as extending beyond the state, but his discussion of inclusion is mainly targeted at social movements choosing whether to pursue a strategy seeking inclusion in the state or one focused on outside agitation.¹⁸ It thus tells us nothing about what it would mean for an individual to be included in politics, nor whether inclusion in politics is worthwhile for individuals. Dryzek’s focus is on the inclusion of groups, which is of course an important focus. We require good theories about the inclusion of groups, and Dryzek’s surely qualifies as such. But we also want to know what it would mean for an individual’s lived experience to be included in, rather than excluded from, politics.

There is a second, distinct account of inclusion implicit in Dryzek’s primary conception which also fails to tell us about individuals’ inclusion. Dryzek often speaks of social movements in civil society as representing or furthering interests,¹⁹ with the implication that doing so promotes inclusion. It is therefore by focusing on such interests that we discover another idea of inclusion. On this interest-based account, one is politically included when one’s interests are made present in political deliberations, even if the only participants are elites and one is personally absent from such deliberations.

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¹⁷ Deliberative Democracy and Beyond, 83.
¹⁸ Dryzek addresses this choice explicitly at Deliberative Democracy and Beyond, 82.
¹⁹ See “Political Inclusion and the Dynamics of Democratization,” American Political Science Review 90, no. 3 (1996).
deliberations. This conception of inclusion is attractive in some ways since it is compatible with existing arrangements of institutions and power in representative democracy and yet would ameliorate the operation of these arrangements. Yet this account is insufficient for a number of reasons elaborated in Chapter 3, two of which are that 1) the only reliable way to make our interests present is by making ourselves present and 2) we would at the very least have to monitor political decision making to ensure our interests are being made present, and this surveillance itself requires a kind of (attentive) political presence. Another reason the interest approach is substantively insufficient is that it requires that interests be pre-given and discoverable, when in fact they must be shaped and interpreted and this process cannot be legitimately done in the absence of those whose interests they are. These points require some measure of political inclusion on the part of individual citizens beyond the mere inclusion of their interests, as well as a conception of inclusion that speaks to the lived experience of being part of democratic politics.

Melissa Williams offers a different approach to conceiving of inclusion which is based on securing fair representation in legislatures for traditionally marginalized groups. She starts her inquiry from the intuition that “the chronic underrepresentation of historically marginalized groups is intrinsically unfair”\textsuperscript{20} and sets out a scheme of group-based representation which will boost the number of legislative seats held by women and other marginalized groups. Williams is therefore concerned with inclusion as fair representation. This is a standard concern for so-called difference democrats, such as Anne Phillips\textsuperscript{21} and Young in earlier work,\textsuperscript{22} who are worried that formal inclusion via the granting of participation rights will not on its own secure real recognition and access to political power. Further measures are required, such as racial or gender quotas in legislatures or

\textsuperscript{20} Williams, \textit{Voice, Trust, and Memory}, 19.
\textsuperscript{21} Phillips, \textit{The Politics of Presence}.
\textsuperscript{22} Young, \textit{Justice and the Politics of Difference}.
efforts by political parties to recruit more women and minority members to positions of influence. Young advocates an even more demanding standard in granting groups vetoes over policies affecting them.\textsuperscript{23}

As for Dryzek’s view, the focus of these inquiries is important, yet limited to the inclusion of groups. They leave vague the question of what political inclusion looks like for individuals, in terms of their lived experience. Should the individual members of groups that achieve group representation as conceived by Williams or that are granted Young’s veto be more or less concerned about politics in their daily lives? Does inclusion require any intrusion of politics into individuals’ awareness at all? Or are we included simply when people who look like us are in power? These seem to be important questions for democratic theorists to answer. But answering them appears to require a different conception of inclusion than that found in the existent literature.

Thus, any adequate account of effective inclusion should tell us about the individual’s experience of democratic inclusion, yet existent conceptions do not offer us such an account. Developing such an account would fill an important gap in democratic theory, is highly compatible with the normative presuppositions of democratic theory, can provide insights for a number of important inquiries, and captures an essential element of what it means to be politically included. Reflecting the lived experience of democratic inclusion therefore constitutes one of the two requirements of a conception of effective inclusion.

3. Formal Inclusion and Opportunities to Participate Are Not Enough

One of the things we want from a conception of inclusion is thus a compelling account of what it means for the lived experience of individuals. The other element of the idea is, as I argue in this section, the active engagement of individuals with democratic politics. I argue that the formal

\textsuperscript{23} Justice and the Politics of Difference, 184.
view of inclusion based on the fair or equal opportunity to participate in democratic politics is insufficient to secure inclusion because it fails to solve the problem of biased self-selection. Solving this problem requires active engagement—of some sort—in democratic politics as well as formal inclusion. Active engagement or participation therefore constitutes the second requirement of a conception of effective inclusion. This is fulfilled by the idea of cognitive inclusion.

At one time, it was thought that a democracy is sufficiently inclusive if it grants rights to participate in the political process to all citizens. Such rights were the goal of political movements such as the women’s suffrage movement and campaigns to enfranchise non-property owning males in the developing European and American democracies. But it has long been recognized that the bare existence of participation rights is compossible with effectively exclusionary policies. The exercise of participation rights might, for instance, be made differentially burdensome, as by locating the only polling places in a difficult-to-reach parts of town or by the racially-biased use of literacy tests. The civil rights movement in the US targeted such effectively exclusionary policies and helped bring to light the conceptual distinction between formal participation rights and meaningful opportunity to exercise those rights. Many political theorists have since come to view the idea of fair or equal opportunity to influence political decisions as the right criterion of a democracy’s inclusivity. This is what I call the *opportunity conception* of inclusion.

Formal inclusion as I mean it refers to this opportunity conception. It focuses on fair or equal opportunity to influence political decisions through the effective availability of formal participation rights. A notable addition that the opportunity conception makes to conventional formal inclusion is a set of social and political norms legitimating the exercise of non-institutionalized forms of political participation, such as protest or public political speech. This is because many people have been denied

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24 I only sketch this argument here; I discuss it more fully in Section 1.2 of Chapter 3
such rights by informal convention despite constitutional and legal guarantees. This is one of the things that made the marches of the civil rights movement so important—no one thought that this group of citizens really had the right to exercise their non-institutional participatory rights until they did so, often under brutal police repression. Yet such norms are very far from a democratic ethos of participation. These are simply the norms that render it unobjectionable that citizens make use of their formal participation rights, not norms that make it admirable or that interpret participation as an important part of democratic citizenship. Formal inclusion as I discuss it must therefore always include appropriate supporting norms for the full spectrum of participation rights, but need not include norms which would positively encourage the use of those rights.

Inclusion in this formal sense is clearly of great value. According to Judith Shklar, aside from any instrumental value, those who sought the ballot in the US were after the basic aim of social recognition of their worth as persons. They did not “aspire to civic participation as a deeply involving activity” so much as wish to “break down excluding barriers to recognition.” The civic dignity they sought was therefore secured simply by the granting of the right and the recognition that came with it. All the same, formal inclusion securing fair or equal opportunity to participate does not present a compelling picture of democratic inclusion overall. This is because any opportunity-based conception of inclusion like formal inclusion will fail to address three closely related issues which together constitute what I call the problem of biased self-selection.

Biased self-selection refers to the fact that granting equal rights to participate will create predictable patterns of participation and self-exclusion which mirror patterns of social

marginalization and other power imbalances in society. There are at least three facets to this problem that challenge formal inclusion.

Firstly, formal inclusion and the opportunity conception of inclusion are consistent with patterns of non-participation that, as just mentioned, reflect hidden inequalities of social and political power. The general point is probably made first by Karl Marx with respect to the political emancipation of Jews in Prussia. The achievement of political participation rights does not guarantee the freedom of the individual, Marx argues, since individuals might still be subjected to various forms of social subordination and economic servitude.\footnote{Karl Marx, "On the Jewish Question," in The Marx–Engels Reader: Second Edition, ed. Robert C. Tucker (New York: W. W. Norton, [1843] 1978).} Formal inclusion, even on terms of ostensible political equality, does not itself secure real emancipation. These ostensibly non-political forms of power and privilege can be expected to make themselves felt by damaging the quality of life and biasing the exercise of participation rights by the less privileged. Difference democrats like Young, Williams, and Phillips are the main contemporary voices concerned about these kinds of hidden or “internal” blocks to meaningful political inclusion.

Secondly, and less discussed among democratic theorists, is that formal inclusion is consistent with widespread self-exclusion. A regime with complete formal inclusion could also be a regime where no one takes it upon themselves to exercise their participatory rights. Rational choice models of political behavior in fact predict widespread non-participation due to the infinitesimal chance of materially affecting political decisions in modern mass democracies.\footnote{E.g. Anthony Downs, An Economic Theory of Democracy (New York: Harper & Row, 1957).} Although this does not happen as an empirical matter, it is an appallingly anti-democratic possibility which underscores formal inclusion’s limited appeal.
Lastly, and related to self-exclusion, is the problem of apathy. The possibility of self-exclusion says nothing about what motivates it. One might exclude oneself on compelling rational grounds or with no reason at all. In whatever case, epidemic levels of self-exclusion are inconsistent with democracy and yet are left possible on an opportunity conception of inclusion. Apathy refers to the slightly different problem of people holding anti-political preferences, in the sense that they do not care about politics and so would positively prefer to avoid spending their time attending to it. Formal inclusion has nothing to say about a state of affairs in which such apathy predominates. Yet political apathy is a problem for the same general reason as self-exclusion: a democracy where no one shows up is not a successful or inclusive democracy, and formal inclusion is perfectly consistent with this possibility.

Thus, formal inclusion and the opportunity conception of inclusion it implies are not sufficient for anything like an inclusive democracy. Self-selection of these kinds leads to the biased use of participation rights favoring the politically and socially empowered, which, absent any malign intent, amplifies the power of the more privileged participating classes and, at the limit, transforms public power into the power of the few. It also allows for the possibilities of a democracy without a demos or what I call in Chapter 3 an aristocracy of activists if enough individuals choose to exclude themselves from democratic politics. Even though the opportunity conception of inclusion improves on the rights-only idea and surely must be part of an adequate conception of effective inclusion, it still falls short of what would be required to redress the problem of biased self-selection.

In reaction to the particularly severe problems raised by inequalities of social privilege, many political theorists turn at this point to conceptions of social justice to save the opportunity conception of inclusion. This would in principle address the problem of biased self-selection at one of its main
sources. Yet for all of its philosophical merit, the social justice approach fails to supply a plausible solution to the problem of biased self-selection so long as it holds on to the opportunity conception. Even in a world of perfect social justice, people will self-select into political engagement at differential rates if they are simply supplied with the opportunity to participate. This self-selection will predictably create an in-group of politically savvy participators who possess skills and knowledge that grant them disproportionate influence just as in the biased self-selection problem.29 In the real world, of course, worrisome self-selection will be the rule in any regime of opportunity-based participation.

Solving this problem therefore requires a step up from the mere existence of opportunities for participation, however meaningful, as in the idea of formal inclusion. But how much further must we go? The logical next step is participation, in the sense (perhaps) of actually using the opportunities for participation secured by formal political rights, or some other form of active engagement with democratic politics. Taking this step is not without costs, but before considering them we should ask whether such a step would accomplish our end. Would a standard of inclusion based on universal participation actually solve the problem of biased self-selection? Does active engagement in politics guarantee effective political inclusion? It seems likely that it does. Anyone who participates in politics and so actively engages in political life is certainly included in democratic politics. If everyone paired engagement of this kind with formal inclusion of the kind discussed above, there would be no worrisome self-selection out of democratic politics. Even if other problems with democratic participation remain, the problem of biased self-selection would be solved.30 Thus, it seems that participation or active engagement can indeed provide a sufficient condition for political

29 This is the specific problem I discuss in Section 1.2 of Chapter 3 under the possibility of an aristocracy of activists.
30 Solving the inclusion problem would not necessarily solve problems of political inequality, for instance. Yet I explain in Section 4 of Chapter 3 that inclusion should take priority among democracy’s concerns, above concern for political equality.
inclusion, at least when paired with formal inclusion. Yet for this conception to amount to *effective* inclusion, we would want to see that it also speaks to the first-personal experience of democratic citizenship as discussed in the last section.

In this discussion, we have followed the broad contours of a familiar critique of modern representative democracy which deplores its insufficient treatment of marginalized groups and minorities and sees the solution in a more widely participatory democratic politics. In this story, what it means to actively engage in democratic politics is understood conventionally, to refer to a class of exemplary activities like voting, protesting, or volunteering which are external and (in principle) observable. If this is the only idea of participation available, then effective inclusion seems to require individuals to go out and *do politics* in the demanding ways characteristic of participatory politics in order to be politically included. This has seemed to many scholars an implausibly demanding account of democracy and democratic inclusion, and I agree. Yet this demandingness objection does not cancel out the problem of biased self-selection. That problem remains, and continues to recommend some form of active engagement as a remedy to the very real problems of exclusion it creates. This situation has appeared to present democratic theorists with a dilemma. They have had to choose whether to accept self-selection into democratic participation, with the bias it introduces into the exercise of power, or press for a dramatic transformation of life in democratic societies, whereby people are made to take far greater and more direct responsibility for the ordering of their lives and communities and make politics a larger part of their lives.

I argue, however, that this dilemma can be avoided because it is a mistake to think that only conventional forms of participation are available. It is a mistake because it overlooks a form of purely cognitive and internal participation in democratic politics. This participation consists in individuals
paying attention to, or being cognitively engaged with, politics in a critical or judgmentally-active way. As a form of participation, this kind of cognitive inclusion achieves effective inclusion when paired with formal inclusion because it is also essentially a view of what it means for individuals to be included in democratic politics, yet it does so without placing great demands on the time and resources of individuals as are involved in conventional forms of participation. Because critically attentive cognitive engagement with politics tells us what it means for individuals to be politically included I shall call it cognitive inclusion. In the next section, I make an argument for cognitive inclusion as a form of participation that can meet both of our requirements for a conception of effective political inclusion.

4. Spectatorship, Passivity, and Cognitive Inclusion

Cognitive inclusion meets both of our conditions for an adequate conception of effective inclusion. It both offers a compelling account of what it means phenomenologically to be included in democratic politics and constitutes a form of active engagement with politics, thereby guaranteeing inclusion. We can bring out both of these features of cognitive inclusion by comparing it with Jeffrey Green’s conception of democratic spectatorship. Green’s conception is helpful because cognitive inclusion shares some features with it, particularly the focus on the individual’s experience of democratic citizenship, and yet the ways that they differ bring out the activity inherent in cognitive inclusion. Comparison with spectatorship is useful for the additional reason that spectatorship also aims to provide a way out of the dilemma mentioned above between the biased exercise of power and highly demanding forms of participation. Green attempts to do this by positing an “intermediate position” between the active, participating citizen and the fully apathetic subject, an intermediacy which is shared by cognitive inclusion.
Green argues that democratic theory has been dominated by a “vocal” model of citizenship emphasizing the “expressive and decisional” power of the people.\textsuperscript{31} Green thinks the vocal model misrepresents the vast majority of the lived experience of citizenship. For most citizens most of the time, citizenship does not resemble active self-governance but rather constitutes being an observer of political decision-making by representatives and political elites of other kinds, as well as being subject to the laws and policies made by them. Green is concerned therefore to offer a democratic theory that speaks to this quotidian phenomenology of democratic citizenship, empowering the people through their capacity to watch political decision-makers and fulfilling what he calls the role of the “citizen-being-ruled,” borrowing from Aristotle. Green presents this as a model of “ocular” power in opposition to the hegemonic vocal model, opposing a metaphor of empowerment by way of the people’s voice to that of the people’s eyes. Green is thus convinced of the importance of the lived experience of democratic citizenship and focuses on spectatorship because he thinks it presents a compelling account of the experience of being a democratic citizen.

The attitude central to Green’s political spectator is attention to politics. This attitude has been studied by political scientists under a variety of headings—political interest, political or public engagement, political awareness or attentiveness, political or ideological sophistication or level of conceptualization.\textsuperscript{32} What these various labels are trying to capture (with varying degrees of success) is the idea of a citizen habitually paying attention to politics. Green’s favored term for this attitude is political involvement; I prefer the more common political interest, or interest in politics.

It is in political interest that we find the main phenomenological element of democratic inclusion. To be politically included as a democratic citizen is, in the first instance, to be attentive to

\textsuperscript{31} Green, \textit{Eyes of the People}, 65.

politics and the political world to some extent. It is to have a habit of paying attention to politics. Green emphasizes political interest primarily because it bestows a unique “intermediate position” upon spectatorial citizenship. His citizen-spectators exhibit “a psychological involvement in politics that is not joined together with active participation in political life.”³³ They pay attention to and care about political events, but do not pair this with conventional forms of participation like volunteering. They therefore exist in an intermediate position between the much more politically engaged citizen-governor of the vocal ideal and the completely apolitical and apathetic citizen that shows up in many empirical studies of public opinion.

Citizens who are cognitively included share the characteristic of political interest with citizen-spectators, as well as the intermediate position it bestows. Like them, cognitively included citizens do not necessarily engage in conventional forms of participation such as volunteering, and may not even vote. Yet in being psychologically involved, cognitively included citizens experience their lives with some meaningful relation to the democratic political world. They cognitively and imaginatively include themselves in the collective life of their democracy, subjecting the elements of this life to their critical judgment. Even if individuals thereby reach cynical conclusions about democracy, they make themselves a part of the democratic world by reflecting critically about it, if only as dissidents.³⁴ This, then, is what it looks like from the first-person perspective for an individual to be politically included by way of cognitive inclusion. It is in the first instance to concern oneself with politics and to do so in a critical way.

Cognitive inclusion thereby makes good sense of the phenomenological experience of democratic citizenship. As Green claims, psychological engagement with politics much more

³³ Green, Eyes of the People, 48.
³⁴ I discuss how this possibility is compatible with inclusion in Section 3 of Chapter 3.
accurately characterizes the everyday experience of being a citizen than any account based on the vocal model. Yet, as I argue below, Green’s interpretation of what this engagement involves is objectionably passive compared to cognitive inclusion. Cognitive inclusion captures the almost inevitable way that individuals come to form opinions and reflect about the things that capture their interest. It therefore seems that cognitive inclusion meets the first requirement of effective inclusion because it offers a compelling account of what inclusion means (or should mean) for the lived experience of individuals.

The most important difference between Green’s citizen-spectators and citizens who are cognitively included is that while the former are utterly passive and inert in both their external and internal engagement with politics, the latter are externally passive but cognitively active, subjecting what they learn about politics to their critical judgment. Their interest in politics is not merely passive and spectatorial but also has a critical edge. Moreover, the kind of mental activity involved in cognitive inclusion is substantively identical to forms of participation that if manifested externally would constitute political participation without any doubt. This is why cognitive inclusion constitutes active engagement with politics and so meets the second requirement of effective inclusion.

We can see Green’s insistence on the passivity of the spectatorial ‘citizen-being-ruled’ in a number of places in his theory, but I shall only mention the two most relevant to our discussion because they illustrate the blatant incompatibility of spectatorial citizenship with cognitive inclusion. In summing up the argument of one chapter, Green reveals that his citizen-spectators are not only passive with respect to conventional forms of political participation, but also with respect to their minds and judgment. “As a non-participant who only watches politics, the spectator does not decide,
does not shape laws, and hence remains outside processes of collective authorship and self-legislation.”"35 Here Green insists upon the passivity of citizen-spectators; they only watch and do not participate. Though here he seems to use the term ‘decide’ in the sense of causally determining the content of policy as would a formal office-holder, it is consistent with the rest of what he says to conclude that the spectator does not even bother to form political opinions. This can be seen when he discusses the difference between the citizen-being-ruled and the deliberative citizen. “…[T]he citizen-being-ruled is not engaged in political discussion and debate, as the deliberative democrats presuppose, but rather watches politics as a spectator, looking neither to convince nor to be convinced by political arguments.”36 His spectators do not even draw conclusions about the debates they observe; they do not use their judgment or form opinions about political figures and issues. It seems that Green is quite serious about the passivity of his citizen-spectators. Not only are they non-participators, they fail to even think about the things they hear in the political forum. Their faculties of judgment are as passive as their physical bodies when it comes to politics. Thus, Green’s citizen-spectators only watch. They do not even watch critically in the sense of forming their own opinions and making their own judgments about political leaders and issues of political contestation.

This is not the case for cognitively included citizens. To see why, consider the example of a political debate in front of a live audience. If we were to observe a cognitively included member of that audience, we might fairly describe her as watching the proceedings of the debate passively. She is passive in the sense that she is not taking an active part in the debate, nor is she loudly making her presence and opinions known from her seat in the audience. In short, she is externally passive. But this is not the only accurate description. She may also be listening and carefully considering the

35 Green, Eyes of the People, 8. Emphasis added.
36 Eyes of the People, 62. Emphasis added.
arguments put forward by the deliberators. She may be weighing the cases put forward by them and judging of which one has the most merit. She may, in other words, be deliberating internally as she seems to be watching passively. Such active listening and internal deliberation involves the formation of opinions and the making of judgments. It requires exercising one’s judgment and decision making capacity, if only in making the decision as to which side, if any, is right or worthy of the listener’s support. These processes of weighing, judging, and deciding are therefore easily recognized to constitute activity and action, if only internal activity and mental action. Thus, an audience member who is passive under one description may be mentally (and judgmentally) active under another.

The mentally active description illustrates why cognitive inclusion is utterly incompatible with the passivity of the citizen-spectator, despite their commonality with respect to political interest. Although both involve psychological engagement with politics, it is only with cognitive inclusion that we get *active* engagement. That this engagement is purely cognitive should not keep us from recognizing it as a genuine form of participation. Like any other form of participation, it involves actions and decisions, even if they are only mental actions and decisions.\(^{37}\)

Some may think that participation or active engagement in politics requires an attempt to actually influence the making of collective decisions. This account comports with widely-held intuitions about participation in that it requires some form of external activity, particularly activities aimed at changing the direction of public policy.\(^{38}\) Despite its intuitive plausibility, this account is too restrictive because it excludes a large class of actions that we would generally consider participation, such as when citizens jointly think, research, or deliberate about a political issue. Citizens meeting

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\(^{37}\) It may even be that cognitive inclusion is a prerequisite for any action to count as participation, since we likely cannot participate in politics accidentally, without having some political purpose in mind. Any act of conventional participation seems therefore to require that individuals make a prior political decision of some sort, which is of course one of the characteristic activities of cognitive inclusion.

together to discuss a public problem with the primary purpose of understanding it better could not count as participation under the conception of participation above because it is not immediately directed at influencing authoritative decisions. It wouldn’t become participation until and unless the participants then seek to influence decisions being made on this problem. Even if citizens set about to decide how a public problem should be solved, and thus are deliberating on even the most stringent accounts of deliberation, they would not be participating in politics unless they seek to enact this decision through external attempts to exert political influence. This intuitive conception of active participation is thus too demanding and restrictive. So although this idea captures prevalent intuitions about participation, it is deeply flawed because it excludes reflective actions which surely count as participation.

It is no doubt apparent that cognitive inclusion as described in the example of the cognitively included audience member resembles nothing so much as an individualized version of the collective deliberation activities just discussed. This is another reason that cognitive inclusion surely counts as participation. It is substantively identical to these uncontroversial examples of participation. Both involve weighing evidence regarding different policies and issues. Both require evaluating all available considerations bearing on a political choice. Why should we limit the mode of this process only to those taking place among a plurality of actual persons? As Robert Goodin has argued with respect to his somewhat similar notion of “democratic deliberation within,” a great deal of the deliberation that goes on even in a face-to-face discussion takes place between each participant’s

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ears. There is no reason, therefore, to deny that the kind of reflection involved in cognitive inclusion constitutes actual participation and active engagement with democratic politics.

Since cognitive inclusion does seem to count as participation, it fulfills the second requirement of an account of effective inclusion. Like various forms of political participation, cognitive inclusion involves making decisions and completing actions, even if these are purely mental. In doing so, it guarantees that those who are critically attentive are included in politics because they are, simply by dint of their critical awareness of the political world, engaged in democratic participation. Since cognitive inclusion also meets the requirement of presenting a convincing account of what inclusion means for the lived experience of citizens, it seems that cognitive inclusion, when paired with formal inclusion, offers us a compelling conception of effective inclusion.

5. Objections and Misunderstandings Addressed

Achieving effective inclusion through cognitive inclusion allows us to avoid the dilemma discussed above between transforming society into a participatory utopia and the overtly biased use of political power. By presenting a form of participation that is not terribly demanding and yet does indeed constitute active engagement with democratic politics, it allows us to have universal participation without fundamentally reworking our institutions and personal priorities. But there remain several possible objections and misunderstandings about how cognitive inclusion resolves this dilemma and answers the problem of biased self-selection.

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40 Goodin, Reflective Democracy, 179. The primary difference comes from the fact that on Goodin’s conception, democratic deliberation within is about imagining a debate between the holders of different views so as to reach mutual understanding. In cognitive inclusion, the primary task is for individuals to weigh the merits of the case directly. They do not bother with imagining what others would say except insofar as doing so adds important substantive considerations.
One objection is how cognitive inclusion could be said to matter for democratic politics on its own. If cognitive inclusion is a purely cognitive form of participation, it seems essentially impotent to accomplish anything of importance in the external world. Far from solving problems of biased self-selection and resolving the dilemma between this problem and a participatory dys- or utopia, cognitive inclusion would allow participatory inequalities to flourish. It therefore seems that so long as cognitive inclusion really does represent effective inclusion, effective inclusion isn’t likely to be very important at all. But this is wrong, at least as applied to cognitive inclusion. It is true that Green’s idea of spectatorship precludes further acts of participation, since otherwise one would be making use of the vocal model of popular power. But cognitive inclusion is compatible with further acts of participation. Indeed, there is evidence that it powerfully predicts further participation. Cognitive inclusion is partly constituted by political interest and a landmark study of political participation in the US found that political interest is the most powerful predictor of essentially every conventional type of political participation.\textsuperscript{41} Being interested in politics, therefore, seems to make people much more likely to participate in conventional ways like voting and volunteering, though more research is needed on this oddly understudied topic. For this reason, and because insofar as participation requires prior decision-making and opinion formation it necessarily involves cognitive inclusion, cognitive inclusion can be usefully thought of not as a substitute for more active forms of participation but a necessary precursor to it.

Another way that cognitive inclusion serves to effectuate actual political influence is through removing a substantial hurdle to participation that individuals face even with full formal inclusion.

\textsuperscript{41} Though Verba, Brady, and Schlozman are at pains to emphasize the social roots of political interest, their regressions reveal that political interest is the most powerful predictor in every class of participation they study except making financial contributions, for which it is the second most powerful after income. See Verba, Schlozman, and Brady, \textit{Voice and Equality}, 352-3, 58, 63, 67.
Individuals who lack the cognitive orientation to politics involved in cognitive inclusion find it more difficult to participate in politics than others who are already politically engaged. This is due to a number of feedback mechanisms which add inertia to one’s non-participation.

The participation hypothesis implies that non-participation creates a vicious cycle of further non-participation. The participation hypothesis posits that political participation generates its own support—and is habit-forming—because it develops civic skills like comfort speaking in public, habituates citizens to participation, and closes feedback loops of political efficacy. The result is that each act of participation makes a further act of participation more likely. The existing empirical evidence for the participation hypothesis is strong, though it lacks the volume necessary to dispel all doubt. Nonetheless, the current literature does not feature serious dispute as to the reality of the effect.\(^{42}\) We see this dynamic at work in that politically interested individuals tend to have greater knowledge about how to go about political activity and skills to do so than those who are not so interested, making each further act of participation easier for the interested and making any act of participation proportionately more difficult for non-participators. Non-participators are subject to the same feedback loops but with the opposite tendency, as any civic skills or habits they have decay with disuse and render participation more costly and difficult since any act of participation requires the extra step of acquiring the skills and information necessary for participation. The result is that non-participation acquires a powerful kind of inertia.

Cognitive inclusion serves to attenuate the inertia of non-participation by requiring a small but real degree of active cognitive participation and by encouraging political interest. This works by

\(^{42}\) E.g. Finkel, "Reciprocal Effects of Participation and Political Efficacy: A Panel Analysis; Freie, "Effects of Participation on Attitudes; Gerber, Green, and Shachar, "Voting May Be Habit-Forming; Gastil, Deess, and Weiser, "Civic Awakening in the Jury Room; John Gastil et al., "Jury Service and Electoral Participation: A Test of the Participation Hypothesis," ibid.70(2008); Valentino, Gregorowicz, and Groenendyk, "Efficacy, Emotions and the Habit of Participation."
helping individuals to maintain cognitive contact with the political realm, making them much more likely to notice and retain basic operational and motivational information about formal opportunities to participate and encouraging the acquisition of habits of political engagement. Moreover, since non-participation itself creates serious hurdles to the use of formal participation rights, cognitive inclusion can be seen as a necessary prerequisite for making even a more limited opportunity conception of inclusion real and meaningful.

For an opportunity conception of inclusion, the choice to make use of participatory opportunities belongs to the individual citizen and should reflect only that citizen’s considered judgment about whether participation is worthwhile. Yet if citizens lack even the most basic orientation necessary for making use of the opportunities open to them, their choices about whether to participate can hardly be said to reflect only their judgments about the merits of such participation. It would instead reflect the inertia created by their lack of basic political information and civic skills and habituation to non-participation, all of which are perpetuated by non-participation. By eliminating a substantial barrier to participation, cognitive inclusion makes acts of active participation more fully reflect the individual’s judgment regarding the merits of such participation rather than the inertia of non-participation. By taking the edge off of non-participation and eliminating a substantial hurdle to making use of our participation rights, cognitive inclusion can indeed materially affect actual politics.

Here I may seem to end up conflating inclusion with participation, contradicting my argument from Section 1 in which I insisted upon drawing a sharp distinction between inclusion and equality. I do so against Goodin’s insistence that inclusion and participation be kept separate for the same sorts of reasons I give in Section 1 regarding inclusion and equality. Goodin argues that
conflating inclusion and participation loses what is really at stake between them and obscures that with which people who are interested in participation are really concerned. Yet each piece of this objection is wrong.

First, I do not conflate participation with inclusion. I identify a specific relationship between these ideas which is not one of identity but rather that participation guarantees inclusion since those who are actively participating in democratic politics are certainly included. I leave open the possibility that there are other modes of inclusion with real value and discuss a number of them. This precludes that inclusion as such requires participation, which would be necessary if I were conflating the ideas. I instead offer a particular idea of effective inclusion which I argue has a number of attractive features.

Secondly, insofar as I do tie participation and inclusion together in my account by invoking the inclusionary effects of participation, this does not obscure what participatory democrats are most interested in because cognitive inclusion is what participatory democrats should be most concerned with. In addition to widening democratic empowerment, participatory democrats have long been concerned with the educative and transformative effects of political participation. The key to this process of education is learning to take up a wider perspective beyond one’s parochial interests and day to day life, embracing new facts and considerations and integrating them into one’s considered political judgments. But this describes precisely how cognitive inclusion encourages citizens to approach politics. Cognitive inclusion thus constitutes the essence, if not the entirety, of what participatory democrats hope participation will encourage in democratic citizens.

Goodin also asks why we would use the idea of inclusion to answer the problem of biased self-selection in the first place rather than the idea of participation. Participation seems to him a more

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43 Goodin, Reflective Democracy, 199-200.
natural terminology because “mere inclusion would never be enough” for those concerned to widen the circle of democratic empowerment, as do participatory democrats. “What they want is not for everyone to be eligible to participate but rather for everyone to be actively participating.”\textsuperscript{44} The problem with Goodin’s point is that it makes use of the conventional blinkered view of participation and draws exclusively from the opportunity conception of inclusion. As I argued above, it is indeed the case that being eligible—and so having the opportunity—to participate is insufficient to address biased self-selection. I therefore claimed that eligibility or opportunity doesn’t effectively include individuals in democratic politics and so fails to provide a plausible idea of effective inclusion. The best it can offer is an idea of formal inclusion, which as I’ve said, does indeed have great value. But \textit{effective} inclusion also requires active engagement. Goodin recognizes this as well when he says that those interested in inclusion are often actually interested in participation. Where he and I differ, and where my view innovates, is in arguing that there is a form of active engagement that falls short of the conventional kinds of participation Goodin is talking about and yet does effectively include individuals in democratic politics. This is the unique role that cognitive inclusion is able to play because of the ‘intermediate position’ it shares with Green’s democratic spectatorship.

A final question about cognitive inclusion arises regarding its resemblance to Goodin’s notion of democratic deliberation within (DDW). I mentioned this resemblance above. Goodin’s idea is based on the insight that most of the work of deliberation, even in face-to-face deliberation, takes place in the minds of deliberators, not in the words spoken or the interplay of arguments. For Goodin, DDW consists in an imagined dialogue or discussion between ourselves and differently situated others with whom we populate our imaginations. The aim of this discussion is mainly mutual

\textsuperscript{44} \textit{Reflective Democracy}, 200. Original emphasis.
understanding between citizens and the bridging of gaps in our empathic picture of the democratic people. It is, in short, intended to promote our understanding of each other.

As with many of the views of inclusion I discussed above, DDW has great virtues. Unlike face-to-face deliberation, DDW scales well and provides a way to realize a mass deliberative democracy.\textsuperscript{45} It can do this in part with the aid of literature, scholarship, and the arts which often efficiently expand our imaginative forums and understandings of the Other.\textsuperscript{46} Cognitive inclusion shares many of these benefits and is also closer to the way responsible democratic citizens approach reflection about politics. Where DDW strives for mutual understanding through imagining discussion between divergent viewpoints, cognitive inclusion addresses political questions on the merits of the case. The task is a \textit{practical or epistemic} one rather than one seeking mutual understanding. This is a feature of most people’s everyday thinking about politics, much more so than mutual understanding, and seems to constitute an essential task for citizens in democracies. The perspectives of diverse others are instrumentally important to this task,\textsuperscript{47} but hearing others’ voices is not its main purpose as it is for DDW. Cognitive inclusion is therefore importantly different from democratic deliberation within.

\textbf{6. Effective Inclusion Through Cognitive Inclusion}

Much has been said in defense of the idea that cognitive inclusion secures the effective inclusion of individual citizens. In this concluding section I want to emphasize five features of cognitive inclusion which are relevant to the overall argument of the dissertation going forward.

\textsuperscript{45} Reflective Democracy, 182-3. See also Simone Chambers, "Rhetoric and the Public Sphere: Has Deliberative Democracy Abandoned Mass Democracy?," Political Theory 37, no. 3 (2009).

\textsuperscript{46} Goodin, Reflective Democracy, 180-2, 89-92.

\textsuperscript{47} I discuss the epistemic benefits of diversity in Section 6 of Chapter 4.
First, cognitive inclusion is primarily about who is in and who is out of politics and the political realm, not about the division of power within that realm. It is about defining the effective boundaries of the political world. As we have seen, however, cognitive inclusion goes far beyond simply inviting everyone into democratic politics by requiring active cognitive participation. Even so, cognitive inclusion remains a more narrow account of inclusion than that of Young, meaning primarily that it is not about the equitable or egalitarian division of political power within the political arena. Cognitive inclusion is about something more basic and—as I argue in the next chapter—more important and so should not be confused with the different value of political equality.

Second, cognitive inclusion is a way of thinking about inclusion meant to reflect the phenomenology of being a part of the political world. Other conceptions of inclusion have not offered an account of what it means for the lives of individuals to be included in politics. Green is surely correct to say that more active and conventional forms of participation are rare in the lives of democratic citizens. And though passive spectatorship is not the best way to think about the lived experience of democratic inclusion, cognitive inclusion offers a convincing account of it. It is therefore a conception of inclusion which can tell us about what it is like to be included in politics; it implies at least paying attention to politics and making considered judgments about it.

Third, it is important for the argument to come that cognitive inclusion is a quality of individuals, not of institutions, though institutions can encourage it. Because cognitive inclusion is primarily a quality or characteristic of individuals with respect to their cognitive relationship to politics, only individuals can be cognitively included. Cognitive inclusion is in this sense an account of what it is like for individuals to be politically included, as a matter of their lived experience. Groups are not effectively included except by way of their members having a critically attentive
orientation to the political world. Moreover, political institutions may be able to promote cognitive inclusion but cannot themselves be cognitively inclusive. I speak loosely of inclusive democracy and the effective inclusiveness of democratic institutions, but this should be understood to mean a democracy that promotes the inclusion of its citizens. This is important because the overall argument of the dissertation is that a democracy’s participatory institutions should be designed to promote cognitive inclusion by nudging individuals into greater political engagement. It would therefore be an important misunderstanding to think that the purpose is to find effectively inclusive institutions rather than institutions which promote cognitive inclusion for and within individuals. This implies among other things taking an instrumental view of the design of institutions. Participatory institutions should strive to incentivize or provide motivation for individuals to become cognitively engaged in politics— institutions are the instruments of realizing cognitive inclusion.

Fourth, effective inclusion requires not only cognitive inclusion but also formal inclusion. Though I emphasize cognitive inclusion, it is properly paired with formal inclusion as part of a wider account of effective inclusion. This is because, while we can be critically attentive to political life without formal rights of participation, we cannot be effectively included without participation rights as well. This is a particularly important difference from the opportunity conception of inclusion (which of course underlies formal inclusion) because the opportunity conception of inclusion substitutes active engagement with democratic politics with the eligibility to be so engaged. Cognitive inclusion is different because it should be seen as a precursor of more active participation and not as a substitute for it. It is, as I argue in the next chapter, a way to keep the oppositional and subversive fires of democracy burning even when they are not currently needed.
This brings us to a final feature of the idea of cognitive inclusion that bears emphasis. The conception strikes a balance between two broad tendencies in democratic theory which correspond to the two horns of the participatory dilemma discussed above. One of these tendencies sees the opportunity conception of inclusion as sufficient, despite the problem of biased self-selection. So long as we have extinguished actively exclusionary policies, democratic institutions have done all they should to promote inclusion and any effective exclusion left over must be accepted if we grasp this horn of the dilemma. The other tendency rejects this laissez-faire attitude and sees the biased exercise of power that it produces as deeply worrisome. This is the view found in the participatory democratic literature and it seems to demand that individuals step forward and undo their own powerlessness by making use of the participatory opportunities afforded them in order to break up the power of the few.

Effective inclusion by way of cognitive inclusion (and formal inclusion) attempts to sidestep the stark choice between a more deeply participatory politics and society, which would involve revolutionary changes to democratic institutions and the lives of individuals, and a situation of worsening patterns of effective political exclusion and the neglect of the interests of wide majorities of the citizenry. It does so by expecting a form of participation from all citizens, in that of cognitive inclusion, yet it makes this participation far less demanding than any other form and much less than that contemplated by participatory democrats. It is, in fact, as undemanding as active engagement in politics can be since all other forms of participation require cognitive inclusion on their way to being accomplished. Cognitive inclusion thus strikes a balance which allows us to escape the participatory dilemma in demanding the universal participation of all citizens, yet leaving this form undemanding and with ample room for certain kinds of dissenters, as I discuss in Section 2 of Chapter 3.
This, then, is the conception of inclusion used throughout the argument to come. In the next chapter, I argue that this conception is of such importance to democracy that it should take priority in the design of the participatory institutions of democracies. These institutions should be arranged to promote this idea of cognitive inclusion.
Chapter 3: The Priority of Inclusion in Democratic Theory

This chapter continues the inquiry begun in the last chapter regarding the appropriate aim of democracy’s participatory institutions. Many democratic theorists have focused on institutionalizing deeper and more deliberative forms of participation by way of deliberative mini-publics like deliberative polling, citizen juries, and participatory budgeting. Yet this aim of making democracy more deliberative seems to neglect and even conflict with the requirement that democracy be made inclusive since deliberative institutions face serious problems of scale. But how important is inclusion and why? In the last chapter, I elaborated an account of effective inclusion based on citizens paying attention to politics in a critical way which is able to make even contemporary large-scale democracies inclusive. In this chapter, I argue that promoting cognitive inclusion in all citizens should constitute the first priority of democracy’s participatory institutions because of the overwhelming importance of inclusion in normative democratic theory.

I set about this task by considering the following question: what, if anything, does democracy demand of us as individuals? Unlike formal inclusion, cognitive inclusion requires individuals to undertake a certain kind of activity with respect to politics and the political world in the form of critical cognitive engagement. If democracy actually does not make any demands of us, then it cannot
be that participatory institutions should promote cognitive inclusion, since this would imply trying to make every citizen critically attentive to politics.

I argue, however, that democracy does make demands of us as individuals and that the most fundamental requirement of democracy is precisely that we each individually pay attention to politics in a critical or reflective way.¹ Democracy imposes upon us a duty to pay enough attention to at least make a reasonably informed judgment as to whether further engagement is worthwhile.² This leaves space for a kind of cynical or apathetic disengagement from politics, but with the proviso that such disengagement only be relative, not complete, and come as a result of evidence-based reflection and—crucially—that we periodically update the information on which our judgment is based. This requirement of updating our information is what makes the degree of disengagement from politics relative rather than complete since we must retain enough contact with the political realm to maintain a list of trusted sources of political information.

Given this thesis, our original question of what democracy demands of us is transformed. The question now becomes: why does democracy demand cognitive inclusion from us?

The chapter is structured into four parts which correspond to the four dimensions of this question. The first considers the basic issue of why democracy requires cognitive engagement in politics. Why would democracy demand this of us? What is lost or endangered by some citizens giving politics none of their time or attention? The second issue asks why democracy would demand cognitive inclusion rather than some other form of political engagement. Why would democracy demand this of us? Why not some other form of engagement such as voting? The third issue addresses

¹ By critical or reflective, I do not mean that democracy requires us to be skeptics but rather simply that we exercise our judgment and not be pure spectators, as are Green’s democratic citizens.
² I am generally uncomfortable with the language of duties because of their Kantian provenance, but I acquiesce to the common usage in democratic theory for discussing requirements of this kind. I shall not emphasize the language of duty, however, as my heart could not be in any argument for duty in the strongest sense.
whether any form of cynicism or apathy is compatible with democracy. Why would democracy demand this from all of us? What if I want to be non-political and pay politics no mind? The final issue is that of priority. Why would democracy demand this of us? Why should inclusion be considered first in the pantheon of democratic values, and so take priority in the design of participatory regimes? This discussion completes the lion’s share of the task of the first half of the dissertation and prepares us to move into the topic of the second half which considers how to design institutions that promote cognitive inclusion.

In addressing each of these issues, I hope to have established the following points. The first and second sections argue that democracy demands the presence of all and that the form this presence should take is cognitive inclusion because of the essential role it plays in virtually all accounts of the democratic good. The third section argues that there is however room for a type of cynical or apathetic disengagement from politics despite the demand for presence because citizens can be included as dissidents. The fourth section argues that inclusion should take priority in the design of democracy’s participatory regime because different democratic theories assign a common importance to it, suggesting either that it is the essence of democracy or that it can be endorsed by all democrats as an intermediate principle of institutional design.

1. Reasons for Democracy’s Demand: Why does democracy demand this of us?

So, why does democracy demand that we be critically engaged with politics? What democratic values or principles recommend it and for what reason? In this section, I argue that democracy does demand something from each of us—that we be included and present in the political realm—regardless of how we understand the value of democracy. In the next section I explain more specifically why the kind of presence democracy requires is cognitive inclusion.
Recall that cognitive inclusion defines the most minimal form of political participation and also constitutes a necessary condition for any further act to qualify as political participation. This implies that if someone is not effectively included then they ignore politics entirely and are functionally absent from the political world altogether. What is the effect of such absence likely to be with respect to the most commonly cited democratic values?

I argue that such absence is a serious problem for virtually every account of the value of democracy and that the only way to overcome it is through cognitive inclusion. This overlap on the importance of cognitive inclusion results in three independent arguments for the priority of cognitive inclusion. The first argument is simply that no matter what kind of democrat one is, there are overridingly important reasons to endorse cognitive inclusion. The grounds for endorsement may differ, but they are overwhelming for each body of democratic theory. The second argument stemming from this overlap is that cognitive inclusion seems to constitute something like the essence of the democratic idea. It is found playing a central role in virtually all bodies of democratic thought because each of these bodies takes this fundamental idea and develops it in independent directions. The final argument is that, even if cognitive inclusion is not essential in this way, it can nonetheless constitute an intermediate principle of institutional design for democratic reformers due to its centrality and commonality.

The next two sections defend the claim that virtually all strands of democratic theory assign great or overriding importance to cognitive inclusion. This constitutes the first argument for the priority of inclusion. The fourth section discusses the second and third arguments which result from the commonality demonstrated in this section.
In the most basic sense, democracy requires political engagement from all citizens because no vision of the democratic good or the value of democracy is possible without the presence and effective inclusion of all. Presence is necessary whether we understand democracy to be valuable because it constitutes a system of collective self-government, because it instantiates political equality, because it effectively protects rights, or because it secures social stability. Each vision of the democratic good implies a commitment to universal inclusion when its implications are properly understood.

Accordingly, the basic intuition for the importance of presence and inclusion is that before we can be heard, we have to be present. Before reasons can be exchanged, arguments weighed, interests considered, representatives held accountable, or preferences registered, we have to be present—or effectively included—in the political forum. More pragmatically, absence creates an unnecessary and normatively troubling ambiguity about who ‘the people’ are whose wishes are registered through elections and other participatory institutions. Since we know that different sections of the population turn out to participate in different institutions, in what sense can we say ‘the people’ speak? Realistically, we can only say that some of the people had a say in this way. Yet the democratic legitimacy of any group smaller than the whole is suspect, as we shall see.

In the following subsections, I sketch arguments for why democracy requires the presence of all which appeal to four of the most commonly cited democratic goods: collective self-government, equality, rights-protection, and social stability.

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3 In speaking of the need for the presence of all, I speak metaphorically. I do not claim that everyone need be physically present in some political forum, nor even that we all must be directly present in public debates of any kind. Representation is surely consistent with the type of inclusion I am pressing here. But fake or—to use the polite terms preferred by political theorists—virtual or hypothetical presence, simply will not do. We must all be present in some actual sense. The main standard for effective inclusion and presence should be attention to the political realm in a judgmentally-active way by all citizens, or universal cognitive inclusion.
1.1. The Self-Government Argument

One of the most powerful arguments for democratic government is that it approximates an ideal of collective self-government. Collective self-government is itself an ideal worth pursuing for five general reasons. Firstly, sharing power with all co-citizens is the best way to maintain a system of social cooperation and protect the gains to be had from cooperation. Each of us would like things to go as we would wish them to go in the organization of social life. But we also recognize that others wish for the same thing. To doubt this is to deny the agency and personhood of others, as would a psychopath or a sociopath. By recognizing our co-citizens’ personhood, we also recognize that they wish for things to go a certain way, just as we do. In response, and in order to avoid conflict which would endanger the gains to be had from social cooperation, we abide by a system of collective decision making. In this view, collective self-government is valuable because it is the only way for me to get what I want consistent with cooperative coexistence with others who want the same thing.

Some thinkers who emphasize the importance of recognizing of others’ personhood would offer an alternative account of the motivation for self-government found in this account. Rather than the arguably self-interested reason of protecting one’s gains from social cooperation, individuals endorse collective self-government out of a moral obligation to respect the agency and autonomy of others. The claim is that collective self-government is a condition of our moral autonomy, in which moral autonomy is understood in terms of having an effective sense of justice limiting our treatment of others to ways that are appropriate to their status as self-directed moral agents or persons. Such respect requires their input in the making of decisions that affect them. Collective self-government is

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therefore the only system that is consistent with a community of individuals who each have an effective sense of justice. This constitutes a powerful moral argument for shared self-government.

