

Claudio López-Guerra: Democracy and Disenfranchisement

Reviewed by Madeleine Pitkin

Even though the topic of enfranchisement might not be considered a defining feature of the contemporary period, debates about whether certain groups of people – such as prisoners or teenagers – should be given the vote are currently taking place all over the

world. In 2011, a voting trial allowed sixteen and seventeen year olds from certain selected municipalities to vote in the local elections in Norway, and the United Kingdom continues to resist pressure from the European Court of Human Rights to allow its prisoners to vote.

Claudio López-Guerra finds that most of these debates take for granted that suffrage is a fundamental individual entitlement. In his seven-chapter-long book, the author first contests this largely accepted notion and presents a system in which most of a population would be randomly excluded as a

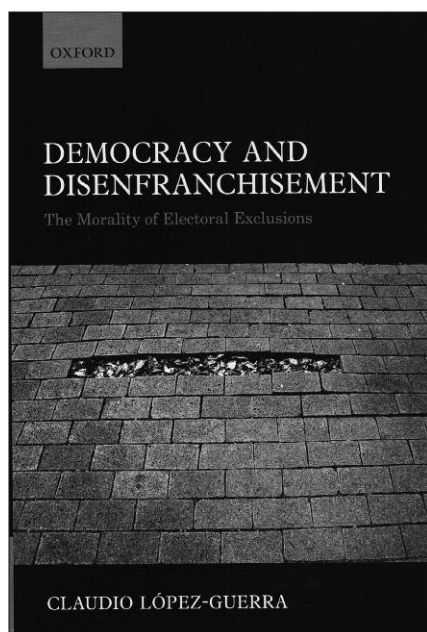
morally acceptable alternative to universal suffrage, before contesting normal conceptions about who may or may not vote and for what reasons.

In the introduction, López-Guerra describes the book's purpose. He intends for it "to shed light on [...] the choice of rules that determine membership of the electorate" (11). He introduces the readers to the "Conventional Suffrage Doctrine" accepted in most countries. The doctrine is composed of the notions that excluding sane residents and citizens residing in another country cannot be justified, whereas excluding minors, the mentally impaired, resident non-citizens and those convicted of felony charges can be (3). He states his intention to reverse these normal ideas; the negative thesis of the book is that the doctrine should be rejected.

In the second part of the introduction, the author defends his plan to achieve his goal through a problem-driven study, by presenting its advantages over a traditional theory-driven study. For example, a problem-driven study draws its information from relevant and ethical resources, rather than relying on abstract theories and principles. Also, unlike a theory-driven study, a problem-driven inquiry does not presuppose that a solution is canned inside a particular philosophical framework.

López-Guerra presents his *enfranchisement lottery* in the next section of the book, by which, before each election, the majority of a population would be randomly excluded, leaving a smaller but demographically identical electorate to that which would exist if a country were to employ the method of universal suffrage. These remaining electors would be required to take part in a competence-building process before being allowed to cast their votes.

The competence-building process is not intended to ensure that all voters have the minimum voting ability to be able to cast a vote; rather, it is intended to give voters "optimal voting competence". By this, the author means that the electors are optimally informed about the choices on the ballot. He rejects the deep-seated idea that it is never acceptable to prevent sane adults from voting, because he holds the belief that optimally-informed voters would make "better" choices and "bad" outcomes would thus be less likely. He presents six potential objections to the lottery. Having rejected each objection, he concludes that the lottery is morally acceptable in certain contexts. We are not required to adopt the enfranchise-



ment lottery in these favourable contexts, but it would be morally acceptable to do so. Chapter three deals with the enfranchisement of children and the mentally disabled. It is argued that we lack empirical evidence to support the notions that young people and the mentally impaired would be influenced by their guardians or that they lack sufficient interest in politics and that they would make random or poor choices at the ballot. Such evidence could be obtained by enfranchising these groups. López-Guerra's second argument in support of their enfranchisement is that, since many members of these groups have the minimum necessary moral and cognitive capacity to vote, fairness requires their inclusion.