A related line of argument posits that being part of a self-governing polity contributes an essential element to our moral responsibility and freedom by constituting a system of self-given law. Such a system of law is a necessary part of the good life characterized by autonomy because it displaces desire as the sole motive of human action, thereby opening new opportunities for acting according to duty and helping to make ourselves our own master. A concern for being our own master brings us to the fourth account of the worth of collective self-government.

Self-government plays an indispensible role in securing the non-domination of the individual. Non-domination constitutes the highest aim of Philip Pettit’s neo-Roman republicanism and derives its value from the intuitive attraction of not being subject to the arbitrary will of anyone else. Unless we contribute to the making of the laws or the selection of the officials that may coerce us or otherwise limit our actions with political power, the political system may operate on us in arbitrary, dominating ways.

Finally, because the nature of a political regime has undeniable effects on the character of the people subject to it, regimes in which average citizens take part in their own governance should do a better job fostering the self-improvement and education of the people by promoting an active

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6 This vision of the good life is one characterized by individual autonomy. It may not be customary to think of the classic liberal ideal of the autonomous individual as constituting a vision of the good life, but I follow Joseph Raz in accepting this basic element of the communitarian critique of liberalism. See Joseph Raz, *The Morality of Freedom* (New York: Clarendon Press of Oxford University Press, 1986).


character and important virtues such as tolerance and civic-mindedness. Taking this line of argument further, on some accounts of Aristotle, collective self-government helps constitute the good life for its members through providing the opportunity to develop and exercise the high virtues characteristic of civic life such as highmindedness, courage, appropriate ambition, and prudence.\footnote{Some argue that active political engagement is an essential part of the good life for Aristotle, while others argue that although politics may be part of the well-lived life, Aristotle also says that the contemplative life away from politics is of superlative worth. See Richard Mulgan, "Aristotle and the Value of Political Participation," \textit{Political Theory} 18, no. 2 (1990); Aristide Tessitore, "Aristotle's Ambiguous Account of the Best Life," \textit{Political Theory} 25, no. 2 (1992).}

The absence of citizens from the political world precludes collective self-government. Those who are absent are governed by others, who make choices that affect them but to which they do not contribute, even in intention or thought. This renders them the \textit{subjects} of those who do participate and destroys the symmetry between the role of citizen and subject necessary for collective self-government.\footnote{Rousseau, \textit{Social Contract}, I.7.}

It might be objected that so long as non-participators have a meaningful opportunity to participate, there is no worry about domination and no threat to collective self-government. But this misunderstands the nature of these ideas. So long as the fact remains that some people make law to which others are subject, those participators who make the law end up having a \textit{categorically} higher status than non-participators. They are free and non-participants are not. This denies to \textit{everyone} the pure reciprocal status of co-citizen and so destroys the possibility of collective self-government.

Instead, some are made into slaves—in the classical sense of one subject to the arbitrary will of another—and others into masters who dominate them. This is why refusing an opportunity to participate is not consistent with collective self-government: such relations of domination do not only burden the slave with the master’s will, they also burden the master who must now take on responsibility for administering the subject. It is unfair of non-participators to foist this responsibility...
upon those who habitually participate in politics because it places a burden on such individuals without consulting them. Moreover, this burden comes with the moral hazard attendant to exercising power over others. It is an ancient truth that having power over others can degrade one’s character by creating a temptation to abuse that power. Plato’s tyrant was the first example of this but in the mundane circumstances of today’s politics, the danger is more likely to take the form of individuals rationalizing the use of power to further their own interests in ways detrimental to those of non-participators. These rationalizations constitute self-deception and will tend to put the ruling citizens in a situation of bad faith vis-à-vis their fellow citizens and create mutual resentment.

One might respond to this argument by pointing out that the exercise of power is also a potent tool for building character. Those who share in the exercise of power are made better, more virtuous individuals by using power responsibly and overcoming the temptation to abuse it. This is often the case with parents and forms a key piece of Carole Pateman’s argument for participatory democracy referenced above. Nonetheless, this response is inadequate.

Improving the character of those who wield power is no reason to allow power to concentrate in their hands. While the concentration of power presents opportunities for participators to test their virtue against the temptation to abuse power, it does so at the cost of threatening the rights and interests of those subject to that power. This is not a tradeoff we should be willing to make. Rights and interests are too important to endanger for the sake of perfecting the character of the rulers. We should instead seek arrangements of power that put such temptation outside individuals’ grasp. Collective self-government is just such an arrangement since all citizens have something approximating the same power over each other, and none is subject in a way that would systematically put their rights and interests at risk.

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12 Pateman, Participation and Democratic Theory.
There is a final argument against political absence that focuses on its consequences for representation in a system of collective self-government. In representative systems, accountability is the key to self-government. And it is essential for accountability that the political agent who authorizes a representative at one time be at least roughly identical to the agent who holds them accountable later. Without such an identity, it is not the people as a political agent who authorizes representatives but rather one group of citizens at one time, and another at a different time. This renders accountability and self-government difficult, and perhaps even impossible. In the US, this is the pattern observed in congressional elections between presidential and midterm years. Presidential elections bring out the largest electorate of any American elections, while midterms draw a predictably smaller electorate that is older, wealthier, and less ethnically diverse. The result is that representatives are pulled schizophrenically between two predictably different electorates every two years. Though Americans have normalized this situation, it makes accountability and self-government unnecessarily difficult and illustrates the problems that follow from varying the identity of authorizing political agents. Only the regular presence of all can prevent this situation.

In sum, absence precludes the collective self-government of all. It leads to the de-facto domination of non-participators and imposes the responsibility of governing subjects, rather than co-citizens, upon those who do participate. It thereby degrades, if not altogether blocks, the ability of non-participators to partake of the benefits of self-improvement, responsibility, and freedom that are unlocked by joint participation in governing. In addition to endangering these benefits, absence opens the door to the degradation of those who do participate through the exercise of power and domination. Finally, absence destroys the identity of authorizing and accountable agents necessary

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13 Andrew Rehfeld, The Concept of Constituency: Political Representation, Democratic Legitimacy, and Institutional Design (New York: Cambridge University Press, 2005), 41. Note that Rehfeld does not interpret this point to imply the need for universal inclusion.
for representative self-government. This is why democracy as collective self-government demands our presence.

1.2. The Equality Argument

Another prominent argument for democracy is that it is the only form of government that is consistent with or respects the fundamental worth or equality of all individuals.\textsuperscript{14} In Ronald Dworkin’s influential account, the “defining aim of democracy” is to treat all citizens with equal concern and respect.\textsuperscript{15} Jeremy Waldron argues similarly that the importance of democratic participation rights is that they express the equal standing of citizens.\textsuperscript{16} A related view that few take, but is perfectly sensible, is that democracy respects and embodies basic human dignity in a way that other forms of government do not. This view is agnostic about equality as such,\textsuperscript{17} but accepts that whatever the relative worth of individuals, everyone has a worth and status that is only properly reflected by democratic arrangements of power.

Let us consider, then, the consequences of total absence or non-participation for this goal of recognizing the dignity or equal standing of all. Like the argument above regarding collective self-government, unequal rates of participation as seen in, for instance, turnout rates that vary by class, might at first seem to be unproblematic so long people are offered the opportunity to participate. Unlike collective self-government, this point does not involve a fundamental misunderstanding of the ideal. This is because there seems to be little reason to worry about equal standing when people have

\textsuperscript{17} Waldron advocates an egalitarian reading of dignity that does, however, point to the logical possibility of this non-egalitarian reading. See \textit{Dignity, Rank, and Rights} (New York: Oxford University Press, 2015).
the right to participate since by conveying such a right, everyone is recognized as politically competent and thus of substantial worth by the state.\textsuperscript{18}

Yet this does not dispel all worries. For even if non-participation need not offend equal standing as a conceptual matter—as it does collective self-government—it is still possible that non-participation creates serious worries for egalitarians. Indeed, I argue that this is the case. Egalitarians cannot meet their goal of equalizing political power, or even just preventing obscene levels of inequality in political influence, without securing universal inclusion first. This is because if we equalize power before achieving universal inclusion, we end up with equality only between those who are already politically present. Citizens who are not present, for whatever reason, are excluded from this equality and end up categorically unequal to those who are present.

Political equality that precedes universal inclusion results in the empowerment of a new elite made up of those who take it upon themselves to engage in democratic politics—that is, a group of self-selected activists. I call this the possibility of an aristocracy of activists.\textsuperscript{19} A hypothetical aristocracy of activists has democratic political institutions which allow anyone to participate on equal terms as much as they like; there are no barriers to participation other than having the interest to do so. Yet in this hypothetical, only one tenth of the population is at all interested in politics. The other nine-tenths are simply interested in other things, such that they see no value in spending time or effort on matters political. They find their deepest satisfaction in things like work or family life and they devote all of their time and energy to these non-political pursuits. Because the activist tenth are the only ones who take advantage of the opportunities to participate, it happens that they end up

\textsuperscript{18} Shklar, American Citizenship: The Quest for Inclusion.
\textsuperscript{19} There is an interesting question here about the overall democratic credentials of voluntary self-selection: would it be democratic if a small, self-selected activist class were the only ones to avail themselves of formal opportunities to influence policy? Even the Athenians had a place for self-selection, after all, in that the famous assignment of offices by lot in Athens was only done from among those who put their own names in for consideration. See Bernard Manin, The Principles of Representative Government (New York: Cambridge University Press, 1997), 13.
determining all government policy. They are the only ones who turn up for elections, the only ones who volunteer in campaigns, and so they are the only ones who matter in politics. This interested tenth of activists therefore effectively rules over the other ninety percent of the population. Whatever the overall merits of an aristocracy of activists, it is problematic on egalitarian grounds.

Despite formal equality in opportunities to affect political decision making, there exists a de facto denial of political equality in the aristocracy of activists. It is not that some people count for less than others because they have less influence, but rather that they count for nothing because they aren’t even present to make their voices heard. Complete non-participation constitutes a de facto denial of equal standing because some are counting not just for more than others, but categorically more than others. It is effectively the same difference as that between everyone having at least one vote but some having more votes than others, as in Mill’s scheme of plural voting, and some people being denied the franchise when others have it. Political absence is equivalent to disenfranchisement when it comes to actually controlling the exercise of power since absent voices play no part in determining the use of power. For this reason, it might even be said that widespread political absence offends something deeper and more fundamental than equality: namely, the importance of recognizing the value and dignity of all human beings.

Another way of thinking about this point is to consider the effect of improving political equality before everyone is politically present. Under status quo conditions in which not all citizens are meaningfully a part of the political world, spreading political power more equally—as by securing meaningful campaign finance reform, for instance—will result in the empowerment of a larger public, to be sure. But this will still be an exclusive public, defined by those who are already politically present and included. Those who are not presently included will not benefit from the
wider dispersion of power. They will be just as subject as before, if to a more numerous master. Thus, political equality achieved before universal inclusion will always approximate an aristocracy of activists, by empowering those currently politically interested and mobilized at the expense of those lacking such motivation.

This, then, is why inclusion must be prioritized over equality in whatever form, since otherwise we equalize power only among the few who make themselves present rather than everyone. It flouts equality in anything other than a purely formal sense.

This is particularly the case when non-participation cannot be said to be fully voluntary. Few people opt out of political participation due to considered rejection of political life. Non-participation is much more commonly a result of cost and thoughtless habit, both of which are in principle ameliorable. Furthermore, patterns of anti-political socialization, being part of a traditionally marginalized group, and other normatively problematic processes all intervene in the formation of political identity and the establishment of stable patterns of political engagement. These processes often reflect the so-called third face of power whereby whole categories of thought are rendered inaccessible by social, cultural, and political arrangements. Finally, there is some evidence that political interest is powerfully affected by early socialization and context, providing further independent evidence that not all non-participation can be treated as voluntary. We must bear these considerations in mind because they imply that even if some people opt out of politics

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20 The literature on why people participate or not is vast, but often lacks a textured picture of the political thinking of apolitical citizens. Two notable exceptions are Stealth Democracy and The Empty Polling Booth, which suggest a wide variety of reasons people don’t participate. Few of these reasons are what we might call informed rejection. See Arthur T. Hadley, The Empty Polling Booth (Englewood Cliffs, NJ: Prentice-Hall, 1978); John R. Hibbing and Elizabeth Theiss-Morse, Stealth Democracy: Americans’ Beliefs About How Government Should Work (New York: Cambridge University Press, 2002). I discuss apoliticality in Section 3.


voluntarily, most do not and this should make us more suspicious of political absence and the inequalities it creates.

Another egalitarian concern emerges from taking a more realistic perspective on political absence. This is the concern that political absence will reliably lead to the abuse of the rights and interests of those who aren’t present due to what we can call aggregative distortion.\textsuperscript{23} It was once argued that women didn’t need the franchise because their husbands would protect their interests with their votes. This feeble and self-serving paternalistic logic has since been discarded in favor of the notion that the effective protection of each person’s rights and interests requires their enfranchisement. But this argument actually implies that more than enfranchisement is necessary—it requires actual presence, or as argued in Chapter 2, active engagement in political life. For if one has a right to vote and one never uses it, as in the aristocracy of activists, eventually those who do vote and run for office will learn that they pay no price for neglecting or harming the interests of these non-voters. A threat of electoral punishment is like any other threat. If it proves reliably idle, it will cease to incentivize the appropriate behavior and so distort electoral and policy outcomes. So it is with political absence. It removes the incentive to advance or protect the interests of non-participators and even incentivizes policies which harm them in order to benefit those who do matter for winning political power. This aggregative distortion contradicts the egalitarian notion that the government should protect the rights and interests of all equally.

If all of this is so, it means that a situation of formally equal participation rights coincident with a significant population of non-participators fails to honor equal standing and respect, since some end up counting for nothing. A democracy which takes no serious steps to end this disparity in status can be plausibly accused of undermining a concern for equal standing, or even basic dignity.

\textsuperscript{23} I am indebted to Andy Sabl for this shorthand.
1.3. A Note about the Plausibility of the Self-Government and Equality Arguments

In the face of the arguments of Sections 1.1 and 1.2, one might be moved to renounce self-government and equality as democratic ideals because they are too demanding and, following Isaiah Berlin, perhaps assert that embracing self-government in particular puts us on a road to totalitarianism. Yet this move is too fast. Anyone who affirms that individuals are best informed about their interests and also those who see democracy as requiring respect for the judgment of individuals as autonomous agents must recognize the importance of collective self-government and equality in collective decision making. These values are the result of taking seriously these intensely individualistic and classically liberal premises and following them through to principles of government. If I am in fact the best judge of my interests, then no one else can make legitimate decisions about how government can best serve or promote my interests. Likewise, if I am to be respected as an autonomous individual, my judgment and decisions must be respected, particularly with respect to how I wish the world in which I live to be organized. These positions bring us immediately to a concern that political power be distributed with great equity and that each individual have a say over how political power is wielded over them. These are just the same thing as political equality and collective self-government.

One may of course reject the premises that individuals are best informed about their interests and that we owe them and their judgment respect qua being autonomous persons. We may do so on the grounds that individuals are often poorly informed about their interests and make terrible decisions, citing any number of works in psychology, behavioral economics, and political science.

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24 Berlin, "Two Concepts of Liberty."
25 Tocqueville sees the view that “the individual is the best as well as the only judge of his particular interest” as “universally accepted” in democratic America. See Alexis de Tocqueville, Democracy in America, trans. James T. Schleifer, IV vols., vol. I (Indianapolis: Liberty Fund, 2010), 108.
The concerns that this move raises go beyond the scope of this chapter, but they will be addressed at length in Chapter 4 with respect to epistemic worries about greater political inclusion.

1.4. The Rights-Protection Argument

A classic argument for democracy is that it does a better job protecting rights and preventing tyranny than any other system of government. This is the view of democracy endorsed by some of the harshest critics of more expansive conceptions of democracy, such as the egalitarian and self-government conceptions referenced in Sections 1.1 and 1.2, and it is for that reason sometimes labeled a ‘minimal’ conception of democracy. Yet cognitive inclusion remains absolutely essential to such democratic minimalists because of its role in the protection of rights and prevention of tyranny. This is because, as is sometimes said, eternal vigilance is the price of liberty. Like many famous sayings, this one has been misattributed to fitting historical figures like George Washington, Thomas Jefferson, and Patrick Henry. As often happens, the true source is more humble: John Philpot Curran, an Irish lawyer and statesman who was a contemporary of, and Whiggish fellow traveler with, these more famous figures. Its provenance is a dispute over the election of the Lord Mayor of Dublin in which Curran spoke against the customary practice of the upper house appointing the mayor. He argued that the power of an elite—united by interest and in control of government—to undermine the rights of the people is large, so it is up to those whose rights are in danger to monitor them. Those who are too “indolent” to watch their governors will become their “prey,” and will have no one to blame but themselves when they are deprived of their rights. Those who are not vigilant will in fact

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deserve their “servitude” as a consequence of the “crime” of neglecting their duty and as punishment for their “guilt.”

If we take seriously the great worth of protecting individual rights and interests, we are forced to agree with Curran that it is up to those whose liberty is endangered to monitor and ensure its protection. Liberty has a price. If our rights and the negative freedom guaranteed by them are truly the most precious thing we have (even if only instrumentally so), it makes no sense to ignore their protection nor to make no provision for it. It would not only be churlish but incoherent to refuse to incur any costs whatever to preserve our rights if we truly believe in their importance.

Benjamin Constant also realized the necessity of active political presence as is evident in his view of the continuing role of ancient positive liberty in the age of modern negative liberty. Constant instrumentalizes the active participatory spirit of ancient “political liberty” to the protection of modern individualist rights to non-interference. “Individual [negative] liberty…is the true modern liberty. Political liberty is its guarantee, consequently political liberty is indispensible…[M]y observations do not in the least tend to diminish the value of political liberty.” Constant insists that the institutions and habits of self-government, what he calls here “political liberty,” serve as the “guarantee” for the “true modern liberty” characterized by individual non-interference. Because of this instrumental importance, political liberty and the active political engagement of cognitive inclusion it involves remains as essential ever. It would therefore be a fundamental mistake for those who cherish modern freedoms to say of politics, “what does it concern me?”

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28 The focus on rights protection or non-tyranny as discussed by many minimalists emphasizes negative liberty or freedom as non-interference, and seems to have little to say about the importance of positive participation rights as part of a full account of human rights.
29 Berlin, "Two Concepts of Liberty."
Yet Constant is acutely aware that the neglect of politics is a persistent danger in modern circumstances. “The danger of modern liberty is that, absorbed in the enjoyment of our private independence, and in the pursuit of our particular interests, we should surrender our right to share in political power too easily.”31 Once we reject politics as a source of personal fulfillment, we will be all too ready to abandon politics altogether in pursuit of privately-achieved fulfillment. But we must prevent this neglect. We must instead “exercise an active and constant surveillance” over our government and representatives, for they are our agents empowered by proxy to defend our rights and interests. When the primary task of democratic government is thus rights-protection, we become like rich men with respect to their stewards. “[U]nless they are idiots, rich men who employ stewards keep a close watch on whether these stewards are doing their duty, lest they should prove negligent, corruptible, or incapable; and, in order to judge the management of these proxies, the [rich men], if they are prudent, keep themselves well-informed about affairs...”32 Protecting fundamental rights and interests through a representative democracy will therefore require individual citizens to keep “a close watch” over their agents in government. It will also require them to keep themselves “well-informed” about public affairs to preserve their capacity to judge their performance. Both surveillance and keeping oneself politically informed are activities closely linked to, and perhaps even synonymous with, cognitive inclusion.

It seems therefore that even a conception of democracy founded on rights-protection has good reason to demand cognitive inclusion from individuals. But from whom do we need such engagement? The classical-liberal prejudices of many who endorse the rights-protection argument will likely push them to deny that everyone should bother themselves with politics. Many people

32 Ibid.
will not enjoy such engagement and should be free to spend their time on whatever they want. Indeed, there is reason to think that the price paid to protect our rights must leave us substantial time and resources for exercising our rights and living our lives as we see fit since the point of having freedom is to make good use of it.\textsuperscript{33}

Yet this objection ignores two arguments for why everyone must be present politically when their rights are at stake. Firstly, although it cannot be doubted that cognitive inclusion imposes at least opportunity costs on individuals, virtually any price short of total dedication to politics is reasonable to pay compared to the worth of our rights and interests. We should be willing to bear \textit{great} sacrifices and pay \textit{high} costs for the effective protection of something as essential as our rights and interests, just as did the heroes of the Enlightenment revolutions of the late 18\textsuperscript{th} century. People who affirm the value of protecting their rights and interests can only object to the relatively low cost of cognitive inclusion by not taking their own commitments seriously. For if protecting your rights is not worth at least paying attention to the political world to identify threats to those rights, how much can you really care about them?

Secondly, we cannot entirely delegate the protection of our rights and interests to others. The vigilance principle says that those who fail to remain vigilant only have themselves to blame if their rights are infringed by a tyrannical state. This implies that we must undertake this surveillance ourselves—each of us, individually. As the principal in a principal-Agent relationship with a representative government tasked with rights protection, surveillance is as important as the task delegated to ensure that it is done responsibly. Only we can judge when what is most precious to us is endangered and to do so, we as individuals must at least be aware of the political world from which some of the most important threats originate. Thus, I take it that the vigilance principle says enough.

\textsuperscript{33} Shapiro, "Three Ways to Be a Democrat," 138.
to justify the importance of individuals being present in the politics of a democracy, since doing so is absolutely essential to the protection of their rights and interests.

1.5. The Stability Argument

Democracy is also sometimes defended on the basis of its unique capacity to secure robust, long-term social stability. By substituting ballots for bullets, democracy establishes avenues for effectively dealing with the political claims or grievances of everyone in society without recourse to violence. Claims and grievances that can be effectively addressed through the political system are much less likely to be pursued through stability-undermining means because pursuing them violently has far higher costs than a reliable institutional mechanism. Likewise, people with a history of working out their disagreements by political or democratic means are much less amenable to the appeals of violent extremists. Overall, then, democracy is a potent strategy for avoiding serious social and political turmoil.

If democracy allows individuals to absent themselves from politics, it ultimately courts instability because the interests of the absent citizens will almost certainly be neglected. This is due to a couple of simple mechanisms. Firstly, representatives have no incentive to respond to the needs or govern in the interests of people who have no influence over their election. Secondly, absent citizens will be in no position to block policies which harm their interests or violate their rights using either the regular channels of participation or by extra-institutional yet still non-violent mobilization such as protest or civic disobedience. Instead, their interests will be progressively and cumulatively

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harmened by their absence. Though these citizens may not seem to care about this neglect, the situation should worry anyone concerned with the long-term social stability of democracies because those whose interests are systematically harmed have a tendency to respond eventually, and usually not in constructive or peaceful ways.

Despite these arguments, it is sometimes said that stability cannot ground a robust and inclusive democratic politics because it is consistent with systematic exclusion, and indeed, may even be furthered by such exclusion. Samuel Huntington, for instance, argues that inclusion may directly threaten democratic stability through overloading the political system with demands.\(^{35}\) When the state fails to meet the expectations of its citizens, they lose confidence and trust in it, which erodes its ability to govern. The result is a vicious cycle of declining confidence in, and governing capacity of, democratic institutions. The obvious implication is that citizens may grow so dissatisfied with democracy that they engage in non-democratic forms of political activity, up to and including violence. The race riots which affected virtually every major US city during the late 1960s can on this account be seen as a natural consequence of raising the political consciousness and expectations of a group that has been traditionally disempowered. Stable patterns of political exclusion are to be preferred to such chaos. The lesson of history, Huntington argues, is that “some measure” of exclusion in the form of apathy and political disengagement is necessary for democratic stability.\(^{36}\)

This sort of argument is likely more familiar than the one advanced above. It reflects the intuition that, in the real world, episodes of mass democratization have turned into bloodbaths at least as often as chromatic revolutions. Moreover, as with all violence, failed episodes of mass empowerment often end up sowing the seeds of future social and political instability rather than


constituting democratic birth pangs. Nonetheless, it is essential to take the long view of these developments and, moreover, to recognize the profound difference made by contemporary circumstances.

Some would argue, for instance, that patterns of exclusion have often been stable over long periods of time. This is surely true, at least as a stylized historical point. But the preconditions of such stable exclusion no longer obtain in most societies. Successful patterns of exclusion are maintained by, among other things, that those subject to them cannot imagine a different way to live or organize social life. Being for the most part poor and illiterate, those subject to exclusion in the past have been deprived of information about the wider world, often purposefully, and thus of any means to learn how life could be different. Without such an idea, contestation of exclusion can take no organized form and will only result in periodic meaningless uprisings. For many, such contestation will be practically unthinkable. The spread of mass literacy and advances in communications technology in recent decades, however, have rendered patterns of political exclusion much more tenuous than in the past. Today, there is no easy or reliable way for governments to deprive their citizens of knowledge about how the rest of the world lives. This invites unfavorable comparisons and negative assessments of political regimes, which in turn destabilizes patterns of exclusion. Indeed, it is more natural today to associate regimes of widespread exclusion, rather than inclusive regimes, with uprising, insurgency, and civil war.

For these reasons, among others, patterns of exclusion in the modern era have tended to give way to arrangements of greater formal political inclusion over the long term. The result has been that newly included groups cease to constitute threats to social stability. Such strategies helped to domesticate (some would say co-opt) the anti-system socialist and Catholic political movements in
late 19th and early 20th century Europe. These experiences suggest that inclusion can be an effective stabilization strategy. The history of more modern exclusivist regimes suggests that they have had to rely more on brute oppression than similar regimes in the past which have relied more on propaganda or brainwashing to secure stability, as evidenced by colonial struggles for independence and the conduct of various dictatorships and military juntas. Yet this same history suggests that stability secured through oppression is an extraordinarily brittle and short-term strategy. By relying upon exclusion, repressive political systems fill their foundations with dynamite. A single spark is routinely enough to destroy them. Inclusion, as difficult as it can be in the short run, is simply a better approach in the long term for social stability.

It is sometimes thought that only large and powerful groups in society need to be politically included for the sake of stability because such groups are the only ones capable of seriously threatening social peace. Indeed, worries about the fair treatment of minorities are among the main objections to stability-concerned ‘modus-vivendi’ accounts of politics. But in contemporary circumstances, such a focus on large groups is mistaken. New technologies empower individuals in ways that recommend efforts to include them all in the shared exercise of power. In recent decades, many instances of instability have demonstrated the powerful effect that even very small groups can have on stability. Advances in tactics, technology, and communications have allowed small groups of combatants to cause large scale instability, whether it is through helping to ignite incipient social

38 See e.g. Franz Fanon, The Wretched of the Earth, trans. Constance Farrington (New York: Grove, 1963).
39 This argument may seem to echo the sentiment of certain neoconservative advocates of the second Iraq war in a way disturbing to anyone acquainted with the history of that conflict. Yet what made this line of argument unconscionable in the Iraq case was that the US had undertaken a special responsibility for the basic social order of Iraq when it invaded and had insufficiently secured that order. Comments about ‘democratic birth pangs’ were an attempt to minimize and distract from the failure to discharge that responsibility and shift the blame for the horrific consequences of that failure away from US policymakers.
conflicts as in Iraq by Al Qaeda in Mesopotamia, endanger democratic transitions as in Afghanistan, or seize control of whole countries as in Chad or Cuba. New information technologies have been particularly notable in organizing and rallying support for popular revolts, as in the abortive Green Revolution in Iran and the Arab Spring. Today, a handful of suicide bombers can cause the kind of chaos that would have required armies in the past. For the stability theorist, the lesson to be drawn from these examples is that the possibility of undermining stability is no longer dependent upon large and powerful groups but rather can be threatened by far smaller assemblages of individuals than ever before. The political presence of everyone—not just the powerful—is for this reason essential to stability.

2. Reasons for Cognitive Inclusion: Why does democracy demand this of us?

The last section advanced a number of general arguments as to why common democratic goods require everyone to be present in the political realm in some meaningful sense. This section asks why this requirement of presence should take the form of cognitive inclusion rather than something else, particularly some form of active political participation like voting.

For participatory institutions to work as they must, moreover, individual citizens have to be cognitively included in democratic politics. Such an orientation of critical cognitive engagement is required for the decisions of government to be guided in any meaningful way by the people. This is because forming an intention regarding what government should be doing or who should be running it, or even simply articulating one’s political preferences or interests, is not possible without attending to the content of politics. Participation would be pointless because it would lack purpose. Without cognitive inclusion, therefore, it would be impossible for the people to provide any guidance to the government. Formal participation rights and even supportive social norms would be incapable of
generating any meaningful citizen input through the participatory regime without it. A people that says of politics, “what does it concern us?” cannot be governed democratically.

This point also answers an objection about the sufficiency of cognitive inclusion. It might be argued that actual, observable participation, and not just cognitive inclusion is necessary for democracy. And indeed, cognitive inclusion is clearly not sufficient for democratic control of government since without actual participation there could be no transfer of information from people to government and thus no control. This point might seem to minimize the importance of cognitive inclusion, but it actually gets the question of priority backward, because of the unique role cognitive inclusion plays in motivating all political participation and making it meaningful. Participation is indeed necessary for democratic control, but participation is meaningless without first having cognitive inclusion to form the political judgment of citizens. Without judgments to communicate, what point is there in participation?

As an empirical matter, moreover, cognitive inclusion powerfully motivates actual political participation. Interest in politics is a component of cognitive inclusion and, as discussed in Chapter 2, empirical political science has revealed that political interest is the single most powerful predictor of every type of political participation except making campaign contributions, for which it is the second most powerful after income. This finding confirms the common sense intuition that those who concern themselves with politics are the most likely to actively participate in it. Since cognitive inclusion is precisely about being concerned with politics, it not only makes participation meaningful by fitting citizens out with judgments, it also motivates actual participation.

Aside from these general points about the necessity of cognitive inclusion, each strand of democratic theory has its own specific reasons to require cognitive inclusion.

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41 As discussed in Section 5 of Chapter 2. See Verba, Schlozman, and Brady, Voice and Equality, 352-3, 58, 63, 67.
Collective self-government calls for cognitive inclusion in a variety of ways. The first and most important of these is that cognitive inclusion is something like the heart and soul of self-government. To involve oneself mentally and emotionally in the political life of one’s democracy, to feel the polity’s fate as one’s own, to see the success of an issue or agenda as essential for the success of the state, are all essential parts of the experience of the co-ruling citizen. Sentiments like these seem to actually constitute in themselves the experience of being part of a self-governing people. This suggests that cognitive inclusion, which would involve sentiments of this kind for most citizens, captures the essence of self-government.

Another way that self-government calls for cognitive inclusion is through its necessity for enjoying the benefits of taking part in governing. As mentioned above, when some are absent, they are deprived of the self-improving influence of participation. But why is this? It is because cognitive inclusion approximates the main function of participation on the self-improvement account. Participation in self-government makes people more engaged with the wider political world. In arguing for the expansion of the suffrage to essentially all adults, John Stuart Mill argues that “it is from political discussion, and collective political action, that one whose daily occupations concentrate his interests in a small circle around himself, learns to feel for and with his fellow-citizens, and becomes consciously a member of a great community.” Most people’s quotidian lives focus their attention on only a very small portion of the world. It takes the reflection and discussion characteristic of citizens engaged in self-governance to expand one’s horizons. According to Carole Pateman, Rousseau likewise argues that through participation

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42 Some citizens may not of course have these kinds of responses to paying attention to politics. Some may react more negatively, and seek to distance themselves from it. I discuss such reactions in Section 3.

the individual learns that the word ‘each’ must be applied to himself; that is to say, he finds that he has to take into account wider matters than his own immediate private interests if he is to gain co-operation from others, and he learns that the public and private interest are linked…[T]hrough this educative process the individual will eventually come to feel little or no conflict between the demands of the public and private spheres.44

Thus, taking part jointly in ruling awakens us to concerns wider than those with which we are concerned on a daily basis. We are awakened to the connections between our interests and those of our fellow citizens, and can come to desire the good of all, the common good.45 Clearly, the centerpiece of this process is the cognitive engagement citizens undertake with respect to the political world. And this is what is meant by cognitive inclusion.

The essential role played by cognitive inclusion in meaningful political participation implies that it is not only necessary for collective self-government, but also political equality. This is because the only way to head off the de facto denial of equal standing which results from political absence is through presence and participation. Since cognitive inclusion is a conceptually necessary precondition for all forms of meaningful political participation, it too is necessary for preventing violations of political equality.

Cognitive inclusion is also essential to the surveillance called for by the vigilance principle. Indeed, in many ways, cognitive inclusion is synonymous with surveillance of the government. The vigilance principle implies that the lowest the price of liberty can possibly be is a consistent

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44 Pateman, Participation and Democratic Theory, 25.
45 We may alternatively be led to pursue group or self-interest by being awakened to political awareness. Cognitive inclusion does not imply a devotion to the common good. But participatory democrats characteristically think a concern for the common good is likely to come about from attention to political affairs.
watchfulness ("eternal vigilance") on the part of individuals. For even if our rights are not currently under threat, those in control of the state may be hatching plans to threaten them in the future. It is up to the average citizen to use his eyes and his judgment to search for real dangers to his rights and to sort them out from the daily business of government.

With slight adjustment, we can see that this argument about the necessity of surveillance also applies if we are concerned about stability. If we care most about social stability, then we must monitor the political realm for credible threats to it. Just as we cannot leave the protection of our rights to unsupervised others because of their enormous value, we cannot leave the task of maintaining social peace entirely to the judgment of others who may not be as attuned to important threats as oneself. Oversight in this sense does not of course preclude reliance on trusted and more informed watchdogs. Fire alarm oversight is surely equal to the perhaps infrequent dangers of tyranny or civil war. But for the fire alarm to work, we must have a trusted and credible watchdog. And to have such a watchdog, we must pay enough attention to be able to tell which are trustworthy. This requires paying enough attention often enough to be aware of who is most attuned to serious threats to stability. Moreover, for fire alarm oversight to work, it is not enough to merely have a trusted watchdog. We must also pay active attention to them and to what they’re saying. This attention is a key part of cognitive inclusion. In an age of cheap and plentiful information, these are not particularly difficult or demanding tasks, but they do require us to tune in to politics with some regularity and with a critical mind.

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46 Two influential models of regulatory oversight in a principal-agent relationship are the ‘fire alarm’ model and the ‘police patrol’ model. The police patrol method requires regular surveillance of the agent and so demands a great deal of oversight resources like time and manpower. The fire alarm model, on the other hand, operates only when a danger looms or a violation has occurred. A watchdog ‘pulls the alarm’ when such malfeasance is in evidence, alerting citizens and legislators of the problem. See Mathew D. McCubbins and Thomas Schwartz, "Congressional Oversight Overlooked: Police Patrols Versus Fire Alarms," *American Journal of Political Science* 28, no. 1 (1984).
Another important argument for cognitive inclusion is related to this point about maintaining trusted watchdogs. The ability to successfully oversee and hold public officials accountable, as well as advance one’s political views and interests, requires the retention of civic skills by individual citizens. Civic skills refer to habits, attitudes, social networks, and embodied information about how to go about democratic participation which enable effective political action. Some of the most important of these include attitudes of internal and external political efficacy, (referring respectively to the belief in one’s ability to make oneself heard and the belief that the political system responds to such ordinary voices), and knowledge about how and where to join a political campaign or vote, to say nothing of which issues or political campaigns are worth one’s time and effort.

As these examples suggest, cognitive inclusion plays a vital role in the upkeep of many civic skills. Firstly, without knowing the lay of the political landscape and the relative worthiness of different agendas, it is difficult to identify threats to rights or stability, as well as engage in any meaningful self-government. Secondly, because of cognitive inclusion’s interest in politics—is the single most powerful predictor of political participation of essentially every type, and since successful participation closes feedback loops of political efficacy, encourages habituation, and stimulates political learning, cognitive inclusion can help retain many civic skills. Finally, because active political participation is sometimes called for by even the most minimal conception of democracy, it is essential that citizens maintain the skills necessary for such participation. If the people should forget how to engage their democracy’s participatory institutions, they will be unable to effectively govern themselves or protect their interests. And of course, if only some individuals

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47 Verba, Schlozman, and Brady, *Voice and Equality*.
48 As discussed in Section 5 of Chapter 2. As mentioned there, Verba et al. are at pains to emphasize the social roots of political interest but their statistical regressions reveal that political interest is the most powerful predictor in every class of participation except making campaign contributions, for which it is the second most powerful after having a high income. See *Voice and Equality*, 352-3, 58, 63, 67.
retain their civic skills, only their interests will be effectively protected while predictably leading to the neglect of those who do not. A public thoroughly forgetful of democratic socialization may even resort to violent forms of political action. For these reasons, cognitive inclusion is an essential bulwark of democracy on all accounts.

Cognitive inclusion constitutes the kind of political presence that democracy cannot do without. The arguments above have suggested that this is because not only is cognitive inclusion necessary to a variety of visions of the democratic good, but it is often sufficient as well. It is sometimes sufficient for the protection of individual rights and stability because government does not always encroach on our rights, nor are we always on the precipice of civil war. Sometimes surveillance is all that is required because it reveals a rights-protecting democratic politics in good working order. Moreover, cognitive inclusion is often sufficient for achieving the cultivation and educational effects posited by some champions of self-government, as argued above. It is moreover far from obvious that self-government necessarily demands more than cognitive inclusion, since so much of the core meaning of the idea is bound up with cognitive engagement. Finally, cognitive inclusion keeps the democratic fires burning by preventing the total degradation of necessary civic skills. Without such skills, individuals will find themselves lost amidst the democratic sea, unable to rule or protect themselves. Thus, while it is hard to say that democracy always demands more than cognitive inclusion, it is impossible to say that it ever demands less.

3. Space for Apathy and Cynicism: Why does democracy demand this of all of us?

It is sometimes said that the unique value of democratic political participation lies in its voluntariness. The idea is that only participation that is undertaken out of intrinsic civic motivation holds the value that democrats want to assign to participation. If this is so, then growing political disengagement by democratic publics, as mentioned at the beginning of this chapter, cannot really be
a problem because it only reflects shifting tides of sociopolitical sentiment regarding whether politics is worthwhile. One implication of my argument is that this notion is quite seriously mistaken. It cannot be that people may choose entirely of their own volition whether to involve themselves in politics or not—or it is at least not true in the way most people mean it. Choosing to attend to politics is not like choosing to spend one’s time watching professional sports.

I argue in this section that there is a presumption put upon us by our democratic form of government that we will pay enough attention to at least make a judgment as to whether further engagement is worthwhile. This requirement opens a space for specific kinds of cynicism and apathy which are consistent with universal cognitive inclusion. To elaborate this argument, I consider two different cases of apoliticality. The first refers to a hypothetical citizen who wishes to opt out of conventional politics—meaning politics in modern large-scale representative democracies with market economies—because he believes these politics to promote fundamentally unjust policies or be based on fundamentally unjust structures. The second case involves a citizen who simply wishes to live an apolitical life, giving politics no place in his life no matter how small. There is space in democracy for such cynical and apathetic citizens, but it does not take the freewheeling form most defenders of a right to opt out of politics mean to defend. Instead, democracy imposes a duty on such citizens to make a critical, reflective judgment based on evidence as to why cynicism or apathy is the appropriate attitude to have toward democratic politics and, importantly, to periodically update this assessment by consulting new information.

Let us first consider the case of the revolutionary. Revolutionaries deem the institutions, authority figures, or policies of representative democracy—and perhaps the economic system of capitalism—to be unjust and irredeemably corrupt. Further, they judge that the chances for moving
the system or its policies any appreciable distance toward a more just arrangement are practically nil. So they conclude that political action to promote justice is not worth their time. As a result, they wish to avoid thinking about the entire edifice and ignore it as far as possible. In short, revolutionaries want to be non-political because they see nothing but injustice, corruption, and intolerable moral compromise in political life. They are therefore cynical about democratic politics in the sense that they see democracy as reliably failing to achieve its promise.49 These genuine cynics can be contrasted with casual or cultural cynics, who unreflectively use a conventional way of speaking about politics which mimics the attitude of genuine cynics. This distinction parallels one between similarly thoughtful and thoughtless apathetics which I discuss below.

The existence of cynical revolutionaries is consistent with democracy’s demand for cognitive inclusion for at least two reasons. One of these reasons applies only to them, while the other also applies to apathetics so I will elaborate it only after introducing apathetic citizens below. The first reason cynical revolutionaries can endorse cognitive inclusion is that it is or can be a first step toward revolutionary consciousness and convincing people to see and concern themselves with the deep injustice all around them. Often, one of the reasons cynics see the current dismal state of affairs as unchangeable is because they believe so few people recognize that things are as dismal as they are. If only more people saw the political world as they did, things could be different. A constant refrain of revolutionaries from the left and right is that complacent blindness or a culture of silence prevents those who are hurt by existing unjust policies and arrangements of power from recognizing it. In either case, stimulating the critical political awareness of individuals should move them to recognize

49 I use revolutionaries as the quintessential cynics because I take the old saying that if you scratch a cynic, you find a disappointed idealist beneath to contain more than a grain of truth. To motivate genuine cynicism, one must have first believed and been subsequently disillusioned.
the merits of the revolutionary’s view. If the injustices are serious enough to move revolutionaries out of politics altogether, they should be obvious enough to a more politically engaged democratic public.

The revolutionary might object that the hegemonic domination of the media and educational system makes wider political engagement useless, because new entrants into the political world will simply be co-opted. But this move requires ignoring the revolutionary’s own existence—if the hegemony is so total, how do revolutionaries come to have their characteristic revolutionary consciousness? It also requires ignoring the existence of effective strategies for promoting critical consciousness such as the classic liberal arts education, as well as less institutionalized educational philosophies such as Paolo Friere’s critical pedagogy. At least as plausible as cooption, therefore, is that greater cognitive inclusion will ultimately disrupt the complacency or culture of silence that stifles the political voice of those who are unknowingly hurt by the status quo and encourage greater concern for the issues that the revolutionary sees afflicting the political and social system. For this reason, even cynical revolutionaries should want to promote cognitive inclusion.

The second type of hypothetical citizen—the willful apathetic—simply wants to pay politics no mind. Apathetics want to be thoughtless about politics—not cynical, but literally apathetic. They want to not care about it or involve themselves in it. We will consider reasons for such a desire in a moment, but first we must consider an easily missed point about political apathy. Not all apathy is alike. There are at least two types we should be aware of: willful apathetics and thoughtless apathetics. Harry Frankfurt’s notion of second-order volition or desire is helpful to understand this difference. A first-order desire is simply to will or want something. A second-order desire is to want to have a first-order desire. It is to want to want something, or want to be motivated in some

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particular way. Willful apathetics have a second-order volition to avoid politics, or a second-order desire not to want to form first-order desires regarding political objects. Thoughtless apathetics, on the other hand, simply lack desires of either kind. Not only do they not have any first-order desires regarding political objects, they have no second-order desires about politics either. It is simply not in their minds.

This is a crucial difference because of what it suggests about why we might wish to be apathetic—or cynical—about politics. Thoughtless apathetics, like casual cynics, lack reason for their inattention to politics. Their attitude toward politics could therefore be a function of a number of problematic mechanisms, such as ideology (in the pejorative sense), the exercise of power, a political culture of silence or quiescence, or subconscious “cultural work” to avoid politics.\(^{52}\) Clearly, we cannot say that the political absence of such individuals is entirely voluntary if any of these mechanisms is in operation. Willful apathetics, on the other hand, may find that the existing configuration of political ideologies, personalities, and issues which define the political agenda includes nothing that they find important or interesting, nor is it likely to in the foreseeable future. For them, not engaging in participation is a result of critical reflection about politics. The same can be said about cynical revolutionaries. They have thought-out political views which simply clash with existing policies and structures of power.

For this reason, the relative political disengagement of both willful apathetics and cynical revolutionaries is consistent with democracy’s demand that everyone give politics their critical attention. This is because both have come to a considered conclusion about the injustice or unimportance of the current political situation and so, assuming this opinion survives a minimal

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probing for substance, they have *already engaged* in critical reflection about politics. They have given politics their attention, considered its substance, and concluded it is corrupt or not worth their time and effort. Democracy demands updating this judgment periodically by seeking out new information, but cannot dispute the final conclusion of individual judgment. The cynicism or apathy of such citizens is therefore compatible with democracy’s demands, as would be any subsequent indicator of cynicism or apathy toward politics revealed by surveys or observational data. Through their attention and reflection, they have made themselves politically present and have thereby become cognitively included in politics, since they are formally included and cognitively engaged with the substance of politics. Yet, importantly, they are included in democratic politics as *dissidents*. This is an important point because it shows that an inclusive democracy on my account is not made up of Rousseau’s uniform masses flying to the assembly. There is almost no individual homogeneity in judgment expected, not even about how worthwhile democratic politics is. What is expected, and what democracy demands, is just for us to think it over from time to time.

Thus, democracy’s demand for cognitive inclusion includes a substantial space for cynicism and apathy, but it is not an unbounded one. It has two requirements; that we engage in responsible reflection about what our attention to the political world has revealed to us, and that we update the information and judgment stemming from it with some regularity. This means that the type and degree of political disengagement licensed on this account will be limited. It will only be disengagement relative to that of those who see important things at stake in daily politics and think that things can be made appreciably better from where we are. It is *not* complete disengagement. In

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53 This raises a question about the epistemological requirements of this reflection—what kind of evidence is required and who is to judge? I take a lenient view of these kinds of things, seeing political information as cheap and plentiful and trustworthy proxies as a dime a dozen. The relevant epistemological test I take to be a simple conversation, as one might have when administering a political survey. I defend this view in the next chapter when I discuss epistemic worries about greater political inclusion.
this way, it respects individual judgment and the voluntariness of political participation as far as the democratic requirement of presence through cognitive engagement allows.

There is a related worry to that of the revolutionary that some individuals may wish to avoid democratic politics in order to avoid being complicit in injustices either committed by or embodied in existing governing institutions.\textsuperscript{54} This is an important question, but it finds no purchase at this stage of the argument. This is because all that democracy demands is that we consider whether, for instance, injustice is a problem, not that we actually dirty our hands by materially involving ourselves with politics. Democracy requires us to reflect, not to act, and therefore no actions that could be construed as complicity are demanded by democracy. That being said, later chapters will search for institutional strategies of promoting cognitive inclusion. The institutional arrangements explored later will aim to put pressure on individuals to engage in certain observable behaviors in order to spur cognitive engagement. I will be more concerned with the question of complicity in that discussion.

\textbf{4. The Priority of Inclusion: Why does democracy demand this of us?}

So far in this chapter, I have argued that democracy does indeed require the presence of all, that this presence must at least take the form of cognitive inclusion, and that this demand for cognitive inclusion is nonetheless compatible with a wide variety of cynical and apathetic views about democratic politics. In this final section, we consider the relative importance of cognitive inclusion as compared to other democratic values. Recall that ultimately we are interested in which values or goals should guide the design of democracy’s participatory regime. I argue in this section that inclusion should not be considered but one value among others in the democratic pantheon, but

\textsuperscript{54} This is one of Eric Beerbohm’s central concerns in \textit{In Our Name}. See Eric Beerbohm, \textit{In Our Name: The Ethics of Democracy} (Princeton: Princeton University Press, 2012).
rather the first such value and should therefore take priority in the design of democracy’s participatory regime.

This argument requires answers to two challenges. The first asks why we need to prioritize democratic values at all. We can have all manner of values together—political equality and stability, deliberation and rights protection, all alongside inclusion. There is no need to put some ahead of others as I do. Isn’t doing so to force a false choice? The second challenge asks how the priority of inclusion can be sustained. Why prioritize this particular value? Democratic theorists have recently been enamored of deliberation as the most central democratic value. Is this not a better focus, and perhaps one that encompasses inclusion?

4.1. The Need to Prioritize Democratic Values

Two points answer the first question of why we should prioritize values, one addressing practical politics and the other about complexity. Firstly, prioritizing values is essential when we are interested in institutional design since institutional design is about how we would like to remake the actual political world. It is a practical endeavor that must engage with political realities. One of these realities is that the taste for political reform on the part of the public is finite, as are the resources and energies of democratic reformers. It is therefore essential to identify the right priorities so as to spend those limited resources in the most effective and justified way.

Secondly, any attempt to theorize about all democratic values at once with an eye to designing the entire participatory regime—to say nothing of the regime as a whole, which is the target of deliberative systems theorists—is to take on too large and complex a task. Even limited to the subject of democracy, normative theory is extraordinarily complex and institutional design is

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55 Embracing and advancing all democratic values is partly the point of the deliberative systems approach recently advanced by an impressive group of democratic theorists. See John Parkinson and Jane Mansbridge, eds., Deliberative Systems: Deliberative Democracy at the Large Scale (New York: Cambridge University Press, 2012).
little better. Doing both simultaneously incurs a heavy analytical and argumentative burden. I must admit to having a bit of Austrian doubt about our ability to adequately treat such complexity at the level expected of good normative theorizing and institutional design. My approach is instead to focus on one uniquely important value and seek an arrangement of participatory institutions which promotes it. This approach caps the complexity of the task on the side of normative theory by foregoing a holistic theory of democracy, and caps that on the side of design by focusing on the regime of participatory institutions rather than the regime as a whole. The aim on the normative side is to reduce the dimensionality involved in producing a holistic democratic theory by instead focusing on a value of sufficient importance that its promotion through institutions should take precedence in democratic reform. The aim on the institutional side is to bypass institutions that have received extensive design consideration such as courts and legislatures and whose internal workings have little to do with the daily experience of democratic citizenship—and so have little direct impact on inclusion—in favor of institutions of mass participation.

Thus, we should not be afraid to prioritize democratic values because the taste and resources for reform are limited and should be put to the best possible use. Moreover, a refusal to prioritize sets up an unnecessarily arduous and demanding task which requires a complete theory of democracy as well as a fully worked out account of institutions recommended by that theory. One way to get around this task is to forsake the goal of a complete theory or ideal and focus on what is most essential to democracy or to what is most common to different democratic theories. What emerges is admittedly a very partial and incomplete picture of the democratic good, yet if it does capture something essential or otherwise agreed upon, it can still justifiably guide institutional design.

4.2. The Priority of Inclusion: Essence of the Democratic Idea
So if prioritizing democratic values is not intrinsically objectionable, why does inclusion deserve this priority? It deserves special priority because of its unique importance within different democratic ideals and because of its commonality to different democratic theories. These features of inclusion ground its priority even if we look at it from different degrees of abstraction and skepticism.

On the highest level of abstraction, the fact that inclusion is an essential part of every account of the democratic good suggests that is essential to the basic idea of democracy. This was suggested by the argument in Section 1. There I appealed to four popular accounts of the democratic good which between them correspond to many of the most prominent democratic theories today. It turns out that all of these theories require inclusion, through the political presence of all. It isn’t just that inclusion is helpful to or can promote those goods along with other things. It is rather that inclusion is absolutely essential to each of them. Self-government is impossible in the face of some people being absent from politics because it destroys reciprocal relations of co-rule and because it blocks everyone from enjoying the benefits of participation. Equality is self-contradictory without inclusion established beforehand. Even the more instrumental goods of rights protection and stability are internally committed to inclusion. Rights protection is inconceivable without vigilance and vigilance requires our presence, just as robust stability in contemporary circumstances requires that all of us have our needs and problems considered when making collective decisions. Stability with exclusion is always temporary and often an illusion, as when it is underwritten by the low-level instability that constitutes oppression. The uniform importance that inclusion enjoys in these accounts of democracy’s value—accounts which otherwise disagree about many things—suggests that inclusion taps the essence of the democratic idea.
This can also be seen if we consider that inclusion is the key to the democratic credentials of deliberation, which probably constitutes the most popular theory of democratic legitimacy today. Deliberation tends to be seen as encompassing a number of distinct values including collective self-government and political equality, yet if we take away the inclusiveness of a deliberative process, we are left with no reason to call that process democratic. It might have any number of other merits—it might generate better decisions, or aggregate more information, or consider a wider array of considerations and viewpoints, and so have a claim to greater epistemic quality, or it might offer an effective forum for generating solidarity, or clarifying social and political conflicts, or reconcile conflicting interests, etc.—but it will not be a democratic process without being inclusive. This provides another piece of evidence that inclusion is the key to democratic legitimacy and fundamental to the democratic idea as such.

First consider whether a process of deliberation that was not inclusive could retain its democratic credentials. It is difficult to think how it could. The democratic credentials of a decision made by experts or by a bureaucracy, for instance, are based on the experts or bureaucracy being previously empowered by and held accountable to an inclusively-elected legislature. Even deliberation of the utmost civility, impeccable reasoning, open-mindedness and so forth that takes place in the context of an oligarchical assembly yet remains no more than oligarchical deliberation. No feature tending to its deliberative quality will lend this process a democratic pedigree short of effective inclusivity. This intuition seems to be widely shared since inclusion is universally accepted as a necessary condition of democratic deliberation.

Yet properly conceived, we can see that inclusion is not just necessary but is also sufficient to a decision making process possessing a claim to democratic legitimacy. To see this, consider whether
a process that was inclusive in the sense of effective inclusion could lack democratic credentials, even if it were not deliberative. It is difficult to see how it could. If the demos is meaningfully present to rule, then there is a strong claim to democratic legitimacy. This is why free and fair elections, for all their ostensible defects both deliberative and otherwise, retain an unimpeachable democratic character. I posit that this is because any inclusive decision making process is fundamentally democratic. In sum, deliberation might still have many virtues without inclusion. It might improve decisions by some epistemic standard, or generate respect or solidarity among citizens, or simply clarify political conflicts. None of these virtues is impugned by granting the point that inclusion is the key to democratic legitimacy.\textsuperscript{56} The primary effect of recognizing this point is a further reason to think that inclusion constitutes something like the normative core of the democratic idea.

Ancient Athens serves as a good final illustration of this point. It might be thought that putting inclusion at the heart of democracy serves to disqualify Athens as a democracy due to its exclusion of slaves, women, and metics who together made up the vast majority of Athenian society. Doing so may seem to discredit the centrality of inclusion to democracy, since Athens is held up as an exemplar of democracy down to the present day. Yet this is confused. We praise Athens as a democracy precisely because of the inclusivity of its institutions, yet withhold an all-things-considered judgment of the regime as democratically legitimate because this institutional inclusivity was limited to a small group of male citizens. Its institutions were inclusive relative to the citizen population, making it democratic in a narrow and relative sense. But its definition of the citizen population was unjustly restrictive. This point says all that needs to be said about Athens and

\textsuperscript{56} Nor is it to deny that there can be legitimate decision making procedures that are not inclusive, nor that democratically legitimate decisions might be illegitimate all things considered. The claim is that there cannot be democratically legitimate decisions without inclusion and that any decisions made in an effectively inclusive manner have a good claim to democratic legitimacy.
inclusion. It so happens that the inclusivity of institutions tends to preoccupy reflection about Athens in the democratic imagination. Yet no serious democrat forgets that the citizen population of Athens was limited in unjustified ways, and so that Athens does indeed fail the most basic intuitive test of democracy.

4.3. The Priority of Inclusion: Commonality

Even if this argument is wrong about the abstract centrality of inclusion to the idea of democracy, inclusion may still be affirmed as a priority because it constitutes a fundamental common ground between different democratic theories. This commonality, amply demonstrated above, supplies three independent reasons to prioritize inclusion, each of which appeals to a progressively lower level of abstraction. The first is that the bare fact of commonality yields a unique claim to democratic value. According to fundamental intuitions of democratic legitimacy, principles which command wider support are more legitimate because they more nearly attain the goal of unanimous consent. We can think about the value of commonality in the context of democratic theory by imagining “a sort of second-order assembly of democrats, of varying theoretical views, who vote upon proposals according to whether the suggested innovations promote their preferred, particular version of democratic theory.”

Values or proposals for institutional design passed by larger majorities of such an assembly are more democratically legitimate. This is the same idea found in John Rawls’ notion of overlapping consensus. According to the arguments above, inclusion would be passed by such an assembly all but unanimously, and so should command priority by dint of this agreement.

The second reason to prioritize inclusion due to its commonality is because the mode of argument it implies—one that appeals to multiple schools of democratic thought to advance the

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argument—is uniquely well suited to democratic conditions of plurality and multi-vocality. Political theorists have recognized since Aristotle that all regimes necessarily contain a plurality of voices. Modern democracies reverse the historical tendency to suppress many of these voices in favor of an authoritative truth of one kind or another. Democracies instead institutionalize plurality through guarantees of free speech and protections for political opposition. It seems to me that democratic theory can and should at least sometimes do the same. It would do so though a commitment to finding the common core of varied democratic views, as I have tried to do with inclusion. This approach is most promising when the discussion aims to influence institutional design or to otherwise guide action in democratic politics, as is the aim here. This is due to the final reason commonality should push us to prioritize inclusion.

Descending now to the lowest level of abstraction, the commonality of inclusion allows it to be settled upon by different sorts of democrats as an intermediate principle of institutional design and a practical basis for actual reform. Democrats disagree about many things in politics, guided by their ideas of the democratic good. I have made a case that inclusion should not so divide democrats. By recognizing inclusion as an intermediate principle of institutional design rather than a fundamental principle of democratic theory, we open the widest door possible to building up support for inclusive institutional reform. This is a benefit of appealing only to the commonality of the idea, rather than to its substantive importance (though its substantive importance has been amply demonstrated above). The narrower the theoretical path to practical action, the fewer people are likely to follow it. The broad appeal of inclusion charts the widest path possible, and so should constitute a practical priority for reform-minded democrats.
Despite the wide agreement about inclusion, this does not render it banal. Rather, it retains significant critical force in at least two respects. The first way comes from the fact that universal cognitive inclusion does not obtain in any democratic polity, nor is it even currently a goal of efforts at democratic reform. To the contrary, in the US—the setting with which I am mainly concerned—there has arisen a new thinly-veiled partisan push to discourage electoral participation by political opponents. This alarming development requires a sharp reminder of why such efforts are entirely anti-democratic, in the sense that virtually no democratic theory can lend support to such efforts. Moreover, most recent reform efforts in academic circles have been focused on shifting the locus and mode of participation toward deliberative forums and mini-publics. On my account, this constitutes a serious mistake regarding the priorities of democratic reform, and I shall have more to say about it in later chapters. For now, we can see that inclusion retains critical force against exclusionary policies and misguided reform efforts.

The second critical implication of inclusion cuts against both excessively apolitical and excessively politicizing strains of democratic theory. Some types of democratic theory cannot abide apoliticality in the form of cynicism or apathy at all for some of the sorts of reasons I discuss above regarding self-government and surveillance. Where my account innovates is in pointing to the massively important and yet practically ambiguous role of cognitive inclusion. It is ambiguous from the perspective of participatory democrats because it does not guarantee the sort of observable participation such democrats traditionally champion, though it makes it more likely, as I argued in Section 4 of Chapter 2. In embracing this ambiguity, it opens a space for the kind of relative and periodic cynicism and apathy discussed in Section 3 above. Inclusion also involves a critique of democratic minimalists of various stripes for thinking that the defensibility of certain forms of
apoliticality means that democracy does not rightly demand some degree of political engagement. This is just to say that the basic demands of democratic government probably do not go as far as the most demanding participatory accounts of democracy suggest, but they do go further than most democratic minimalists are usually prepared to admit because they include more widespread political engagement than minimalists are usually prepared to accept.

5. Conclusion

It is often thought that the attraction of inclusion depends mostly or entirely on considerations of political equality. Having registered my doubts about this idea in Section 1 of Chapter 2, I hope to have shown in this chapter that inclusion's value extends far beyond this traditional understanding. Inclusion is individually prudent for anyone who wants to protect their rights and interests or who cares about political stability, in addition to egalitarians. Inclusion is also vital for any plausible ideal of collective self-government, particularly if we care about preserving the gains of social cooperation.

I have argued that democracy demands the presence of all citizens and that the form this presence should take is cognitive inclusion. I have also argued that this demand for inclusion paradoxically opens the door to a type of cynical or apathetic disengagement from politics which is the product of a reflective judgment about the worthiness of politics and political activity. So long as such disengagement is not complete and the judgment of politics’ undesirability is regularly updated with new information, there is room in democracy for the political estrangement of cynicism and apathy. Finally, I argued that inclusion should take priority in the design of participatory institutions because it is core to the basic idea of democracy and because all major democratic theories afford it special importance, lending it both a principled and pragmatic value.
The implication of this argument is that the demand for inclusion, like the participatory dilemma and the problem of biased self-selection discussed in Chapter 2, cannot be evaded by emphasizing other democratic values. Inclusion enjoys a priority among democratic values. It is imperative that it be realized, and that it should do so in the form of cognitive inclusion. This implies that the participatory institutions of democracy, through which individuals interact with the state and the wider political world, should be ordered so as to promote universal cognitive inclusion. The discussion will therefore soon turn to consider how best to arrange democratic participatory regimes to promote cognitive inclusion. Before doing so, however, there is one final theoretical ground from which to cast doubt on the priority of inclusion and political presence: epistemic democracy.
Chapter 4: Epistemic Worries Allayed

In the last chapter, I spoke of cognitive inclusion as the essence of the democratic idea and of what is most fundamental to democracy. My purpose in doing so is to insist that cognitive inclusion constitutes the fundamental basis of democratic flourishing and even of democratic legitimacy. But in so doing I do not claim that democratic legitimacy is the only way to legitimate political decisions or regimes. That claim—that democratic legitimacy is the only source of legitimacy—is exclusivist and one to which I am agnostic. This is because there may be an independent basis of legitimacy that comes from embodying or attaining truth, adequately specified. This is the thesis explored in the developing literature on epistemic democracy.

For our purposes, the defining characteristic of an epistemic view of democracy is its theory of legitimacy. Rather than positing that political legitimacy stems from the influence the people have over collective decisions and government, the epistemic account connects legitimacy with truth, often in the form of an instrumentalist concern for the quality of policy or governing outcomes. A state is legitimate insofar as its institutions deliver policy in line with truth or goodness on average.¹

¹ The strictest type of epistemic legitimacy is what David Estlund calls correctness theory, in which the legitimacy of individual authoritative decisions is dependent upon their quality. Estlund rejects this model for its implausible anarchic consequences and instead advances the model discussed in the main text, termed “epistemic proceduralism,” in which decisions are
This chapter addresses a worry about political presence and inclusion arising from this epistemic criterion of legitimacy. This is the worry that including more people in politics may degrade the quality of democratic decisions by soliciting the input of foolish or poorly informed individuals. Politics, even democratic politics, is better without such people, according to this view. As such, inclusion is only valuable up to the point that it brings this sort of citizen into politics. The sentiment is familiar and represents one of the most common objections to expanding political inclusion as well as perhaps the canonical objection to mandatory voting, which is argued for in Chapter 6. I address this argument through consideration of evidence regarding how well inclusive mass publics perform epistemically and find that there is little evidence supporting it.

It is important that this not be a straw man argument, since many epistemic democrats would contest that their conception of legitimacy leads to this worry about inclusion. Indeed, the actual arguments of epistemic democrats are meant to show that a widely inclusive democratic politics is to be preferred to government by an exclusive class of knowledgeable 'epistocrats.' Yet political commentators and even philosophers have taken the position that democracies which get the right answer might need some citizens to stay out of politics. Philosopher Jason Brennan has applied an epistemic framework to the “ethics of voting” and reached strongly exclusionary conclusions. Brennan focuses on voting as an exercise of power over other citizens. Because voting is not properly conceived of as a private act because it impacts others, Brennan thinks we have an obligation to only vote if we are sufficiently well informed to identify the common good and cast a vote that furthers it. If we do not know the common good or how to promote it through voting, we have a moral

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obligation to refrain from voting. To do otherwise would be to “pollute” the electoral process with our ignorant vote.\(^3\) It goes without saying that the electoral process would be better off without such pollution. The ultimate implication is that elections and democracy are better off if those who cannot identify the common good exclude themselves from participation.\(^4\)

The two ambitions of this chapter are humble. I first aim to show that the evidence often given to denigrate the epistemic quality of mass publics is far less robust than is usually understood. I assess five species of claims about the poverty of mass political competence and find that the evidence for them is substantially weaker than anyone wishing to make such claims would like. Supplementing this mostly negative case, I also make a positive epistemic argument for universal political inclusion. While epistemic democrats are anxious to show the merits of mass political engagement, the universality of political inclusion is rarely discussed. Epistemic accounts are generally (and understandably) more interested in establishing democracy’s basic epistemic promise. I argue that the most proven and powerful epistemic mechanism, cognitive and experiential diversity, implies not just inclusion but universal inclusion.

This argument contributes an often absent empirical perspective to the epistemic democracy debate as well as a more optimistic view regarding democratic competence than is often found in the long-standing democratic competence literature within the study of public opinion and American politics. From its inception, the epistemic democracy literature has been concerned to rebut the challenge set for democracy by social choice theory, particularly through the work of Kenneth Arrow.\(^5\) I discuss that challenge as interpreted by William Riker below. The methodology of social

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\(^3\) Brennan, *The Ethics of Voting.*


choice theory tends to be highly technical and formalistic, relying upon logical or mathematical deduction from a few basic assumptions about the behavior of rational actors. A great deal of work in epistemic democracy has sought to answer Arrow’s challenge within more or less the same social choice framework, focusing most centrally on the Condorcet jury theorem and to some extent also on Bayesian probability theory. Relying upon such formal mechanisms makes some sense because it constitutes answering Arrow’s challenge in the same terms in which it is offered. Yet this approach neglects the vast body of empirical evidence gathered by political scientists, particularly those studying public opinion and American politics, in the course of a nearly seventy year long (and still going!) debate about democratic competence. This literature provides another approach epistemic democrats might take to establish the epistemic bona fides of the public based on the interpretation of empirical evidence. With few exceptions, this approach has attracted no attention in the epistemic democracy literature. This chapter supplements the mostly formal and abstract approach of the epistemic democracy debate with empirical insights from the democratic competence literature.

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7 Goodin, *Reflective Democracy*, Ch. 6. Other responses to Arrow that have not been emphasized in the epistemic democracy literature but feature prominently in wider debates in political science include the important issue of how institutions structure choices to generate majorities, as in structure-induced equilibria. See e.g. Kenneth A. Shepsle and Barry R. Weingast, "Structure-Induced Equilibrium and Legislative Choice," *Public Choice* 37(1981); John H. Aldrich, *Why Parties? The Origin and Transformation of Political Parties in America* (Chicago: University of Chicago Press, 1995), 39-45.

8 This approach is explicitly eschewed by Hélène Landemore in her recent examination of mechanisms of democratic reason. This seems odd since her aim—to demonstrate how collective intelligence emerges from “the input of not-so-smart citizens”—seems to leave wide space for such an empirical investigation and indeed, may even require it. See Landemore, *Democratic Reason*, 49-50.

9 Two chapters authored by Gerry Mackie and Bryan Caplan respectively in a recent collection of essays on epistemic democracy are the sole exception I have found. See Hélène Landemore and Jon Elster, eds., *Collective Wisdom: Principles and Mechanisms* (New York: Cambridge University Press, 2012), Chs. 12-3.
Specifically, I cast doubt on the negative estimation many casual readers of this literature come away with regarding the epistemic ability of mass publics.

This promotion of skepticism also constitutes my argument’s primary contribution to the democratic competence literature. There is a wide ranging debate within this literature regarding the degree, scope, and nature of the public’s wisdom, as well as its implications for politics. My reading of this literature puts me closer to the strand of the debate characterized by more optimistic assessments of the public’s competence. But I readily admit that this is not the consensus view by any stretch of the imagination—it might not even be the majority position. I leverage the existing evidence to suggest to the contrary of authors like Ilya Somin and Bryan Caplan that skepticism of skepticism about democratic competence is the appropriate attitude. That is, I argue that the evidence marshaled to prove the epistemic inability of the public generally fails to do so and therefore an attitude of skepticism about such claims is warranted by an appropriately critical assessment of the evidence. This is admittedly not the same thing as instilling confidence in the epistemic abilities of the public, but it does help undercut the sometimes glibly made assertion that mass political ignorance is as rock-solid a finding as there is in social science.

The argument of the chapter proceeds as follows. In the first five sections, the discussion moves from the most serious accusations of straightforward irrationality by the democratic public to those which merely allege ill-informedness. It concludes by defending the promise of cues and information shortcuts for helping information-poor citizens to make reasonably wise political

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10 For a recent survey in a similar vein, see Martin Gilens, Affluence and Influence: Economic Inequality and Political Power in America (Princeton: Princeton University Press, 2012), Ch. 1. Gilens discusses several topics that I do not and makes a more ‘positive’ argument in favor of democratic competence than the negative approach taken here that urges skepticism regarding claims that the public is incompetent.

11 Because the aim of the argument is to largely promote skepticism about democratic incompetence, I leave many important questions about the ‘positive’ nature of democratic competence unaddressed in what follows. This includes questions about the conditions under which the public is likely to be most competent, on what sorts of issues it is likely to be most capable, and similar questions of the endogeneity of competence.
decisions. These sections comprise the negative portion of the argument, which defuses the claims made by critics of democratic competence. The sixth section makes a positive case for inclusion on epistemic grounds. The final section concludes that inclusion can be achieved without the cost of uniquely terrible policy making and may indeed contribute to better political decision making.

1. Riker and Irrationality

One of the most serious accusations against the competence of mass publics, and one striking at the most basic requirements of rationality, is found in William Riker’s interpretation of Kenneth Arrow’s possibility theorem. Arrow famously proved that no social choice mechanism exists that can reliably aggregate individual preferences rationally and also meet a few minimal conditions of fairness. Riker interprets Arrow’s theorem as a fatal indictment of what he calls “populist democracy,” or government in which law and policy is simply what the people as a corporate entity want. This is because, on Riker’s interpretation, Arrow’s theorem demonstrates that we cannot have confidence that voting reveals what the people want. The outcome of any social choice mechanism could be nothing but a meaningless artifact of cycling or manipulation. It would therefore be irrational. On Riker’s account, Arrow’s theorem impugns the competence of mass publics because even though it assumes perfectly competent individuals, it argues that they are incompetent as a mass public to make collective decisions because there exists no mechanism to reliably and meaningfully aggregate their preferences—irrationality is an ever-present danger. Put another way, Arrow’s results cast doubt on the quality of democratic decisions, which implies a denial of collective competence even if individuals are well informed and fully rational.

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The possibility theorem and Riker’s interpretation of it trigger worries about inclusion because among the fairness conditions of the theorem is that of Unrestricted Domain (the U condition), requiring that all preference profiles be admitted to the social choice mechanism. The U condition is a stringent inclusion requirement meant to allow anyone with any sort of preferences to contribute to making the social choice. Because of the U condition, inclusion is therefore an essential contributing factor to Arrow’s results and Riker’s interpretative conclusions.

With this appreciation of the challenge posed by Riker, we can now consider why the challenge fails to materialize. Of the many problems with Riker’s argument, I discuss only two. Firstly, it is unclear that occasional irrationality is a fatal problem for even the implausibly minimal form of “populist” democracy he posits. One of the main lines of response to Arrow’s conclusions has been that the degree of irrationality is partly a function of the multidimensionality of political preferences and so can be reduced by political institutions like voting rules and parties, as well as ideologies, political socialization, and public discussion which can serve to structure the space of political contestation.\textsuperscript{14} Parties and ideologies structure preferences by organizing them into (more or less) coherent bundles, while voting rules, socialization, and discussion do so by narrowing the agenda. This organization serves to simplify the political world and thereby reduces the chance that a decision procedure generates a random result. Since such institutions are endemic to politics, we can probably dismiss worries about the kind of truly pervasive irrationality to which completely unstructured preferences could give rise.\textsuperscript{15}


\textsuperscript{15} If we assume that individual preferences are well structured in the sense of being single-peaked, Black’s theorem dictates that majority rule will reliably track the preferences of the median voter and will not therefore be random in any sense. See Duncan Black, "On the Rationale of Group Decision-Making," Journal of Political Economy 56, no. 1 (1948). I am indebted to Andrew Guess for this point.
Yet the only way to assess this is in terms of the failure rate of some alternative. The only alternative considered by Riker is what he calls “liberal democracy,” which is centrally characterized by the periodic election of representatives. He thinks liberal democracy is substantially more tolerant of collective irrationality than populist democracy, and this constitutes his main reason for preferring liberal democracy. However, Riker thinks liberal democracy can function with relatively high levels of collective irrationality because he holds liberal democracy to a lower standard than populist democracy. Riker claims that all that is required by liberal democracy is the possibility of removing bad representatives—it does not even require the retention of good ones.\textsuperscript{16} Populist democracy, on the other hand, requires that every government decision reflect a coherent social choice.\textsuperscript{17} Clearly, these two visions of democracy are being held to different standards. But is doing so plausible? It doesn’t seem so, since we might ask whether populist democracy could be interpreted to only require the possibility of meaningful self-government. An adequately realistic version of Riker’s populist democrat could accept occasional irrationality as the cost of achieving the very great good of collective self-government in those instances where the collective will is well-specified. Thus if an unreliable check on tyrants is the best liberal democracy can do, then there is little reason to prefer it to an unreliable mechanism of collective self-government. In both cases, a substantial share of decisions remains essentially random. And if that’s the case, it is far from obvious why we should view the occasional acts of rational social choice as being targeted at removing tyrants rather than as exercises in self-government.

Moreover—and here we move to the second reason against Riker’s argument—it seems that there is little empirical reason to worry about the possibility of collective irrationality pressed by

\textsuperscript{17} “Social Choice and Democracy,” 179.
Riker. Gerry Mackie has attempted to find evidence of the sorts of cycling and manipulation that Riker and Arrow’s arguments predict in the history of political decision making. Aside from a handful of trivial examples, Mackie finds no empirical basis for the worries predicted by Riker and Arrow. It seems that in practice, democracies are simply not as prone to irrationality as what is formally possible.

Here we might question the relevance of empirical findings. That we have not detected empirical instances of cycling or manipulation as predicted by Arrow and Riker may not embarrass those who generally favor a formal approach to studying institutional possibilities. Perhaps a formal approach is better because it is not held hostage to measurement problems or historical accidents that may skew the findings. This sentiment reflects an understandable desire for the kind of certainty that we might expect from more exclusively logical and mathematically inflected methodologies. It is, as mentioned above, the primary approach taken to establish the epistemic merits of democracy. But the ultimate question with formal methodologies is how well they predict the actual behavior of the agents they model. And this is precisely the question addressed by Mackie, to which he answers ‘not at all well’ with respect to the formal predictions of Arrow and Riker.

2. Non-attitudes and Attitude Stability

The next most serious charge against the capacity of the democratic public is that many citizens have only thoughtless ‘non-attitudes’ about most public issues as revealed by the fact that they exhibit no stability in their responses to the same survey questions over time. The implication of response instability and non-attitudes is akin to that of Riker’s argument—that democratic decisions are often likely to be random and irrational (though for very different reasons as we shall see). Much has been made of such response instability, but there are at least four reasons not to worry about it: 1)

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A sophisticated understanding of the survey response suggests an alternative interpretation of changing responses; 2) truly random non-responses would cancel out in the aggregate; 3) improved measurement methodology eliminates evidence of response instability; and 4) salience is a vital intervening variable for the public to have sensible attitudes on political questions.

Response instability can be traced back to the early work of the Michigan school of public opinion research, and above all to that of Philip Converse. In a number of seminal works beginning in the early 1960s, these scholars sought to understand how the average citizen conceives of politics and the political world using in-depth survey evidence. What they found was that different segments of the population conceive of politics in radically different ways. Some people understand politics by way of partisan ideologies while others think about it in terms of group affinity or even in terms of the “spirit of the times.” Converse and his colleagues suggest that these ways of thinking about politics can be ordered hierarchically, giving rise to their terminology of “levels of conceptualization.”

As they arrange the levels of conceptualization, we find a small group of ideologues and near ideologues at the top, indicating the most sophisticated type of conceptualization, followed by the almost half of the population that comprises group-interest thinkers, then spirit of the times thinkers comprising about a quarter and finally to those whose attitudes toward politics have no substantive content at a bit less than a quarter of the population.

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20 Eric R. A. N. Smith dismisses the idea of levels of conceptualization as a methodological artifact, while Robert Lane decries the idea’s substantive importance due to the fact that individuals may have good reasons not to think in terms of elite ideologies because ideologies lack logical cohesion and are of dubious value as economizers of thinking, and instead to turn to recognizable elements of the world they know to organize their ideas. See Eric R. A. N. Smith, *The Unchanging American Voter* (Berkeley: University of California Press, 1989), Ch. 1; Robert E. Lane, "Patterns of Political Belief," in *Handbook of Political Psychology*, ed. Jeanne N. Knutson (San Francisco: Jossey-Bass, 1973), 98ff.

21 Campbell et al., *The American Voter*, 249.
The levels of conceptualization posited by Converse and his co-authors are an attempt to understand the nature of political thinking in the mass public. They give the benefit of the doubt to their subjects in seeking for levels of ideological thinking, but still find low levels of such thinking. Response instability emerges from the next step of this inquiry, as pursued by Converse. It might be, he argues, that people do not engage in ideological thinking as political elites conceive of it, but do have idiosyncratic political belief systems that provide a guide for ‘what goes with what’ in organizing the ideas of the political world. Such idiosyncratic ideologies should feature unconventional but stable arrangements of issue positions, so Converse tests for them by looking for stable patterns of response to issue questions.

Unfortunately for this optimistic line of argument, Converse finds little stability in subjects’ responses over time. At \( t_1 \), they respond in one way, at \( t_2 \) another, and at \( t_3 \) yet another or had returned to the response at \( t_1 \). This pattern suggests to Converse that individuals respond essentially at random to many survey questions. This inference leads him to reject the hypothesis that most citizens have idiosyncratic ideologies in favor of the view that they have no sensible ideological constraint on their political thought at all. Because of the seeming randomness of the responses, Converse goes further and concludes that many survey responses in fact constitute non-attitudes, or essentially random responses which do not correspond to any substantive thought or belief on the part of respondents. Converse mooted his famous ‘Black-White’ model of the public’s political sophistication in response to this conclusion, positing that most people do not possess real opinions on most public issues and so provide only random responses on surveys while a smaller, more ideologically sophisticated core of citizens have stable opinions that essentially never change.
It is difficult to overstate the influence that the work of Converse and his colleagues has had on the study of American politics, and of democratic publics more generally. The pessimism of their conclusions has come to define one side of the debate that continues to this day about the competence of democratic publics and much of which constitutes the substance of this chapter. For now, we concentrate on the specific claim that response instability on surveys denotes the existence of non-attitudes and so opens the door to random or irrational democratic decisions.

Accepting for the moment the validity of Converse’s observations, John Zaller’s RAS model of the survey response offers an alternative explanation of the observed instability. Zaller argues that individuals are naturally exposed to a large number of considerations about political issues. Some fraction of these considerations enters individuals’ awareness and so become available to draw upon when deliberating about the issue upon which the consideration bears. When individuals are asked about the issue on a survey, they average across the considerations immediately available to their minds—which will usually only be a subset of all the considerations they have heard—and offer the result on the survey.22 Conceived of this way, it is not difficult to see why individuals might change their opinion on a political issue over some stretch of time. Issues are asked about on surveys because they are controversial, implying that there are considerations telling on different sides of the issues. Many individuals may understandably find themselves moved by considerations from differing sides of an issue23 and so, when surveyed at several points over a span of time, would be expected to offer different responses as contrasting considerations become salient because of new events or the individual’s reflection.

Though Zaller himself interprets the implications of the RAS model much more pessimistically than I do, the RAS model nevertheless presents an alternative explanation for response instability in a way that does not imply that the responses are devoid of substantive content as in non-responses. The instability may simply reflect the difficulty of many public issues, especially for those exposed and sensitive to contrasting considerations.

Another argument that reduces worries about response instability and non-attitudes is that they can be expected to effectively cancel out in the aggregate. Both response instability and non-attitudes are strictly speaking characteristics only of individuals, not groups. Turning analytical attention to aggregates of individuals, we would expect to find that the ‘errors’ represented by unstable non-attitudes disappear. If it is the case that most survey responses (or votes) are truly random but that a small group’s responses are informed and stable—as Converse’s Black-White theory implies—the ‘noise’ of random responses should cancel each other out in the aggregate, leaving only the ‘signal’ of the opinions of the informed, stable core. Vital to this point is that Converse’s specific thesis is that non-responses are truly random. This follows from the supposition that a great many citizens have no substantive content informing their political views—their responses are random because there is nothing for them to reflect. Assuming therefore that the non-attitude responses are truly random and so are not correlated with each other, the result of a poll or majority vote should reliably reflect the views of the informed subset of the population, just as if they

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were polled alone. This is an application of the familiar mechanism of the 'miracle of aggregation' by which groups made up of defective individuals perform better than the sum of their parts. It is essential to note, however, that the errors represented by random responses must be uncorrelated with each other. If they have any central tendency or bias, it would skew the outcome of votes in the direction of the bias, such that only a supermajority of the more informed would be able to sway the outcome, if even then. There is in fact evidence of systematic, non-random bias in political cognition, implying that at least some errors are indeed correlated. This should attenuate the confidence with which we rely upon aggregation to dismiss non-attitude based worries about randomness, but it should not eliminate it. So long as the argument is that survey responses (and, by extension, votes) reflect any random variation, there will be something to be said for error cancellation.

A more powerful reason to discount the worries arising from non-attitudes and response instability is that one can mostly eliminate response instability—and thus the primary evidence for non-attitudes—with adequate measurement. It appears that a great deal of response instability is caused by measurement error. Measurement error refers to a variety of problems with survey instruments, notably including basic coding errors, poorly worded questions, and inappropriate response categories. It might be, for instance, that politically sophisticated survey researchers end up asking about political issues using different terminology and concepts from those used by average citizens to think about the topic. This renders the questions unintelligible to respondents despite familiarity with the issue under a different name, as it were.


Disputes about measurement error in Converse’s data date back at least to the 1970s. More recent work has demonstrated that most people have stable political opinions when opinions are measured with a number of different survey instruments rather than a single item. When done this way, the large differences between the opinion stability of individuals with high and low levels of education or political information observed by Converse all but disappear. The response stability of individuals with low information or little education approximates that of individuals with more information and education on issues across the board, approaching even the stability of party identification, the benchmark of attitude stability in American public opinion research. The lesson is that single survey items are subject to substantially more measurement error than indexes made up of multiple measures, and so reliable measures of opinion should consist of such composite measures. One notable effect of this approach is that it requires the type of opinion measured to be somewhat more general than we are used to seeing in surveys or that on which Converse and others want to focus. Instead of opinion about the specific question of the government’s responsibility to provide jobs for everyone, for instance, we get estimates of opinion regarding the more general notion of the government’s proper role in the economy, or even the “public mood” measured along the general liberal-conservative dimension. Measured thusly, it seems that most individuals do in fact have settled opinions about politics, at least in terms of general ideology or mood, and are not nearly as likely to respond randomly in that respect to surveys as Converse supposed. Overall, the evidence of measurement error all but demolishes Converse’s original evidence for non-attitudes. Instability on

any one question is indeed possible, though perhaps for understandable reasons related to the complexity of political issues, but when you base a measurement of rational consistency or ideological constraint on a number of questions, then the level of instability drops precipitously. To a large extent, response instability is an artifact of measurement error.

That being said, Converse’s evidence for non-attitudes based on response instability is not the only evidence for random non-attitudes in the public. George F. Bishop and various coauthors famously surveyed individuals about the non-existent 1975 Public Affairs Act with the following question: “Some people say that the 1975 Public Affairs Act should be repealed. Do you agree or disagree with the idea that the 1975 Public Affairs Act should be repealed?”32 Despite the fact that this legislation is entirely fictitious, about a third of the sample gave a substantive reply, with 15.6 percent agreeing and 17.6 percent disagreeing, while two thirds volunteered that they didn’t know.33 Notably, different variations of the question that included filtering questions such as “do you have an opinion about this or not” elicited markedly fewer such responses, getting substantive replies of at most 7.8 percent, and as low as 4.5 percent. Between 76.6 and 85.8 percent of those asked such filtering questions said they did not know enough to have an opinion. An additional 9.7 to 16 percent volunteered that they did not know enough to answer after the substantive agree-disagree question was asked. We can nonetheless accept for the sake of argument that Bishop and his coauthors have provided evidence that non-attitudes do indeed exist in not insignificant numbers, despite the fact that there is a substantial difference between a third and 4 to 8 percent of the population offering such responses and setting aside questions about the external validity of this finding.

It is clearly the case that some individuals do not have sensible opinions about many issues. What, for instance, do average citizens think about the legal requirement that the Post Office pre-fund the health benefits of its future retirees? There is little reason to expect the public to hold sensible attitudes about such obscure matters (or at least not until they become publicly salient). The substantive significance of Bishop et al.’s findings is captured well by a quip from Adam Berinsky that people do have real attitudes about public issues, but they will answer any question you ask of them. That is, people generally possess meaningful attitudes, but they will also answer a question without knowing anything about it, or even a question about non-existent issues. The intervening variable that allows for both of these seemingly contradictory statements to be true is salience. Salience is an essential dimension of citizen competence because we can trust citizens to have sensible opinions about issues that have received substantial consideration by elected officials and media sources but probably not issues that do not exhibit such sustained public salience. The implication of this is that the most important questions, as judged by the amount of attention they garner from elected officials and media sources and their longevity on the political agenda, should also be the ones on which the public in the aggregate is most likely to have stable and sensible opinions. This is precisely the pattern observed by survey researchers.\(^3^4\)

This section has focused on response instability and non-attitudes as indicators of democratic competence, and has argued that there is no basis in these ideas or the evidence for them that need create fear of catastrophe from inclusive democratic decision making. Response instability and non-attitudes are, however, characteristics of individuals, as discussed above, not of democratic mass publics themselves. It might be that although individuals have stable opinions about adequately

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\(^3^4\) See e.g. Page and Shapiro, *The Rational Public*. This is also consistent with Ansolabehere et al.’s findings about general opinion indexes outperforming single item measures because the more general subjects tapped by indexes often refer to very long standing political debates, such as the desirable scope of government services.
general and salient issues, aggregates are subject to different dynamics of passion and caprice which
open worries similar to those raised by response instability and non-attitudes. These worries are the
subject of the next section.

3. The Myth of the Capricious Public

Historically, the democratic public has been accused of being prone to fickle whims of
passion, whereby public opinion varies wildly for no good reason over short periods of time. This is
one of the most ancient objections to democracy, as any student of the history of political thought
knows, and presents virtually as damaging a picture of democratic performance as does Riker. Plato’s
picture of democracy and the democratic man is perhaps the most famous version of this view. Plato
argues that while democracy offers a vibrant array of lifestyles and a richly diverse society, it is based
on a rotten foundation of ignorance about what is best. Since democracy is based upon the equality of
all regardless of merit, it finds itself unable to distinguish between better and worse, between the
good and the evil. Consequently, democracy pursues whatever desire grips it in the moment,
indiscriminately seeking to fulfill as many of these often conflicting desires as possible. As a result,
the lives of democracies and of the democratic man are dissipated in pursuit of the latest desire,
which is dropped as soon as the next arises.35 Thus for Plato and those who followed his views about
democracy for the next two millennia, democracy is principally characterized as mercurial.36

This view of democracy enters contemporary discussions of democratic competence most
commonly by way of the Federalist Papers. There James Madison and Alexander Hamilton bring
canonical worries about the mercurial public into contact with modern questions of institutional

36 A much less prominent view sees the public as intransigent, not changing its opinions at all even in response to new events or
good reasons. Statements of this view can be found in Tocqueville and Walter Lippmann. See Tocqueville, Democracy in
view of reasonable change is meant to be a middle ground between these views and those of capricious change discussed in
the main text. Page and Shapiro, The Rational Public, 41-2.
design. How, they ask, can one build a government that truly represents the people without also being subject to the people’s whims? This is one of the central themes of the Federalist Papers, and it makes up part of their case for the need for political representation, the Electoral College, a strong executive, and the Senate. These elements of the federal constitution are explicitly defended in part as hedges against the whims of the masses.37

For instance, the famous “violence of faction” that Federalist No. 10 argues representation serves to “break and control” is in part a reference to the instability of “popular governments” run by average citizens. Federalist No. 63 argues for the Senate because it represents “the cool and deliberate sense of the community” as opposed to that of the people as a whole, who are often “stimulated by some irregular passion, or some illicit advantage, or misled by the artful misrepresentations of interested men, [and so] may call for measures which they themselves will afterwards be the most ready to lament and condemn.” Both Federalist Nos. 10 and 63 were written by Madison, but Hamilton is generally seen as one of the most elitist leaders of the American founding period. This can be seen in his famous speech at the June 18th meeting of the Constitutional Convention in 1787. In it, Hamilton argues that “the people are turbulent and changing; they seldom judge or determine right. Give, therefore, to the [propertied class] a distinct, permanent share in the government. They will check the unsteadiness of the [mass of the people]…” He goes on to argue that the people’s “turbulent and uncontroUling disposition requires checks” and that nothing but the permanent power of property “can check the imprudence of democracy.”38

37 See Federalist Papers Nos. 10, 49, 62, 63, 68, 71.
The dangers attendant to the kind of changeability diagnosed by Plato and the Federalists are legion. They notably include social instability, civil conflict, and regime collapse. But one worry of the Federalists in particular is worth emphasizing because it is more applicable to contemporary circumstances of social and constitutional stability. This is the worry that too “mutable policy…poisons the blessing of liberty itself” by destroying the fixity which is a prerequisite for the rule of law. “It will be of little avail to the people, that the laws are made by men of their own choice…if they be repealed or revised before they are promulgated, or undergo such incessant changes that no man, who knows what the law is to-day, can guess what it will be to-morrow. Law is defined to be a rule of action; but how can that be a rule, which is little known, and less fixed?” There is no rule of law where the law changes before we can even learn what it is. Though this point is made specifically to support the necessity of the Senate, the implication is clear; policy that changes with the turbulent winds of public opinion threatens a cornerstone of any legitimate government by making it impossible to so much as know what the law requires of us.

However august its pedigree, this ancient “myth of capricious change” has been essentially debunked. If Plato and the Federalists are right about the democratic public, as an empirical matter we would expect to see the opinions of the public with regard to important issues change dramatically, often for no good or discernible reason. Yet this is not the pattern we see, at least not among the most surveyed population in the world, the 20\textsuperscript{th} century American public.

In an exhaustive assessment of decades of public opinion polling and American political history, Benjamin Page and Robert Shapiro discover that public opinion at the aggregate level is generally stable on any particular issue except when new events or information intervene.\textsuperscript{39} Page and Shapiro reviewed all publicly available polling data from 1935 to 1990, sorting through more than

\textsuperscript{39} Page and Shapiro, \textit{The Rational Public}. 
10,000 policy preference questions to find those that were asked more than once with identical wording.\textsuperscript{40} Identically worded questions are important in order to control for question wording effects. They found 1,128 identically worded questions, of which 556 showed significant opinion change on the issue, defined as changes of 6\% or more. Yet among this sample, they “found no appreciable evidence of capricious, whimsical, or incomprehensible back-and-forth movements of public opinion.”\textsuperscript{41} Instead, public opinion tends to change in the direction one would expect given the content of new information, as when news of military losses in a conflict reduces political support for the conflict.

It is sometimes thought that routine polling data actually does confirm a mercurial public, but Page and Shapiro argue this is because of a focus on the wrong sort of indicator. These are generally survey items which reference a changing reality or “shifting referent,”\textsuperscript{42} about which we should expect opinion to change. Perhaps the most common survey item reported in the news media is presidential approval, which does indeed fluctuate markedly. But these fluctuations reference a changing reality in “the president’s ‘handling’ of his job, which may be outstanding one week and abysmal the next.”\textsuperscript{43} Similarly, questions about what the public thinks is the most important problem facing the country tend to elicit very different answers over time. But this is also to be expected of a changing reality, as new events draw new issues into prominence. Much the same thing can be said of questions that ask if the amount spent by government on some category of services is “too much,” “too little,” or “about right” since the level of spending changes year to year and because events may call into question the sufficiency or propriety of different categories of expenditure, as when an oil

\textsuperscript{40} The Rational Public, 43.
\textsuperscript{41} The Rational Public, 60.
\textsuperscript{42} The Rational Public, 58.
\textsuperscript{43} The Rational Public, 40.
spill underscores the need for greater spending on environmental protection. Another common sort of volatility can be found in assessments of candidates early in presidential campaigns. In the 2012 Republican primary, no less than five distinct candidates enjoyed a dramatic upsurge or “boomlet” in the polls which brought them into the lead (in order: Perry, Cain, Gingrich, Santorum, and Romney), yet support collapsed for all of them following media scrutiny within days or weeks except for the eventual nominee Romney. But this is not a mysterious process. Voters begin the campaign with very little information about candidates who are not familiar national figures, and so opinion about them can reasonably be expected to vary quite a lot as new information becomes available. John Sides and Lynn Vavreck call this the process of “Discovery, Scrutiny, and Decline” in primary elections. In sum, although some highly visible indicators of public sentiment feature variability, these examples cannot establish the capriciousness of the public because change is what we would expect given the dynamic character of the subject. When we attend to questions without these features, as in Page and Shapiro’s sample, stability or easily explainable change are the rule.

Though non-capriciousness is a low bar to meet, it seems that mass publics clear it. Further questions remain, however, about the informedness of voters.

4. The Mismeasurement of the Poorly Informed Citizen

Ordinary citizens are often accused of being poorly informed. Although the idea that the public is poorly informed is taken as a truism in some quarters of political science, I argue it is based on a surprisingly shaky empirical and interpretative foundation. The primary evidence for the poorly

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44 The Rational Public, 58-9.
46 Sides and Vavreck offer a compelling account of these “boomlets” in the 2012 Republican primary, analyzing both the polls and media coverage regarding each candidate’s rise and fall. See John Sides and Lynn Vavreck, The Gamble: Choice and Chance in the 2012 Presidential Election (Princeton: Princeton University Press, 2013), Ch. 3-4.
48 The Gamble, 41-5.
informed citizenry consists of surveys of factual information about politics. These surveys probe for information in much the way of a pop quiz and include questions like the following:

- “Will you tell me what the term veto means to you? For example, what does it mean when the president vetoes a bill sent him by Congress?”
- “Can you tell me who Ralph Nader is or what he does?”
- “Under the budget proposed by Paul Ryan, federal spending on everything other than Medicare and Social Security would decline over the next 20 years [by what percentage of GDP]?”

It is often argued that the facts making up these quizzes constitute a reasonable sample of the totality of political knowledge and are independently important to know for their own sake. Ignorance of the procedure for overriding a veto or the names of important public figures is said to be “usually symptomatic of a lack of knowledge about a broad range of political phenomena,” not just of the immediate topic. The implication is that the poor performance of many Americans on such quizzes indicates a larger lack of the contextual knowledge that is essential to the contemporary tasks of citizenship. (We will consider the tasks of citizenship more fully below).

By such measures, it is true that many ordinary citizens lack factual information about public affairs. One assessment drawing on 83 items from the 1988 and 1992 National Election Survey found that the average number correct was 28.6, with a median of 28. Less than 1 percent of the sample

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managed a score above 60, and the highest score was 78.\textsuperscript{54} Though it is often said on the basis of this sort of evidence that the ‘average citizen’ lacks political information, it turns out that the ‘average citizen’ is a mathematical illusion; survey researchers observe wide variation in levels of both general and issue-specific knowledge.\textsuperscript{55} Some of these researchers interpret their findings as revealing an essentially pyramidal distribution of information with a small group of highly informed citizens at the top and a larger group of relatively poorly informed citizens at the bottom,\textsuperscript{56} while others see something approaching a normal distribution with sizable groups of informed and uninformed citizens on either side of a larger, moderately well informed middle.\textsuperscript{57} On balance, however, many scholars conclude on a pessimistic note.\textsuperscript{58}

Although citizens do badly at answering factual political questions, the conclusions merited by this finding are surprisingly limited. Generally speaking, problems with the \textit{format, content, selection, and intertemporal comparability} of the items on these tests virtually destroy their utility as indicators of what we’re really interested in, which is citizen informedness. This is in part because traditional factual survey questions are not actually good measures of informedness. Just as good academic assessments do not rely entirely on multiple choice or fill-in-the-blank pop quizzes, good assessments of citizen knowledge require an open ended, discussion-based format that can access more of what people know. Knowledge quizzes are also all but irrelevant to citizen informedness because their content is not clearly related to accomplishing the normal tasks of citizenship. Many

\textsuperscript{54} “Is the Public’s Ignorance of Politics Trivial?,” 320.
\textsuperscript{56} Campbell et al., \textit{The American Voter}.
\textsuperscript{57} Delli Carpini and Keeter, \textit{What Americans Know About Politics}, 153-4.
knowledge quizzes instead reflect an elitist bias on the part of those who select the items on the test as to what it is necessary for citizens to know. This elitist selection bias renders a great deal of the questions which populate knowledge surveys totally uninformative about the level of essential knowledge of democratic publics. Lastly, even if knowledge quizzes were adequate measures of citizen knowledge at any given moment in time, the dynamic character of politics renders the political world too variable for valid intertemporal comparisons of the knowledge level of the public, rendering suspect claims about declining levels of political information or the incorrigibleness of low information levels.

Many scholars have objected to inferring ill-informedness on the basis of factual political questions because they resemble nothing so much as trivia tests. In fact, some survey items actually compare the task to that of contestants on game shows, informing respondents that "the next question is like a quiz show on television." But of what value is the ability to recall the proper names of political figures or specific GDP numbers so long as citizens can recognize candidates on the ballot and know something about them? Doris Graber argues that these sorts of questions fail to get at what voters know for at least two reasons. Firstly, voters do not habitually “memorize the factual details” of political debates, so quizzing them on such information fails to test for what they do know. The pop quiz format of free recall is also inappropriate because it fails to “tap more than a fraction of the knowledge that emerges when questions provide cues that assist in memory searches.” Graber argues that a better approach would rely upon open ended questions that allow citizens to report what they know. Even Philip Converse, who accepts the validity of factual questions as measures of

60 Page and Shapiro, *The Rational Public*, 12.
political knowledge,\textsuperscript{62} admits that individuals who fall into the bottom decile of such information tests “still may have a substantial level of apperceptions about the national political world, such that with proper interviewer probing they could talk nonrepetitiously about it for significant spans of time.”\textsuperscript{63} This suggests that in-depth interviews can elicit substantially more evidence of knowledge than traditional measures. None of this should come as a surprise to academics who, in their role as college-level teachers, tend to base assessment of their students’ knowledge not on quizzes of the type used in survey research, but rather by way of essays of various lengths and formats. In their own pedagogical practices, university-based researchers implicitly reject the validity of trivia quizzes as measures of what people know, as should we in assessing the informedness of democratic publics.

Even if knowledge quizzes were good measures of political information, it is far from obvious that the questions that populate these quizzes ask for the kind of information that average citizens ought to possess. Arthur Lupia argues persuasively that the content of most knowledge surveys is tainted by an elitist bias emphasizing information that is important to political experts of different kinds but not to average citizens. As he puts it, it would be embarrassing if a political science professor like him, with the unusual interests and obligations he has and who has published in law journals about issues of relevance to the Supreme Court, did not know the name of the Chief Justice. But people like him are unrepresentative of the general population, and it constitutes an unearned “elitist move” to assume that such information has a similar value to average citizens whose “societal responsibilities” are very different.\textsuperscript{64}

Indeed, in most advanced democracies, the primary institutional task of average citizens is to vote responsibly in competitive elections for candidates and/or political parties. The choices on the

\textsuperscript{62} Converse, “Assessing the Capacity of Mass Publics,” 333.
\textsuperscript{63} “Popular Representation and the Distribution of Information,” 372. (quoted in Bennett, Is Ignorance Trivial)
ballot have generally been limited and filtered through a complex representative system made up of parties, interest groups, and activist elites, leaving the average voter with a fairly simple task. In part because of this filtering by elites and in part because of the simplicity of the voting mechanism, voting well requires very little information. As Lupia puts it, “the amount of information that can be sufficient to cast a competent vote is limited by a voter’s range of choices.”

Voters are not asked to craft policy proposals or even to arrive at an all-things-considered judgment about a party’s platform—they are asked which of a small set of candidates would do a better job in power than the other competitors. Depending on the central concerns of the individual voter, this task is usually simple. If abortion is your most important political priority, the choice is simple. If you care most about maintaining a strong social safety net, the choice is simple. The same is true for a great many topics which may each be sufficiently important to determine one’s vote.

That being said, from an observer’s point of view, one may not agree with the way individuals prioritize political issues. Perhaps the observer thinks it foolish for someone to afford social issues like abortion priority over economic interests. But sorting priorities properly is not just difficult for an observer or analyst—it is impossible for them to do legitimately. If democratic government means anything, it means that arranging political priorities is a proper task for the judgment and conscience of the individual citizen. There can be no legitimate pre-political assumptions about what issues are important and which are not. The consideration and resolution of this question is the very essence of democratic politics.

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Nonetheless, selecting items for knowledge quizzes inherently involves setting the agenda of which issues are necessary to know about and which are not. Setting aside the questionable legitimacy of this move, Lupia argues that doing so also involves meeting a heavy epistemic burden. For even if we could demonstrate that some set of facts labeled A to Z are helpful in making a good voting decision, we would still know nothing about whether any fact in the set is necessary to doing so. Demonstrating necessity requires “establishing that knowledge of no subset of A-Z, or of an alternative set of facts, would suffice for” the task of voting to be accomplished.\(^67\) This would obviously be a difficult, if not impossible task for any body of knowledge, but it is a particularly severe problem for politics due to the “astronomical size of the potential universe of political information.”\(^68\) But skeptics of democratic competence do not even pretend to have such a theory of necessary political information. They instead rely upon the prejudices of their elite audience to fill in the yawning gaps in their account of what constitutes vital political knowledge. It therefore seems that “merely demonstrating that a voter does not know [a set of given] facts may reveal little or nothing about her competence in the voting booth.”\(^69\)

In addition to these intrinsic problems with the content of knowledge quizzes, there are also problems stemming from the elitist bias of those who produce and interpret the quizzes. Those who construct and interpret the results of knowledge surveys tend to be political professionals or the abnormally politically interested individuals who populate activist and interest groups. These individuals take upon themselves very different and more difficult political tasks than regular voters. These include writing about politics for audiences of likewise interested and informed people, as well as the construction and advocacy of complex policy proposals. For them, learning more abstruse

\(^{67}\) Lupia, “How Elitism Undermines Voter Competence,” 222.

\(^{68}\) Converse, “Popular Representation and the Distribution of Information,” 372-3.

\(^{69}\) Lupia, “How Elitism Undermines Voter Competence,” 222.
political information is often an occupational necessity (as well as a labor of love). It is therefore both embarrassing for such individuals not to know (say) the name of the Chief Justice as well as a threat to their professional reputation, even their livelihood. It is no wonder that they would view the trivia found in existing knowledge quizzes as essential information and perhaps hold those who do not know it in mild contempt. But Lupia reminds us that it is still wrong to do so, since the civic tasks of the average citizen differ markedly from that of political elites.

Finally, the quiz-based data on political informedness do not allow any serious inter-temporal comparisons about the level of citizen informedness over time. This is important because it is often claimed that information levels have declined over the course of decades or that, despite great gains in formal education, information levels have remained static. Either of these stories suggests that the democratic public is not just ignorant but incorrigibly ignorant and that, because of the historically unprecedented run up of educational attainment since the middle of the 20th century, as well as of the expansion and diversification of the media environment, no other project of or technology for public education has a serious chance of ameliorating public ignorance about these matters.

But these conclusions are hardly warranted by the available data. Unlike many other surveys, political information surveys change their content frequently to ask about new political figures, events, and issues. This is a natural result of the dynamism of the political world discussed above. Yet the result is a decided lack of comparability between levels of public informedness over time. For

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instance, it was common to ask of Americans in the 1950s whether they could identify the British Prime Minister. While such questions may occasionally be asked of Americans today, they are far less common because Britain’s importance in the world has declined markedly since then. How, then, are we to compare the relative informedness of an American in the 1950s who can identify the British Prime Minister to that of someone today who can answer even an identically worded question? The answer is that we cannot—no valid intertemporal conclusions about the informedness of citizens are warranted by such data.

It might be argued that some informational questions—such as identically worded items regarding the structure and rules of government or identifying the names of office holders—would make better questions for gauging informedness over time, since such institutional basics change only rarely. This could have some utility. Yet even here, we can doubt the relevance of the measurement since the institutions, offices, or processes which have changed formally could still have had their political relevance, function, or salience as a site of political contestation change over time. The Senate, for instance, has ostensibly had the same rules and institutional makeup since the last major change to the filibuster in 1975, yet the explosion in the use of the filibuster in just the past decade has significantly altered the Senate’s role in the constitutional system by making it a functionally supermajoritarian body. Similarly, the functioning of the House changed substantially in the 1990s, disempowering the various committee heads in favor of the Speaker of the House, giving the Speaker a degree of control over that chamber that is all but unprecedented in US history. These changes have been highly consequential, yet have involved little or no formal revision to institutions. Just as the importance of institutions may change over time, so too can the importance of offices, making

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74 Bennett uses identically worded questions asking for the name of the respondent’s state’s governor, member of the House, and local school board to gauge informedness over time. Bennett, "Trends in Americans’ Political Information, 1967-1987," 424.
information about their holders change in importance as well. As the House came to more closely resemble a parliamentary body in which power is concentrated in the majority party’s leadership, knowing the name of one’s representative has arguably declined in importance. Another concern is that by reducing the set of questions to those addressing political objects that don’t change in order to gauge informedness across time, we risk basing our measure on the banal. The things that do not change at all in politics over sixty years are unlikely to be of much political importance. Yet doing so is what would be required for valid intertemporal knowledge assessment.

The net effect of these considerations is to destroy a large portion of the evidence for citizen incompetence and ill-informedness. A great deal of this evidence is based on trivia quizzes and on knowledge expectations that are only reasonable for those sharing the interests and priorities of elites who are invariably more well-informed about political matters and from whom the survey writers are consistently drawn. Just as a poorly designed experiment that is replicated endlessly does not generate any evidence, so a thousand poorly designed surveys that come up with the same result still tell us nothing about what the people know. The best that knowledge quizzes can give us is a biased and incomplete picture of mass political informedness. They mainly tell us what is not in dispute, which is that average citizens do not seem to concern themselves overmuch with the daily minutiae of politics which so consumes the professional political class. Nor should we expect them to do so, even as a normative matter. The biased and incomplete picture drawn by quiz data in no way suggests that citizens cannot play their civic role, contra people like Somin who think these data show that modern liberal democracy cannot work as intended.

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75 Knowledge quizzes can also indicate exposure to political media and, as Zaller has argued, measurements of political awareness. But these uses are quite far from indicating political sophistication. See Zaller, The Nature and Origins of Mass Opinion, 333-6.
Trivia quizzes instead do something far more pernicious, which is to create the *impression* of there being evidence of ill-informedness. This impression has pervaded a whole body of subsequent empirical and normative inquiry, much to its detriment since it has proceeded on questionable empirical foundations. Though knowledge quizzes still present some evidence for a certain kind of ill-informedness, there is considerably less of it once we correct for these pervasive defects. What lack of information remains may be ameliorable by mechanisms of low information rationality such as that discussed in the next section.

5. The Durable Promise of Information Shortcuts

In response to worries about the informedness of citizens, many scholars have argued that there exist a variety of simple cues and heuristics like party affiliation, ideology, and endorsements from civil society groups and public figures that can help voters to make informed decisions in line with their interests despite lacking detailed knowledge about the choices put to them.\(^76\) This information tends to be cheap and easy to acquire from any of a large number of sources and can suffice to make even complicated political decisions such as how to regulate insurance markets via direct democracy.\(^77\) Highly relevant for us is the ease with which one can pick up these shortcuts. Because they are simple and pervasive in the political media, all that one needs in order to acquire them is to pay some attention to politics. This is obviously felicitous since it implies that cognitive inclusion is sufficient to unlock the potential of information shortcuts.

Shortcuts have, however, come under critical scrutiny. In this section, I continue the negative strategy found in the previous sections by defending shortcuts from arguments that have been raised

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\(^{77}\) Lupia, "Shortcuts Versus Encyclopedias."
against them. I argue that none of these arguments significantly detract from shortcuts’ usefulness. Rather, each argument suffers from its own problems which ultimately leave shortcuts with all of their intuitive attraction intact.

Of particular concern to us is James Fishkin’s assertion that cues and shortcuts belie critical thinking because, were it true, shortcuts would be incompatible with cognitive inclusion. Fortunately, Fishkin is not correct. He argues that when citizens use shortcuts, rather than considering the issues substantively and directly themselves, they rely uncritically upon the reflections and judgments of others and thereby surrender the core element of the deliberative experience of politics: criticism. But this is not necessarily correct. Clearly, doing or believing something simply because a trusted authority says so belies critical thinking about politics. But the alternatives matter. Being engaged with politics cognitively but in a purely partisan way is better than being totally apolitical. Being uncritically engaged with politics opens the door to becoming critically engaged since all that is generally required is to shake one’s connection to trusted authorities. This often occurs simply as a side effect of ongoing political attention, as the flow of events present new opportunities to be mugged by reality, as it were. But apoliticality requires two transformations: firstly, of our interests and priorities in order to include politics among the things we spend our time thinking about, and then secondly to bring that thinking around to critical awareness. Additionally, the use of shortcuts actually is consistent with cognitive inclusion in that shortcuts can themselves be chosen critically. Many voters curate their trusted sources of cues and information carefully, picking public officials or watchdog groups with proven track records of promoting their considered priorities.

For some, it is more natural to see heuristics and shortcuts as sources of bias which degrade the competence of mass publics. This is in part because the classic studies of heuristics in cognitive psychology and behavioral economics demonstrate that individuals make use of many shortcuts in their thinking and that these often lead them astray. Misleading shortcuts include the availability heuristic, whereby we overrely on information that is new or easy to call to mind, the representativeness heuristic, whereby we see a salient sample as representative of a wider phenomenon without basis, and anchoring effects, whereby people base estimates on an arbitrary initial value. Because heuristics in this general sense often introduce bias into cognition, some political scientists have argued that their use in politics will bias or mislead political cognition.

It is important to understand that the kind of cues and heuristics I am endorsing are not coextensive with heuristics as discussed in psychology or behavioral economics. The types we are interested in are primarily those which could be used by individuals as substitutes for knowing the full dimensions and gamut of facts regarding a political choice or inquiry. This is as opposed to intuitive, gut-level thinking per se, which is the general topic of the study of heuristics. Specifically political heuristics include partisanship, ideology, positions on highly salient political issues, endorsements by public figures, group affinity or the “likeability” heuristic, and attributions of responsibility or the “desert” heuristic. Heuristics in this more narrow sense might still mislead, as

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79 Heuristics in this sense capture the functioning of one of the two parallel information processing systems that Daniel Kahneman has argued characterize human cognition. Heuristics are part of System 1 processing, which is ‘hot,’ ‘quick and dirty,’ and often affective, as opposed to System 2 thinking which is ‘cold,’ deliberate, and rational. Heuristics in this sense are shortcuts to conclusions that we might have reached using the more effortful mechanisms of System 2 thinking. See Daniel Kahneman, *Thinking, Fast and Slow* (New York: Farrar, Straus and Giroux, 2011).


81 Daniel Kahneman describes the origins of his path-breaking work with Amos Tversky as involving long conversations in which they posit and explore misleading intuitive approaches to solving problems. Kahneman, *Thinking, Fast and Slow*, 6.

will be discussed, but this is not because they are essentially misleading, as heuristics are often treated in the psychology and economics literatures.

Further, even if drawing a distinction between political heuristics and heuristics in general is unpersuasive, it is important to emphasize that the broader category of heuristics and cognitive biases apply to all human beings, including members of political elites, and not just to members of the mass public. If we recall that the overall argument of this chapter is that we do not pay an epistemic price for promoting political inclusion, this is an important point since it implies that we do not gain from exclusion by reducing the scope of political inclusion. Kristina Miler, for instance, finds that representatives and their staffs are misled by the accessibility and representativeness heuristics in that they mistake the views of vocal constituents for the views of all constituents.\(^83\) Moreover, many experts show poor judgment when completing prediction tasks, in part because of common judgmental biases.\(^84\) This is just to say that everyone uses heuristics and is subject to any biases they create, such that there is no reason to think that political exclusion would avoid them.

So how could specifically political heuristics mislead? Scholars have argued that they do so in a number of ways. First, let us consider an example. There is substantial evidence that economic performance strongly affects aggregate vote choice, even with respect to offices that have limited control over the economy such as the US presidency. It appears that individuals use the performance of the economy as a heuristic even though it often holds officeholders responsible for things over which they have no significant control.\(^85\) This seems problematic on the merits. Similar objections on


the merits might be made about the commonly deployed accessibility and likeability heuristics, which seem to allow irrelevant or distracting considerations to affect political judgments.  

The problem with these sorts of objections is that the merits of specific shortcuts are never clear-cut since strong cases can almost always be made for their utility. The economic performance heuristic, for instance, could help deter economically disastrous policy even if it fails to incentivize positively beneficial policy. For even if political leaders in large, diversified modern economies can do little to improve overall economic performance, there are plenty of things they can do to harm it. If this heuristic helps deter the most obvious such moves, it can hardly be said to be worthless. Also, given the intrinsic difficulty of knowing whether a government might have caused bad economic outcomes, or responded better to them, or foresaw them and planned better for them, it is justifiable in the rough and ready way that rules of thumb often are that individuals would opt to ‘throw the bums out’ when such outcomes occur. Doing so is the only way to ensure that those who may have caused economic disaster do not hang on to power, even if it often punishes people who had nothing to do with it. Scholars have likewise made counterintuitive yet entirely plausible cases for the accessibility and likeability heuristics as sound guides for political judgment.

Richard Lau and David Redlawsk argue that shortcuts may also mislead those who rely on them most, meaning low information voters. Using a measure of “correct voting” (which I critique in a moment), Lau and Redlawsk explore the conditions under which shortcuts help and when they

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86 Although they do not refer to these heuristics by name, Kuklinski and Hurley in effect make a case that these two heuristics can interfere with the reception and interpretation of political messages. James H. Kuklinski and Norman L. Hurley, “On Hearing and Interpreting Political Messages: A Cautionary Tale of Citizen Cue-Taking,” *Journal of Politics* 56, no. 3 (1994).

87 This point recalls Riker’s argument that attractive democratic institutions need only be able to remove bad leaders, not retain good ones.

hinder such properly informed voting. They find that when an issue or representative presents strange political bedfellows, as when representatives’ ideology and issue positions do not match those predicted by their party affiliation, then shortcuts can hurt the chances of correct voting by low information voters, in the sense of making voting decisions consistent with their preferences, affiliations, and issue positions. That cross-cutting shortcuts hinder decision making has been confirmed by others. Putting aside the fact that these studies find that shortcuts work fine in the majority of cases which lack these features, what does this prove? Strictly speaking, what they demonstrate is that a map is useless when the roads change. When issues garner unconventional coalitions of support and candidates take surprising positions, then of course conventional wisdom about them based on partisan or ideological cues is likely to be mistaken. But this is mainly an artifact of salience, in that issues that have not become a topic of intense public scrutiny have not had their coalitions—and the reasons for them—publicized. Something similar can be said about candidates who have not been long in the public eye. It must also be said that, as an empirical matter, candidates with cross-cutting issue positions are not a particularly serious worry in the US at present, since polarization is in the process of eliminating candidates from both parties with seriously heterodox views. This development might be worrisome for other reasons, but it surely makes partisan and ideological cues more reliable.

Other scholars argue that shortcuts cause bias because they fail to entirely make up for a lack of information, biasing political choices compared to how they would be made if citizens were fully informed. These “information effects” straightforwardly echo the classic studies of heuristics in

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suggesting that cognitive shortcuts do not allow individuals to approximate fully rational or informed decision making. To make this argument, these studies impute the political or electoral preferences of the most informed members of a demographic category to everyone in that category, using a long list of demographic variables, akin to the approach of Lau and Redlawsk. The results suggest modest information effects. Bartels finds that a fully informed electorate would have shifted the popular vote in presidential elections from 1972 to 1992 on average three percent from the actual outcomes. Fully half of the changes to collective opinion on specific issues Althaus finds are six points or less, with an average of seven points. These are not huge substantive effects, and indeed, if we compare the changes Bartels predicts for the six elections he analyzes, we find that a fully informed electorate would not have changed the majority vote outcome of any of them because the size of the shift was always smaller than the margin of victory. The shift was moreover proportional to the size of the margin of victory, meaning that a smaller margin of victory always seems to create a smaller group of incorrectly voting citizens. This suggests that information effects may be unable to actually swing elections since they seem to dissipate with the competitiveness of the contest. There are, moreover, serious methodological problems with these studies.

First, a general problem stems from the fact that they do not observe heuristic use. These studies focus methodologically on aggregate opinion and so neglect any actual measurements of heuristic use among individuals in the mass public. This is a problem, however, because the use of heuristics may itself vary. It might be that fewer people use heuristics than we might expect,

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92 Althaus and Gilens use the categories of income, education, race, age, gender, occupation, religion, partisanship, union membership, parental status, whether respondent receives welfare or other state benefits, homeownership status, whether respondent is financially worse off this year than last, what region respondent lives in, and whether respondent lives in a rural or urban area. These are the same as those used by Bartels, except that they include partisanship. See Bartels, "Uninformed Votes; Scott L. Althaus, "Information Effects in Collective Preferences," American Political Science Review 92, no. 3 (1998); Martin Gilens, "Political Ignorance and Collective Policy Preferences," ibid. 95, no. 2 (2001).
93 Bartels, "Uninformed Votes," 216.
explaining the deviations from fully informed preferences, and yet those who do use them approximate informed opinion closely. If this is happening, these data would actually recommend greater use of, and confidence in, shortcuts. A second unobserved variable problem arises with respect to imputing the preferences of well informed individuals to less informed ones. For it may be that those who are well informed about politics differ in other ways from those with whom they are demographically similar. This is, in fact, precisely what we would expect simply by dint of the fact that they possess more information. Whatever causes this disparity in measured knowledge levels may set them apart in other ways that alter their interests (or their perception of their interests) such that we would expect different preferences and voting patterns from them compared to their demographically similar but less informed fellows. This brings us to a more general problem stemming from the methodology of imputing preferences.

These studies impute counterfactual preferences to individuals in order to conclude that shortcuts are not serving them well. This process of imputation is, however, inherently suspicious and potentially quite elitist and paternalistic. Scholars using this method would likely say that their personal judgment plays no untoward role in this process, since they simply assume that demographically similar people will respond similarly in the same political circumstances. Nonetheless, it takes an uncommon degree of confidence in the underlying survey data and statistical tools of social science, as well as the analyst’s ability to choose appropriate demographic controls, to suggest that social scientists can reliably identify individuals’ interests better than they themselves can. At the very least, this position flies in the face of one of the foundational assumptions of modern liberal and democratic thought which holds that the individual is the best and only legitimate judge of his interests. This may not bother a persistent critic of democratic competence like Bartels, but I
would argue that it should worry us if only because the tools and data on which these studies rely may not deserve the confidence often put in them.95 Finally, and perhaps most importantly, all of these studies nonetheless conclude that shortcuts do indeed help individuals make better choices, even if they also think that they do not entirely make up for a lack of knowledge.

This is telling, I think, since it is basically compatible with my key point. Shortcuts are potent tools for helping citizens who lack large amounts of information make good political judgments, particularly since the evidence for their lack of information is often overstated. It also suggests that, if giving everyone full information is not an option and shortcuts can indeed help the mass public make good political decisions, we might instead choose to redesign our democratic institutions in order to work well with the shortcuts people have been shown to use well. This would likely require simplifying the lines of authority and accountability in modern democracies, though I cannot pursue this line of argument here. Nonetheless, enough has been said to show that information shortcuts retain significant promise for offsetting the limited worries about the irrationality, capriciousness, and ill-informedness of mass publics that remain after reviewing the evidence for these lapses with an appropriately critical eye.

6. Epistemic Arguments for Universal Inclusion

We have seen that some of the most common arguments against the competence of inclusive mass publics are deeply flawed and do not provide the conclusive evidence necessary to ground an epistemic case against universal political inclusion. In this section, we reverse course and consider the positive contribution inclusion can make to the epistemic quality of democratic decisions. I argue that the best of the major epistemic mechanisms—diversity—pushes not just for wide or mass inclusion, but for universal inclusion. While epistemic democrats usually emphasize the gains to be had from

mass political participation in one mode or another, they seldom emphasize that the logic that recommends wide participation pushes beyond it to universality. I shall therefore be concerned to emphasize precisely how epistemic logic creates pressure toward universality, not only mass inclusion.

The epistemic value of universal inclusion comes from two different accounts of the epistemic powers of democracy, but we shall see that they both appeal to the same diversity-enhancing consequence of inclusion. The first of these accounts is the Diversity Trumps Ability theorem (DTA). The theorem states conditions under which a large, random collection of individuals can outperform a smaller collection of the epistemically best individuals on a problem-solving task. The conditions of the theorem are that 1) the problem must be hard, such that no single individual can always find the best solution, 2) individuals must be “smart” in the minimal sense that they do not produce perfectly random suggestions and inputs, like so many monkeys on keyboards trying to recreate Shakespeare, 3) when everyone else gets stuck, some problem solver must be able to find at least a small improvement where the last person got stuck, meaning that the group must be diverse, and 4) the group must be large in order to encompass diversity exceeding that of the few best problem solvers. Given these conditions, the DTA requires that the larger and more diverse group will do better at solving problems than any smaller group made up of the smartest and best problem solvers.

The currency of diversity in the DTA is heuristics, or ways of thinking about and approaching the solution of problems. The intense instrumental focus on problem solving in the DTA is the reason for this. Ultimately, the DTA cares about individuals as carriers of heuristics. The link between

96 The theorem was first elaborated by Lu Hong and Scott Page. See Hong and Page, “Problem Solving by Heterogeneous Agents; "Groups of Diverse Problem Solvers Can Outperform Groups of High-Ability Problem Solvers.”

diversity and inclusion comes through the assumption that each additional person increases the diversity of heuristics within a group. This is because each individual, even with an identical demographic and social profile to others, makes sense of his or her environment differently. Potentially, each of us may therefore come to novel ways of understanding our world and of solving problems. This pushes us toward universality because we cannot know in advance which heuristics will prove useful for solving today’s unsolved—or tomorrow’s novel—problems. We therefore want as many of them as possible, and since there is no way to know which kinds of heuristics will prove useful nor from which sorts of individuals they are likely to come, there will always be epistemic pressure to add another person until we reach universal inclusion. Maximal diversity, then, only comes from maximal inclusion.

We find a similar story about the value of diversity and inclusion in the experimental pragmatism of John Dewey. For Dewey, democracy is a matter of “using social intelligence to solve problems of practical interest.” The sort of practical intelligence called for by this task of problem solving is that embodied by the experimental method. In the context of collective decision making and problem solving, the experimental method calls for reflective imagination about ways to solve the problem—giving rise to “working hypotheses” in the form of proposed solutions—followed by putting those proposals into practice and then evaluating the results. The ‘hypothesis’ would be rejected if the results do not solve the problem to our satisfaction. Democracy, in the form of the interactions of citizens, representatives, and bureaucrats in everyday politics, therefore becomes “cooperative social experimentation.”

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Universal inclusion is essential to this epistemic picture of democracy in at least four ways. Firstly, everyone needs to be present in order to identify problems which truly harm the public interest, rather than the interests of an influential subset.\(^ {101}\) This is particularly important for Dewey because coming to perceive a state of affairs as a problem is a vital part of the experimental method, unlike the DTA which treats the recognition and targeting of problems as exogenous to the process of solving them. Secondly, and in a manner similar to that of the DTA, each individual may contribute ideas, information, or heuristics valuable to solving a public problem. Thirdly, universal inclusion is essential not only for the initial identification of truly public problems, but also in the evaluation of experimental solutions, since democracy cannot know whether its experiments are a success without a complete picture of the results, which relies upon a kind of situated knowledge I discuss presently.

The essential addition of the Deweyan story to that of the DTA is the focus on “situated knowledge,” and it provides the final way inclusion is required on this epistemic picture of democracy. Situated knowledge refers to “the fact that citizens from different walks of life have different experiences of problems and policies of public interest, experiences that have evidential import for devising and evaluating solutions,”\(^ {102}\) as well as for identifying problems in the first place. Thus for Dewey, situated knowledge helps in identifying problems, thinking of solutions, and evaluating results, since none can be done properly without a complete picture of the impacts and dimensionality of the problem and proposed solutions. For such a complete picture, we must tap the full diversity of situated knowledge. Since gathering all of the situated knowledge there is requires including every individual, the importance of situated knowledge is a fourth way Dewey’s view requires universal inclusion.


\(^{102}\) Ibid. Iris Marion Young also makes a case for the importance of situated knowledge for reaching epistemic goals, drawing on a different, feminist body of thought. See Young, *Inclusion and Democracy*, 114-7.
The need for universal inclusion in Deweyan experimentalism is therefore ultimately based on the diversity of human experience and thinking. This is why, despite it providing a richer picture of the epistemic functioning of democracies, it taps diversity in the same way as the DTA to solve social and political problems. This similarity allows us to state the lesson of both the DTA and Dewey’s experimentalism in a single phrase: maximal diversity only comes from maximal inclusion. All the reasons we have to favor diversity are reasons to favor universal inclusion.

At this point, one might ask whether cognitive inclusion supplies the kind of inclusion called for by the DTA or Dewey. Cognitive inclusion might seem to fall short of what is required for the uptake of diverse knowledge, since it does not necessarily involve giving forth information or anything other than one’s attention. Is the form of inclusion sought by Deweyan experimentalism or the DTA consistent with cognitive inclusion? The answer is surely yes. Cognitive inclusion is the precondition of making people’s heuristics, experiences, information, etc. accessible and available to political processes. It makes all of the considerations (a catchall term for heuristics, experiences, information, etc.) available to politics since those who are disengaged have their contributions rendered inaccessible to politics and political processes. If they aren’t politically present, they cannot offer the considerations they recognize as relevant. More than cognitive inclusion might be required to actually pass those considerations along, but as I argued in Chapter 3, cognitive inclusion is a necessary precondition of any subsequent act of participation which might pass them along. On these sorts of pragmatist accounts, this fact is particularly relevant since people only chime in when they can help solve the problem or illustrate its dimensions. But this implies standing by, attentive, prepared to offer whatever valuable input one might have should the need arise. Yet this refers to a state of watchful attentiveness identical to cognitive inclusion. Far from being problematic, cognitive
inclusion is therefore an integral part of the diversity-exploiting epistemic processes described by the DTA and Dewey.

One other common epistemic mechanism, the Condorcet jury theorem (CJT) may seem to provide grounds against universal inclusion under many circumstances. The CJT famously proves that for a choice between two options, the chance that a decision-making body, whose members make up their minds independently and have an average probability of getting the right answer greater than 0.5, will itself get the right answer converges to certainty as the size of the group increases. This finding appears to hold for larger numbers of choices \((n)\) as well, so long as the average probability of correct decisions is greater than one divided by the number of choices \((1/n)\).\(^{103}\) The most important condition of the CJT is the individuals’ average probability of getting the right answer. If this probability dips below 0.5 in the two option case, for instance, the accuracy of the group goes to zero just as fast as did to unity.\(^{104}\) It is this fact that provides grounds for worrying about inclusion.

It might be widely believed, perhaps on the basis of the sort of bad evidence critiqued above, that most of those who are currently absent from politics have a low probability of making good political decisions. Including them into the decision-making body of citizens would therefore drag down the average probability of individuals making sound decisions. This would lead the group to make the wrong decision with certainty—in other words, epistemic disaster—if it dragged the average below the critical value of \(1/n\). It has, however, also been argued that adding less able individuals to a body can actually boost the probability of the group making the right decision even if it lowers the average accuracy so long as the accuracy of those added citizens does not dip below \(1/n\). Yet the point remains that if greater inclusion does bring the average below \(1/n\), it would all but

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\(^{104}\) Goodin and Estlund, “The Persuasiveness of Democratic Majorities.”
guarantee disaster. If this is so, universal inclusion would be a mistake for epistemic democrats whenever greater inclusiveness would reduce the average competence of the group below the critical value.

However mathematically compelling this worry may be, the CJT is the feeblest of the epistemic mechanisms of democracy and cannot be the source of genuine epistemic problems with inclusion. This is not because the condition of independence is routinely violated as some have argued, but rather because its plausibility is entirely dependent upon speculations about the average competence of citizens. Yet we cannot know the level of accuracy of individuals and are not entitled to make assumptions about the level of such competence. We cannot know the level of accuracy because doing so would require having a reliable instrument to independently measure the truth and so the accuracy of individuals. But if we had such an amazing truth-tracking instrument, we would do better to simply use that to make our collective decisions and abandon these wasteful exercises in democracy. We are not entitled to make assumptions about the average level of competence because, as David Estlund has argued, doing so requires having a privileged way to count alternatives so as to grant the requisite level of competence. However, many political choices are disjunctive, meaning that we can redescribe a choice between three options A, B, and C as one between two options, A and the disjunction of B or C, putting off the decision between B and C for later. If we initially grant individuals a competence of .34 when facing the three option case, how could we promote it to .51 when we simply redescribe the choice? Estlund thinks this disjunction problem robs us of easily assuming the requisite level of competence since there is no natural way to count

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106 Felix Gerlsbeck, "Experimental Democracy: Collective Intelligence for a Diverse and Complex World" (Columbia University, 2013), 143.

107 Estlund, Democratic Authority, 229-30.
alternatives so as to arrive at the critical value of 1/n. We would instead need some substantive evidence for the level of individual competence. We have seen that much of the evidence adduced to democratic incompetence is not as strong as often thought, and also that no reliable test of competence is possible since such a test could simply tell us what policies to enact.

In sum, these problems with the CJT give us no reason to worry about inclusion since the CJT is not a robust mechanism of collective wisdom. If it were, there would be circumstances in which universal inclusion might not always be a good idea. But it is not and so should give us no worries. The truly powerful epistemic mechanisms that rely upon diversity, on the other hand, give us a great deal of reason to think that universal inclusion would aid the epistemic functioning of democracies. By unlocking the diversity of problem solving approaches and situated knowledge among individuals, universal inclusion makes possible the most informed and collectively wise decisions possible. Moreover, the kind of inclusion required to reap these benefits is well captured by the notion of cognitive inclusion. It makes available to politics and political decision procedures all of the diverse knowledge possessed by the democratic public. Therefore, an epistemic democrat wants universal cognitive inclusion because maximal inclusion is the only way to get maximal diversity.

It would be natural to next discuss the important question of what institutional arrangements would allow democracy harness the public’s distributed knowledge given the questions that arise about how exactly democracy could do so in an effective way, to say nothing of the importance of such institutional design questions in this dissertation. This is indeed an essential question and one to which epistemic democrats have as yet given insufficient attention. Yet such an inquiry would go

far beyond the scope of this chapter as well as of the dissertation, since the latter is primarily concerned with inclusion, not diversity or epistemic quality.

7. Conclusion

Much more might be said, and probably should be said, about the competence of mass publics. But here I sought only to address the most common objections leveled by critics of democratic competence in order to defuse the epistemic argument against inclusion. I have argued that the objections are not as well supported as often supposed. The formal possibilities for irrationality found by social choice theorists are all but eliminated by endemic features of political life like parties and leaders and are not observed as an empirical matter. Response instability and non-attitudes do not accurately characterize individuals’ political preferences because more plausible explanations of the evidence for instability exist and because adequate measurement shows that preferences exhibit great stability. The public is not prone to whims of caprice, nor is it insensible to changes in political life, but rather alters its opinions in understandable ways given new events and information. And although ordinary citizens surely lack textbook information about many public issues, it is all too easy (and common) to exaggerate the degree and importance of this ignorance due to measurement problems and elitist bias. I also argued that information shortcuts retain a great deal of promise for overcoming what epistemic trouble remains because the arguments against them are generally overblown.

Having shown that epistemic worries about democratic competence and inclusion are not well grounded, I then argued that far from threatening the epistemic performance of democratic governments, universal inclusion may help it through making available the maximal degree of diversity in information, perspectives, and approaches to problem-solving present in a group of
people. Paired with institutions that harness this diversity, universal inclusion promises to improve the quality of democratic decision making.

Thus, epistemic democratic theory presents no significant basis to reject the attraction of inclusion. The arguments that epistemic democrats with an elitist bent might muster to support suspicion about inclusion do not hold up. In fact, inclusion almost certainly contributes more to epistemic performance than it plausibly detracts from it. Therefore, nothing about epistemic democracy blocks the priority of inclusion. A proper assessment of the evidence shows that epistemic democracy gives us even more grounds to affirm it.
Part II: Institutions
Chapter 5: Measuring Cognitive Inclusion

In the first half of the dissertation, I argued that cognitive inclusion, as part of a conception of effective political inclusion, constitutes an attractive mode of political inclusion and that it should take priority in the design of democracy’s participatory regimes. The task of the rest of the dissertation is to consider what sorts of institutional arrangements are likely to promote cognitive inclusion. The first part of this task is to select practicable measurements that can tell us when cognitive inclusion obtains. This brief chapter advances and defends three operationalizations of cognitive inclusion which will allow us to identify institutional arrangements that promote it. With these operationalizations in hand, the next two chapters consider specific institutional arrangements for their contribution to promoting inclusion.

1. Measures of Cognitive Inclusion

Recall that cognitive inclusion is an essential part of a conception of effective democratic inclusion, along with formal inclusion, and that it consists of two parts: attention to politics and a critical or reflective attitude toward the content of politics. I will have little to say about formal inclusion in what follows due to the fact that it has received ample consideration by others. I focus
instead on cognitive inclusion because it is the more novel part of the conception and so is less familiar.

Cognitive inclusion might seem to be a difficult goal for institutions to promote. As a style of cognitive engagement with politics, it is an internal characteristic or disposition of individuals. More precisely, it is about how one experiences the world, or at least the political world. It is thus a phenomenological mode of being in the political world. Yet institutions characteristically influence patterns of behavior. At best, institutions can only affect inward states like dispositions or habits of the mind indirectly and some might altogether doubt whether institutions have the ability to encourage something as specific and personal as cognitive inclusion. Despite such doubts, I accept that institutions and the patterns of behavior they promote can give rise to different sorts of mental orientations toward politics and use this as an operative assumption in what follows. This is in part because cognitive inclusion is not a particularly complicated cognitive style. So while I would agree that the power of institutions is limited and that they are a too brute set of instruments for many kinds of aims, cognitive inclusion is a simple enough aim that it should be at least somewhat susceptible to institutional incentives.

So how are we to know how institutional arrangements affect cognitive inclusion? Unlike more familiar aims of government policy like GDP growth or infant mortality, cognitive inclusion does not admit of direct observation or measurement because it is found only in the individual's cognitive mode of interaction with the (political) world. But this is not of course a novel problem. Political scientists have faced this unobservability problem for decades. Their general solution has been to ask about things that should indirectly indicate the variable of interest. For instance, many respondents on surveys do not self-report their partisanship in ways that comport with their positions
on core political issues nor their voting behavior. Such partisan ‘leaners’—so-called because they identify as Independents but admit to ‘leaning’ to one party or the other—look much more like partisans in their issue positions and voting patterns. Historically, the population of leaners spikes when a party endures some serious setback or embarrassment because individuals seek to distance themselves from the party without also changing their voting behavior or opinions on basic issues. Researchers therefore can use an index of issue questions as a proxy to get around this measurement problem. In the same way, we might be able to use behavioral and attitudinal indicators as proxies for cognitive inclusion, even though it is intrinsically impossible to observe directly. Thus I suggest using three indirect measures to gauge the degree of cognitive inclusion in a body of democratic citizens: political interest, political information, and turnout.

As an internal disposition of how one experiences the political world, cognitive inclusion shares many of the measurement difficulties associated with survey research. A great deal of survey research seeks to understand how people think about politics and what affects their political behavior. This often requires the estimation of political attitudes and motivational dispositions akin to cognitive inclusion. The tools of survey research are therefore likely to be quite helpful in measuring cognitive inclusion since they have been developed with these difficulties in mind. I argue that two survey measures in particular can give us leverage over the question of whether cognitive inclusion obtains among democratic citizens: political interest and political information.

In addition to these attitudinal variables, I argue that turnout is also a useful indicator of cognitive inclusion. Although turnout measures behavior and not internal states, there are numerous

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2 The indirectness of this approach will necessarily introduce some amount of measurement error into our assessment of cognitive inclusion. It may also create problems for indicators such as turnout because the strength of the case for promoting cognitive inclusion may be diluted through indirectness and fail to meet a justificatory burden for the most effective way of increasing turnout: mandatory voting.
reasons to want a non-survey-based indicator of cognitive inclusion and for thinking that turnout can help. I next consider each indicator's contribution to measuring cognitive inclusion. In the end, however, no single indicator will be sufficient. Rather, they must be used in concert as in a constructed scale.

1.1. Political Interest as Measure of Cognitive inclusion

In this section, I argue that political interest constitutes a reasonable proxy for cognitive inclusion. The main challenge to this measure comes from the ‘criticalness’ of cognitive inclusion, since it may be argued that political interest cannot indicate whether attention is critical. Yet this is not a fatal worry because of the way that being politically present eventually encourages being critical.

Political interest is an anomalous subject in political science. Something like it has long been recognized as a powerful predictor of political behavior, yet it has largely eluded direct study. One reason for this may be that it has received a number of different names from political scientists, such as political awareness, political salience, privatism, political involvement, and political alertness, among others. What all of these ideas have in common, and what defines political interest as I shall use the term, is that they refer to one’s motivation to engage in politics, whereby ‘engage’ can be understood to include both information seeking, as from reading political news, and active, observable participation. Political interest is measured with survey questions such as the following:

- Some people seem to follow what’s going on in government and public affairs most of the time, whether there is an election going on or not. Others aren’t

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3 See Neuman’s appendix for a list of cognate terms used to refer to what I call interest in politics. Neuman, The Paradox of Mass Politics: Knowledge and Opinion in the American Electorate, 192.

4 This is the formulation used by Danielle Shani, whose dissertation constitutes the only book-length work on political interest as of 2014. See Shani, “On the Origins of Political Interest.” The other most recent work is by Marcus Prior, and is part of an ongoing research project. See Markus Prior, “You’ve Either Got It or You Don’t? The Stability of Political Interest over the Life Cycle,” Journal of Politics 72, no. 3 (2010).
that interested. Would you say you follow what’s going on in government and public affairs most of the time, some of the time, only now and then, or hardly at all?5

Newer questions expand the number of response categories and construct indexes of multiple questions in order to better control for measurement error.6

Political interest clearly captures an important part of cognitive inclusion. It refers to the motivation to engage in politics, while cognitive inclusion is judgmentally active cognitive engagement in politics. There is tremendous overlap between the ideas, but they are not identical. This is partly because political interest refers to the motivation to engage while cognitive inclusion refers to the thing that is motivated, that is, political engagement. More importantly, however, is that political interest does not specify anything about the type of consciousness which it motivates. It does not take into account that one’s interest in politics should be critical. Political interest seems to measure uncritical cognitive engagement along with critical cognitive engagement, and so cannot be a perfectly accurate measure. This constitutes the main challenge to political interest as a measure of cognitive inclusion: the survey questions that gauge interest in politics cannot tell whether that interest takes the required critical form.7

Yet the alternatives matter for assessing political interest. Being interested in politics, but in an unthinking or uncritical way, is better than ignoring politics completely if you care about

5 This is the more general of the two classic political interest questions used on the American National Election Survey (ANES).
7 One might also wonder just how critical one must be in order to qualify as being cognitively included. I cannot take this objection all that seriously, however, since although one can be more or less critical, there is a far larger gap between those that are critical and those who are not than there is between different ‘levels’ of being critical. For this reason, I am only interested in being on the critical side of things and not on where individuals fall within that space.
cognitive inclusion. This is because, if we arrange critical cognitive engagement, uncritical cognitive engagement, and apathy on a unidimensional space representing political engagement, uncritical engagement is closer to cognitive inclusion than apathy and so constitutes an improvement over apathy. Yet, as I argued in Chapter 2, uncritical cognitive engagement is not sufficient for effective inclusion since it is compatible with pure spectatorship. Luckily, it seems that being uncritically interested in politics opens the door to critical engagement in an almost inevitable way since all that is generally required to precipitate critical thinking about politics is having one’s trust in a group, agenda, or leader shaken. This disenchantment often occurs as a direct result of ongoing attention to politics, as the flow of events present endless opportunities to be ‘mugged by reality.’ But if one habitually gives no attention to politics, cognitive inclusion requires not just this single transformation in the individuals’ political awareness, but also another. Thoughtlessly apathetic individuals must first transform of their interests and priorities in order to include politics, and then secondly bring that thinking around to critical awareness, as described above. Thus, paying attention is the first step to cognitive inclusion, and is moreover one likely to bring about criticalness through being exposed to events which destabilize uncritical affiliations and allegiances. Insofar as political interest captures both critical and uncritical cognitive political engagement, then, it is still telling us something important about the inclusiveness of our democratic politics.

Another set of concerns about political interest is raised by John Zaller and stems from political interest’s nature as a survey-based measure.\(^8\) The accuracy of surveys requires that respondents accurately report what they think or believe. This dependence upon self-reporting opens the door to a number of inaccuracies and biases. Firstly, people’s motivations and attitudes are not entirely transparent even to themselves. Assuming that they wish to give perfectly accurate

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answers—which is not the case for some sensitive subjects, though there is little reason for worries about frightening or insulting respondents with questions about political interest\(^9\)—they may yet be unable to do so. Political interest might also be subject to social desirability bias, whereby respondents offer the answer they think is most socially acceptable rather than what they truly believe. Yet while there may be a positive desirability bias for most people due to democratic norms encouraging civic engagement, there is surely also a negative desirability bias among some groups and individuals that discourages engagement due to cynical views about the inherent corruption or pointlessness of politics. It is difficult to disentangle the relative magnitude of these biases, though I would guess that there is a modest net positive bias and so worries about social desirability are probably not idle.\(^{10}\)

A final sort of survey bias to which political interest questions seem to be particularly prone is question order effects. These arise when questions earlier in a survey affect how respondents answer later questions. For political interest questions, there is some evidence that prior questions which highlight the respondent’s ignorance of political events, such as asking about the activities of their congressperson, induce lower self-reported levels of political interest and that questions about the closeness of a particular campaign and the issues in the campaign induce greater reported interest.\(^{11}\) Bishop, Oldendick, and Tuchfarber conjecture that respondents infer their level of interest from their answers to these other questions for the sake of consistency, as by asking themselves “What must my interest in politics be if I just told you I don’t know what my congressman has done for the district or

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\(^{10}\) One way to avoid such biases is through the use of web-based surveys or non-human interviewers as in an automated telephone poll. However, the highest quality surveys tend to be those which use live human interviewers, so there is an important tradeoff here that may be worth investigating.

Experimental manipulation of question order suggests that the effects are robust and difficult to eliminate. The implication of these findings is that traditional measures of political interest may involve an unpredictable bias, rendering them unreliable measures of anything. Yet this evidence does not examine newer survey instruments, such as that advanced by Shani or piloted on the 2006 ANES, which are specifically designed to reduce measurement error associated with traditional survey instruments. Nor does it account for the seemingly simple step of asking interest questions early in a survey, before such distorting questions are asked. Nonetheless, we should not simply dismiss the possibility of question order effects.

In sum, these problems with political interest should at least somewhat temper our confidence in it as a measure of cognitive inclusion, though they are not so serious as to extinguish its utility. Political interest remains a conceptually strong indicator of cognitive inclusion. The problems with it suggest that it should be supplemented with other measures, not abandoned.

1.2. Political Information as Measure of Cognitive Inclusion

Political information improves on political interest as an indicator of cognitive inclusion at least insofar as it can give us a better picture of whether individuals are thinking critically about politics, though it is still a rough and imperfect picture. Political information refers to the amount of information an individual can recall for use about politics, primarily by use of factual questions about public affairs and current events.

Like political interest, political information has been studied under a number of headings, including political sophistication, political knowledge, level of conceptualization, political cognition,

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political information processing, voter sophistication, political competence, and political informedness, among others. Unlike political interest, political information has been the subject of concerted study for well more than half a century. As I argued in Chapter 4, there are serious problems with the strong normative overtones suggested by some of the formulations of political information, such as sophistication and informedness. But here I am interested in a less normatively fraught sense of what it means when individuals answer factual questions about politics. The way I propose to use measures of political information are as indicators of how much attention individuals give to politics and of how critical that attention tends to be.

It cannot be emphasized enough that indicators of political information are not and should not be used as measures of how much people ‘know’ about politics. The idea of having knowledge, as opposed to mere information, has normative implications about expertise and the right to rule that I cannot contest here, and yet are endemic in many quarters of politics and academia. In this section, and throughout this project, I am solely interested in citizens’ level of political information as an indication of how much attention they are giving to politics and of how critical that attention is. I never use it with the normative implication that those who have more information are, by dint of that greater amount of information, in a privileged position to make political decisions.

We can now consider political information as a measurement of cognitive inclusion. John Zaller strongly prefers informational measures as indicators of political awareness, in part because direct measures of political interest have the measurement problems discussed in the last section. Political information measures, on the other hand, cannot be spoofed in the same way because individuals either know the answers to informational questions or they do not. There is no problem

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16 Zaller is explicitly interested in “political awareness.”
with misreporting or misperceiving one’s level of political awareness. Instead, those who answer factual questions correctly are counted as politically attentive and interested.

The logic of using informational measures is simple and intuitive. It captures “political learning that has actually occurred—political ideas that the individual has encountered, understood, and stored in his head.”17 It is better than measures of media exposure because such measures do not indicate how much has been taken up from the flood of information to which attentive people are exposed.18 Similarly, it is better than political interest in that those who are attentive may not be thinking very much, if at all, about what they see and hear. They may be uncritically attentive. But by measuring what has been retained, we get a very rough idea of the degree to which individuals have reflected over what they have heard, since using information, such as in reflection, is one of the main facilitators of retention. We are far more likely to remember something that we have considered and perhaps related to other things we know than things to which our attention is passive. Thus, because political information indicates the penetration of political ideas into individuals’ awareness, it gives us insight into cognitive inclusion that goes beyond self-reported levels of political interest.

Standard measurements of political information consist of batteries of factual questions asked in the manner of television quiz shows. Questions such as “do you happen to know the length of a president’s term” or “do you know the name of the Secretary of State” or “do you know how stock profits are taxed” usually populate these exams.19 Yet the triviality of many of these sorts of questions, the intimidating ‘pop quiz’ format in which they are asked, and the biased manner of their selection (because they are selected by academic and political elites with unrepresentative levels of political

19 DelliCarpini and Keeter, What Americans Know About Politics, Ch. 2.
interest and subject to uniquely demanding peer expectations of their own level of political information\textsuperscript{20} raise serious worries that those who cannot answer them may nonetheless know more about politics than is detected. For this reason, among others, we would do well to follow Zaller in favoring measures based on lengthy in-person interviews, like that found in the ANES in which interviewers rate each respondent’s “apparent level of political information” on a five-point scale immediately after the roughly hour-long interview.\textsuperscript{21} Such measures have the important virtue of being based on a fairly rich experience of the individuals’ overall approach to and understanding of politics. It includes knowledge of how many questions individuals needed explained to them, and of their visible interest in the subject. So even though such measures also introduce the possibility of racial and socioeconomic bias,\textsuperscript{22} it seems like they nonetheless might be good supplements to the standard trivia quiz approach.

Political information is nonetheless not a perfect measurement of cognitive inclusion by any stretch of the imagination. I began this section by noting that it does a better job at revealing the critical aspect of cognitive inclusion than political interest. Yet now we can see that this improvement is hardly a quantum leap because it requires accepting that information recall is tightly linked to critical thought. This is highly plausible, but by no means beyond doubt. Moreover, better education or a knack for recall could also explain high levels of political information in the absence of critical reflection. But there is also bias in the other direction.

Having political information is clearly an indication that one pays attention to politics, since there is no other way to learn such information. In this way, it might be said to be an improvement over political interest, which allows for one to overstate one’s political engagement. Yet it may do so

\textsuperscript{20} Lupia, "How Elitism Undermines Voter Competence."
\textsuperscript{22} Zaller looked closely at the data for evidence of such bias, and found none. See \textit{The Nature and Origins of Mass Opinion}, 338.
at the cost of excluding people who have trouble with recall, particularly under pop quiz conditions, or whose political information is not tapped by the particular questions asked. These considerations suggest that information measures may simultaneously overstate cognitive inclusion, by including the well-educated and those with eidetic memory, and also understate it by excluding those who are critically attentive but for whatever reason have trouble answering trivia questions. Without precise estimates of the relative magnitude of such biases, we cannot rule out their importance in either direction, but we can conjecture about their magnitude on the basis of existing evidence. Generally speaking, the population of people with high levels of education and who do well on information tests due to abnormally effective memories are relatively few in number, as evidenced by the generally poor performance of mass publics on information tests. This strongly suggests that the numbers of such people who skew information measures upward are generally far outnumbered by those who have trouble with such recall tasks. Thus, we should expect that on balance political information measures will underestimate the population of democratic citizens who are critically attentive to politics.

This would be the case regardless of what level of information we count as indicating cognitive inclusion. Since we are not using political information as an indicator of informedness or knowledge, there is no particular reason to wish for ever-higher levels of information. We are more interested in measures of central tendency which indicate that everyone has moved off the lowest levels of information. Low but non-zero levels of information are entirely satisfactory as an indication of cognitive inclusion. This might be found in a right-skewed distribution whose minimum value is some small distance above zero, as illustrated in Figure 5.1.
All things considered, if we assess political information measures alongside political interest measures for their ability to identify cognitive inclusion, we find symmetric bias. Political interest measures systematically give rise to type I errors by identifying people as being critically attentive who are not. Conversely, political information measures can be expected to give rise to type II errors, by setting the bar for cognitive inclusion so high that many who should qualify do not. Since perfect instruments are vanishingly rare in political science and institutional design and because these indicators clearly have utility in detecting cognitive inclusion, the prudent course is therefore to consult both kinds of measures when we are looking to assess institutions for their ability to promote cognitive inclusion.

1.3. Turnout and Cognitive Inclusion

The final indicator of cognitive inclusion I shall use is turnout, though I say less about it here than the other two. This is because turnout is likely to be less alien to the reader and because the issues raised by turnout are more fully discussed in Chapter 7 in defending mandatory voting.
Turnout is a familiar enough proxy of democratic health. That high turnout signals a robust
democracy is an implicit assumption in a great deal of political science research and also occasionally
motivates actual policy making aimed at increasing turnout. This widespread concern about turnout
also mirrors that many different theories of the democratic good are, or should be, concerned about
inclusion, as I argued in Chapter 3. I argued that everyone has strong reason to care about inclusion,
but it could be that people do not think that cognitive inclusion is a good interpretation of political
inclusion, as I argued it is in Chapter 2. This points to one of the great benefits of using turnout as a
measure of cognitive inclusion, since even people who do not think that cognitive inclusion is a good
interpretation of political inclusion may agree that greater turnout signals a better and more inclusive
democratic politics. This is because one can arrive at a concern about turnout from many different
(theoretical) starting points.

Another great benefit of turnout as an indicator of cognitive inclusion is that it is dead simple
to measure compared to political interest or political information. Both of those measures require
special surveys to be commissioned and run, at great expense. The cost of such surveys means that in
practice they are either conducted concurrently with for-profit survey items asking, for instance,
about a brand’s reputation with consumers, or as part of one of the few large-scale academic surveys,
such as the ANES or General Social Survey, which have lately run into some problems with
funding.\textsuperscript{23} These constraints, along with the fact that the best measurements of political interest and
political information require a battery of questions to be asked, limit the frequency and quality with
which these variables are examined. Data on turnout, on the other hand, is generated as a byproduct
of elections. The data tends to be of as high quality as any data can be due to the strong incentives of

\textsuperscript{23} There was no ANES conducted in 2010 due to funding problems, depriving researchers of an important tool for
understanding that year’s landslide election.
democratic states to accurately count votes. This makes turnout a highly convenient measurement, but we might still ask what makes it a good measurement of cognitive inclusion specifically.

Unlike the survey measures political interest and political information, turnout is a behavioral indicator, measuring what people do rather than what they say or know. Since cognitive inclusion is an inward state, behavioral indicators might seem a poor prospect for measuring it. However, turnout is a good indicator of cognitive inclusion because having an intention to vote vastly increases the likelihood of one taking the time to learn and reflect about political issues. This is particularly true in the lead up to an election, as political issues increase their general salience and media coverage of politics increases. Put simply, turnout indicates cognitive inclusion because someone who knows they will vote is much more likely to think critically about politics. This point constitutes one of the key arguments for mandatory voting used in Chapter 7 and is more thoroughly elaborated there.

As is the case for political information (and to a lesser extent political interest), turnout is somewhat remote from cognitive inclusion properly speaking. It measures votes cast, not any feature of voters’ political awareness. It is no doubt an imperfect indicator, as are the others. But the fact that it is a behavioral indicator makes it a natural complement to the attitudinal, survey-based measures. Like political information, however, turnout is likely to understate the degree of cognitive inclusion under a regime of non-mandatory turnout, since many critically engaged citizens may not want or be able to come to the polls. It must therefore be used with some care and indeed should be supplemented by data regarding political interest and political information. Together, these measures should give us a respectable idea of the state of effective inclusion in a particular polity.

24 There are of course different ways to measure turnout, such as a percentage of the total population, of the population registered to vote, of the legally eligible population, and of the voting age population (VAP). VAP presents the best comparative measure for our purposes because it discounts variations in eligibility due to anything but age and also minimizes differences in registration systems, as between those that are compulsory or maintained by the state and those that leave the onus on the voter.
1.4. Other Candidate Proxies for Cognitive Inclusion

Other candidate measures of cognitive inclusion include other forms of political participation than turnout, including the sort of civic engagement activities brought to prominence by the work of Robert Putnam, or other attentiveness measures, such as self-reports of media exposure and political participation.

I reject measures of other forms of political participation because all of them are more demanding than voting, (and because virtually everyone who engages in other sorts of participation is already a voter, and so are already included by a turnout measure). Because they are more demanding, they will cause substantially more Type II errors. One way to make gainful use of such data is with a more sophisticated composite measure that counts any form of political participation as an indicator of cognitive inclusion. This would be reasonable in light of the argument that voting strongly implies cognitive inclusion, since more demanding forms of participation would imply it likewise.

I am inclined to reject measures of civic engagement because they are consistent with the sort of “cultural work” canvassed by Nina Eliasoph through which individuals exclude their activity within their communities as a form of political engagement. This is work through which individuals come to think of themselves as avoiding politics, even while they engage in civic activities.25 The problem is that if we make use of civic engagement measures to indicate cognitive inclusion, we might end up with many people who (claim to) positively abhor democratic politics even while they arguably contribute to it through their membership in bowling leagues and the like.

I am not entirely sure about this point, however, since rejecting civic engagement on the grounds that individuals engaged in this way may also abhor politics could commit me to a substantive position regarding the content of individuals’ attitudes toward politics. I seem to be requiring, in other words, not only that people be engaged with politics, but that they do so self-consciously and under the name of ‘politics.’ This seems excessively pedantic and contradictory to my commitments in Chapter 3 to allowing for a wide variety of attitudes toward politics within the scope of cognitive inclusion. I therefore look to a second and more general point about civic engagement.

Another problem with civic engagement is that it is based on the assumption that interpersonal trust is essential to democracy and that trust is primarily generated by civic activities. I was once highly enamored of this view, but have since grown more doubtful. I have come to see great value in freedom from the petty concerns of one’s immediate social milieu and in the opportunities for privacy and anonymity created by modern mass democracy. Moreover, it is apparent that trust and concern for politics do not depend upon civic engagement in any necessary sense and may be generated in a variety of ways. I therefore take an agnostic position on the value of trust and the contribution of civic engagement to cognitive inclusion. I therefore refrain from using it as a measure of cognitive inclusion.

Media exposure has also been mooted as a measurement of political awareness. I reject it for the same reasons as does Zaller: exposure to political media does not indicate attention to or uptake from that media. Knowledge measures are therefore superior to exposure ones since they gauge uptake, which therefore indicates cognitive political engagement. There would be nothing gained over knowledge measures by using media exposure ones, so I do not use them.

2. The Cognitively Inclusive Polity

So what would a more cognitively inclusive polity look like? What would these measures show if we are effectively promoting cognitive inclusion? Providing some answer to this question, even if it is an incomplete one, is essential for the task of the next two chapters in which I assess the efficacy of different institutional arrangements in promoting cognitive inclusion. In this section, I sketch the conceptual picture of a cognitively inclusive polity and discuss what this picture means for the concrete measures of political interest, political information, and turnout.

To begin to answer this question we must first assume that there are different levels of political engagement among democratic citizens and that the overall distribution of these levels of engagement can take a variety of shapes. In some times and places, most people might be intensely interested and engaged in politics, as in times of social and political turmoil. This situation would be represented by a left-skewed distribution, with both a high mean and a high median level of engagement. In other times and places, most people might be moderately engaged, as represented by a normal distribution with moderate mean and median. In still other contexts, most people might be only marginally engaged with politics, as represented by a right-skewed distribution with low mean and median. These distributions are represented in Figure 5.2 (where the x-axis is intensity of engagement and the y-axis is the number of cases). Obviously, countless other distributions are possible—bimodal, multi-peaked—and I’ve said nothing about the gamut of variances that may exist as well. But for present purposes, I want to use just these three types of distribution because they are sufficient to illustrate what a cognitively inclusive democracy would entail.
A cognitively inclusive polity is in the first place one in which no one entirely ignores politics. There is a profound truth in Rousseau's writing that “Once someone says, ‘What do I care?’ about the affairs of state, the state should be considered lost.”27 As I argued in Chapters 2 and 3, on all accounts, something valuable is always lost or endangered when citizens materially deny the importance of politics. This first element of universal cognitive inclusion means that any distribution of critical political engagement is acceptable, so long as the lowest levels of engagement are a few ticks up from zero. Exactly how many ticks is not as important as the fact that no one sees politics as something that has nothing to do with them.

But this is not all we can say about the distribution of engagement. We can also limit the demands it makes of institutions and policy because cognitive inclusion is not about being obsessed

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with politics. It is about giving democratic politics a reasonable share of one’s time and attention. This means that although a polity obsessed with politics—and so characterized by a left-skewed distribution of engagement—is surely cognitively inclusive, it exceeds what is called for by the basic idea. This implies that cognitive inclusion should be viewed as a threshold concept: we are interested in reaching an acceptable level of engagement, not with maximizing it or guaranteeing it a secular increase. Successful institutions will promote it, but not endlessly. Once the population of inattentive and entirely disengaged citizens has been stably minimized, no further institutional or policy interventions are justified by the idea of cognitive inclusion. Cognitive inclusion cannot, therefore, be pressed into service to create an activist polity with a left-skewed distribution of engagement, unless doing so were somehow the only way to engage the remaining population of inattentive citizens.

A final condition of a cognitively inclusive polity is that the attention of citizens be stable. This doesn’t mean that individual citizens need to be constantly plugged in to political news, but rather that non-zero levels of political engagement must be maintained. This is consistent, for instance, with episodic but regular checking in with political events. This condition may seem obvious, but we will see that it leads to serious measurement issues since it requires that we want changes in our variables of engagement to be stable over the medium and long term. Maintaining studies over the requisite length of time to gauge such stability proves to be a challenge for many studies of democratic institutions.

3. Measuring the Cognitively Inclusive Polity

So what do these conditions mean for our three measures of cognitive inclusion? Before answering, a brief note on differences between the three measures. Political interest and knowledge measure something very like the intensity of political engagement, (along with noise from memory bias and extrinsic motivations), which is represented by the x-axis in the illustrative distributions of
Figure 5.2 above. These two variables offer *continuous* measures from total inattention to intense engagement, and every level of engagement in between. Turnout, however, is a dichotomous variable (you vote or don’t), and so cannot give us information about the intensity of engagement, at least not at the individual level. As an aggregate measure, however, turnout will provide information about the polity’s overall level of engagement. I mention this difference because it means that we have to use the measures in different ways.

With respect to our first two indicators, the non-ignoring condition means that any distribution of political interest responses with practically zero individuals in the lowest response categories or knowledge batteries with virtually no respondents scoring zero would suggest a true cognitively inclusive polity. As mentioned above, this could mean any distribution—right- or left-skewed, normal, or anything else—in which the lowest values are some reasonable distance higher than zero. In real world conditions, of course, not every distribution is equally likely. Political knowledge, for instance, seems to be distributed either normally 28 or with something of a right-skew. 29 Given the way that many scholars speak of the poor informedness of citizens—with which I’ve registered my complaints in the last chapter—we would probably expect considerable right-skewness. And this is fine, so long as the beginning of the distribution is some distance above zero.

Regardless of the overall shape of the distribution, the task for an institution seeking to promote cognitive inclusion would therefore be to move this distribution up off the lowest levels of political knowledge, as well as of political interest. This implies that a cognitively inclusive polity is *not* going to be one where these proxy measures are maxed out. We would not therefore expect a successful intervention to bring about universally high levels of self-reported political interest nor

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29 Bennett, "Is the Public’s Ignorance of Politics Trivial?"
high levels of political knowledge. We are more interested in distributions which indicate that everyone has moved out of the lowest response categories. Low but non-zero levels of information are entirely satisfactory, as are moderate levels of political interest.

The same cannot be said of turnout because it is dichotomous. Unlike political interest and knowledge, individuals cannot show a non-zero level of turnout other than by actually coming out to vote. This means that in order for turnout to signal cognitive inclusion, an individual would have to turn out (or perhaps otherwise signal awareness of the election). A polity in which everyone turns out is therefore a cognitively inclusive one. This means that a successful intervention to bolster cognitive inclusion could show up as higher turnout. I say ‘could’ because there are many possible intervening factors that can disconnect the level of turnout from the level of cognitive inclusion, such as formal burdens on the exercise of the franchise or widespread disaffection with existing electoral choices. Nonetheless, because the act of voting itself tends to induce attention to and reflection about politics, targeting turnout directly is likely to be an effective way to promote cognitive inclusion. I return to this topic in Chapter 7. Moreover, since turnout likely does signal cognitive inclusion, higher turnout should indicate a more cognitively inclusive polity. Despite some risk of circularity, we would therefore look for higher turnout rates among those who are cognitively included.

With these measures in hand and with some idea of how they should behave in the presence of institutions which successfully promote cognitive inclusion, we can now proceed to consider specific institutional interventions.
If what we want from a democracy’s participatory regime is that it should be effectively inclusive—and so promote the cognitive inclusion of everyone subject to it—what sorts of institutions will help us do so? This is the question motivating the next two chapters. In this chapter, I examine institutions designed to embody the ideal of deliberative democracy and assess their promise for expanding inclusion. In the next chapter, I argue for the great utility of electoral institutions like political parties and mandatory voting to constituting a cognitively inclusive polity.

Deliberative democracy serves as the normative touchstone of a great deal of democratic theory today and has motivated much imaginative institutional design and actual experimentation. Additionally, the theory has been used to understand and characterize democratic experiments executed by conventional political actors and entrepreneurs who are not theoretically motivated. The vast majority of these efforts are deliberative mini-publics (or DMPs), which are, briefly, deliberative forums made up of as few as a dozen or as many as a few thousand citizens discussing public issues. The hope of such institutions is that by securing spaces in which citizens can discuss public issues in structured ways, they can help democracy as a whole to reap the intrinsic and instrumental benefits of public discussion promised by deliberative democratic theory. These benefits include political
consensus, the attenuation of political disagreement, the taming of political conflict, bolstering legitimacy, the generation of social solidarity, the clarification of disagreements, improving the quality of political decision making, advancing social justice, restoring and augmenting trust in political institutions and leaders, and realizing greater political equality.

Here I am mainly interested in one specific subset of these alleged benefits: the educative and transformative effects of deliberative participation. Participatory democrats like Carole Pateman have long emphasized that participation in democratic politics itself helps to generate the habits and attitudes of good citizenship—to make “better citizens,” as it is sometimes said. Yet my interest in making better citizens is limited. Whereas I am interested only in making citizens more engaged with and attentive to politics, advocates of the educative effects of participation care not just about this, but also about making citizens more publicly-spirited and altruistic, more fair-minded and oriented toward justice, and more tolerant and trusting of their fellow citizens, among other things. In the present argument, I am agnostic about whether these attitudes are necessary for a well-functioning democracy. For although I have already established the unique importance of cognitive inclusion, doing so for these others would require further argument. Since I do not intend to add to my argumentative burden at this point, I am only interested in making ‘better citizens’ insofar as becoming interested in politics is a first, necessary step to realizing any picture of the democratic good. That being said, I do make some general comments about deliberative theory later in the chapter.

This chapter makes two related arguments. The first is that despite deliberative mini-publics’ ability to promote cognitive inclusion among participants, they should not be relied upon as a primary means of promoting inclusion due to unsolvable problems of scale and selection bias. If
universal cognitive inclusion is as important as I argue it is, this should seriously dampen the enthusiasm for DMPs. The second argument is that DMPs are at their best when integrated with electoral institutions because it is the most plausible and defensible way to maximize their reach and influence.

These arguments may seem an odd juxtaposition since they mix (qualified) praise and (all things considered) condemnation, but in concert they help make one of my overarching points: that democratic reformers and institutional designers should focus on the electoral system. The first argument implies a focus on institutional tools that can reach everyone, as can those of the electoral system. DMPs properly integrated with electoral processes are therefore best because they reach incomparably more people than those that are not so affiliated. Nonetheless, even in this form, DMPs’ effects on cognitive inclusion are likely to be very small indeed, though they may have other effects valued by deliberative democrats. Since the normative focus here is cognitive inclusion, these latter effects are of little interest.

The argument proceeds as follows. First I clarify what a deliberative mini-public is and offer five dimensions along which DMPs differ and can be categorized. I next address measurement questions regarding cognitive inclusion. How would we know whether DMPs or other institutional arrangements promote cognitive inclusion? In the third section, I consider whether existing evidence about DMPs meets this standard, arguing that although the evidence is sparse, it mostly does suggest deliberative participation in a DMP promotes cognitive inclusion. I then argue in the fourth section that despite this positive effect of participation in a DMP, the scale of such participation is always likely to be so small and self-selected as to leave it essentially powerless to promote cognitive inclusion in everyone. In this discussion, I press the importance of relevant alternatives to direct
participation in a DMP, with focus on deliberation in the internal sense implied in cognitive inclusion. In the fifth section I discuss possible indirect effects of DMPs, as on those who do not participate directly in them but read or hear about them or view television programming covering their activities. I argue here that only DMPs integrated with the electoral system are likely to have even these indirect effects on cognitive inclusion and that even these effects are likely to be concentrated on those who need them least, that is, those who are already cognitively included. The sixth section addresses a common misconception that DMPs promote inclusion by way of opening access to the corridors of power. I argue that doing so does not actually further the end of building a more inclusive politics but rather helps bring about an aristocracy of activists due to selection effects. In the final section, I conclude that DMPs are not good tools for promoting cognitive inclusion compared to those that can reach all citizens, as can the institutions of electoral politics. I also propose a new DMP integrated with political parties to illustrate the best DMPs might do.

1. What is a Deliberative Mini-public?

In this section I clarify what a deliberative mini-public is by introducing five dimensions along which mini-publics differ and illustrating how most existing or proposed DMPs can be categorized using them. These dimensions will give us a language to appreciate the merits and faults of different types of mini-publics, allowing me to argue that some DMPs—namely those that are integrated into the electoral system—are probably best for promoting cognitive inclusion. By providing a comprehensive overview of the universe of mini-publics, the discussion will also help prepare the ground for my general criticisms of DMPs, since the overview will also allow us to recognize what all mini-publics have in common.
The idea of a deliberative mini-public stems from Robert Dahl’s idea of a “minipopulus.” The key features of Dahl’s minipopulus are a fairly large size (one thousand or so\(^1\)), random selection of the members, and extended deliberation on an issue or agenda. Minipopuluses might exist at any level of government and their deliberations might include advice from scholars and specialists and involve the commissioning of original research. Though they are meant to be representative institutions which reveal the judgment of the demos, they are not intended as a replacement for legislative assemblies but rather as a complement to them. Nonetheless, the verdict of a minipopulus “would be the verdict of the demos itself, if the demos were able to take advantage of the best available knowledge to decide what policies were most likely to achieve the ends it sought.”\(^2\)

Few DMPs follow Dahl’s outline of the minipopulus, though they retain the core element of substantive discussion of public issues. They have taken a number of different forms which vary along at least five dimensions:\(^3\)

- **Size** – how many participants does the DMP accommodate?
- **Selection** – how are the participants selected?
- **Scope** – what is the brief or agenda of the DMP, and how broad is it?
- **Frequency** – how often does the DMP convene?

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\(^1\) The figure of one thousand was likely chosen by Dahl because it is roughly the sample size used by pollsters when they construct a nationally representative sample. The one thousand person size limits the very real possibility of selecting, purely by chance, an unrepresentative group of persons. It does not, however, eliminate that risk.


\(^3\) Archon Fung characterizes DMPs using seven “design choices” or dimensions. See Archon Fung, “Survey Article: Recipes for Public Spheres: Eight Institutional Design Choices and Their Consequences,” *Journal of Political Philosophy* 11, no. 3 (2003): 340-7. My five categories are partly duplicative of his (Selection, Scope and, Frequency) but Fung sees no need to differentiate DMPs by size, includes redundant categories (e.g. scope as well as “stakes”), and does not specify the very important element of their organizational mode. Organizational mode is important because it often determines the character of DMPs in ways that Fung is interested in such as the degree of empowerment of a DMP and its deliberative mode. It can also open the door to more inclusive participant selection if the organizational mode includes integration with the state and can draw upon its resources and authority.
• Organizational Mode – is the DMP convened by, integrated with, or endorsed by the state or its officers? Or is it a creation of civil society?

Compared to Dahl’s minipopulus using these dimensions, most DMPs are much smaller than one thousand participants, few randomly select their participants, most are highly episodic, and most are hardly integrated into the state at all. Most existing or proposed DMPs are summarized for comparison according to these five dimensions in Table 6.1 below.

1.1. Size

The sizes of DMPs vary considerably. The smallest include citizen panels or citizen juries, which usually number between just ten and thirty participants. For understandable reasons of cost, these are among the most common DMPs in terms of gross prevalence in the world. Another class of medium to large DMPs range from 150 members, such as in the Canadian and Dutch citizen assemblies, to several hundred, as in deliberative polling. The largest DMPs can have as many as several thousand members, as in participatory budgeting and some of AmericaSpeaks’ 21st Century Town Meetings. At the upper bound of what we might characterize as a DMP is Ackerman and Fishkin’s idea of Deliberation Day, which is meant to accommodate all citizens, broken up into local deliberative groups.

1.2. Selection

The selection of participants for DMPs makes use of a relatively small number of mechanisms, often in combination. These are self-selection, random invitation to participate (in which randomization is achieved using survey methods or voter rolls to guide invitation), targeted invitation to participate (including recruitment of marginalized groups), and lottery (as of those who voluntarily self-select to enter their names). One selection mechanism that is not part of any existing or proposed DMP though it could conceivably be so is random compulsory participation, which is of course the
selection mechanism used for civil or criminal jury service in the US. All of these methods can be combined with the use of incentives to promote participation and recompense participants for their time, as proposed for Deliberation Day.

1.3. Scope

The scope of DMPs’ deliberation varies enormously. In many cases, the scope and subject of the DMP’s deliberation is decided ahead of time by those paying for or otherwise empowering the DMP, as by local authorities, private businesses, or civil society groups. For instance, many citizen juries are convened to address a specific public project, such as the design of a local public building or monument. Others address specific detailed technical questions to provide lay input for bureaucratic rule making or to review ballot initiatives. Such limited scopes resemble civil and criminal juries. The DMPs of Chicago’s community policing program and Local School Councils are limited to hyperlocal issues of policing and school policy respectively. Deliberative polls are almost always limited to a narrow preselected topic or set of topics. Other sorts of DMPs are much less constrained in terms of subject. Twenty-first Century Town Meetings involve a vast feedback infrastructure involving the summarization of small-group discussions, consideration of small-group conclusions by the whole, and instant voting which allow for a collective process of agenda setting and of choosing group priorities. Because it would be held simultaneously with a national election, Deliberation Day facilitates consideration of as many issues as can be considered in an election. John McCormick’s proposed Citizen Tribunate would likewise be able to set its own agenda as it decided which acts of Congress, the Presidency, and the Supreme Court it would veto and which issues might be addressed in a referendum.
1.4. Frequency

Frequency refers to how often a particular DMP meets or is convened, rather than how often that kind of DMP has met or been convened. On this measure there is little variation as most DMPs are infrequent to completely episodic, often occurring only once. Among those that have actually been tried, there is little recurrence. For instance, each deliberative poll is convened to address a different issue, just as is each citizen jury. Also, although the deliberative process of citizen assemblies takes place over the course of many months, once the body has made its recommendation, the assembly does not meet again, nor have there been any subsequent citizen assemblies on any subject in the same jurisdiction. There are two notable exceptions to the general pattern of DMPs meeting episodically. These are Oregon’s Citizen Initiative Review panels, which have convened citizen juries to write reviews of ballot initiatives for voter pamphlets in several subsequent elections, and participatory budgeting, which happens at regular intervals if not annually (so long as it retains the political support of budgetary authorities). Among those DMPs that have been proposed but not tried in the world, regularity is a common aspiration. Deliberation Day would occur for every national election, that is, every two or four years, as would John Gastil’s proposed system of citizen panels that review electoral candidates and legislative priorities and whose recommendations are printed in voter pamphlets. McCormick’s Citizen Tribunate would meet annually.

1.5. Organizational Mode

Organizational mode refers to the formal authority of DMPs and the relationship between the DMP and other institutions, especially the state and civil society organizations. Is the DMP integrated with or formally endorsed by organs of the state? Is it sponsored or endorsed by public figures or

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4 The most famous case of participatory budgeting, Porto Alegre, lasted in its famously robust form only so long as the Partido do Trabajadores remained in power in the city. When they lost the election in 2004, the process was stripped of its substantive power by the victorious conservative coalition. Gianpaolo Baiocchi and Ernesto Ganuza, "Participatory Budgeting as If Emancipation Mattered," Politics & Society 42, no. 1 (2014): 34.
office-holders, or is it instead entirely a work of civil society? There is a great deal of variation on these issues. Some DMPs have no relationship to the state and are entirely creations of academics and civil society and so have no formal authority. This is the case for virtually all deliberative polls as well as many citizen juries and 21st Century Town Meetings. Other DMPs are much more closely and effectively integrated with the state. Participatory budgeting, community policing, and Local School Councils are all strongly integrated into local governance institutions and have marked authority and influence over policy within their narrowly delimited scope, not unlike civil and criminal juries. Some DMPs are integrated with the state in formally advisory ways, as when a citizen jury is empanelled to review a bureaucratically drafted policy or regulation. The relevant authority will sometimes be contractually obligated to give the jury’s recommendations due consideration.5 Citizen panels of the sort imagined by Gastil and enacted in the Oregon Citizen Initiative Review are advisory to the public, as opposed to bureaucratic or elected authorities, but do so in a way that links them closely to elections. This means that they lack formal authority, but probably influence electoral outcomes.

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Table 6.1: Ideal Types of Deliberative Mini-publics and their characteristics along five dimensions

<table>
<thead>
<tr>
<th>Ideal types</th>
<th>Size</th>
<th>Scope</th>
<th>Selection</th>
<th>Frequency</th>
<th>Organizational Mode</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conventional Jury</td>
<td>Small</td>
<td>Limited/preselected</td>
<td>Random and compulsory</td>
<td>Rolling</td>
<td>Integrated with judicial system and authoritative</td>
</tr>
<tr>
<td>Citizen Jury/Planning Cell</td>
<td>Small</td>
<td>Limited/preselected</td>
<td>Randomly invited</td>
<td>Episodic</td>
<td>Advisory or integrated with bureaucratic authorities</td>
</tr>
<tr>
<td>Accountable Autonomy</td>
<td>Small</td>
<td>Limited/hyperlocal issues</td>
<td>Self-selection</td>
<td>Rolling</td>
<td>Integrated with local governance</td>
</tr>
<tr>
<td>Participatory Budgeting</td>
<td>Large to very large</td>
<td>Limited/local</td>
<td>Self-selection</td>
<td>Annual or when political support</td>
<td>Integrated with local budgetary authorities</td>
</tr>
<tr>
<td>Citizen Assembly</td>
<td>Medium to small</td>
<td>Limited or delegated/electoral reform</td>
<td>Lottery of those who attend meetings after random invitation</td>
<td>Episodic</td>
<td>Delegated by legislature to write referendum</td>
</tr>
<tr>
<td>21st Century Town Meeting</td>
<td>Large to medium</td>
<td>Wide/local</td>
<td>Self-selection, with recruitment</td>
<td>Episodic</td>
<td>Civil society or endorsed by local authorities</td>
</tr>
<tr>
<td>Deliberative Poll</td>
<td>Large to medium</td>
<td>Limited/preselected</td>
<td>Randomly invited from survey sampling with incentive</td>
<td>Episodic</td>
<td>Civil society or commissioned as advisory</td>
</tr>
<tr>
<td>Deliberation Day</td>
<td>Very large</td>
<td>Wide/national</td>
<td>Self-selection with incentive</td>
<td>Every election</td>
<td>Integrated with electoral system (candidates and election)</td>
</tr>
<tr>
<td>Citizen Initiative Review Panel</td>
<td>Small</td>
<td>Limited/initiative review</td>
<td>Randomly invited from voter roll</td>
<td>Every election</td>
<td>Integrated with electoral system (voter pamphlet)</td>
</tr>
<tr>
<td>Citizen Ballot Review Panel</td>
<td>Small</td>
<td>Wide/election issues</td>
<td>Randomly invited from voter roll</td>
<td>Every election</td>
<td>Integrated with electoral system (voter pamphlet)</td>
</tr>
<tr>
<td>Citizen Tribunate</td>
<td>Small</td>
<td>Wide/national</td>
<td>Randomly invited “non-wealthy” citizens with incentive</td>
<td>Annual</td>
<td>Independent branch of government with veto and referendum power</td>
</tr>
<tr>
<td>Citizen Cabinet</td>
<td>Large to medium</td>
<td>Limited/selected by special panel</td>
<td>Randomly invited</td>
<td>Rolling</td>
<td>Issues reports to executive and legislature</td>
</tr>
<tr>
<td>Party Platform National Meeting</td>
<td>Large to medium</td>
<td>Wide/national</td>
<td>Randomly invited</td>
<td>Every election</td>
<td>Integrated with electoral system (parties)</td>
</tr>
</tbody>
</table>
As mentioned above, these dimensions provide a language for differentiating types of DMPs. This will help me suggest later that organizational modes integrating DMPs with the electoral system and featuring iterated frequency make for the most successful DMPs with respect to engaging a wide public. This overview should also make plain the commonality that all DMPs are built around face-to-face discussion as the primary mode of deliberation. I will suggest below that doing so ignores a less costly mode of deliberation that is well described by cognitive inclusion.

2. Measures of Cognitive Inclusion

Before assessing the efficacy of DMPs or any other institution in promoting cognitive inclusion, we must first identify measurements of cognitive inclusion and specify what sorts of changes in those measurements would count as improvement. In the last chapter, I posited three measures of cognitive inclusion—political interest, political knowledge, and turnout—and talked about what we would expect to see from these measures in a cognitively inclusive polity. We would expect to see no one totally uninterested in politics, no one unable to answer any factual questions about politics, and universal turnout. Institutions which promote cognitive inclusion should therefore be able to help bring a population closer to these measurable states. In a situation of non-universal cognitive inclusion, we would therefore expect inclusion-promoting institutions to increase political interest, improve scores on knowledge surveys, and increase turnout rates over the medium to long term. These, therefore, will constitute our main indicators of whether DMPs promote cognitive inclusion.

Two issues remain about measuring the ability of DMPs to promote cognitive inclusion. The first is the question: among whom should we expect to see these changes? Are improvements in cognitive inclusion to be expected only among direct participants in the DMPs, or should we also see them in the wider public? This turns out to be the single most important issue in assessing the
performance of DMPs because, as we shall see, they do seem to promote cognitive inclusion among participants, but not among the wider public. It is moreover because we must have everyone cognitively included that we ultimately have to reject DMPs as significant helpmates in this task. In the next section I focus on the direct effects on participants, and then proceed to consider whether there are indirect effects that stretch further. Here, however, I should specify what ideal studies would look like for gauging the direct effects on participants and the indirect effects on those living in proximity to DMPs.

An ideal study for gauging the effects of DMPs on participants would involve random assignment of a large and diverse population to participation in a DMP or a control group that does not deliberate. Both groups would be surveyed regarding their level of political interest, would answer a large and diverse political knowledge battery, and would be matched to public records regarding whether they voted. They would be surveyed both before and after participation, as well as several times subsequently in the medium and long term. Their voting habits after participation would likewise be monitored in the medium to long term. Results would all be compared to the control group to test for significant differences in interest, knowledge, or turnout levels. We shall see that no studies of DMPs have been completed that meet all of these (demanding) conditions, though elements of them can be found in particular studies, as we shall see.

An addendum to this study would investigate the effects on those ‘nearby’ participants, particularly those in the same household. The design here would be similar to that recently deployed by Michael LaCour and Donald Green,¹ whereby participants are offered financial incentive to refer friends and family to a survey which would assess their levels of interest and knowledge, and match

them to the voter register so far as possible to assess turnout. This would allow us to assess the degree to which DMPs affect people beyond participants through social network effects. Assessing the effects of DMPs on the general public, however would require a different kind of study.

An ideal study for gauging the effects of DMPs on the wider public, as opposed to only among participants and their immediate relations, would randomly assign living in a polity that deploys DMPs in some significant way. (Per the five dimensions discussed above, a polity that makes use of DMPs in a significant way would one that has DMPs with regular frequency and/or has a DMP whose organizational mode is well integrated with the state.) We would again want information collected before and after the occurrence of the DMP on political interest and knowledge, as well as voting habits among the control and experimental groups. We would then want to monitor the medium and long term effects, if any, of living in a polity that makes use of DMPs. No studies even approximate these conditions, nor is it easy to imagine doing so (i.e. are states likely to consent to being randomly assigned DMP deployment?) and so I shall be extrapolating from poor data indeed to gauge the indirect effects of DMPs.

The second and more fundamental issue about measuring DMPs’ promotion of cognitive inclusion is that it may miss the point of a deliberative mini-public in the first place. Why, we might ask, would we expect DMPs to have these kinds of effects at all? Perhaps mini-publics aren’t really meant for expanding cognitive inclusion or general political engagement, so my argument really misses the point of those who advocate them. They are instead appropriate for very specific, targeted purposes, such as crafting informed policies and bringing more ordinary people closer to the exercise of power. Unfortunately for this argument, some of the most prominent advocates of mini-publics do indeed see them as solutions to patterns of civic disengagement. Archon Fung, for instance, calls
DMPs “among the most promising actual constructive efforts for civic engagement and public deliberation in contemporary politics.” James Fishkin likewise sees his deliberative polls as “a tool for civic education and for stimulating civic engagement.” Mini-publics do indeed seem to present the promise of a more widely engaging democracy to many. That some advocates do not see them this way is a credit to their discernment, since I will be arguing that all things considered, DMPs are not good tools for promoting engagement.

3. Direct Effects of Mini-public participation on cognitive inclusion

So, what evidence is there that DMPs promote cognitive inclusion in the ways specified in the last section? There is strong evidence that deliberative participation promotes turnout over the long to medium term, reasonably good evidence that it does so for political interest, and some evidence that it promotes political knowledge over a similar timeframe. There is additional evidence that DMP participation can promote interest and knowledge over the short term. Together, this agglomeration of evidence strongly suggests that deliberative participation in a DMP can effectively promote cognitive inclusion.

It may seem odd, or even worrisome, that I discuss so few studies and DMPs in what follows. I do so because although there is a wealth of empirical research on deliberation, little of it

investigates political engagement and virtually none of it looks for medium or long term effects on engagement. Luckily, trustworthy evidence that does meet these conditions is clear that deliberative participation in DMPs promotes cognitive inclusion.

The strongest evidence for deliberation’s promotion of cognitive inclusion comes from civil and criminal juries. Although juries are not generally considered deliberative mini-publics, they certainly involve the sort of face-to-face discussion that all would agree constitutes deliberation. I include conventional juries in Table 6.1 above both for the sake of comparison and because they probably can be fairly characterized as DMPs. But regardless of whether juries should properly be counted as DMPs, their extensive deployment of deliberative participation makes them a good place to look for effects of deliberation on cognitive inclusion.

In a series of studies, John Gastil and various coauthors have found that jurors who don’t usually vote and who engage in jury deliberations are 4 to 7 percent more likely to vote afterward. We can see that this is a substantively large effect if we compare it to that of other institutions’ effect on turnout. On the lower end of the estimate, the deliberation effect is larger than that of having a unicameral legislature or having nationally competitive electoral districts, both of which increase turnout on the order of 2 or 3 percent. The higher end of the estimate of deliberation’s effect, 7

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5 Some deliberative theorists only count discussions oriented toward making a proximate decision as deliberation, as opposed to more general political talk. See Thompson, "Deliberative Democratic Theory and Empirical Political Science," 502. Jury deliberations surely pass even this demanding standard.


percent, compares favorably to that of the single most powerful institution that promotes turnout, mandatory voting, the most conservative estimates of which are on the order of 7 percent as well.8

Interestingly, the effect only appears to affect non-habitual voters, as judged by their voting record prior to jury service. This is exactly what we would expect to find if cognitive inclusion were indeed the habit of mind described in Chapter 2, since people who vote are already oriented toward the political realm, whereas non-voters are not and need an external impetus to come to an interest in politics. It appears that deliberating on a jury provides that impetus.

The strengths of these studies are many. By drawing upon publicly-available voting records, Gastil et al. do not rely upon self-reported voting histories, thereby removing a notorious source of over-reporting bias. Also, the population of jurors is subject to substantially less bias than for any other DMP since it draws participants from the voter roll and compels their participation. Selection for most DMPs involves substantial opportunities for self-selection as people who are invited to participate can easily opt out. This presents a particularly acute problem for the promotion of cognitive inclusion since those who opt out will tend to be precisely those who are politically disengaged. Finally, jurors are essentially randomly assigned deliberation because of the vagaries of jury assignment and trials, allowing for greater confidence in the effect of the treatment.

That being said, one might question these findings on the grounds that it might not have been deliberation that caused the change but some other feature of the experience. This is unlikely, however, because the authors differentiate between a number of jury experiences—hung jury, deliberated to a verdict, cancelled trial, etc.—and find that the effects are strongest for those who

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completed substantial deliberation. The effect of jury service on those who were empanelled but did not deliberate was indistinguishable from zero.

Other strong evidence for DMPs promoting cognitive inclusion comes from James Fishkin and Robert Luskin, and draws from their extensive experience with deliberative polling. Deliberative polls invite a representative sample of the population to spend a weekend consulting with experts and deliberating with other citizens about a preselected political issue. Most of the evidence gathered in the course of deliberative polling is oriented toward showing that deliberation changes the substantive opinions of participants and that the participants are representative of the population as a whole. But along the way Fishkin and Luskin have also accumulated information about the effects of participation on the political knowledge and attitudes of participants, including trust, political efficacy, participation, and political interest. Two of these are important for us: political interest and political knowledge.

Regarding political interest, the best evidence comes from the National Issues Convention deliberative poll (NIC), held during election season in 1996 in the United States, and the deliberative poll on the Australian Constitutional Referendum of 1999. Participants in the NIC showed substantial and statistically significant increases in their levels of political interest when re-interviewed ten months after the event. The increase amounted to a fifth of a point on a four-point scale, moving participants about 5% of the spectrum from their pre-participation level. There is also evidence that participants were significantly more likely to participate in politics in a variety of ways after taking
part in the DMP. These data are strong because of they are among the only measurements we have of the effect of DMP participation in the medium to long term.

There are however two important drawbacks to these data. Firstly, there is no control group with whom we could compare the participants’ run-up of political interest. External factors may have intervened to affect the entire population. Secondly, the treatment group of participants was subject to substantial self-selection. For although a representative sample on the order of a thousand strong was invited to participate, a much smaller group of just a few hundred actually showed up to participate. I discuss the issue of self-selection more in the next section. This probably makes them different from those who didn’t show up in important ways. This is why the data from the Australian deliberative poll is helpful.

For the Australian deliberative poll, non-participants from the original group of invitees as well as an independently selected random sample were asked about their levels of political interest a few weeks after the referendum took place. This creates two “quasi-control groups,” allowing us to better assess the effect of participation on political interest. What we observe is an almost identically sized bump in political interest among participants to that of the NIC participants (two tenths of a point on a four-point scale) between the beginning and end of the DMP. A few weeks later, this bump had declined (though not by an amount reaching conventional levels of statistical significance). Even then, it remained substantially and statistically significantly higher than among the new random sample of Australians who hadn’t been invited to participate at all.

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10 The only other study I’ve found had n=61 and was only able to re-interview 44 of these after 8 months. This study also had severe self-selection issues and failed to deploy any of our three favored measures of cognitive inclusion. See Troy E. Hall, Patrick Wilson, and Jennie Newman, "Evaluating the Short- and Long-Term Effects of a Modified Deliberative Poll on Idahoans’ Attitudes and Civic Engagement Related to Energy Options," *Journal of Public Deliberation* 7, no. 1 (2011).
There was no statistically significant difference in the level of interest of non-participants and participants, however. But the non-participants are probably not a good comparison group because they were influenced by the DMP, through being invited to participate. There are indications that merely inviting non-participants boosts their levels of political interest, particularly since they were being invited to deliberate in the atmosphere of the novel political mechanism of a national referendum, moreover one on the highly salient issue of Australia’s relationship to Great Britain and its monarchy. Non-participants who were nonetheless invited might therefore actually constitute a second treatment group rather than a quasi-control group. For this reason, the new random sample probably constitutes a better comparison group to that of the participants. In sum, the increases in political interest among participants are significant and last at least a few weeks, indicating some lasting growth in their cognitive engagement with politics.

Deliberative polls also provide evidence that participation in this kind of DMP increases performance on knowledge surveys. Much of this evidence is short term, showing that between first contact and the end of a weekend-long deliberation and consultation with experts the level of specific information about the topic of the poll increased. It would be amazing if this experience failed to increase such specific knowledge immediately. What we want, however, is data that these gains were enduring in the medium to long term, several months at least, and that they induced wider information gains as regarding other political issues since only such gains would signal the general

cognitive reorientation toward politics involved in cognitive inclusion. There is some evidence of the former type of gains from the Danish deliberative poll on the euro, in which information gains on the topic of the euro were retained for at least three months.\textsuperscript{12} Other deliberative polls have shown gains in general political knowledge and not just the specific topic of the deliberation but these have mostly been in the very short term, immediately after deliberation. On the whole, then, deliberation in information-rich contexts like a deliberative poll does increase knowledge, but it remains unclear to what extent we can take that as an indication of increased cognitive inclusion. The evidence is nonetheless suggestive and non-trivial.

There is also evidence that DMPs promote political interest and political knowledge, and so cognitive inclusion, from the experience of participants in citizen assemblies. There have been four major citizen assemblies in the modern era, in Iceland (2009-10), the Netherlands (2006), and two in Canada, in British Columbia (2004) and Ontario (2006).\textsuperscript{13} These DMPs feature substantial, prolonged deliberation about a major public issue such as redesigning the constitution or electoral system and include the input of experts as well as non-participant members of the public. Citizen assemblies generally meet over the better part of a year, making them probably the most intensive deliberative experience of any DMP.

Participants in the two Canadian and Dutch citizen assemblies were surveyed at several times throughout their service, including before the deliberations began. Compared to their pre-service levels of political interest and knowledge, participants had large, statistically significant increases in both measures. On a regularized scale, the participants’ level of interest increased by about 8%, and


their scores on information surveys increased by nearly 12%. Because of the lengthy duration of the citizen assembly deliberations—which ran four, eight, nine, or eleven months—we can probably treat these as medium term measures of the effect of participation.

There are at least two issues with this evidence that limit the confidence we can repose in it. As with some of the evidence from deliberative polling, there is no control group to which we can compare these effects. Likewise, participation was subject to heavy self-selection since participants were generally chosen by lot from among those who attended initial public meetings about the assembly, after being randomly invited from the voter roll. The lack of random assignment and of control groups must temper our confidence in the evidence, but should not extinguish it. This is in particular because of the superlative duration and quality of citizen assembly deliberation. It is difficult to imagine that a year-long process of drafting a referendum about reforming the electoral law or the constitution itself and deliberating with experts and other citizens about it would have no lasting effects on its participants.

In sum, and despite the methodological quibbles registered above, there is fairly good evidence from a variety of DMPs that deliberative participation does indeed increase turnout, political interest, and to some extent political knowledge among participants. This in turn suggests that DMPs do indeed encourage participants’ cognitive inclusion in democratic politics. As noted above, however, this evidence comes from a fairly small set of DMPs. I discuss the implications of this in the next section in the process of explaining why, despite this ability to promote inclusion, that we should not rely upon mini-publics.

4. The Limits of Mini-publics

Given that mini-publics seem to be able to promote cognitive inclusion, it may be puzzling that I would come to the roundly critical conclusions I voiced at the beginning of this chapter. But the core reasons are straightforward and form the subject of the next two sections. Put briefly, DMPs face unsolvable problems of size and selection that poison their ability to promote cognitive inclusion on the scale required by the priority of universal inclusion.

The evidence we’ve seen so far only establishes that DMPs have these effects on participants, yet mini-publics are by their nature small institutions with few participants compared to the size of the total population of any polity. Most DMPs accommodate just a few dozen participants, while the largest ones have included a few thousand. The largest successfully implemented DMP is participatory budgeting, which is generally held at the municipal-level. The most successful instances of participatory budgeting have still only managed to engage about 10% of the municipal population. When compared to the size of the polity, mini-publics thus only ever directly reach a small minority. More frequently, the number of participants is a rounding error of the total population.

This insignificant size drastically restricts the effects of DMP participation on the wider public and creates serious doubts about DMPs’ utility as tools for promoting cognitive inclusion. But of course concerns about the size of DMPs are by no means lost on their advocates. Deliberative democrats have offered at least three responses to the scale problem.

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16 The Brazilian state of Rio Grande do Sul introduced a short-lived state-level participatory budgeting process. It was undermined by political factionalism and stands as the only non-municipal instance of participatory budgeting. See Benjamin Goldfrank and Aaron Schneider, "Competitive Institution Building: The Pt and Participatory Budgeting in Rio Grande Do Sul," *Latin American Politics and Society* 48, no. 3 (2006).

17 Baiocchi, "Participation, Activism, and Politics: The Porto Alegre Experiment and Deliberative Democratic Theory."
4.1. The “If You Build It, They Will Come” Fallacy

Firstly, if the problem is that DMPs don't have the capacity to promote cognitive inclusion very far, why don't we just build more capacity by multiplying the number of DMPs and making them more far reaching? This is a natural response to the problem of scale which grows out of a particular diagnosis of why people would fail to engage in politics in the first place. On this view, shallow and meaningless forms of participation—such as voting, joining a political group, or canvassing for a political campaign—are the problem. Because these forms of participation have little appreciable impact on politics or policy and tend to involve political parties that are often thought to be excessively unresponsive, ideological, or captured by special interests, what is needed are new, more direct and unmediated forms of participation. This is what DMPs offer. DMPs promote inclusion by building spaces for meaningful participation, which will lure disaffected or apolitical citizens into participation, and so cognitive inclusion, with the incentive of making a real difference. The basic intuition is that improving the quality of participatory opportunities, as by making them more direct and deliberative, will itself solve the inclusion problem. I call this the 'if you build it, they will come' hypothesis.

The two major problems with this hypothesis stem from its presuppositions about the motivations of politically disengaged citizens. Mini-publics will not work to promote cognitive inclusion among this group if politics lacks a sufficiently strong intrinsic attraction in contemporary circumstances. Even if we accept the evidence of the last section and affirm the participation hypothesis—and so believe that political participation generates its own support through skill development, habituation, and by closing feedback loops of political efficacy\(^\text{18}\)—it is reasonable to

\(^{18}\) Finkel, "Reciprocal Effects of Participation and Political Efficacy: A Panel Analysis; Freie, "Effects of Participation on Attitudes; Gerber, Green, and Shachar, "Voting May Be Habit-Forming; Gastil, Deess, and Weiser, "Civic Awakening in the Jury Room; John
doubt whether individuals will take the necessary first step into the political realm which kick-starts this self-reinforcing process on their own. It is just wishful thinking to believe politics intrinsically attracts most people, particularly those who are currently uninterested in it. People are busy and justifiably interested in things besides politics.19 This point is frequently made against forms of participatory democracy, often with the quip that democracy ought to not take up too many of our evenings.

Less noticed is that this point has only become more powerful as societies have developed economically and technologically. As societies have become wealthier, they have expanded the range of rewarding activities that individuals might spend their time and resources doing. This growth causes the opportunity cost of political participation to skyrocket since it requires abjuring a continually wider and richer span of choices. The result is that even if politics has some natural attraction, that shine diminishes relative to the total universe of choices open to individuals today unless politics' attractiveness keeps pace with the growth of other attractive activities. We are left with a serious motivational problem that is fatal to the ‘if you build it’ hypothesis. Those most in need of the avowed ability of DMPs to promote cognitive inclusion are the least likely to seek it out on their own because politics possesses no intrinsic interest for them. We are attempting to cultivate that interest, and so cannot presuppose it.

The ‘if you build it’ hypothesis is also undermined by the fact that the specific mode of participation that DMPs involve—deliberation in the sense of face-to-face discussion—is particularly demanding. Given the growth of opportunity costs, even moderately politically interested individuals may wish to avoid deliberative participation in DMPs. We would therefore expect that only

19 Shapiro, "Three Ways to Be a Democrat," 138.
abnormally motivated citizens would take part in DMPs, not legions of newly engaged democratic citizens. Unfortunately, there is little publicly available data about the levels of cognitive inclusion of those who choose to take part in DMPs versus those who do not. The only data I have found is from Luskin and Fishkin’s Australian deliberative poll data. These data show that the participants were indeed significantly more politically interested than an independently drawn national sample (p<0.01), exactly as we would expect. In sum, there is little reason to think that DMPs will expand inclusion simply by constituting deeper and more meaningful forms of participation.

4.2. Practical and Intrinsic Problems with Mandatory Mini-public Participation

A second approach to solving the scale problem is to make participation in a DMP mandatory in a similar way to that of civil and criminal juries. The precedent of jury selection demonstrates that this is not practically unworkable, at least not for logistical reasons. But different practical problems as well as an intrinsic one relating to the efficiency of DMP participation doom any attempt to widen the influence of DMPs by making participation in them mandatory.

The first practical problem with mandatory DMP participation stems from the fact that making participation mandatory will transform the deliberative experience in ways that can be expected to degrade its quality and attenuate its promotion of cognitive inclusion. Deliberation requires a carefully maintained atmosphere of mutual respect, civility, and staying on topic, among many other things. But this atmosphere is easily ruined by disruptive or eccentric participants. The mandatory service requirement would gather potential spoilers who are not interested in participating and may resent being made to do so. Such disgruntled participants are not a problem for non-deliberative forms of participation such as voting, but they can spoil the atmosphere required for

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20 P statistic calculated via a difference of means test with unequal variances on the basis of data in Table 1 of Luskin and Fishkin, “Deliberation and “Better Citizens”.”
productive deliberation. This will degrade the experience of many other participants, which in turn will hamper the expected positive effect on cognitive inclusion. Disgruntled participants would, moreover, deprive themselves of the beneficial effects of deliberation, which their reticence to participate suggests they may need. Moreover, as anyone who has attended public meetings can attest, open forums often draw eccentrics who press their idiosyncratic agenda upon the group with sometimes discomfiting and disruptive verve. These spoilers would be likewise gathered by a mandatory service requirement with predictably degrading effects on the deliberative experience and so on the promotion of cognitive inclusion.

Mandatory participation also gives rise to a practical dilemma regarding the impossibility of macro-political uptake from multiplied DMPs. The evidence that DMPs promote cognitive inclusion comes almost exclusively from DMPs whose organizational mode includes close integration with the state through being associated with elections and that often had made consequential decisions directly.21 These DMPs feature substantial “macro-political uptake”22 in that their deliberations were consequential, often highly so, for the issues over which they deliberated. This is not true of a vast number of other DMPs that lack such effectiveness. The dilemma arises over whether mandatory participation must take place in forums that feature both deliberation and effectiveness, as are those from which most of our evidence comes, or in those that merely feature deliberation but don’t make such decisions. Because our evidence comes mostly from the former, it is natural to conclude that decision-making mini-publics are the way to go.

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21 This is obvious in the case of jury service, as well as the citizen assemblies which wrote referenda and a constitutional draft. The main political interest evidence came from two deliberative polls which were held in the context of a presidential election or a referendum, and oriented directly toward the issues of those elections. The knowledge evidence too came mostly from deliberative polls in the context of elections.

22 Goodin and Dryzek, "Deliberative Impacts: The Macro-Political Uptake of Mini-Publics."
The practical problem arising from doing so is that it would be difficult if not impossible to make the tidal wave of outputs from DMPs—in the form of decisions and recommendations—that would be occasioned by mandatory participation matter for decision making on issues of wide significance. Not only would the aggregation of such outputs be mind-bogglingly complex and feature many opportunities for twisting the results of deliberations, but a government by mini-public would have to largely supplant conventional representative institutions in order to have DMPs affect decision making in requisitely authoritative ways. Such revolutionary change hugely magnifies the costs of using DMPs to promote cognitive inclusion, to say the least, and should give us pause in relying upon them for that purpose.

Grasping the other horn of the dilemma, we might embrace non-effective DMPs, which debate public issues but have no particular connection to wider political events like elections nor provide influential input to more formal institutions. The problem here is that mandated participation in such non-effective mini-publics will seem pointless to the participants, creating motivational problems and further damaging the atmosphere required for deliberation. This sets up the dilemma between remaking democratic government to take up the authoritative dictates of a vastly enlarged field of DMPs or turning the requirement of deliberative participation into a pointless chore. Both of these choices have serious drawbacks which should move us to look for alternatives to mandatory participation, particularly since less costly alternatives in electoral politics seem readily available.

This brings us to the intrinsic reason to oppose mandatory participation in DMPs: deliberation is an unreasonably demanding mode of political participation given that there appear to be other, less demanding ways to promote cognitive inclusion. Theorists have long objected that
deliberation is exclusionary due to its high and inequitably distributed costs. Deliberation is famously demanding in terms of time and convenience, disproportionately affecting working people, people with small children, and poorer people. The publicity of most deliberation—that is requires public speaking—advantages traditionally privileged groups who are often used to speaking publicly\textsuperscript{23} and incurs anxiety costs for a great many would-be participants, traditionally privileged or not, who are shy to speak in front of others. For these reasons, among others, deliberation is a costly and demanding way to promote cognitive inclusion. If it were the only way to do so, we might have to simply accept such drawbacks after taking reasonable steps to minimize them. But the process of deliberation itself suggests other, less demanding ways to promote cognitive inclusion, the existence of which undermines the case for making DMP participation mandatory.

Mini-publics are designed around the practice of face-to-face discussion, and it is in this sense—the sense of deliberation as discussion—that I have so far spoken of it. But it is important to distinguish such ‘deliberation as discussion’ from ‘deliberation as reflection.’ Where deliberation as discussion implies discussing the merits of some particular issue with others, deliberation as reflection implies weighing the merits by oneself, perhaps sometimes imagining what others would say about it. If we conceive of the process of political decision making using both of these concepts, it seems that deliberation as reflection forms a key part of deliberation as discussion. As Goodin puts it, “very much of the work of deliberation…must be done within each individual’s head.”\textsuperscript{24} When we converse about political issues with others in a process of deliberation as discussion, we are also simultaneously processing and weighing the content of that discussion internally, through reflection. It may be therefore that the actual work of deliberation in changing our minds or giving rise to new

\textsuperscript{23} Sanders, "Against Deliberation."

\textsuperscript{24} Goodin’s preferred phrase is “democratic deliberation within.” Goodin, "Democratic Deliberation Within,” 81.
orientations toward politics is largely accomplished by reflection, not by discussion. Indeed, there is empirical evidence that a large majority of opinion change in DMPs comes from reflection over new information rather than discussion of it.\textsuperscript{25} This suggests that the internal changes thought to be caused by deliberation as discussion, including the cultivation of cognitive inclusion, are in fact brought about by reflection. This has profound implications for the prospect of making DMP participation mandatory because it suggests that we can get what we want from deliberation—namely the promotion of cognitive inclusion—by targeting reflection directly rather than going through the demanding and unwieldy mechanism of deliberation as discussion.

The implications of this point are twofold. Firstly, it gives a strong reason for deliberative democrats to care about cognitive inclusion, since cognitive inclusion is largely about reflection, along with attention to politics. Inducing reflection among citizens ends up achieving many of the most important ends of deliberative democracy as well as furthering the promotion of cognitive inclusion. The second and more important implication for the present argument is that participation in DMPs cannot be made mandatory. If it is true, as some have argued, that it is not permissible to make a requirement mandatory when the end of that policy can be achieved through non-mandatory means,\textsuperscript{26} then the importance of deliberation as reflection means that we cannot make DMP participation mandatory. Reflection appears to be a less demanding way of inducing cognitive inclusion and can be promoted by means other than DMP participation. Requiring DMP participation would therefore not be justified by the imperative of promoting cognitive inclusion.


In sum, these findings suggest that we should be interested in institutional arrangements which induce deliberation as reflection because they are likely to promote cognitive inclusion more efficiently and justifiably.

4.3. A Big Mini-public— for the Interested

If we cannot make mini-public participation mandatory, then we can perhaps address the issue of scale by multiplying voluntary DMPs, tying them together, and synchronizing them with national elections to create a great new civic tradition: Deliberation Day (DDay). As advanced by Bruce Ackerman and James Fishkin, DDay is meant to transform democratic politics in a deliberative direction and on a national scale by holding open public deliberations in every community a week before presidential elections, at which participants watch a presidential debate, deliberate in small groups, and consult with party representatives. In their proposal, participants are paid $150—more than a day’s wage for most Americans—to encourage an inclusive group to show up.

Deliberation Day has much to recommend it, and it is one of the best and most thoughtfully designed deliberative mini-publics. It takes direct aim at the scale objection, is wary of spoiler effects, and also attempts to defuse worries about self-selection by engaging the mass public and offering a substantial monetary incentive for participation. But self-selection worries persist because DDay still fails to take seriously the larger self-selection problem of empowering an activist elite.

For Ackerman and Fishkin, DDay would be a resounding success with a turnout of thirty-five or forty million Americans, or of between 11 and 13 percent of the eligible population. And though this certainly makes it orders of magnitude better than does any other DMP, an eighth of the electorate is still a very poor showing, particularly since the only people who are likely to show up

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27 One might ask whether DDay counts as a mini-public at all due to its size, but I would argue that it does insofar as it remains built around face-to-face discussion in small groups.


are those who are already interested in and engaged with politics. Since political interest remains the most potent determinant of political participation of almost every kind, we would precisely expect those participating in DDay to be made up of such already cognitively included citizens. Indeed, Ackerman and Fishkin explicitly rely upon the most interested and engaged to make up the core of DDay participants. This is not a serious problem for Ackerman and Fishkin, who are mainly interested in the ways that a large bloc of voters attending a nationwide deliberation would transform electoral politics in a more substantive and deliberative direction. But for us, that those most likely to show up for Deliberation Day don’t need the engagement-sparking effects of participation quite defeats its purpose vis-à-vis promoting cognitive inclusion. When we add the speculative possibility of very low turnout which Ackerman and Fishkin would be happy with, we see once again that DDay simply isn’t up to the challenge of engaging the mass public. Moreover, for reasons I discuss in Section 6, this privileging of those who are already interested creates the possibility of the sort of aristocracy of activists discussed in Chapter 3 by empowering them to the detriment of currently disengaged citizens.

4.4. Deliberative Systems Theory to the Rescue?

The final response to these objections is that of deliberative systems theory. Like DDay, deliberative systems theory is primarily aimed at defusing worries about the limited scale of deliberation as discussion, but it can also be seen as addressing the demandingness objection and on some accounts also the self-selection objection. Rather than focus on uniquely deliberative institutions like DMPs, deliberative systems theory is interested in the deliberativeness of the overall political system. It is interested in arranging deliberative inputs at appropriate moments and levels,

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30 Verba, Schlozman, and Brady, *Voice and Equality*.  
31 Ackerman and Fishkin, *Deliberation Day*, 130ff.  
32 Parkinson and Mansbridge, *Deliberative Systems*. 
sometimes by means of DMPs, rather than in making each unit in the system internally deliberative or in replacing conventional representative institutions with new deliberative ones. This approach attempts to lower the bar of widespread public deliberation by insisting that it need not be everywhere, only where it should be.

The problems with relying upon the deliberative systems approach to respond to these concerns are that, firstly, it is more of an ecumenical analytical approach than a substantive position and, secondly, insofar as it does involve substantive commitments, they are so far from that of cognitive inclusion that there is little for those concerned about inclusion to learn from it. The deliberative systems approach can include theorists who emphasize the importance of deliberation among only elites and representatives as well as those who emphasize widespread actual deliberation among average citizens. This ecumenism is perhaps attractive but it also blunts its edge as a response to the objections noted above since systems theorists need not support arrangements which promote universal cognitive inclusion. Moreover, systems theorists simply aren’t interested in cognitive inclusion in the way I argue for in Part I of this dissertation; they are wedded to deliberation as discussion, if with widely varying scope. One of the characteristic claims of deliberative systems theory is that deliberation need not be widespread because it is the deliberativeness of the political system as a whole with which we should be concerned. This reveals that the normative commitments of the present inquiry are simply at odds with that of deliberative systems theory, since I argue that we should be concerned with the inclusiveness of the political system before its deliberativeness. It is simply a more important value.

Thus it seems that mini-publics are indeed subject to an unsolvable problem of limited scale due to unacceptable problems of demandingness, selection bias, and incompatible values. For these
reasons, and despite the demonstrated ability of DMPs to promote cognitive inclusion, mini-publics do not constitute powerful enough tools to bring about universal cognitive inclusion, at least, not because of their direct effects on participants. But it might be that DMPs have wider, indirect effects on the polities in which they are occur such that they can promote cognitive inclusion without being made mandatory or deployed in a DDay-like way.

5. Indirect Effects of Mini-publics on the wider public’s cognitive inclusion

Deliberative mini-publics might also promote inclusion in the wider public indirectly by publicizing new ways to be democratic and to exercise democratic citizenship. The mechanism at work here is to kindle the political imaginations of those who dislike conventional politics and participation by showing them how democracy can be done differently. By expanding the democratic imaginations of citizens who may not normally engage with politics, DMPs may convert them to regular political engagement. This argument may only be a variation of the ‘if you build it’ hypothesis, but it fails for slightly different reasons.

Firstly, there is little reason to think that those who are habitually disengaged from politics would ever even hear about most DMPs, yet this is obviously a necessary condition to being converted by them to political engagement. Most DMPs operate entirely below the radar of mass awareness, garnering little to no public attention. Essentially only those citizens who hear about or are actually invited to participate in them would be subject to the imagination-expanding effects of DMPs. Yet as we have seen, for virtually all DMPs, this number is infinitesimally small compared to the size of modern democracies.

There are also at least two other ways the politically disengaged could learn about DMPs: media coverage and through integration with the electoral system. Deliberative polling was built from the ground up as a media event. The most high profile of these was probably the National Issues
Convention deliberative poll, which aired in a few segments on national television early in the
election season of 1996. It was estimated that 9.8 million people watched some portion of the more
than four hours of programming it generated.\textsuperscript{33} Yet even this great number was but a tiny share—5
percent—of the electorate as a whole that year.\textsuperscript{34} Moreover, those who tuned in were almost
certainly more interested in politics than the average citizen, and so less in need of being included.
But even if the audience was a normally distributed group with respect to political engagement and
so included many disengaged citizens, the net effect on cognitive inclusion would almost certainly be
small due to the relatively small share of the citizen body that watched it.

Deliberative mini-publics that are integrated with the electoral system have done far better
than any other DMP in spreading awareness of their existence, and so opening the possibility of
promoting cognitive inclusion through broadening the public’s imagination about democratic politics.
One of the most successful DMPs in this and many other regards is the British Columbia Citizens
Assembly (BCCA), which convened 160 citizens to redesign the province’s electoral system and have
their recommendation voted on in a referendum. In polls leading up to the vote, almost 60% of
respondents claimed to know something about the citizens assembly.\textsuperscript{35} Oregon’s Citizen Initiative
Review panels (OCIR) achieved similar results. OCIR convened twenty-four person panels to review
state initiatives and produce a brief report and recommendation on the initiative which was included
in the voter pamphlet. It has occurred in three subsequent elections, in 2010, 2012, and 2014. Polls
showed that 42% were aware of the panels by the week before the election in 2010, and 51% had

\textsuperscript{33} Kenneth A. Rasinski, Norman M. Bradburn, and Douglas Lauen, “Effects of Nic Media Coverage among the Public,” in The Poll
with a Human Face: The National Issues Convention Experiment in Political Communication, ed. Maxwell McCombs and Amy
Reynolds (Mahwah, NJ: Lawrence Erlbaum, 1999), 161.

\textsuperscript{34} This figure was arrived at by dividing 9.8 million (the viewship of the NIC) by 193,651,000 which is the estimated adult
population in 1996 according to Table 1, page 3 of this Census document: http://www.census.gov/prod/2014pubs/p20-573.pdf

\textsuperscript{35} Fred Cutler et al., ”Deliberation, Information, and Trust: The British Columbia Citizens’ Assembly as Agenda Setter,” in
Designing Deliberative Democracy: The British Columbia Citizens’ Assembly, ed. Mark E. Warren and Hilary Pearse (New York:
become so by the same time in 2012.\textsuperscript{36} Since the OCIR panels have become a fixed and recurrent institution in Oregon,\textsuperscript{37} it is reasonable to expect public awareness of them to grow as time goes on. In both cases, therefore, huge portions of the population claim to be aware of the DMPs and so could be thought to be subject to the inclusion-promoting mechanism of conversion by inspirational example.

Yet neither of these cases should afford us unalloyed enthusiasm. Most fundamentally, even if we accept the impressive awareness numbers achieved by these two DMPs, which approach or exceed half of the population, this still leaves roughly half of the population unaware of their existence or nature as democratic innovations. Moreover, there is every reason to believe that those who came to know about them were in fact already people who were politically attentive and cognitively included, since they would be the ones most likely to pay attention to and retain political news and information.

There are also reasons to take the figures as reported with a grain of salt due to methodological issues. Firstly, telephone polls of any kind (as both of these were) tend to undersample poorer and more politically disengaged citizens due to uneven phone ownership and a higher rate of refusing to participate in the poll. This suggests that these figures are optimistic from the perspective of a fully unbiased picture of the citizen population. Secondly, the OCIR poll in particular targeted \textit{likely} voters,\textsuperscript{38} which is a population that is significantly more privileged in traditional ways than all voters, let alone all citizens. Moreover, by definition, likely voters are politically interested and so already politically engaged and included in the relevant sense, whereas we want awareness to be found among those who are currently \textit{less} politically interested. Thirdly,

\begin{itemize}
  \item \textsuperscript{37} The 2015 sunset clause of the legislation creating the OCIR was repealed in 2014.
  \item \textsuperscript{38} Knobloch et al., "Evaluation Report on the 2012 Citizens’ Initiative Reviews for the Oregon Cir Commission,” 19.
\end{itemize}
the BCCA’s impressive figure of 60% who claimed to know something about the assembly probably overreports those who did actually know something about it since people dislike admitting their ignorance. This suspicion is confirmed by the fact that in a sequence of subsequent questions asking about a series of specific features of the BCCA, an average of roughly 60% admitted that they didn’t know whether the BCCA had a particular feature, a disturbingly high rate of ‘don’t know’ responses for any poll.39 Considering that these questions were only asked of those who claimed to know something about the BCCA, this should attenuate our confidence in the number of those who actually knew something about it.

Nonetheless, it is important to look at what information we have for any evidence of lasting impacts from the DMPs. I examined survey data from the cumulative file of the Canadian Election Study to gauge whether political interest increased perceptibly following the holding of the British Columbia and Ontario citizen assemblies. I also looked at turnout information from the two provinces and Canada as a whole for the elections preceding and following the assemblies,40 to discern any noticeable upticks.

Turnout for the provinces with CAs (Ontario and British Columbia) is generally higher than that for the rest of Canada, as shown in Table 6.2, but this turnout does not appear to be related to the citizen assemblies since this higher level of turnout predates the assemblies by several years.

39 Cutler et al., “Deliberation, Information, and Trust: The British Columbia Citizens’ Assembly as Agenda Setter,” 175. One question returned 33% ‘don’t know’ responses, but the other eight questions ranged between 55% ‘don’t knows’ at the lowest end and 63% at the highest, with an average of 59%.
Table 6.2: Turnout in Canadian Federal Elections in Provinces with and without Citizen Assemblies

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<th>2004</th>
<th>2006</th>
<th>2008</th>
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<tr>
<td>Non-CA Canada</td>
<td>59.7</td>
<td>63.5</td>
<td>58.7</td>
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<tr>
<td>British Columbia</td>
<td>63.3</td>
<td>63.7</td>
<td>60.1</td>
<td>60.4</td>
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<tr>
<td>Ontario</td>
<td>61.5</td>
<td>58.6</td>
<td>66.6</td>
<td>61.8</td>
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<tr>
<td>Avg of CA Canada (Ontario, British Columbia)</td>
<td>62.2</td>
<td>65.8</td>
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The assembly in British Columbia occurred in 2004, followed by referendums on its proposal on May 17th, 2005 and May 12th, 2009, the second time following a publicly funded educational campaign. The Ontario assembly took place in 2006 and the referendum on its proposal took place October 10th, 2007. The elections occurring after each province’s assembly is bolded in Table 6.2. Turnout in British Columbia showed a modest increase of 0.4% in the first federal election following the BCCA, and thereafter fell by more than 3 percent, recovering 0.3% in the election following the second referendum. Ontario saw a dramatic upswing in its turnout (8 percent) in the first election after its citizen assembly, though this was followed by a nearly 5 point drop in the next election.

The comparison between the average turnout of all provinces without citizen assemblies and the average of these two provinces suggests that these trends are mostly noise. Turnout for the provinces without assemblies closely resembles that of the provinces without them in the two elections after both CAs had occurred. Similarly, the turnout trends in the CA provinces track those of the non-CA provinces exactly, increasing and decreasing at the same times and in very similar amounts. Even if the citizen assemblies were the only thing affecting turnout in these years, which they certainly were not, there is little reason to see these patterns as indicating a general increase in cognitive inclusion.
The political interest data, summarized in Table 6.3, is no more compelling. As in Table 6.2, the data for years after the citizen assemblies are bolded.

Table 6.3: Mean Political Interest by Year in Canadian Provinces with and without Citizen Assemblies

(measured from 0=No interest to 10=High interest)

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<td>Non-CA Canada</td>
<td>5.21</td>
<td>5.14</td>
<td>5.65</td>
<td>5.61</td>
<td>5.68</td>
<td>6.44</td>
</tr>
<tr>
<td>British Columbia</td>
<td>5.72</td>
<td>5.66</td>
<td><strong>6.15</strong></td>
<td><strong>6.12</strong></td>
<td><strong>6.14</strong></td>
<td><strong>6.59</strong></td>
</tr>
<tr>
<td>Ontario</td>
<td>5.74</td>
<td>5.50</td>
<td>5.87</td>
<td>5.95</td>
<td><strong>5.84</strong></td>
<td><strong>6.63</strong></td>
</tr>
<tr>
<td>Avg of CA Canada (British Columbia and Ontario)</td>
<td>5.73</td>
<td>5.56</td>
<td>5.97</td>
<td>6.00</td>
<td>5.94</td>
<td>6.62</td>
</tr>
</tbody>
</table>

In British Columbia, the occurrence of the BCCA seems to correlate with a dramatic upswing in general political interest which remains stable for several years, seeming to suggest the possibility of a wider, indirect effect of the DMP. But this conclusion is not supported because when we compare this trend with the rest of Canada, we find that everywhere else also had a large—indeed, larger (0.51 vs. 0.49)—upswing in interest which was likewise stable over several years. Moreover, the level of political interest in Ontario actually declined in the first election after its citizen assembly, while that of the rest of the Canada increased marginally. This suggests that, if anything, DMPs may depress levels of political interest. In sum, neither the turnout nor political interest data offer immediately obvious evidence for any indirect effects of DMPs on the wider public.

This is not however especially good data for gauging the indirect effects of DMPs and the empirical analysis of it here is suggestive at best. These data obscure, for instance, that exposure to information about the citizen assembly varied and so cannot tell us whether people who were more fully exposed did in fact experience gains in interest, knowledge, or propensity to vote. The data and
analysis are also susceptible to innumerable unobserved variable problems—lots of things affect turnout, for instance. Finally, a proper analysis would need to apply the most sophisticated available model of Canadian voting behavior in order to control for standard and Canada-specific determinants of turnout, as well as a model of political interest which does not yet exist. Yet this analysis, too, would be subject to formidable unobserved variable objections—anything might be causing the observed changes, not just the DMP—but it would be useful nonetheless.

Bearing these caveats in mind, two conclusions can be drawn from this evidence. We should first conclude that only DMPs that are integrated with the electoral system in some way are likely to reach anything approaching mass awareness and so be able to promote inclusion through expanding democratic imaginations. The next best performing DMP, Fishkin’s media-focused deliberative polls, reached a paltry 5% of the polity in its most ambitious and successful deployment. Even with substantially lowered estimates of their penetration into mass consciousness, the electorally integrated DMPs of the BCCA and OCIR achieved far higher rates of such awareness, as shown in the survey evidence regarding citizen knowledge of BCCA and OCIR.

The second conclusion to draw from these estimates is that even the most widely known DMPs seem to have a limited reach. Thus far, the best DMPs have still shown themselves to leave roughly half the population unaware of their existence, and this part of the population is likely to be that most in need of cognitive inclusion. Even if some improvements are possible in the future, this pattern is not particularly promising. There is little reason to think that the indirect effects of DMPs will reach those most in need of cognitive inclusion since they are the least likely to attend to news sources discussing them. Moreover, the mechanism of inclusion relied upon in this scenario is probably not a very powerful one.
Recall that the discussion of this section has been premised upon the assumption that merely knowing about these new democratic institutions would promote inclusion through the indirect mechanism of expanding the popular imagination about what democracy can be. While I do not doubt that this is a well-trodden route to political engagement, there is little reason to see it as an irresistible one. Many individuals may be immune to its effects, even when fully exposed to them. We would moreover expect those who are habitually disengaged from democratic politics to be more likely to exhibit such immunity. The evidence reviewed above is consistent with this hypotheses since it suggests little efficacy in boosting cognitive inclusion. In sum, OCIR and BCCA appear to be the best DMPs can do to promote inclusion by the mechanism of expanding the democratic imagination. But because of the low power and incomplete penetration of this mechanism, this should be profoundly depressing to those who insist upon the priority of inclusion.

6. A Common and Important Mistake about Mini-publics

It is often thought that DMPs promote inclusion because they open political decision making to the influence of ordinary citizens and thereby make decision making more inclusive. By convening a small group of citizens, DMPs make it possible to fashion an audible public voice that can convey reflective and nuanced opinions about detailed public issues. This makes it possible for such ordinary citizens to be heard in a substantive way in the making of political decisions that would otherwise be made by elected representatives or unelected bureaucrats. As Fung and Erik Olin Wright put it, a DMP “reduces the length of the chain of agency that accompanies political parties and their bureaucratic apparatus.”41 This seems to promote the inclusiveness of democratic government by

bringing the views of a wider share of the public to bear in areas of decision making where the voices of party elites, interest groups, or civil society groups are usually the only ones heard.

For a variety of reasons, it is surely the case that public consultation in this way is wise. In classic deliberative style, it can bring to light considerations salient to the general public but obscure to the technical specialists who usually draft policy proposals. It also helps disrupt the disproportionate influence of business and socioeconomic elites which can result from interest group pluralism, particularly on issues of low public salience. Also, DMPs like participatory budgeting and community policing tap local information that may directly improve policy. Yet this sense of ‘inclusiveness’ is not the one with which we are or ought to be mainly concerned.

Recall the distinction drawn in Chapter 2 between the question of who should be included in the political realm and how power within that realm should be divided. The first question characterizes inclusion while the latter primes questions of political equality. Bringing the voices of average citizens into the halls of power, as DMPs seek to do, is an attempt to shift the division of power within the political realm closer to equality. It is not, therefore, an attempt to promote inclusion in the proper sense of bringing everyone into the political realm.

These two questions encompass different agendas. One agenda is to widen political presence to encompass all individuals. This is the overridingly important sense of inclusion I am concerned to promote. The other agenda is to expand the presence of ordinary people in the corridors of power. This is at least an understandable goal. Yet in doing so before achieving maximal inclusion, the latter agenda also ensures that only those who are already present in the political realm are invited to share power. This serves to equalize power, but only among those who are already politically included.

Consider that all of the DMPs we have reviewed have relied in their selection procedures to a greater or lesser extent on self-selection. Some rely on self-selection less than others, as do those which (more or less) randomly invite people to participate. Others are quite heavily self-selected, such as participatory budgeting, DDay, and citizen assemblies. Yet even in the better cases, there is a substantial potential for bias. This is because, firstly, random selection is difficult to accomplish as a practical matter because there exists no master list of all names among which we could randomize. This is a familiar problem in survey research for which techniques of random digit dialing and geographical cluster sampling have been deployed. But even these techniques often fail because wealthier and more privileged individuals are easier to contact and sample than more marginalized ones. This is in part due to the second and more serious source of bias: that people can and do refuse to participate in systematic ways.

We know that poorer and more marginalized groups opt out of a variety of forms of political participation at higher rates than more privileged groups. But there is an even more powerful dimension than traditional resources along which people self-select into and out of participation—political interest. Using the traditional rough indicators of interest, Verba et al. find that political interest is the single most powerful predictor of political participation of almost every type.\(^43\) This should suggest to those concerned about political inclusion that DMPs based even on random invitation introduce a serious sort of bias indeed. They create a bias that empowers those who are already politically interested—and thus also politically included—since they are the ones who will take advantage of the opportunities for participation afforded by DMPs, while those most in need of political engagement will refuse.

\(^{43}\) Verba, Schlozman, and Brady, *Voice and Equality*, 352-3, 58, 63, 67.
The predictable result of this pattern is that DMPs do not widen political presence but rather empower people who are already politically present, as indicated by political interest. Though there is some evidence that political interest is more equitably distributed than other resources relevant to political participation, the distribution and causation of political interest has not been sufficiently well studied to warrant confident assertions. But whether political interest tracks other indicators of political marginalization or not, interest itself constitutes a measure of political exclusion such that those who are not interested are not politically present, not even in the most minimal way identified by cognitive inclusion. Thus, those who are less predisposed to be interested in politics are reliably excluded from DMPs.

This predictable exclusion recalls the discussion in Chapter 3, Section 1.2 regarding the possibility of an aristocracy of activists. There I argued that egalitarianism requires the achievement of inclusion prior to the equalization of political power. The argument under consideration here is an egalitarian one—that DMPs equalize political power by empowering ordinary citizens—and so the same argument pressing the priority of inclusion applies here as well. To press for equalization before achieving universal political inclusion is to press for an aristocracy of activists, in which those who undertake political participation rule over those who do not. This makes a mockery of political equality. Remedying such a situation requires prioritizing inclusion.

One likely response to this line of argument will be to appeal to the attractive force of a more equitable division of political power. A politics that includes DMPs can be expected to draw more people into political engagement. But here we see another iteration of the ‘if you build it, they will come’ hypothesis which was rejected in Section 4.3. Enhancing the power accessible through participation is of a piece with making participation more meaningful, since both are about making
participation more attractive. But since attraction is itself insufficient to establish full inclusion, it is not equal to the main task of democracy’s participatory institutions.

It might also be objected that I make the perfect the enemy of the good by arguing that DMPs undermine political inclusion. Surely an aristocracy of activists is better than the status quo of a political process captured by special interests and in thrall to ideologically intransigent political parties. Yet this response implies a misunderstanding of my claim. I do not deny that certain kinds of DMPs could improve on the status quo if they were enacted on a wide scale. What I contest is that the sort of improvement they make—to try to make politics more deliberative and bring regular people closer to the exercise of power—should be the first priority of democratic reformers. It is not. Bringing everyone into democratic politics is the first priority. If DMPs serve to defeat that goal, as I argue they do—and even if they can make improvements on other dimensions—they should not be pursued.

7. Conclusions: Electoral institutions reach everyone, mini-publics do not

Thus it seems that DMPs are more trouble than they are worth with respect to the aim of creating a more truly inclusive democracy. While they seem to be able to transform their participants, they simply cannot do so for a large enough population to move the needle of mass democracy in a more inclusive direction. No matter how we try to expand the capacity of DMPs, they fall prey to unsolvable problems of self-selection, excessive demandingness, and, ultimately, scale.

Perhaps the most important failure of mini-publics stems from their inability to provide an adequate response to the question of what will make individuals take the first fateful step into the political forum. Assuming that participation does in fact trigger salutary transformations in the participant’s orientation to the political world, the motivation to participate in the first place becomes essential. So where does it come from? Many democratic theorists are likely to offer some version of
the “if you build it, they will come” hypothesis—better participatory opportunities will bring out more citizens, and thereby set off a virtuous cycle of greater political engagement. But, as we have seen, this is an unsatisfactory answer that still leaves the key first step underdetermined. It moreover opens the door to an ugly domination by activist busybodies with the drive and leisure to take advantage of those opportunities.

If the main problem with mini-publics is ultimately that they fail to reach people where they are, then the solution is presumably to make use of institutions that can. This is the role of electoral institutions like political parties and especially mandatory voting, the latter of which I discuss in the next chapter. These institutions are plugged into civil society and the media environment in ways that allow them to reach virtually everyone. And this is why the best DMPs are those whose organizational modes are well integrated with the electoral system. As we’ve seen, such DMPs penetrate the furthest into the popular awareness. They are the sole repositories of whatever feeble hope there is for DMPs to aid the development of a more inclusive democracy.

Yet even electorally-integrated DMPs like the citizen assemblies and citizen initiative review panels leave important electoral institutions unexploited in spreading awareness of their existence. I have in mind here political parties. Basically all existing or proposed DMPs eschew partisan politics, generally because their designers see the acrimony and divisiveness of partisan politics as a large part of the problem to which DMPs and deliberative politics more generally are the solution. But I agree with theorists like Russell Muirhead and Nancy Rosenblum that political parties are not only unavoidable fixtures of modern democratic politics, but that they are also often salutary ones.44 The passions of faction that parties evoke and exploit are an essential constituent of politics which we

circumvent at our peril. In closing, I therefore want to propose a DMP that borrows the reach of political parties at the same time that it taps their motivational potential to illustrate the furthest reach that DMPs are likely to have.

The proposal is for a Party Platform National Meeting. This mini-public would be convened every four years as a part of a political party’s national convention to write or edit the party’s official policy platform. The format of the DMP will follow that of the recently-defunct AmericaSpeaks’ Twenty-first Century Town Meetings (TFCTMs), whose process is described briefly in Section 1.1.3. These Meetings proceed in alternating small group discussions and large plenary sessions and offer opportunities for consultation with experts. TFCTMs can be very large by mini-public standards, with as many as a few thousand participants. The key to making such a large meeting work is technology. The results of small group discussions regarding questions to ask experts, substantive conclusions, and the ranking of priorities are quickly typed, aggregated, and then voted on using handheld electronic voting machines. This allows for nearly immediate large scale deliberative feedback. In an iterative process, the Meeting would review a draft platform, make changes where necessary, and suggest additions where the Meeting members conclude important priorities are overlooked. The scope of the deliberations would therefore be as capacious as politics can be, since the Meeting members could decide to add planks wherever a draft platform failed to address important issues, as well as adjust existing ones. Selection for participation would be done by randomly inviting registered members of the party from throughout the country.

The greatest virtue of the Party Platform National Meeting (PPNM) is that it occurs at one of the most heavily covered events in politics—a national party convention—yet one that has come to bore media elites and audiences alike with its predictability and lack of what Jeffrey Green has called
“candor,” or unscripted moments. The Platform Meeting would be a revelation for media elites hungering for good political stories. It would generate enormous coverage of the platform’s contents, as well as of the convention itself. The coverage would, moreover, likely be colored (flatteringly) by the ongoing novelty sure to be a fixture of a deliberative body made up of amateurs. Also, the Meeting would partake of the energy and passion that attends partisan politics, yet would do so with a tempering influence created by the deliberative setting. This should generate lively and imaginative thinking. Finally, the widespread coverage can serve to illustrate to all Americans the potential efficacy of average citizens and illustrate the promise of a democracy that works differently than they have heretofore come to expect. This is perhaps the main source of its promise for promoting cognitive inclusion.

The biggest challenge to this proposal is that it threatens one of the most powerful tools in the hands of political elites: agenda control. By allowing ordinary citizens to consult on the writing of the platform, party elites surrender some control over what issues their party is going to emphasize in electoral competition and, presumably, in governing. This threat to the party’s agenda control raises the question of why any party would inaugurate a Party Platform National Meeting.

Making the process palatable to party elites may require giving them the ability to amend the Meeting’s recommended changes. This is probably acceptable, if only because public pressure would likely prevent wholesale repudiation of the recommendations. Moreover, there is wisdom in drawing upon the party’s rank-and-file in determining the issues to be contested in an election since doing so would help ‘fire up the base,’ an electoral strategy that pays increasing dividends as political polarization advances in the US. Finally, and most pertinently for our purposes, democratic theory supplies a wealth of reasons to hold such a Meeting. Many of these are drawn from deliberative

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45 Green, Eyes of the People.
theory, but not only from there. Insofar as DMPs promote cognitive inclusion by awakening the
democratic imagination, the priority of inclusion recommends the PPNM as well. These reasons
could be pressed upon the leadership of either party and, with time and persistence, it may be tried.
In the long run, anything is possible in politics.
Chapter 7: Electoral Paths to Cognitive Inclusion: Mandatory Turnout

In the last chapter, I concluded that deliberative mini-publics are incapable of reaching a large enough population to create a cognitively inclusive polity. Yet the argument there showed that not all mini-publics were created equal with respect to their reach. It turns out that mini-publics that are integrated with the electoral system achieve impressive penetration into mass awareness, despite a lack of the kind of focused media coverage found in deliberative polling. This is a function of the far greater ability of the electoral system to reach people where they are.

In this chapter, I focus directly on one particular electoral institution—mandatory voting (MV)—to assess its promise for promoting cognitive inclusion. In this way, I continue the inquiry of the last chapter regarding what kinds of institutions are likely to promote cognitive inclusion. As before, I use political interest, political knowledge, and turnout as indicators of cognitive inclusion and rely on them in assessing the ability of mandatory voting to promote inclusion.

Democratic theory should be more interested in electoral institutions than it is at present, in part because they remain the most powerful democratic institutions in existence, but more importantly because their utility in achieving the ends of democratic theory is too often overlooked. I think this underestimation is a function of two prejudices among democratic theorists. The first was
mentioned in the last chapter and consists in the belief that electoral institutions are loci of an acrimonious and divisive sort of partisan politics which is inimical to well functioning democracy. The other is a sort of fatigue with electoral institutions triggered, I suppose, by their century-long ubiquity. Like any field of human endeavor, democratic theory is subject to enthusiasms for novel ideas and institutions, and it can be difficult to maintain the excitement necessary for ongoing study in the face of the depressing familiarity of electoral and parliamentary politics.

Yet both of these sentiments are nothing more than prejudices that we are well rid of. It is idle to bemoan divisive partisan politics—it is in the nature of politics to encourage divisions. Non-democratic regimes have numerous powerful mechanisms for containing factionalism, but these are mostly, blessedly, disallowed to democracies. This implies that, to the extent that our democratic theories are incompatible with partisan electoral politics, all the worse for our democratic theories. Far better would be for us to rethink our theories in a way that celebrates elections and makes room for a defensible partisanship, as Russell Muirhead has recently done.1

Likewise, insofar as democratic theorists turn to non-electoral institutions like, for instance, mini-publics out of a desire to study the cutting edge of democratic developments, they neglect the objectively more important, because more consequential, institutions of electoral democracy. This is a continuing mistake insofar as we must always look back to electoral institutions to integrate them with our current theories. This chapter is therefore an effort to reconnect electoral politics with the live concerns of democratic theory.

Emphasizing electoral paths to cognitive inclusion does not, however, tell us which institutions to emphasize. This is where the notion of the participatory regime does work for us. I am

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1 Muirhead advocates a kind of partisanship which we wear “lightly,” and are ever able to shrug off should the merits of a particular case require it. Russell Muirhead, *The Promise of Party in a Polarized Age* (Cambridge: Harvard University Press, 2014).
primarily interested in the institutions of democratic participation because they provide the interface between the people and the authoritative decision making apparatus of the state. The participatory regime largely excludes the central electoral bodies—legislatures—as they are usually studied in political science: that is, as decision making bodies. The idea of a participatory regime focuses our attention much more on institutions like electoral rules, including eligibility, registration, and related regulations as well as political parties.

I focus on schemes of mandatory voting because of their demonstrated ability to reach virtually all citizens. There are few institutions of any kind with universal reach in modern pluralistic societies, but mandatory voting regimes are one. In this, mandatory voting can be seen as a kind of mirror image of deliberative mini-publics. Where mini-publics focus a tremendous experience of democratic citizenship on an infinitesimally small group, mandatory voting offers a far more humble intervention but it does so across every group and social category, touching the lives of every single democratic citizen. Because of the ease with which cognitive inclusion can be promoted, the mild intervention of a legal requirement to turn out to vote is probably sufficient to secure it, or so this chapter aims to show.

The argument proceeds as follows. I first address empirical evidence for the ability of mandatory voting regimes to promote cognitive inclusion. I argue that mandatory voting regimes, when properly designed, are the single most powerful weapon available for creating a cognitively inclusive polity. I then address arguments about the justification of mandatory voting regimes, which have received some attention in recent years, arguing for mandatory voting as a precommitment device for most and a nudge for the rest toward greater cognitive inclusion. I also address a question about justification stemming from a concern of Jon Elster that democracy must be justified on
instrumental grounds, and not with respect to its byproducts, as I seem to do here with respect to mandatory voting creating the byproduct of cognitive inclusion.

**1. Evidence that Mandatory Voting can Promote Cognitive Inclusion**

In this section, I assess the empirical evidence for mandatory voting’s ability to promote cognitive inclusion. As in the previous chapter, I gauge this ability by reference to whether mandatory voting regimes cause an increase in turnout, political knowledge, and political interest. Due to the paucity of good research on links between political interest and MV, I only discuss evidence regarding turnout and political knowledge. By both measures, mandatory voting promotes cognitive inclusion—powerfully so in the case of turnout.

**1.1. Mandatory Voting Powerfully Promotes Turnout**

With respect to turnout, there is simply no doubt that mandatory voting increases it, often vastly. In fact, when it is enforced, MV is the single most powerful institution for promoting turnout. The evidence on this point is uniform and overwhelming. Comparative analyses estimate the effect of mandatory voting as increasing turnout by between six and thirty-five percentage points. On the lower end of the estimate range, Mark Franklin estimates the effect of MV on turnout as between 6 and 7 percent. Likewise, using Latin American data, Carolina Fornos and coauthors find that MV there increases turnout roughly 6 percent. Analyzing data from twenty-two countries, Robert Jackman and Ross Miller estimate an effect of MV around 12 percent, matching almost exactly Jackman’s findings using different data from an earlier period. Pippa Norris finds MV in established

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democracies raises turnout by 7.7% of the voting age population and 14.2% of the registered population. Franklin, Cees van der Eijk, and Erik Oppenhuis find that MV boosts turnout 26 percent in their analysis of European Union elections in twelve countries. After initially estimating the effect of MV on the unhelpfully broad interval of between 5 and 35 percent, Wolfgang Hirczy revised his view and argues that mandatory voting certainly works to promote turnout, but that the size of its effect will vary depending on the baseline level of turnout it treats. The lower the baseline, he argues, the larger the effect. This is in part a function of diminishing returns at the higher end of the turnout spectrum. Even the central predictions of 15 percent or so are conservative in many cases, as we shall see below.

These studies probably understate the effect of MV because they almost invariably group all MV regimes together, despite important differences between the kinds of sanctions they involve as well as the degree of enforcement. Jackman and Miller, for instance, analyze Australia, Belgium, Italy and Greece, the features of whose MV regimes differ about as much as possible, since only Australia enforces its fine-based penalty strictly, while different sanctions in Greece and Belgium are seldom enforced, and Italy relied only on informal social pressure through publicizing the names of non-voters. Franklin includes even more MV countries, with a correspondingly wider array of

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6 Pippa Norris, *Electoral Engineering: Voting Rules and Political Behavior* (New York: Cambridge University Press, 2004), 169. Throughout this discussion, turnout rates refer to those of registered voters rather than of the voting-age population (VAP). Most democracies have some form of automatic registration, making the population of registered voters and VAP close to identical. This pattern is disrupted by the presence of large populations of non-citizen residents, as in many European countries today. The US combines a registration system that puts the onus of registration on the individual citizen with a large non-citizen resident population, leading to terrible turnout however it is measured.


8 Wolfgang Hirczy, “Electoral Participation” (University of Houston, 1992).


10 Of the cited studies, only Fornos et al. uses anything other than a dichotomous variable for mandatory voting. See Fornos, Power, and Garand, "Explaining Turnout in Latin America," 919-20.

11 Jackman and Miller, "Turnout in the Industrial Democracies," 473.
institutional diversity.\textsuperscript{12} We shall see in Section 2 below that these design differences result in enormous disparities in the power of MV to promote turnout. There is therefore good reason to suspect that well-designed regimes of MV will have effects in the higher range of these estimates.

The comparative analyses discussed above are based on cross-sectional data. These kinds of analyses face the standard methodological complaint that they cannot really make strong statements about causation since the only thing that they technically show are correlations between their variables of interest. The best answer to this concern is to run large-\(N\) randomized field experiments. Unfortunately, it is usually impossible to do so with political institutions like mandatory voting. In order to answer worries about causal inference, therefore, I discuss three quasi-experimental cases identified by previous scholars.\textsuperscript{13} These are Austria, the Netherlands, and Australia. All three experienced dramatic changes in their levels of turnout depending on the introduction or abolition of mandatory voting. In Austria and Australia, moreover, differential sub-national patterns of adoption or abolition provide quasi-experimental conditions to observe the marginal impact of mandatory voting holding national variables like political institutions and culture constant. In each of these cases, the temporal sequencing of events combined with the massive effect sizes leaves little doubt that MV causes the observed increases or—when it is abolished—decreases in turnout.

When a constitutional revision in 1982 changed Austria’s MV regime in presidential elections from a national requirement to a choice left up to the states, four states retained MV for presidential elections while the other five states abolished it. This makes Austria a uniquely informative case

\textsuperscript{12} Franklin, "The Dynamics of Electoral Participation," 150.
because it controls for constitutional structure, political institutions like the party and electoral system, and general political culture. Figure 7.1 depicts the change in turnout that followed.

![Figure 7.1: Austrian Presidential Turnout 1951-1998 by State MV Status](image)

The result was an enduring divergence in turnout rates between the states that retained MV and those that abolished it. In the first elections after 1982, the states that kept MV had turnout rates 5.8% higher than those that abolished it. That gap would grow in subsequent elections to 10.4% by 1998.\(^{14}\) Despite a lack of controls in this analysis, the temporal location of the divergence in Figure 7.1 strongly suggests that MV was the primary cause of this divergence since there was no clear pattern of preexisting turnout differences between states that would later abolish MV and those that would retain it.

We see MV maintain a similar divergence in subnational turnout in Austrian parliamentary elections. Figure 7.2 depicts turnout differences between states with and without MV for parliamentary elections. Unlike presidential elections which were compulsory for all citizens in all

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\(^{14}\) The time series in Figure 1 ends in 1998 because all states but one abolished it after that.
states until 1982, only three and later four states ever required citizens to vote in parliamentary elections in the modern period and these states abolished the requirement in 1992. (Notice that presidential and parliamentary elections are generally not held in the same years). Figure 7.2 shows that states that require citizens to vote in parliamentary elections have increasingly higher turnout rates than those that do not until the abolition of MV. These differences begin at very small absolute magnitudes—just a percent or two—\(^{15}\)—but grow to five and then seven percent before all states abolish CV for parliamentary elections in 1992. In the first election after abolition, turnout crashes 10.7% in the states that had previously had MV. It appears that requiring people to vote preserves high turnout rather well. Now it might be, of course, that there is something different about states that require their citizens to vote from those that don’t which causes both high turnout and the MV policy. But given the reversion to parity in turnout levels between formerly MV and non-MV states in 1994 and thereafter, it makes more sense to see MV itself doing most of the work.

\(^{15}\) Because these seemingly small differences occur above 90% turnout, they actually represent large differences relative to the population of non-voters remaining. This is because there is a ceiling of feasible turnout somewhat below 100% beyond which turnout cannot be increased because there will always be citizens who are sick, traveling, or otherwise unavoidably prevented from voting. Raising turnout by one percent from a baseline of 95% therefore requires reducing the total population of non-voters by 20%, with subsequent improvements facing radically diminishing marginal returns.
Similar to the pattern in Austrian presidential elections, the abolition of MV in the Netherlands in 1971 was followed by a dramatic and enduring drop in turnout, as shown in Figure 7.3. From the advent of MV in the 1918 election to its end in 1968, turnout averaged 94.7%. Since then, it has averaged 80.4%. Most remarkable is the 15.87% drop between the 1968 and 1971 election. More than one in six of all Dutch citizens who voted in 1968 did not do so three years later when voting became voluntary. Although this was a turbulent time in Dutch politics, and so there certainly were other events influencing turnout during this period besides the abolition of MV, the sheer size and timing of this drop leave no doubt that dropping the requirement to turn out had a serious effect on turnout, particularly in light of the same pattern observed in Austria.
There is, finally, the case of Australia. Like the Austrian case, Australia had a period in which only part of the country—a single state—used MV while the rest of the country did not. The state of Queensland was the first to introduce MV in 1915 for all state-wide and commonwealth elections. Before introducing MV, Queensland did not have notably higher turnout than other states. In fact, in the 1914 election, turnout in the state put it in exactly in the middle of the seven Australian states.¹⁶ In the subsequent three elections, however, Queensland outpolled the average of all non-MV states’ turnout by increasingly large margins of 12.6% in 1917, 18.6% in 1919, and 29.9% in 1922. This divergence is reflected in Figure 7.4.

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When turnout in the national election of 1922 plummeted to just 59.4% following a period of average turnout in the mid-70s, the political class turned to the successful Queensland model. The Australian parliament enacted MV for all national elections in 1924. The result is depicted in Figure 7.5.
In what can only be described as a titanic rise, turnout increased fully 32% between the election of 1922 and that of 1925. Half again as many voters as came out in 1922 came to the polls in 1925. These gains have been retained ever since, giving Australia one of the highest average turnouts in the world. Given the stable social and political situation in Australia in the 1920s, there is every reason to think that MV played the dominant role in securing this increase.

The sequencing of events in these cases, all being in the same direction and involving a substantively large effect, strongly suggests that MV does indeed cause higher turnout, and is not merely associated with it. Along with the comparative analyses, there is compelling evidence that mandatory voting increases turnout markedly.

1.2. Does Mandated Turnout Really Lead to Cognitive Inclusion?

In Chapter 5, I argued that turnout represented a decent proxy for cognitive inclusion on the grounds that people who vote tend to give politics some attention and reflection prior to voting. It might be, however, that mandating turnout changes its nature such that it is no longer a good indicator of cognitive inclusion. I address this concern in this section.

Turnout in voluntary regimes seems to indicate cognitive inclusion because those who come to the polls have made up their minds not just about how they're going to vote, but also that they intend to vote. Under voluntary voting regimes, people must make at least one additional decision besides that of how to cast their vote. This is the decision of whether to cast a ballot in the first place. One of the mechanisms by which mandatory voting increases turnout is through eliminating the decision costs associated with this prior question of whether one should vote. But it may be that answering this question in the affirmative is the source of the information about cognitive inclusion that we can gain from turnout data. In considering whether to vote, we are debating whether to make ourselves cognitively present in democratic politics by giving politics our time and attention. In
deciding to vote, we decide to make ourselves a part of the political world insofar as we then think and reflect about politics. When we remove that question by making voting mandatory, therefore, we may be voiding the signal of cognitive inclusion given by turnout.

Conceptually speaking, this objection is largely sound. It is indeed often problematic to posit something as a measure of a variable of interest and then intervene to directly manipulate that measure. Doing so reifies the variable of interest and ends up conflating it with the measure. Insofar as I insist that turnout is merely indicating cognitive inclusion in the context of a mandatory voting regime, I put myself in the position of making a serious mistake. But this is not quite my claim.

Turnout does not merely indicate cognitive engagement with politics, it can also cause it. If one expects to turn out to vote, regardless of the source of that expectation, it probably serves to induce attention to and reflection about politics. This is a reasonable expectation given the fact that people do not like to waste their time. If individuals are already going to vote, they figure that they might as well spend some amount of time considering their vote.

I have no direct evidence on this point, but there are two pieces of indirect evidence. The first comes from invalid voting in voluntary voting states versus mandatory voting states. It is widely noted that invalid voting—that is, the casting of spoiled or blank ballots—is substantially higher in mandatory voting states. Invalid voting is often on the order of three or four times greater under mandatory voting regimes. In the last Dutch election with MV, for instance, 2.8% of the votes were invalid. Three years later under voluntary voting, the invalid vote share had dropped to just 0.7%, a 75% reduction.\(^{17}\) The fact that there are so many more invalid votes in mandatory voting regimes might seem to suggest that that there are a great many people in mandatory voting regimes who simply turn in blank ballots to meet the legal mandate and may not engage in any reflection about

\(^{17}\) International Institute for Democracy and Electoral Assistance (IDEA), "Voter Turnout Data for Netherlands," (2011).
politics. But in fact this evidence cuts the other way because of the low absolute level of invalid voting, especially when compared with those who do cast valid ballots. In the Dutch example, the decline in invalid votes was also accompanied by at 15.8% overall decline in turnout. This means that seven times more people took the opportunity mandatory voting created for them to cast a meaningful ballot, which in turn suggests that they would have also conscientiously spent some time being critically attentive to politics beforehand.  

Another piece of indirect evidence for the causal influence of turnout comes from the second major body of evidence regarding MV’s ability to promote cognitive inclusion. This is evidence regarding MV’s effects on political knowledge.

1.3. Evidence Regarding Mandatory Voting’s Impact on Political Knowledge

If mandatory voting stimulates cognitive inclusion, it should other things being equal stimulate political information searches which would increase the public’s general political knowledge. These searches are ultimately triggered by the expectation that one will vote, an expectation that is in turn created by the legal requirement to turn out. Given this expectation, individuals can be expected to seek out information to help them complete the voting task.

It is also possible, of course, that most individuals would not seek out more information, but would rather choose to cast random or uninformed votes due to the costs associated with information searches. Luckily, this is an empirical question about which there is some evidence. If individuals who expect to turn out do in fact cognitively engage with politics and so gain some knowledge about

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18 A related concern comes from so-called donkey voting, in which individuals vote for the first option on the ballot, or in a preferential voting scheme, mindlessly order preferences ‘1, 2, 3, 4’. Worries about this problem are overblown however since randomizing the order of names on the ballot is a proven method for eliminating it entirely. See Malcolm Mackerras, "The "Donkey Vote"," The Australian Quarterly 40, no. 4 (1968): 91.

it through information searches, we would expect adequate measures of political knowledge to indicate higher levels of knowledge in MV contexts. If most individuals instead persist in avoiding political attention and reflection and cast votes blindly, we would expect to see no discernible differences between levels of knowledge in voluntary voting contexts as opposed to those with mandatory voting.

Before discussing the evidence, however, we must recall the methodological difficulties with measuring political knowledge, as discussed in Chapter 4. It is much more difficult than most practitioners admit to select a representative sample of necessary political information. In order to define what constitutes “necessary” information, we would first need to show that some finite set of information was both necessary and sufficient for casting an informed vote. Moreover, due to the great span of information that is likely to be of value to making political decisions, it can be very difficult to select a small number of questions that can be given as part of a larger survey and that will also give an accurate picture of the informedness of the respondents. Very short knowledge batteries consisting of just three or four questions are likely to mislabel as uninformed some people who have political information which simply isn’t asked about. And this is to say nothing about the pop quiz format of these sorts of questions. We shall see that these issues are to some extent present in the existing evidence.

Sarah Birch technically finds null results of mandatory voting on political knowledge.20 But her data comes from the Comparative Study of Election Systems, which only included three information questions which varied in content in each country.21 Trying to gauge relative levels of political knowledge with such a small number of items across national political contexts practically

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guarantees that the resulting data will be so noisy as to be all but meaningless. Varying the content of
the questions in each country introduces yet another massive source of measurement error. That
being said, Birch’s analysis nonetheless shows a humble positive relationship between MV and
knowledge, though not at any level of conventional significance.

Using slightly better data, Stacy Gordon and Gary Segura find that electoral institutions,
including MV, have substantial power to explain the variance across countries with respect to their
levels of political sophistication, or knowledge. They use a larger number of items, the content of
which is standard across countries and asks respondents to place the major parties on an ideological
scale.22 Their analysis finds that compulsory voting is indeed significantly related to inducing greater
political sophistication, at the p≤0.001 level.23 In terms of the size of the effect, their estimate places it
at about an eighth of the average standard deviation of all countries in their sample.24 This is hardly
an overwhelming effect, but it isn’t nothing. Berggren likewise finds a highly significant effect of MV
on sophistication, using a similar framework to that of Gordon and Segura.25 Though these studies
face standard concerns about causal inference, they have evidentiary value.

A small field experiment in Canada attempted to find knowledge effects by simulating a
mandatory voting election. They asked twenty knowledge questions about the provincial politics of
Quebec of a control and treatment group at two points during the March 2007 provincial election
campaign in Quebec. They find no evidence of effects on knowledge measures.26 Despite the

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24 “Cross-National Variation in Sophistication,” 133fn, 40.
admirable experimental design of this study, several methodological problems lower the evidentiary value of their results. Firstly, their sample sizes were fairly small (55 control, 66 experimental) and came from a homogeneous undergraduate population at a single college in Montreal. More importantly, they attempt to simulate a mandatory voting election by offering to pay participants $25 to vote. While they admit that this reward is not theoretically equivalent to paying a monetary fine due to loss aversion, they nonetheless see it as the only ethical way to simulate MV.27 This is, unfortunately, not nearly good enough.

Mandatory voting laws do not necessarily work solely through their sanctioning mechanism. Indeed, substantial effects of MV can be found even in the absence of strict enforcement. Considering that most people obey the law for largely non-instrumental reasons, that is, not in order to avoid punishment but out of agreement with and respect for law as such,28 there is no reason to see Loewen et al.’s experimental conditions as approximating those of a mandatory voting election. And this is to say nothing of contextual and social-pressure factors absent from the experimental setting which stem from the fact that everyone the voter knows is expected to turn out in a MV election. Casual social learning is much more likely in such a context, for instance, and the supply of political information might be greater.29 This worry is amplified by the fact that, for some undisclosed reason, Loewen et al. select the overall subject pool primarily from among those who indicated that they would not vote in the upcoming provincial election.30 They do not explain why they biased the subject pool in this way, but this fact amplifies worries that they fail to even approximate a MV

29 Loewen et al. seem to be aware of contextual disanalogies in their case, but fail to appreciate how seriously it undermines their claim. Loewen, Milner, and Hicks, “Does Compulsory Voting Lead to More Informed and Engaged Citizens? An Experimental Test,” 666.
context because they select for people who are already predisposed not to vote as a habitual matter. This increases the distance between the experimental and model situation because in MV contexts, there are many fewer habitual non-voters and so a moderate incentive might have a greater effect. Indeed, Loewen et al. note that their treatment failed to even get some subjects to vote.\(^{31}\) Ultimately, all that they end up testing is whether paying people to vote in a provincial election increases their knowledge of provincial politics. They find that it does not. But this tells us very little about how MV affects levels of political knowledge.

Victoria Shineman ran a better field experiment testing mandatory voting’s ability to promote political knowledge in a San Francisco municipal election in 2011. Shineman’s experimental design improved on that of Loewen et al. in three important ways. Firstly, her treatment and control groups were significantly larger than Loewen et al.’s (55/66 vs. 90/92). Secondly, she went to great pains to simulate loss aversion in subjects receiving the MV treatment by physically giving them their $25 payment card \textit{before} validating that they voted. But she withheld the code to unlock it until after validating that they voted.\(^{32}\) This made it feel as if subjects were losing something by not voting rather than gaining something from it, getting her treatment to feel much more like paying a fine than in Loewen et al.’s design. Shineman also provided a “mobilization” treatment consisting of two emails to the treatment group containing information about where and how to vote as well as a reminder about the need for a verification code to unlock their $25 payment.\(^{33}\)

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\(^{31}\) “Does Compulsory Voting Lead to More Informed and Engaged Citizens? An Experimental Test,” 664. They do not specify how many opted out, but it seems to be on the order of 11% of the sample. Shineman claims they were only able to boost turnout 4% in the treatment group (a number not reported in Loewen et al.) which is paltry indeed and well below the demonstrated impact of MV in most real world settings. See Shineman, “Isolating the Effect of Compulsory Voting Laws on Political Sophistication: Exploiting Intra-National Variation in Mandatory Voting Laws between the Austrian Provinces”. 10.

\(^{32}\) “Isolating the Effects of Costly and Incentivized Participation on Incentives to Invest in Costly Information and Informed Participation” (New York University, 2013), 143-4.

\(^{33}\) “Isolating the Effects of Costly and Incentivized Participation on Incentives to Invest in Costly Information and Informed Participation” (New York University, 2013), 145-6.
doesn’t conceive of it this way, I see this mobilization treatment as partly making up for the lack of
the contextual factors mentioned above that are likely to attend an actual MV requirement. These
changes make Shineman’s experiment much closer to an actual MV election.

A testament to Shineman’s more successful emulation comes from the differences in turnout
between her and Loewen et al.’s treatment groups. Loewen et al.’s treatment only raised turnout 4%
in the treatment group as opposed to the control, whereas Shineman generated a turnout boost of
39.3%.34 Though some of this difference may be in part due to Hirczy’s baseline and ceiling effects
discussed above—Loewen’s baseline was in the high 70s, while Shineman’s was only 46%—Loewen
et al.’s showing is poor even with the higher baseline since MV had much larger effects in the high
baseline turnout contexts of the Netherlands and Austria. This gap therefore signals that Shineman’s
experiment was much more effective in approximating the conditions of a MV election.

In her experiment, Shineman finds significantly increased political knowledge levels for
several categories of knowledge when assessed at the p≤0.10 level.35 This is a less stringent standard
than the conventional significance level of p≤0.05, but Shineman defends using it because of the
strong theoretical grounds for expecting such findings.36 Nonetheless, even where her findings are
not significant, the sign is always in the expected direction indicating MV increasing knowledge.

In separate research, Shineman exploits the discontinuities created by Austrian states
abolishing MV at different times to gauge effects on political knowledge. Similar to her experimental

34 "If You Mobilize Them, They Will Become Informed: Experimental Evidence That Information Acquisition Is Endogenous to
Will-Become-Informed-Experimental-Evidence-that-Information-Acquisition-is-Endogenous-to-Costs-and-Incentives-to-
Participate-by-Shineman.pdf.
35 "Isolating the Effects of Costly and Incentivized Participation," 165-71.
36 "Isolating the Effects of Costly and Incentivized Participation," 165. The specific reason is that there are strong theoretical
reasons to think that the only direction of effect would be positive, and so that a one-tailed test would be appropriate. She uses
a two-tailed test to capture possible negative effects, however, and justifies her use of the higher level of significance on these
grounds.
results, Shineman finds significant evidence of increased political knowledge levels at the \( p \leq 0.10 \) level and those that do not reach that level are for the most part signed in the direction of greater knowledge under MV.\(^{37}\) The only test which yielded opposite signed results scrutinized the ability of subjects to identify parties’ ideological positions, which was the major component of knowledge items in Gordon and Segura, but these opposite signed results fell very far from even the relaxed level of statistical significance and were substantively small as well.\(^{38}\)

Overall, the evidence for MV boosting political knowledge is indicative but not definitive. The largest and most carefully done analyses find significant effects, while others find effects below conventional standards of significance but with the expected positive relationship. Given the methodological difficulties with measuring knowledge levels, to say nothing of comparing them across countries, even these results should be considered non-trivial evidence that mandatory voting promotes cognitive inclusion. These findings do moreover provide another piece of indirect evidence that having an expectation of voting, even one imposed externally, can cause attention to and reflection about politics.

Combined with the turnout data, we find therefore that mandatory voting does indeed promote cognitive inclusion among the widest possible public.

2. What Kind of Sanctions and Enforcement? Design Principles for a Successful Regime of Mandatory Voting

One of the key questions in designing a scheme of mandatory voting regards the sort of sanctions applied. How severe should they be and how strict must the enforcement be to be effective?


\(^{38}\)"Isolating the Effect of Compulsory Voting Laws on Political Sophistication: Exploiting Intra-National Variation in Mandatory Voting Laws between the Austrian Provinces". 29.
Regimes of mandatory voting vary enormously with respect to sanctions and enforcement. Many states that ostensibly have mandatory voting, like Mexico and Greece, assign no sanction for non-voting. Others demand a reason for non-attendance and impose a fine if the reason is insufficient. Some impose further penalties beyond a fine, such as the deprivation of civil benefits, disenfranchisement, and even imprisonment.

Before reviewing comparative evidence of the efficacy of these different sanctions, we must briefly consider why negative sanctions such as fines should be relied upon rather than positive incentives like paying people to vote. There are at least two reasons against paying people to vote. Firstly, positive incentives may be economically or theoretically equivalent to disincentives or sanctions, but they are not psychologically equivalent due to loss aversion. People care more about, and are more responsive to, losses or threats of losses than to promises of incentive. If we are mainly concerned with efficacy, there’s strong reason to favor sanctions over incentives. Secondly, paying people to vote introduces the logic of the market into the conduct of democratic citizenship and political participation and this is likely to bias the conduct of citizens in narrowly self-interested ways. The concern here isn’t that it is wrong to be narrowly self-interested in politics per se so much as it is that we would be foolish to build yet another institution that reinforces market logics in a world already so thoroughly dominated by them. There is surely value in other ways of organizing social life and politics is, among other things, the place for debating such questions in the absence of relentless market pressures. This is in part because there is something to Michael Walzer’s insight that moral goods each have a delimited sphere in which they should be subject to their own logics.

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rather than to colonization or contamination by the logics of other goods.\textsuperscript{40} We should be extraordinarily sure that reinforcing market behaviors and orientations is normatively acceptable in politics before creating a beachhead for it in our conception of democratic citizenship. I see no reason for such confidence and so shall discuss MV solely with respect to sanctions.

Costas Panagopoulos has empirically investigated the question of what kinds of sanctions regimes are most effective and finds that turnout increases with both the strictness of enforcement and the severity of the penalties for non-voting.\textsuperscript{41} This is as we would expect in the context of the standard calculus of voting, since increasing either strictness or severity increases the cost of non-voting and so decreases the relative cost of voting. But these effects are not linear. In fact, there appears to be a strong interaction effect between strictness and severity such that a more strict enforcement regime has a greater effect the more severe the sanctions it enforces. Increasing the severity of penalties increases turnout by only 0.24\% without enforcement, increases it 7.72\% with weak enforcement, and 15.2\% with strict enforcement.\textsuperscript{42} It seems that greater severity and greater enforcement are always better in terms of inducing turnout.

These findings would seem to recommend sanctions beyond fines and certainly beyond forms of social shaming by posting the names of non-voters publicly as was done in Italy until 1993.\textsuperscript{43} But what kinds of more severe punishments have been tried and which are defensible? One of the most common is disenfranchisement. Repeated non-voting results in one’s removal from the voter roll in countries like Singapore and Belgium. Another common penalty is depriving non-voters of certain civic services or opportunities. Several states bar non-voters from public employment, as Argentina

\textsuperscript{43} Birch, \textit{Full Participation}, 5.
does for three years after a missed election. Bolivia bars public employees from being paid if they fail to vote and also prevents non-voters from obtaining a passport or from executing banking transactions for ninety days after the election. In Brazil, one forgoes state-funded education by not voting, and in Italy non-voting could impact the enrollment of one’s child in state-provided childcare. Greek law barred non-voters from obtaining passports or driver licenses before effective abolition in 2001. In some states, these sanctions have gone as far as imprisonment.

It is entirely justifiable to inconvenience citizens on the basis of their non-voting. Many of the kinds of inconvenience described above in receiving state-based aid are a fitting punishment. Disbarring non-voters from state employment seems particularly appropriate. Not only is it a substantial sanction in closing off an entire sector of the economy to employment, it may also serve to raise the average public-spiritedness of those who become public employees by selecting for those who are intrinsically motivated to vote. Hindering the issuance of passports offends the right of freedom of movement and also makes it more difficult for dissenters to exit the polity, and this should give us pause. Driver licenses, on the other hand, are explicitly denoted a privilege and hindering or delaying getting one on this basis may therefore be more like denying public employment than the passport case. The ban on executing bank transactions too seems like a reasonable inconvenience so long as ordinary purchases are not considered transactions. An inconvenience that has not been tried so far as I am aware but would be another fitting punishment is to ban non-voters from borrowing items from public libraries or getting library cards. Other privileges that might be suspended include getting business or marriage licenses. These hindrances prevent individuals from enjoying the

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44 Full Participation, 9.
46 Birch, Full Participation, 9-10.
concrete benefits provided by government and thereby communicate the sense that the citizen has violated the expectations that democratic government has of them. Since cognitive inclusion is among other things an account of what democratic government demands from its citizens, these latter sorts of more severe sanctions are appropriate.

Some public benefits are not an appropriate basis of punishment, particularly those that directly impact the children of non-voters. Brazil’s banning non-voters’ children from state education is a particularly harsh and direct punishment of these children. When benefits are suspended, they should target the non-voter as directly as possible and should especially not disadvantage their children.

Any of these denials of public benefits can be paired with what I call inconvenience windows, wherein the benefit is suspended only for a defined period like the first few months after an instance of non-voting. Inconvenience windows characterize the ban on bank transactions in Bolivia and the ban on public employment in Argentina. The length of inconvenience windows should be calibrated to the average frequency by which people demand the service in question, as well as by the seriousness of the service. Short inconvenience windows that impact high frequency activities, as on bank or public library transactions, can be shorter while still having substantial impact. Years-long bans on a benefit like public employment, as in Argentina, might be appropriate given the infrequency with which people change jobs. Passports are also needed only infrequently, but their importance would recommend only a short inconvenience window.

Disenfranchisement as a punishment, however, contradicts the stated purposes of making voting legally mandatory and so is unjustifiable. In the present argument, MV is endorsed because, for whatever ultimate reason, we think it is important for each and every citizen to be a part of the
political world and requiring all citizens to turn out to vote helps encourage such belonging. Depriving them of the franchise as part of a scheme meant to encourage universal inclusion is simply perverse and contradicts the stated purpose of the policy. This is true also outside the context of the present argument. Disenfranchisement contradicts the public justification of MV as a measure to ensure the electoral participation of all. It should never be used, is utterly unjustifiable, and should be abolished as a form of punishment for non-voting.

There is little to be said about imprisonment as a punishment for non-voting because no state employs it as a matter of policy. Australia has, however, imprisoned people for non-voting in the past: 43 after the 1993 election alone.\footnote{Bennet, "Compulsory Voting in Australian National Elections," 7.} But those imprisoned were for terms of a day or two at most and followed requests to explain one’s non-voting and an intransigent refusal to pay the small fine that forms the statutory penalty. In other words, the only way to be imprisoned for non-voting is by trying to be. One can be imprisoned in this way for many minor offences if one refuses to pay fines and thumbs one’s nose at the law. Imprisonment is nonetheless an inappropriate penalty for non-voting and it should be rendered impossible so far as possible. One way to do so in the context of a MV regime that deploys fines is to enable courts to order the fines garnished from wages or added to necessary payments like income taxes or driver license and vehicle registration fees. These measures would make it difficult for intransigent individuals to effectively refuse payment in a way that causes them to be imprisoned.

I draw from the design principles elaborated here in constructing a defensible scheme of mandatory voting appropriate for the United States in the next section.
3. Precommitment, Nudges, and Cognitive Inclusion

A great deal of theoretical literature on mandatory voting and voting more broadly considers the question of whether voting is a duty of democratic citizens or perhaps instead a right, to be exercised at the individual’s discretion. This question is far from academic. It was a central point of contention among the delegates to the Massachusetts State Constitutional Convention in 1917-18 when they were debating whether to amend the constitution to allow for compulsory voting and formed the major grounds on which the Missouri Supreme Court struck down St. Louis’s experiment with MV in 1896. More recently, it has been argued that mandatory voting compels political speech and so violates one’s free speech rights, which must include the freedom not to exercise them.

Despite the fascinating issues raised in this debate, I do not propose to enter it. Instead, in this section I propose to offer a design for a system of mandatory voting that takes into account as many reasonably justified worries about it as possible. The idea here is that, given that MV is effective at promoting cognitive inclusion, we must now consider what a regime of it would look like that also takes into account the worries of other theorists who have written about it in recent years. Though I do not contribute here to the debate over voting as a right or a duty, I do advance a novel argument for mandatory voting based on its ability to serve as a precommitment device for the vast majority of American citizens who self-report a belief that voting is their civic duty. A corollary to this argument is that mandatory voting functions as a nudge toward turnout and cognitive inclusion for the small minority of the population which doesn’t see voting this way. In laying out a defensible regime of

49 *Kansas City V. Whipple*, 38 Southwestern Reporter 295(1896).
mandatory voting in this part of the argument, I remain agnostic on the question of whether voting is a right or a duty as a matter of fact.

3.1. Mandatory Turnout and Choosing Sanctions

Firstly, the terminology of mandatory voting must be dispensed with in favor of mandatory turnout since the former is not accurate and moreover invites misunderstanding. It is widely recognized that mandatory voting is a misnomer because there is no way to enforce a legal obligation to mark a ballot paper without violating the secrecy of the ballot. This means the most that any system of mandatory voting could require of citizens is that they attend the polls and accept a ballot paper, or accept an absentee ballot through the mail. Therefore, regimes of mandatory voting are more accurately called regimes of mandatory turnout,51 and so I shall use this terminology in what follows.

This change of terminology buries one of the most prominent lines of objection to mandatory turnout regimes, which is that they coerce political speech in violation of the freedom of expression as well as the right not to vote. Because all that is required of citizens is that they attend the polls and perhaps accept a ballot, they remain free to either refuse to take a ballot or to cast a blank one. Their right to avoid political expression has thereby been protected, as well as their right not to register an electoral preference.

Another measure that can help defuse the worry of coercing speech is to include on the ballot a ‘none of the above’ or ‘no candidate’ option. In the US context, such a provision would likely be

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51 Lever thinks we should persist with the terminology of mandatory voting because MV policies are intended to get people to vote, not just to turn out. But this does not apply to my argument since I am primarily interested in cognitive inclusion. See Lever, "Is Compulsory Voting Justified?," 58.
effective prophylaxis against the courts finding mandatory turnout laws a violation of individuals’ First Amendment right to freedom of speech.\textsuperscript{52}

A ‘none of the above’ option would also have the benefit of generating clearer information about political dissent. Blank or spoiled ballots can be interpreted in a variety of ways and there is no obvious way to adjudicate between possible interpretations. Does a blank ballot signal dissatisfaction with the proffered candidates, the major political parties, the issues of a particular election, or with the political system as a whole? Does it reflect thoughtless apathy about politics or a more considered indifference? A ‘none of the above’ option would help differentiate between these different interpretations and yield useful information about the dimensions and qualities of political dissent in our polity. That this information is generated through the electoral system will make it more authoritative and harder to ignore than if it is generated by polling, and might also encourage political parties to seek to appeal to this group of disaffected voters.

A scheme of mandatory turnout should include sanctions beyond fines but allow for generous exceptions. It should also be packaged with reforms making voting easier. Per the argument of Section 2 above, mandatory turnout systems work best at promoting turnout when they combine strict enforcement with severe penalties. In Panagopoulos’s coding, however, ‘severe’ penalties include any penalty more serious than fines. Thus, mandatory turnout would work as well as the evidence suggests if it simply includes further sanctions in the form of inconvenience windows. Recall that inconvenience windows suspend some public benefits for those who don’t turn out for a period of time calibrated to the importance of the benefit and the average frequency of use. Multi-

year bans on public employment make a great deal of sense, as do much shorter ones on bank transactions, the receiving of state licenses or identification, and public library services.

These sanctions should be paired with a strict enforcement regime, but one in which the first response to non-turnout is a letter asking for explanation of non-attendance at the polls. Acceptable excuses should be defined by statute and include things like illness, travel, disability, and a conscience or religious exception. Response letters ought to be assessed on the honor system, such that if a citizen claims to be sick, the explanation will be accepted without further investigation. Australia uses just such an honor system and it works well. It is worth mentioning that this honor system, along with the generous array of acceptable reasons for non-turnout, ought to make it relatively easy for those who do not attend to avoid sanction. Only those who fail to respond to the initial explanation letter or whose reasons are not part of the approved excuses will be fined and have the applicable inconvenience windows imposed. I discuss the implications of a relatively ‘leaky’ sanctions regime in Section 3.3.

The final element of the enforcement regime is that it be paired with a suite of reforms designed to minimize the cost and bother of voting. Requiring turnout on the part of citizens imposes a duty on the state to make turning out and voting as easy as possible. There is a tremendous literature on non-compulsory means of increasing turnout by lowering the costs of voting, and I cannot engage with it here. Suffice it to say that in the US context some combination of same-day or automatic registration, making Election Day a mandatory holiday or holding it on a weekend, extending early voting and mail voting, expanding the number of polling places and deploying

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54 Lijphart estimates that registration efforts can boost turnout by at best 15% in the US. These boosts suggest that improving the registration system can lower the cost of voting. Lijphart, "Unequal Participation: Democracy's Unresolved Dilemma," 7.
55 Franklin finds that mail voting increased turnout 4% and having elections on a weekend increased it between 5 and 6 percent. These figures suggest the reforms do indeed lower the costs of voting. Mark N. Franklin, "Electoral Participation," in Comparing
mobile polling places,\textsuperscript{56} and reducing the frequency of elections by consolidating them into no more than one annual Election Day\textsuperscript{57} should be part of a package of reforms accompanying mandatory turnout to lower the cost of voting.

These reforms are not recommended in order to boost turnout, since mandatory turnout can take care of that, but rather to lower the cost of voting. It is incumbent upon anyone who would advocate mandatory turnout to make voting as easy as possible. Evidence that these reforms boost turnout is therefore being used here to infer that they lower voting costs. These reforms should help answer concerns that requiring turnout will harm the most marginalized members of society and risk punishing them for the inability to attend the polls.

3.2. Mandatory Turnout as Precommitment Device

As mentioned above, a central debate in the literature on mandatory voting is whether voting is a right or a duty. Proponents of both views imagine that settling this question is necessary for supporting or opposing a regime of mandatory turnout. But perhaps there are circumstances in which we do not have to resolve this question at the level of political theory in order to recognize the legitimacy of the policy. There may be contexts in which the actual beliefs or preferences of citizens are sufficiently one-sided to justify mandatory turnout as a precommitment device that helps the people do what they think they should do. I argue that this is precisely the situation in the contemporary United States.


\textsuperscript{56} Australia deploys mobile polling booths to reach disabled or immobile citizens and those residing in remote areas. Hill, "Compulsory Voting in Australia: A Basis for a 'Best Practice' Regime," 489.

Precommitment occurs when agents seek to further their ends by diachronically limiting their options.\textsuperscript{58} At time $t$, I precommit myself to take action X (or refrain from taking action Y) at time $t+1$ by deploying a mechanism to prevent myself from doing anything other than X (or to prevent myself from doing Y) at time $t+1$. The definitive metaphor of precommitment is self-binding, following the story of Ulysses and the Sirens. Ulysses both wanted to hear the Sirens’ song and not to jump into the water to his death, so he ordered his crew to tie him to the mast of his ship, plug their ears with wax, and ignore any orders he gave them until the island of the Sirens was past. Ulysses thereby drastically limited his options but in so doing was able to achieve his ends of listening to the Sirens’ song and living to tell of it. For mandatory voting to qualify as a precommitment device, therefore, it must help citizens do something that they already have reason to do but may have trouble doing on their own. For this reason we need evidence that citizens want to vote, or believe that they should vote, and that they fail to do so largely due to a poorly designed choice structure. There is substantial evidence to support both of these points.

Firstly, citizens do indeed view voting as a duty and think that they have sufficient reason to always vote. Americans, nine to one, believe it is their duty to always vote. Between 1987 and 2012, nineteen polls asked Americans how much they agreed with the statement that “I feel it’s my duty as a citizen to always vote,” with the possible responses of completely agree, mostly agree, mostly disagree, and completely disagree.\textsuperscript{59} The responses are graphed in Figure 7.6.

\textsuperscript{59} The polls were from the People, the Press & Politics between 1987-1994 and the Pew Research Center between 1997-2012.
It is plain that agreement is very strong indeed. The lowest level that the highest response category—complete agreement—ever reached was 46 percent; its average level over the period was 63 percent. If we group all those who agree as well as all those who disagree, we get an even more striking picture of the relationship, as shown in Figure 7.7.
Here we can see that roughly ninety percent of Americans agree—and have agreed for a generation—that it is their duty to always vote. The respondents do not seem to think voting is unimportant, since they are willing to endorse that it is their duty—no weak term—to fulfill it. These findings are in agreement with those of Andre Blais, who concludes that as an empirical matter, a “clear majority” of people vote because they believe it to be their duty.\(^6\)

It also seems to be the case that elections are poorly designed in the US to help people do what they believe is their duty. The suite of reforms suggested above—making registration automatic or unnecessary, reducing the number of elections, increasing the number of polling places, etc.—are recommended in light of evidence that they reduce the costs of voting because they boost turnout. The fact that turnout can be improved simply by lowering the costs of voting implies that turnout

\(^6\) Andre Blais, *To Vote or Not to Vote?: The Merits and Limits of Rational Choice Theory* (Pittsburgh: University of Pittsburgh Press, 2000), 112.
isn’t already being maximized through institutional design. Thus, the 90+\% of people who wish to vote are not being sufficiently helped to do so under the current voluntary voting system.

We see further evidence of the poor design of the existing system if we look at data from the Census’s Current Population Survey regarding why people reported not voting in the 2012 election.\(^{61}\) In this data, we find that some of the most common reasons have to do with issues of convenience. The single most common reason for not voting was being too busy or having a conflicting schedule (18.9\%). Other convenience related reasons were having registration problems (5.5\%), transportation problems (3.3\%), having an inconvenient polling place (2.7\%), and being out of town (8.6\%). Another 14\% did not vote due to illness or disability. Together, these inconveniences amount to 53\% of all non-voters. The current system does not help these citizens do what they take to be their duty. And while the reforms recommended above, such as postal voting, holding elections on a non-work day, expanded early voting, and mobile voting would help many of these citizens vote, none is as potent as mandatory voting. Mandatory turnout is simply the most effective way to help people fulfill their self-affirmed duty to vote.

Another reason to see mandatory turnout as a precommitment device can be found if we think more deeply about the reasons for not voting reported in the Census data. Many non-voters who say they were too busy to vote or that they forgot to do so (3.9\% in 2012, and fully 8\% in 2010\(^{62}\)) may in fact have failed to vote due to the interference of some volitional problem such as weakness of will, being dominated by their passions, temporary preference changes, or time discounting. Elster cites these factors, among others, as being prominent reasons for precommitment.\(^{63}\) When these mechanisms operate, they prevent us from doing at time \(t+1\) what we would have wanted ourselves

\(^{61}\) Data come from Table 10 here: http://www.census.gov/hhes/www/socdemo/voting/publications/p20/2012/tables.html
\(^{62}\) Figures for 2010 can be found here: http://census.gov/hhes/www/socdemo/voting/publications/p20/2010/tables.html
\(^{63}\) Elster, *Ulysses Unbound*, Ch. 1.
to do then at time $t$. Whether passions distract us or the passage of time causes us to find something more immediately rewarding to do on Election Day, these biases and errors prevent us from doing what we would have wanted ourselves to do on Election Day, which was to vote. Precommitment devices are extremely useful in these circumstances because they remind us of our considered preference at time $t$ and help us to act in accordance with that preference rather than according to the often ephemeral effects of a weak will, passions, preference changes, or time discounting. The reasons cited in the Census data provide some indication that such volitional problems operate in the context of voting, as we would expect given the general prevalence of such mechanisms, as well as because of the sometimes weak intrinsic pull the self-affirmed duty to vote has on many citizens. This suggests therefore that mandatory turnout would indeed function as a precommitment mechanism for citizens afflicted with such distracting influences.

There might be a temptation at this point to confuse precommitment devices with Richard Thaler and Cass Sunstein’s notion of nudges. I discuss nudges more thoroughly below, but it is important not to confuse precommitment with nudging. One objection to the nudge approach, an objection invited by Thaler and Sunstein’s pairing it with the idea of “libertarian paternalism,” is that nudges don’t actually help individuals to achieve their own self-defined goals but rather empower social planners who impose their own ideas regarding what individuals should want to do.\(^{64}\) It should be clear, however, that this objection does not apply to the argument for mandatory turnout as a precommitment device since I have presented strong evidence that individuals do indeed judge themselves to have compelling reasons to vote. It is therefore not the judgment of the beneficent social planner that is determinative but rather that of the citizens themselves. The argument here is

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based on how individuals themselves actually conceive of voting, rather than on an externally derived idea of whether they should vote. This insulates my characterization of mandatory turnout as a precommitment device from the claim that I impose my own paternalistic idea about what individuals should want to do, as might be the case if mandatory turnout were being conceived of primarily as a nudge.

A potential objection to seeing mandatory turnout as a precommitment mechanism in the first place stems from a general skepticism of applying precommitment in political contexts. Elster originally saw precommitment as a potential way to think about constitutions.\(^{65}\) He later revised his view upon realizing that in politics, people are usually more interested in binding others than in binding themselves and so that legitimate instances of political precommitment are actually somewhat hard to find.\(^{66}\) One of the most important reasons for this is because in politics we often deal with collective agents whose constituent members do not always agree or do not have uniform reasons to engage in an act of precommitment. Often a part of the polity is interested in binding a different part of it, or those in power today seek to bind those who come after them as when a constituent assembly seeks to bind later legislative assemblies.

But this is by and large not the condition in the contemporary US. Here mandatory turnout counts as genuine precommitment because of the unusual consensus that exists regarding the duty to vote. Very few issues command the degree of agreement that exists regarding the duty to vote. Due to this near unanimity, almost all members of the existing citizen body would experience mandatory turnout as a precommitment device reminding them to do their duty, not as being bound by another. Moreover, to the extent that the norm regarding the duty to vote is reproduced in future generations

\(^{65}\) Elster, *Ulysses and the Sirens*.
\(^{66}\) *Ulysses Unbound*, 90.
of citizens, future citizens can be expected to share the reasons that current citizens have to want a precommitment device helping them to vote.⁶⁷

That being said, there are obviously some citizens who do not see voting as a duty. Almost 10% disagree with the statement that it is every citizen’s duty to always vote. In the Census data, the second most common reason for not voting was being not interested (15.7%), and the fourth most common was not liking the candidates or campaign issues (12.7%). These two complaints add up to nearly thirty percent of non-voters and track many conventional narratives about non-voters as apathetic or ignorant. For these individuals, mandatory turnout cannot be seen as a precommitment device. It must be seen rather as a nudge in Thaler and Sunstein’s sense with respect to these citizens.

3.3. Nudges Toward Cognitive Inclusion

One line of objection to seeing mandatory turnout as a precommitment mechanism is that it will function as other-binding rather than self-binding on the minority that do not see voting as a duty, in particular because this dissenting minority is other things equal more likely not to vote and so to suffer the sanctions promised by the institution. This might be thought to render mandatory turnout objectionably non-neutral between different substantive views of democratic politics because it would reliably target a disfavored minority for punishment due to their political views. If our primary justification for mandatory turnout is its value as a precommitment device, this objection might be seen as decisive.

The evidence above should make clear however that the vast majority of people who will be subject to this law, and even of the people who are likely to feel the sanction, will be those who do view it as their duty. Since everyone would be subject to the requirement, 90% of those subject to it agree with its aim and can see it as a precommitment device. Moreover, those who cannot so see it

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⁶⁷ Ulysses Unbound, 96.
are not going to be the only ones targeted by the law for punishment. Since turnout in the US is substantially lower than 90%, in the range of the high fifties in presidential years, most of those in need of the nudge to participation supplied by mandatory turnout’s sanctions are in fact people who agree it is their duty, by four to one. Current voting patterns under a regime of mandatory turnout would leave something like seventy-five percent of those targeted for sanction as people who believe it is their duty to vote. So although there is certainly a sizable group who cannot plausibly be said to have their own understandings of their duty advanced by mandatory turnout, they are not the only ones being bound, nor are they likely to be the only ones liable to suffer the punishments created by the system.

For those who cannot view mandatory turnout as a precommitment device, it should be understood to function instead as a nudge in Thaler and Sunstein’s sense. Technically, a nudge is just any intentional structuring of a choice situation which “alters people’s behavior in a predictable way without forbidding any options or significantly changing their economic incentives.”68 Mandatory turnout meets both conditions. Firstly, it does not forbid any options. It does not disallow abstention, since there is always the option of turning in a blank ballot or marking a ‘none of the above’ option. Mandatory turnout hardly even forbids non-attendance at the polls, since doing so only means facing the mild sanction of a small fine and the temporary suspension of certain state benefits.

With regard to the second condition—that a nudge not change individuals’ economic incentives significantly—it may seem that mandatory turnout fails. This is because it obviously changes people’s incentives, decisively so for many citizens depending on the severity of the sanction. But does it alter them “significantly?” I doubt that it does. Significantly changing economic incentives would involve, for instance, making a default savings option more lucrative, as by boosting rates of

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68 Thaler and Sunstein, Nudge, 6.
employer matching. In voting, it might involve dramatically shrinking the size of the electorate so as to make the probability of being the decisive voter much higher.\textsuperscript{69} It would change the \textit{macro-level} incentives faced by the individual, not the micro-level ones that characterize choice architecture.

Nudges certainly do alter incentives. This is the essence of their function and they would not work if they didn’t. But they only change incentives at the micro-level of decision making. Consider that the quintessential nudge of changing a default option does indeed change the incentives faced by individuals since by changing the default option, choice architects give people a small incentive to stick with the default so as to avoid a costly decision process. \textit{The cost avoided is itself the incentive.} Mandatory turnout should be thought of in these terms. It changes the immediate incentives sufficiently to alter behavior, but not so significantly as to \textit{directly} reshape the individual’s relationship to democratic politics (the analogue of “economic incentives”). It is my hope that this nudge will ultimately reshape the relationship between democratic politics and individuals who are effectively absent from it, but this is not the direct and immediate effect of mandatory turnout. This is because of the generous exceptions which allow individuals to opt out of voting, and even out of being cognitively included in the polity.

This final point—that individuals can still opt out, albeit with greater effort—deserves more discussion since it invites the question of what difference mandatory turnout ultimately makes if it allows abstention so easily. The important change that has been effected is that abstention will require more effort than now. The default in elections has thereby been shifted from non-turnout to turnout, with attendant pressure to become cognitively engaged with politics.

\textsuperscript{69} Claudio Lopez-Guerra suggests an enfranchisement lottery which would dramatically restrict the body of enfranchised voters and so alter the incentives to become informed and to vote. Lopez-Guerra, \textit{Democracy and Disenfranchisement: The Morality of Electoral Exclusions}. 
Imposing the costs which shift the default and incentive structure is justified by the argument for the priority of cognitive inclusion. If cognitive inclusion is as important as I argued it is in Chapters 2 and 3, then changing the incentives to encourage it is required by a commitment to democracy. One can make reference to the various theories of democracy elaborated in Chapter 3 to discover reasons supporting the priority of cognitive inclusion, and so of mandatory turnout, despite rejection of the duty to vote. The substantive argument of this dissertation can be seen in part as an effort to persuade those who don’t see voting as a duty to nonetheless recognize the imperative of promoting cognitive inclusion and so to endorse steps to do so through institutions like mandatory turnout. It is moreover by reference to the arguments of the earlier chapters that I support my own advocacy of mandatory turnout—not as a measure to get people to vote, but as a means of promoting the most important precondition of democratic government, cognitive inclusion.

Does this make of me a beneficent social planner imposing on an unwilling population an externally derived conception of what they have reason to do? Despite some initial plausibility, this ultimately misunderstands the argumentative strategy used in Chapter 3. The argument there draws from a wide variety of theories of democracy in order to be able to answer any particular individual who objects to the project of promoting cognitive inclusion by reference to a theory of democracy the individual accepts. The aim is to always be able to tap into individuals’ existing theoretical commitments rather than superimposing a set of new commitments. Insofar as I succeed in this attempt, individuals are offered a persuasive account of what their existing commitments imply in practice rather than a social planner’s assurance that he knows what he’s doing.

This marks an important difference between my application of the nudge idea and that of Thaler and Sunstein. They apply the econometric methodology of policy analysis, along with all of its
thick utilitarian presuppositions about human fulfillment, to discover the purposes to which nudges should be put. I search for the essence of democracy in competing accounts of it, and argue to all democrats that their commitment to democracy requires the purpose to which I put the nudge. Those subject to the nudge should in principle own the argument I put to them, whereas this is not necessary for the libertarian paternalist.

If we consider again those individuals who say they are not interested in the election enough to vote or who didn’t vote because they didn’t like the candidates or issues, we’ll see what else we gain from having them subject to the nudge toward cognitive inclusion created by mandatory turnout. Reasons like a lack of interest or dissatisfaction with the candidates and issues can be expected to change somewhat in a scheme of mandatory turnout since people who are made to turn out will also thereby be motivated to think again about the candidates and issues of the campaign and so to seek out some new information about them. Those voicing a lack of interest will certainly not all be converted, but some portion of them may be persuaded to take another look at democratic politics and reconsider their disinterest. Even if they only thereby reconfirm their disinterest, through reflection they will have engaged critically with democratic politics and so found their place in the democratic polity, as what I call in Chapter 3 thoughtful apathetics. This is entirely consistent with the aim of promoting cognitive inclusion.

The ease with which abstention is possible in this regime may create some unease, since it creates the possibility that a great many citizens who are not effectively a part of democratic politics will take advantage of it. In that case, we may ask what difference the institutions promoting cognitive inclusion have made. Even in the worst case scenario in which mandatory turnout, or any other institutional interventions are attempted, is utterly ineffective in causing wider cognitive
inclusion, there is still value in having them. For even if such institutions are ineffectual, having
them will have discharged democracy’s responsibility to secure as best it can the fundamental
condition of its own legitimacy, as dictated by the spectrum of democratic theories surveyed in
Chapter 3. Democracy will have taken all reasonable steps to encourage its citizens to do what is
required of them as democratic citizens. It is not until we find ourselves in such a situation of failed
tries to promote cognitive inclusion that we are entitled to despair of the promise of democracy
in our age.

4. Prospects for Mandatory Turnout in the United States

There might seem to be poor prospects for introducing a regime of mandatory turnout like
that elaborated above in the contemporary United States. Yet the same could be said of all new ideas
for political reform when they are first advanced. When we believe such reforms to be worthwhile,
confident assertions about their political impossibility are not only unhelpful, but they halt the
exercise of political imagination necessary for thinking about how, despite formidable obstacles, the
reform might be won. What is needed, in other words, is a plausible road to its adoption. Such a road
makes the next vital step—steady advocacy by credible supporters—both motivationally possible and
much more likely. It is of course possible that a given reform will lack any plausible road to adoption.
But in this section, I argue it is a mistake to think that this is the case for mandatory turnout in the
US. Those who see it as impossible neglect to consider the history of the introduction of mandatory
turnout in other countries, the opportunities created by American federalism, and the contemporary
political situation in the US vis-à-vis voting rights. I believe that these considerations together add up
to a plausible scenario in which mandatory turnout could be deployed in the United States.
I am far from the first person to argue for the introduction of mandatory turnout in the US. Arend Lijphart famously argues for MV in the US in his APSA presidential address from 1997. Harvard Law Review similarly argued for its enactment in 2007, as have other scholars. This is in addition to the rounds of discussion of mandatory voting that customarily surround each new low turnout election, as in 2010, 2012, and 2014. What I contribute to this debate is an emphasis on state-level enactment of mandatory turnout in a context in which voting rights have become an issue of polarized partisan conflict. I argue that this unique context creates opportunities for Democratic Party-affiliated policy entrepreneurs to gain from advancing mandatory turnout at the state level.

Unlike deliberative mini-publics which are by and large new and experimental, mandatory turnout as an institution has a long and varied history from which much about the prospects for its introduction can be gleaned. The most important insight from this history comes from Gretchen Helmke and Bonnie Meguid’s analysis of the origins of mandatory turnout laws. From their analysis of the twenty cases of adoption of mandatory turnout laws between 1862 and 1998, Helmke and Meguid find that partisan strategic considerations largely guide the adoption of these laws. Parties support the adoption of mandatory turnout when they think it will help their electoral prospects. In

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70 Lijphart, “Unequal Participation: Democracy's Unresolved Dilemma.”
the past, this meant that parties of the right, pressured to expand the franchise but worried about the rise of radical socialist parties, favored mandatory turnout as a way to turn out their own well-to-do supporters who (they thought) were too busy to bother voting.76 Today, advocates of mandatory turnout like Lijphart recommend it in part on the ground that it will aid the electoral prospects of left parties by turning out poorer citizens who are otherwise less likely to vote.77 History suggests therefore that the institution is most likely to arise when the parties in power think they will benefit from it. In the contemporary US, socioeconomic stratification of political participation and the right-leaning voting patterns of the well-to-do suggest that America’s left party, the Democrats, stand to gain most electorally from mandatory turnout policies. In other words, if anyone is going to introduce a regime of mandatory turnout in the US, the history of mandatory turnout suggests it will be the Democrats.

The prospects of mandatory turnout at the national level are, however, dim for a variety of reasons. Due to the expected partisan advantage of the institution, the opposition of the Republican Party can be expected to be intense. Moreover, the opposition of one party is generally enough to stymie any major reform, particularly in contemporary circumstances of partisan polarization and gridlock, because of the multiplicity of effective veto points in the national policy-making process. There are, moreover, non-trivial worries that the Supreme Court as currently constituted would strike down a national system of mandatory turnout as unconstitutional. As a matter of constitutional law, mandatory turnout would have to be linked to the legitimate exercise of an enumerated power of the federal government. There are at least two constitutional arguments open to advocates of national mandatory turnout: one based on Article I, Section 4’s Election Clause authorizing Congress

77 Lijphart, "Unequal Participation: Democracy's Unresolved Dilemma."
to regulate federal elections, and another based on the Taxing and Spending Clause, in conjunction with the Necessary and Proper Clause, to withhold election funding from states that fail to enact mandatory turnout. However, both arguments would expand the reach and authority of the federal government over the states in a dramatically visible way that the current Court may not support.

Considering these challenges, it is rather strange that all scholarly advocates for mandatory turnout in the US focus most if not all attention on its enactment at the national level. Though a desire for national reach is understandable, the national approach neglects the opportunities created by the very strong federalism of the American political system. In particular, it overlooks the role of the states as laboratories of democracy in which policies that are too controversial or experimental for immediate deployment at the national level can be tried and their success (or failure) demonstrated. I argue that American federalism—which has frustrated so many efforts at national-level reform, including in the past civil rights and more recently, health care reform—in fact presents the most promising opportunity for enacting mandatory turnout in the US.

The first reason to look to the states is that legal challenges based on unconstitutionality which mandatory turnout would face at the federal level would be less likely on the state level. This is because the states are not constrained by the enumerated powers found in the Constitution and are moreover granted wide authority in ordering their own elections. There would be no obvious constitutional issue with the states enacting these policies. That being said, it should be noted that two US states, South Dakota and Massachusetts, thought the constitutional question sufficiently uncertain that they in fact amended their constitutions to explicitly allow for making voting mandatory. This may have been at least partially in response to the fact that the Supreme Court of

78 Matsler, "Compulsory Voting in America."
79 Lund, "Compulsory Voting: A Possible Cure for Partisanship and Apathy in U.S. Politics."
Missouri struck down a St. Louis municipal provision for mandatory turnout in 1897 partly on technical and partly on meta-constitutional grounds. Nonetheless, mandatory turnout faces far fewer legal hurdles at the state than the federal level.

The second reason to favor state-level enactment is that there are numerous examples of reforms in the US occurring at the state level and diffusing across the country. One of the most important of these reforms in American history was the introduction of the initiative and the referendum in the early 20th century. South Dakota was the first state to amend its constitution to allow for the directly democratic initiative and referendum in 1898 and the process of its enactment presented a blueprint for success which was subsequently replicated throughout the country. The reform swept across the US in the following two decades, to particular success in the West. Today, twenty-four states have some form of citizen-initiated direct democracy, encompassing some 50.6% of the population.

The waves of advocacy for direct democracy could likely have brought it to the national level as well had it not been for the difficulty of amending the US Constitution. There were numerous attempts to introduce some form of direct democracy at the national level, most strenuously in the same years that it was being institutionalized in the states. These efforts were stymied by the extraordinarily difficult amendment process, yet one proposal to institutionalize a national

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80 Kansas City V. Whipple. By ‘meta-constitutional,’ I mean political theoretical grounds. Their objection was that mandatory voting infringed upon the exercise of the sovereign right of democratic citizens and that it was illegitimate for the constituted power of the state to so infringe the exercise of constituent power.


84 Donald Lutz has found the US Constitution have the second most difficult amendment process in the democratic world using comparative cross-national data. Donald S. Lutz, "Toward a Theory of Constitutional Amendment," The American Political Science Review 88, no. 2 (1994): 362.
referendum on whether to declare war fell only twenty-one votes short of passage in the House of Representative.\textsuperscript{85} There is every reason to believe that in a world with an easier amendment rule, direct democracy would have come to the US national government.

Moreover, federalism has proven effective in spreading the actual reform we are interested in: mandatory turnout. The federalist structure of Australia played a key role in the introduction of mandatory turnout at the national level there. As discussed in Section 1.1, the Australian state of Queensland introduced mandatory turnout for all elections in 1915 and thereafter led the rest of the country in turnout by increasingly large margins of 12.6\% in 1917, 18.6\% in 1919, and 29.9\% in 1922, as depicted in Figure 7.6 above. The sharp downturn in turnout in the 1922 election caused the political class to look to Queensland as a model of how to solve this particular problem. Less than two years later, the parliament had made voting mandatory across the entire country, leading to the dramatic rise in turnout in the election of 1925.

Following this history, it is easy to imagine a single Democratic-controlled state—perhaps Massachusetts where the state constitution already has an explicit provision empowering the legislature to do so—enacting mandatory turnout as an experiment to show the rest of the country not only that it can be done, but also to demonstrate the ameliorating effects of the institution on turnout. Considering the very low baseline of turnout in US states, we would expect to see the turnout of a state experimenting with mandatory turnout to leap twenty or thirty percentage points ahead of the national average, as Queensland’s did. These gains would presumably make a serious impression on the rest of the country, particularly on officials in other Democratic-controlled states.

\textsuperscript{85} Cronin, Direct Democracy, 165-6.
If the increased turnout does in fact benefit Democrats electorally, Democratic pols in other states would recognize the opportunity mandatory turnout presents to improve their party’s electoral fortunes (or cement partisan control) and would put it on the agenda in their own states. In this way, some of the most populous (and Democratic) states in the country could be converted into mandatory turnout polities.

The last part of the argument for the plausibility of mandatory turnout in the US comes from the polarization of voting rights in the contemporary political environment. It is widely understood by observers of American politics today that Republicans favor a more restrictive electoral regime that burdens the exercise of the franchise in a number of ways while Democrats oppose these efforts. One of the most visible signposts of this polarization has been the resurgence of efforts at voter suppression by states under Republican control. Unified Republican control of state government in places like North Carolina has led to electoral policies that have eliminated same-day voter registration, reduced the number of polling places and early voting days, changed registration requirements, made it harder for civic groups and other third parties to register voters, and—infamously—imposed new requirements that voters show photo identification to vote. These efforts have been aided by the Supreme Court’s 2013 decision in *Shelby County v. Holder* which struck down the preclearance formula at the heart of the 1965 Voting Rights Act, reducing federal oversight of state electoral policy for the protection of minority voting rights. Policies that would have been blocked previously by the Justice Department as burdens on the exercise of the franchise have been

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allowed to proliferate. Indeed, mere hours after the Court’s decision was handed down, the attorney
general of Texas immediately enacted a redistricting plan and stringent Voter ID law that had been
blocked by the courts under the Act.\textsuperscript{87} Two months after the decision was handed down, the
Republican-controlled government of North Carolina, another former preclearance state, passed
sweeping electoral legislation that abolished same-day registration, drastically reduced early voting
days, removed polling places in Democratic-leaning areas, and introduced a strict Voter ID
requirement.\textsuperscript{88}

It is tempting to tell a story in which these changes mark a major deviation from a previous
era of bipartisan efforts to expand access to the vote. The overwhelmingly bipartisan reauthorization
of the Voting Rights Act in 2006 (390-33 vote in the House, 98-0 in the Senate) is often invoked to
support this story. But it is nonetheless ahistorical. Republican opposition to the expansion of voting
rights is longstanding, extending back at least to the 1930s. Conservative Republicans who opposed
the expansion of federal power which would be required to enforce voting rights joined with
segregationist southern Democrats to oppose civil rights legislation in the Congress, especially the
Senate, in an alliance that lasted until at least the middle of the 1950s. The movement of black
Americans out of the South during the Great Migration changed the electoral calculation by the
middle of the 1950s, however, by creating electoral incentives for both parties to compete for the
emerging black vote in the North. This led to a brief period of serious Republican competition for the
black vote with respect to the issue of civil rights.

This period came to a decisive end with Richard Nixon’s Southern strategy and the beginning
of the Southern realignment, as southern whites increasingly came to identify with the Republican

\textsuperscript{87} Kara Brandeisky, Hanqing Chen, and Mike Tigas, “Everything That’s Happened since Supreme Court Ruled on Voting Rights
\textsuperscript{88} Ibid.
Party. Since then, Republican pols have been involved in numerous vote suppression schemes, including a vote caging operation in Arizona that involved future Chief Justice William Rehnquist.\textsuperscript{89} Another milestone in efforts to promote Americans’ voting, the National Voter Registration Act, or “Motor Voter” law, was publicly opposed by a unified Republican Party. President Bush vetoed it in 1991, but it passed in identical form in 1993 and was signed into law by the new Democratic President Clinton. Both times, voting on the bill was along partisan lines—no Democrats voted against it in the Senate.\textsuperscript{90} Finally, the Republican-controlled House has made no serious efforts to fix Section 4 of the Voting Rights Act since the Court struck it down in \textit{Shelby}, despite the fact that both members of the House leadership who were in Congress in 2006 voted for reauthorization, including the current Speaker of the House John Boehner.\textsuperscript{91}

The explanation for enduring Republican opposition to expanding the electorate is not mysterious, particularly in recent years. The Republican electoral coalition has long been dominated by those who are the most likely to turn out to vote without any special efforts to help them do so. The coalition has basically always included the more affluent, for instance, and in recent years, it has become more dependent upon groups like the elderly, males, and white Americans. Unfortunately for this coalition, these groups are shrinking as a share of the polity with each subsequent election. A natural way to understand the party’s increasing embrace of vote suppression is as a response to this demographic pressure. There is, moreover, some evidence that this is the case.\textsuperscript{92}

The Democratic Party has opposed these policies, often vocally, but the party has not publicly articulated an alternative agenda on voting rights. In the present circumstances, it makes a great deal

\textsuperscript{91} Roll call available here: http://clerk.house.gov/evs/2006/roll374.xml
\textsuperscript{92} Bentele and O’Brien, “Jim Crow 2.0?,” 1104-5.
of sense for the Democratic Party to set a positive agenda of vote encouragement against the Republican embrace of vote suppression. This would put them on the rhetorical side of expanding the inclusiveness of the political process, a position difficult to resist in democratic contexts as opponents of wider enfranchisement learned in the 19th and early 20th centuries. Mandatory turnout can occupy a natural place in this agenda as the most extreme element of the package. Including such a provision in the agenda would be strategically wise of Democrats even if they do not wholeheartedly support it since it would serve to expand the Overton window—or the scope of politically realistic options—to the left, as it were, on voting rights. Doing so would allow less expansive proposals to appear more moderate and so more fruitful ground for passage as a compromise.

Though I cannot be satisfied with any outcome short of mandatory turnout being enacted given the commitments elaborated in the first half of this dissertation, putting mandatory turnout on the agenda even in this strategic way is a great advancement and is of course a necessary step for it ever to be effectively deployed in the US. I firmly believe that giving it a thorough public hearing would generate support for an inclusive Democratic voting policy, since most Republicans do indeed agree that voting is a duty and would be cross-pressured to support Democratic efforts to expand voting, particularly if the effort is framed with the rhetoric of patriotic duty. This should dampen Republican opposition, other things being equal.

Bringing the three elements of this argument together, we can say that states in Democratic control should impose mandatory turnout as a strategic counterweight to Republican states’ efforts to suppress voting. They would thereby create a visible policy alternative that puts them on the side of a

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93 Despite Republican attempts to frame their policy as a response to voter fraud, the manifest and documented absence of such fraud strains the credibility of such alternate framings of the issue.
more effectively inclusive polity. Moreover, state by state is the process and strategy by which many major reform efforts in American history have proceeded, making it more in keeping with American federalist traditions. Finally, we know that mandatory turnout laws tend to come about when it is in the electoral interests of a particular party, as it seems to be today, on balance, for the Democrats. Any efforts they make toward institutionalizing mandatory turnout would, as a side effect, promote cognitive inclusion.

It must be emphasized that the argument in this section is not a partisan one, nor is it a prediction that this will happen. It is an elaboration of what a road to enactment of mandatory turnout in the US could look like given its constitutional and political circumstances. We certainly should support its enactment, but not because it might help Democrats. There is evidence cited above that suggests the net electoral effects of higher turnout are uncertain. This differentiates my argument for mandatory turnout from that of Lijphart who advocates it for the purpose of aiding parties of the left. Those who are interested in promoting cognitive inclusion advocate mandatory turnout as a means to furthering that end alone. In the next section, however, I address an objection to this wider project of promoting cognitive inclusion through institutional design.

5. Problems with Justifications from By-products

In the second part of the dissertation, I have analyzed different institutions on the basis of their ability to promote cognitive inclusion in the citizens of democracies. But this argument is susceptible to an objection leveled by Elster regarding justifications for institutional arrangements based on their side effects or byproducts.

Elster argues that we cannot (prospectively) justify institutional arrangements, including democratic ones, by reference to the side effects they engender because doing so is motivationally
nonsensical and ultimately self-defeating. Elster has in mind justifications for democracy based on the supposedly self-realizing, educational, or character-building efficacy of political participation, as advanced by theorists like J.S. Mill and Carole Pateman, among others. The argument seems at first to apply to my own contentions about cognitive inclusion as well. This is because I seem to be justifying these institutions not on the basis of the uses to which they can be put directly by those who participate in them, but rather on the effects that being exposed to them is likely to have on citizens. This problem is most acute for mandatory turnout, but it applies to the entire argument of the second half of the dissertation.

The substantive core of this objection lies in a claim about motivation. Individuals participating in an activity like those associated with democratic government do not and cannot see the purpose of the activity as entirely beside the point of the activity. In playing a competitive sport, for instance, one tries to win within the rules. Winning constitutes what we might call the participant-level motivation for the activity. This can be contrasted with motivations for the activity as viewed at some remove from the participant’s perspective, as by an observer. In the sport example, these observer-level motives might include winning a parent’s approval or promoting physical health. Yet notice that these ends are essentially byproducts or side effects of the activity. They only emerge as a result of taking part in the activity as defined by its participant-level motives. Improved health will only emerge if we push ourselves physically in the sport in order to win. It would be self-defeating of higher-level goals to make them the effective motivational basis of the activity. If we tried to take part in the sport directly in order to generate the side effect of better health, for instance, we’d trivialize the game to ourselves, cripple our motivation to engage in it, and so fail to generate

the side effect. Elster’s claim, then, is that replacing participant-level motivations with higher-level ones would fatally undermine effective participation in the activity and so frustrate the generation of the attractive side effects.

The only way that this can be a problem, however, is if motivation has some connection with justification. Elster invokes the publicity principle to forge this connection. The publicity principle requires that all justifications be publicly available, disallowing esoteric justifications for political arrangements such as those of a benign utilitarian overclass. It also requires that those who engage in an activity be aware of the justifications offered for the activity. Unfortunately for Elster, the publicity principle does not do all the work he needs it to do. Elster intends the publicity principle to establish not only that justifications must be public but that participants should be able to be motivated by the publicly available justifications. They must be able to take the purposes specified by a justification as the basis of their actions. Yet this latter claim is not obviously part of publicity.

Elster deploys an unstated premise. The publicity principle does not in itself require that individuals actually be motivated by justifications, merely that all justifications be publicly available. Elster implicitly inserts the premise that justifications should be capable of actually motivating the actions that they recommend. In order for beneficial side effects to serve as a justification of an activity or institutional arrangement, they must be able to motivate the appropriate action entirely on their own.95 This is why Elster writes that side effects cause self-defeat because they “cannot by themselves be the motivating force.”96 Because side effects cannot be the motivating force,

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95 Chan and Miller’s critique of Elster assumes throughout that citizens possess reasons other than side effects to participate in politics, as from quotidian political commitments. This causes them to miss Elster’s deeper thesis about justification’s links to motivation. See Joseph Chan and David Miller, “Elster on Self-Realization in Politics: A Critical Note,” *Ethics* 102, no. 1 (1991).

justifications based on them are self-defeating according to Elster. Elster’s overall conclusion is thus dependent upon the premise that justifications should be able to motivate actions.

If justifications indeed must have effective motivational power, then Elster is right to dismiss side effects as justifications. But it is not clear that motivational power is a necessary condition of justification.97 We might think it necessary because justifications cite reasons to engage in the activity such that they would lose their point if they had no efficacy in actually bringing that activity into existence. On the other hand, David Estlund has argued that the requirements of justice might extend beyond the motivational capacities of human beings, with the ultimate implication that justifications need have no effective power over our actions.98

A closely related question regards which action stands in need of justification, participation in an institution or setting up that institution in the first place. Jason Chan and David Miller think drawing this distinction can answer much of Elster’s critique, but they are wrong. Chan and Miller point out in response to Elster that there are at least two relevant points of view implicated in his argument: that of whom I’ve been calling the participant and that of the institutional designer.99 Each of these points of view contemplates a fundamentally different action. The action being considered by theparticipant is whether to undertake political participation in a democratic government. For this action, Elster’s motivational point stands. For institutional designers, the relevant action is different. They are trying to decide how best to arrange institutions. For this task, beneficial side effects seem like an unproblematic justification because the motivation to create an attractive set of institutions is not threatened with self-defeat. Since the question at issue here is one of institutional

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97 The relationship between motivation and justification is a deep and longstanding question in modern political philosophy. Sharon Krause has investigated central aspects of this question recently. See Sharon R. Krause, Civil Passions: Moral Sentiment and Democratic Deliberation (Princeton: Princeton University Press, 2008).
99 Chan and Miller, "Elster on Self-Realization," 97.
design, there seems to be no danger to the relevant motivation from Elster’s argument. But this is wrong and signals a misunderstanding of Elster’s insistence that side effects cannot justify action on their own. Part of Elster’s purpose in invoking publicity is to demonstrate that we cannot separate these points of view reliably. In a democracy, each of us is potentially both an institutional designer and a participant. The justification of the edifice is therefore known to those who are meant to dwell within it. If the justification fails to motivate them, they may refrain from taking their appointed places therein. So Elster’s point that side effect-based motivations cannot justify by themselves endures.

It makes more sense to say that justifications with motivational power behind them are simply better than those without it by dint of the difference they are able to make in the world. This formulation abandons the necessity of motivational power but also affirms its worth. Because it abandons the necessity of motivational power, however, this formulation also means that we cannot utterly dismiss justifications based on side effects. We must instead recognize them as valid justifications. But this recognition is not without cost. Justifications without connection to motivations run the risk of leaving the hearer cold and unmoved in the absence of other, more instrumental motives. Yet my own argument should be able to avoid even this danger because it in fact supplies instrumental grounds for individuals to care about cognitive inclusion.

If my account truly said nothing about participant-level motivations, then Elster’s argument might apply and at least weaken the account by removing its motivational power. But my argument is moored to arguments for political engagement at the participant’s level through the overlapping nature of support in democratic theory for cognitive inclusion.100 I’ve argued that whatever one’s

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100 participant-level justification is also offered through the precommitment argument, though only for those who believe voting is a duty.
substantive view of the worth of democracy, one must be committed to cognitive inclusion. Whether we’re interested in protecting our rights or interests, or social stability, or in realizing greater political equality, or in promoting non-domination and collective self-government, we should be concerned with cognitive inclusion. These arguments are elaborated in Chapter 3 and target for the most part instrumental concerns at the level of participants. These grounds can therefore be seen as the ultimate effective grounds of justification, whereas cognitive inclusion is merely an intermediate ground. Since these ultimate grounds can indeed motivate political engagement at the level of participants, Elster’s challenge to the present argument dissolves.

6. Mandatory Turnout as the Best Hope

In this chapter, I argued that mandatory turnout powerfully promotes cognitive inclusion and that its realization in the United States is not as fantastical as might be imagined. By reaching every citizen and giving them a nudge (in the non-technical sense) toward electoral participation, mandatory turnout encourages them to turn their attention toward politics. We saw evidence that mandatory turnout does indeed have this reach in that it can successfully induce turnout exceeding ninety percent. Since turning out will itself help induce cognitive inclusion because the task of deciding how to vote likely causes meaningful reflection about politics, this is a strong indication of mandatory turnout’s ability to promote it. There is moreover evidence that mandatory turnout improves citizens’ political knowledge, suggesting that citizens not only pay attention to politics but have thought about what they learned.

Having established the effectiveness of mandatory turnout as a means of promoting cognitive inclusion, I set out to design a regime of mandatory turnout that is both effective and takes into account common objections to requiring citizens to turn out or vote. Guided by evidence regarding what makes mandatory turnout regimes successful, I argued that a defensible regime would only
legally require attendance at the polls and would include a ‘none of the above’ option of some kind on the ballot, so as to insulate the institution from the claim that it coerces political expression and to gather higher quality information about political dissent. The regime would strictly enforce punishments that start with a letter asking for explanation, responses to which would be evaluated on an honor system and would accept reasons including illness, disability, or conscientious objector status. For those who do not offer such reasons, the enforcement regime would fine those who don’t turn out and impose inconvenience windows on them with respect to public services like public employment.

I defended such a system with a novel argument that mandatory turnout can be seen as a precommitment device for those who believe it is their duty to vote. This argument prescinds from taking a position in the debate as to whether voting is a right or a duty and is based instead on the beliefs of citizens. I showed empirical evidence that almost all Americans see voting as a duty and so could plausibly be said to have their own self-determined reasons for action aided by mandatory turnout, as is required by a precommitment device.

For the sliver of the population that does not see voting as a duty, mandatory turnout cannot be defended as a precommitment mechanism but rather must be defended as a nudge in Thaler and Sunstein’s sense. This nudge is justified primarily with reference to the value of cognitive inclusion, and so by extension to the value of the democratic goods cognitive inclusion serves to realize. It is also justified by reference to the ‘leakiness’ of the sanctions regime, since it will be fairly easy for motivated individuals to avoid those sanctions. This leakiness is not a problem since the point of mandatory turnout on my account is not to actually get everyone to vote but rather to urge as many people as possible to engage reflectively with the content of democratic politics. If those who dislike
mandatory turnout are made to reflect on and reconfirm their status as dissidents in the body politic, this constitutes cognitive inclusion since they are included in the democratic polity as dissidents.

I elaborated three conditions that make the introduction of such a regime of mandatory turnout in the US something other than idle fancy. The first is the origins of most mandatory turnout laws in the partisan interests of political actors, the second is the US’s federalist structure and the history of reforms spreading from state to state, and the third is the opportunity for Democratic action to create a strategic counterweight to Republican efforts to burden the exercise of the franchise. In this scenario, a Democratic state would experiment with mandatory turnout, consolidating the party’s power in the state and setting a precedent that could be followed by other states. If mandatory turnout behaves in the US as it has everywhere else, the successful boost in turnout could serve as a model, at the limit, for action by the federal government.

I concluded with consideration of a general complaint with the kind of justification used throughout the second half of the dissertation from the work of Elster and argued that his challenge would not ultimately threaten my argument because of its grounding in participant-level motivations supplied by arguments in democratic theory advanced in Chapter 3. We shall see that Elster’s is not the only worry that applies to the overall project of the second half of the dissertation. In the conclusion, I address another such worry based on the exercise of power involved in the manipulation of citizens’ incentives.
Chapter 8: Conclusion: The Ethics of Institutional Design

This dissertation has argued cognitive inclusion has a unique importance in democratic theory which requires that it receive special priority in the design of democracy’s participatory institutions. I developed several recommendations for institutional design guided by the imperative of promoting cognitive inclusion. But the task of institutional design itself raises a serious ethical question that is almost never even recognized to need answering in works that undertake institutional design. We must consider whether it is ethical to use institutional design as itself an exercise of power to promote cognitive inclusion. Most institutional designers move directly from questions of values and criteria to construction and assessment of institutions. Yet because institutional design is an exercise of power, ethical questions regarding that use of power must be considered and some basic ethical requirements met.

Institutional designers do not normally see their task as itself one of exercising power. Designers instead appeal to a number of alternative formulations of their task which serve to obscure the nature of the endeavor. One of these is the observation that there will always be incentive and choice structures embedded in institutions and that this fact makes the only question whether those structures conduce to the interests of those subject to them. This is the position of Richard Thaler and Cass Sunstein, who argue that “[i]n many cases, some kind of nudge is inevitable, and so it is pointless
to ask [choice architects] simply to stand aside. Choice architects, whether private or public, must do *something.*"\(^1\) According to Thaler and Sunstein, the default options embedded in incentive structures should not be treated as if they “come from nature or from the sky” but rather must be defended as being in people’s interests overall or not.\(^2\) Their view is that there will always be defaults and incentives, so the task is to make them work as well as they can for the people subject to them. This makes the task of consciously designing those incentives seem unproblematic because it makes it look like ordering and rationalizing an area of social life that has escaped such systematic consideration before.

Another common trope for conceiving of institutional design is to view incentive structures as a form of trade. If the state wants to get its citizens to invest in renewable energy, for instance, it might offer them an incentive in the form of a tax credit to do so. In this way, the state gets what it wants in the form of increased use of renewable energy and the citizens get something they want in the form of financial compensation and subsidized energy generation. Viewed as trade, institutional design is unproblematic because someone is offered something of value to him or her in exchange for doing something valued by the agent making the offer, and both are made better off by their own lights.\(^3\)

Finally, many forms of institutional design, including the prominent “nudge” approach of Thaler and Sunstein, seek to preserve _choice_ and claim to be thereby preserving _freedom_ while improving people’s well-being. After all, better default rules and rationalized incentives still leave us with the option to opt out or make whatever choice we like. Our freedom is not infringed and yet our

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2 *Nudge*, 238.
affairs are better and more advantageously arranged in the aggregate. It may be alleged that this problematically conflates choice and freedom since even slaves can make many choices and yet not be free. Freedom requires an adequately wide set of options, not simply the existence of choices. But since most nudges do indeed leave such a wide set of options, this is not why conflating choice and freedom is problematic. It is that being left with a choice obscures that someone has arranged things to make you arrive at that choice. And this is what makes institutional design an exercise of power.

All of these formulations of the task of institutional design obscure that the ability to structure choices is itself a form of power. As Ruth Grant points out, “[t]he use of incentives is one possible answer to the following question: How can one person get another person to do what he wants him to do?”4 Looked at this way, the similarity to the paradigmatic exercise of power—force—is unmistakable. The point is also apparent at the most obvious level, since it is a profound power to shape the set of choices that all individuals face in their day-to-day lives. Viewing incentive structures as inevitable, as a form of trade, or as preserving freedom are ultimately attempts to cover over this power dimension of institutional design. Indeed, Grant argues that structuring incentives is an exercise of power that conceals power by leaving individuals with a choice, and so obscures the extent of control others have and confounds accountability.5 This is one reason that we may want to view non-rationalized incentive structures as if they ‘came from nature or from the sky,’ against Thaler and Sunstein, since it is only when institutions and incentives are consciously shaped to affect individual choice that institutional design becomes an exercise of power. While there must always be a default, those defaults need not always be someone’s design.

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5 Strings Attached, 133-4.
Because designing incentive structures is an exercise of power, it raises questions beyond whether those structures conduce to the interests of those subject to them. Grant argues that it requires considering at least three questions about any given instance of design: 1) whether it serves a legitimate purpose; 2) whether the choices made within it are voluntary; and 3) whether it will have a positive, neutral, or negative effect on the character of those involved. Grant’s intention in including the legitimate purpose clause is to block the use of incentives for purposes like blackmail or other nefarious deeds and her intent in the second question is to induce consideration of voluntariness beyond the mere existence of choice. I therefore re-interpret her conditions as follows: 1a) is the purpose guiding the institution’s design good? 2a) Do the people subject to it think it is good? 3a) Will it make those subject to it marginally better or worse as individuals?

I consider each of these questions in turn. In the process of doing so, I sum up many of the key arguments of the dissertation.

1. Grant’s First Condition: Cognitive Inclusion Constitutes a Legitimate Purpose

Grant’s first question is whether a particular institutional arrangement serves a legitimate purpose. Is the purpose behind the design a good one? If the arguments I’ve made throughout this dissertation are valid, then the purpose should indeed be good.

Making all citizens politically present and an effective part of the democratic polity, which I have been calling inclusion, provides the guiding purpose of this project. The aim of the institutional design branch of the argument is to construct more inclusive political institutions and thereby a more inclusive democratic polity. Given this purpose, Grant’s question is whether it is a legitimate one. The task of Chapter 3 is to demonstrate the great importance of inclusion.

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6 Strings Attached, Ch. 4.
I argued there that virtually every branch of democratic theory requires that all citizens at least pay attention to democratic politics and think critically about its content from time to time in order to achieve its vision of the democratic good. Those who value democracy because it represents a system of collective self-government require cognitive inclusion because it constitutes the heart of what it means for individuals to be part of such a system and because without it, those who are not politically engaged are subject to domination by those who are. The only solution is for all citizens to take up their responsibility to be each others’ co-citizens, the most fundamental element of which is cognitive inclusion.

Political equality also requires cognitive inclusion from all individuals as a precondition of its normative validity because if we equalize power before first achieving universal inclusion, we create a specially empowered class consisting of those who are already included, or what I call an aristocracy of activists, contradicting political equality. For egalitarians, inclusion must take the form of cognitive inclusion because of the essential role it plays in political participation and so in preventing de facto denials of equal standing resulting from political absence and aggregative distortion.

Those who value democracy as a means of protecting individuals’ rights and interests, particularly when conceived in terms of non-interference, at least require cognitive inclusion in order for individuals to monitor whether the government threatens them. The vigilance principle imposes the requirement of surveillance at the cost of having one’s rights and interests harmed by government. The only way to protect them is to pay attention to politics in a critical way, that is to say, through cognitive inclusion.

Robust social stability is only possible when the demands of all citizens are processed through the political system, since in modern conditions even small groups are capable of threatening
stability. This requires cognitive inclusion in order to monitor politics for threats to stability and also to generate the civic skills necessary for effectively inputting demands into the political system.

Thus, virtually all of the major theories of what makes democracy valuable recognize a unique value in cognitive inclusion. If we endorse any of these theories, we have sufficient reason to prioritize cognitive inclusion in the design of democratic institutions.

I argued further that the agreement of these different strands of democratic theory on the fundamental importance of cognitive inclusion suggests that it constitutes something like the essence of democracy. Inclusive decision making institutions acquire a strong claim to democratic legitimacy simply by dint of their inclusiveness because being engaged in the political life of one’s community, in a cognitive way at least, is at bottom what democracy is all about. Democratic participatory institutions should surely be structured so as to mirror the normative and conceptual essence of the democratic idea. If democracy is good enough to guide institutional design, therefore, then so is inclusion.

Finally, even if cognitive inclusion does not constitute the essence of democracy, the bare fact that this wide variety of theoretical perspectives agrees upon it provides a compelling reason to use it as an intermediate principle of institutional design. This is because recognizing it as an intermediate principle rather than a fundamental one creates the opportunity for the widest possible coalition of support among democratic theorists and reformers for inclusive institutional reform. The members of such a coalition wouldn’t have to agree on the ultimate justification of cognitive inclusion so long as they can endorse reforms that promote it for their own reasons.
Insofar as any of these arguments succeed, they should confirm that the purpose behind this exercise in institutional design is legitimate and sufficiently weighty that it should be reflected in the participatory regime of democracy.

2. **Grant’s Second Condition: Citizens’ Voluntary Choice is Preserved**

The second condition is that the choices made within the proposed institutional setup be voluntary. I understand this condition in two ways. Firstly, as a question about whether those individuals subject to the institutions would own the purpose behind their design and so feel empowered and not effectively constrained by the architecture limiting their choices. This acceptance would have to be actual, not hypothetical in the sense that they ‘would have good reason to do so.’ The second understanding of the condition is as requiring the sort of robust options that make a choice a free one, and not a coerced one.

It is for the most part difficult to know whether average citizens would agree that the more inclusive institutions I advance are worthwhile. Despite evidence that Americans agree that voting is their duty and so might support mandatory turnout as a precommitment mechanism, proper popular endorsement of the reforms I advocate would require consideration of the entire argument of this dissertation. Indeed, much of the argument of the dissertation can be seen as an effort of public persuasion in favor of certain reforms as effective means toward the end of inclusion. Moreover, inclusion itself is not really a controversial value even in quotidian political life. For instance, no one in American political life can seriously suggest limiting the franchise in any systematic way. Recent voter suppression efforts in the US have for this reason been undertaken with the purported intention of reducing voter fraud. Worry about the influence of money in politics today is also usually motivated by a worry about inclusion, since it is motivated by the thought that politicians will only
listen to their rich donors and that the average citizen will therefore fail to have any effective say in
politics at all. I am myself skeptical of this view since it does not accurately describe the origin and
nature of money’s distorting influence nor does it reflect the constraining power of the electorate, but
it is a common enough view, and one centrally concerned about inclusion. Thus, it seems that
inclusion is a widely affirmed value and one that is alive in contemporary politics. And if my
argument is right about the effectiveness of the institutional reforms I advance, those who care about
inclusion would be wise to endorse them, voluntarily, out of an appreciation for their effectiveness.

Another reason to see the institutional designs I advocate as voluntary is that they would be
decided upon and enacted by way of the democratic process, not by some beneficent social planner or
Legislator. As a product of that process, they would have as much voluntariness to them as any other
democratically enacted measure. This is, again, because the argument can be seen as a contribution to
a public discussion about the best ways to realize the end of inclusion.

With regard to the second understanding of Grant’s condition—that voluntariness requires
robust options—I seek to ensure that any and all choices put to individuals through the institutions I
advance leave ample space for choices that go against my purposes. This is the only way to ensure
that choices made within these institutions can be called voluntary and protect the integrity of those
subject to them. We must leave room for those who disagree to have their actions follow their beliefs,
even if this defeats our purpose at the margin. This is why I insist on a ‘leaky’ enforcement regime for
mandatory turnout which mostly works on the honor system, recognizes some form of conscientious
objector status, and includes a ‘none-of-the-above’ option on the ballot. The existence of the
institution will be enough to induce individuals to think about politics and, among those who are not
inclined to participate, to reflect on their relationship toward democratic politics.
It is important that my argument accommodates this last possibility, that of thoughtful apathy or cynicism about politics. Such attitudes toward politics are often difficult for democratic theory to know what to do with. The category of thoughtful versus thoughtless apathetics and cynics is an important theoretical innovation of the argument because it creates a space within a more participatory politics for those who find quotidian politics tiresome or fundamentally unjust. These citizens are included, but as dissidents or visible objectors to existing ideologies and arrangements of power. What is important is that they hold this attitude reflectively, as the result of evidence-based consideration of the merits of (further) political engagement and moreover that they periodically update their judgment with new information. This reflection makes those who undergo it fundamentally different from those who simply do not have politics in their heads. In either case, they can escape the requirements of participation reasonably easily and even avoid cognitive engagement beyond that required to maintain their thoughtful apathy or cynicism.

These steps protect the voluntary nature of choices under the main institutional reform I advocate, mandatory turnout. Building in the idea of thoughtful vs. thoughtless apathy and cynicism further protects voluntariness by providing a theoretical bulwark against other reforms becoming excessively meddlesome.

3. **Grant’s Third Condition: Cognitive Inclusion Has Positive or Neutral Effects on Character**

The last of Grant’s conditions is that the incentive structure established by institutions must have a positive or neutral affect on the character of those subject to it; it should not worsen their character. So, are the likely effects of the institutions I present good for citizens, or at least, do they not make them worse?
The case for the legitimacy of inclusion supplies most of the answer to this question as well. It is good for democracy that everyone be somewhat politically engaged for all the reasons discussed in Chapter 3. Yet the question here is whether it is also good for the individual citizens that make up the democracy. To the extent that what benefits the democracy also benefits individual citizens, then the arguments of Chapter 3 obviously establish that they do indeed benefit. But what of their character?

Many theorists expect engagement to have positive effects on character, but despair of social science’s ability to discover any. But to the turn the question around, there is also no evidence that politically engaged people are morally worse than those who are not politically engaged. Some worry that politics is intrinsically corrupting and seek to avoid it for that reason. Yet there is no evidence of abnormally high rates of crime, divorce, child abuse, or any other commonly cited social ill among the politically engaged, nor is there any clear reason to expect there to be a priori. This observation is enough to suggest that political engagement and inclusion have at worst neutral effects on the character of those involved. And since promoting inclusion and engagement in the form of cognitive inclusion is the main aim of the institutional reforms I advocate, neutrality is sufficient for the institutions to meet Grant’s third condition.

All of this is to say nothing of the most obvious effect of cognitive inclusion on individuals, which is to transform their attentive economy to include politics (if it didn’t already). Is this an improvement of their character or does it at least have a neutral effect on it? A complete answer to this question goes far beyond the scope of this dissertation and even of democratic theory because it requires drawing from comprehensive doctrines regarding the good life, virtue, and what makes good character. I can say that with respect to the requirements of democratic citizenship, however, that it

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is clearly a character improvement. Given all that has been said about the indispensability of
cognitive inclusion to the ideals of democratic government and meaningful political participation, it
is clear that there is no such thing as an admirable democratic citizen who lacks it. With respect to
this narrower criterion of good character, therefore, cognitive inclusion and the institutional reforms
designed to promote it meet Grant’s third condition by improving individuals’ character as
democratic citizens. A more global assessment would require a different dissertation.

4. A Justified Exercise of Institutional Design

The choices institutional designers make are almost always ethically laden. The project of
making those choices, of consciously working out a choice architecture to which others will be
subject, involves an exercise of power. Not only is it an exercise of power, but it is power that is self-
concealing because it leaves individuals with choices to make, hiding the extent of control and
manipulation individuals have been subject to. This situation is more problematic than designers are
usually prepared to admit and it requires them to reflect seriously about the ethical constraints on the
project of institutional design.

I hope here to have provided a defense of my own project of redesigning democracy as
ethically proper. It meets all three of Grant’s criteria for an ethically responsible program of
institutional design. The purpose behind the project is justified by reference to the three major
normative and interpretive arguments establishing the importance of cognitive inclusion. These
arguments show that promoting cognitive inclusion through institutions is a good thing. The project
meets Grant’s second criterion by integrating two layers of protections for the voluntariness of
choices under the institutional arrangement. Not only is the enforcement regime of mandatory
turnout in particular designed to be leaky, but the theory includes an entire category of individuals
who can be included as dissidents, respecting their considered judgment regarding the value of political engagement. Finally, the reformed institutions almost certainly do not make those subject to them worse people in any obvious way, but they do make them better vis-à-vis democratic citizenship because of the necessity that citizens make themselves a part of the democratic world.
Bibliography


*Kansas City V. Whipple*, 38 Southwestern Reporter 295 (1896).


———. "Isolating the Effects of Costly and Incentivized Participation on Incentives to Invest in Costly Information and Informed Participation." New York University, 2013.