The author considers some of the arguments against the enfranchisement of minors and the mentally disabled but finds them to be lacking. One such argument against the enfranchisement of children is that, since the treatment is universal (i.e. everyone is disenfranchised until adulthood), it is acceptable. López-Guerra disputes this claim: "That a certain (mis)treatment applies to everyone and eventually ends does not make it just" (70).

He argues that, although there is no argument to support such a claim, even if it is assumed for the sake of argument that the enfranchisement of minors would have a negative effect in the short term, it could aid democracy in the long term by "creating a more engaged and public-spirited citizenry" (67).

The fourth chapter is concerned with the issue of disenfranchisement of non-residents and non-citizens. The author reverses the

widely accepted idea that non-residents should be allowed to vote in their home country but that non-citizens may not vote in their country of residence. The distinction between resident and citizen is not clear-cut and, except that in the cases of taxation and military service, residents of a country are subject to its governance and laws whereas non-resident citizens are not. Non-citizen residents are thus more deserving of a vote. López-Guerra considers and contends several other arguments in support of the enfranchisement of non-resident citizens, concluding that we are not morally obliged to give them the right to vote.

He also considers the principle of affected interests, which prescribes the enfranchisement of everyone whose interests could be affected by the election of a political group. The author accepts the moral principle but rejects the institutional principle of enfranchising all affected interests. He contends the proposed cross-voting method, by which individuals could vote in any election which affects their interest, and instead promotes a model for federalisation. A higher authority could be democratically appointed to deal with common affairs.

In the next section, the author argues against the disenfranchisement of imprisoned convicts. They are, he argues, still a part of society and their basic interests are dependent on decisions made by elected bodies. Epistemic arguments, and arguments concerning respect, punishment and democratic identity are found to be lacking. A difference between being denied the right to vote and being denied the opportunity to vote is distinguished and, since conditions in many of the world's prisons are unsuitable for holding free and fair elections, the author admits that it may be appropriate to deny prisoners the opportunity to vote in many cases.

Finally, democratic theory related to the topic is explored. Democracy's prescriptions are very general and give no guidance as to who should make decisions. The author concludes that democratic theory is not helpful in settling the controversial issues dealt with in the book.

The book is well written and accessible. The relevant topic and the approach to the topic mean that the book is of interest and comprehensible not just to philosophers and political scientists, but also to individuals with less background knowledge of the theme of suffrage. The author's register, and particularly his choice of vocabulary, also promotes ease of reading. Topic-specific concepts and

vocabulary are explicitly explained. However, López-Guerra does sometimes fail to clarify terms. Throughout the book, he refers to “good” and “bad” electoral choices and outcomes. For example, on page 32 it is stated that “a well-informed electorate would make the incidence of bad electoral results less likely.” What is meant by a “bad electoral result” is not explained. The reader is left to wonder whether he is referring to an outcome that is morally or democratically “bad”, such as a dictatorial party gaining power, or simply an outcome ill-suited to the interests of the majority of the population. Two more examples are from page 64: “make bad choices” and “the best option on the ballot”. The best option on the ballot could be the option that would most represent the electors’ individual interests, the interests of their age cohort, or the interests of the population, depending on from which concern we consider the term “best”. Alternatively, it could also be the least corrupt option.

Occasionally, some clarification of these ambiguities is offered. When considering the

potential voting tendencies of children, López-Guerra suggests that a poor choice from a minor might be “inappropriate from the perspective of an uncontroversial normative standard”. Yet he also argues that even a choice which is inappropriate on these grounds is not “dismissible ex ante as clearly unacceptable”, without explaining why.

A further criticism is that the book’s proposals sometimes lack detail. This is deliberate: the author states on page 25 that if he were to “present a detailed version of the lottery, chances are few people would accept it.” His goal is only to convince his readers that the enfranchisement lottery is morally acceptable, not to implement it, so it is understandable that he does not want to dissuade people on the basis of the finer points. This deliberate vagueness, however, can be frustrating. Some of the important issues not tackled are the size of the group of electors, the method of gathering a random sample of the population, and what the competence-building process would involve. López-Guerra asks us to consider the en-

franchisement lottery under the most favourable conditions, but it might be helpful to know how and if it is possible that these conditions could come to exist.

López-Guerra argues his case passionately; his arguments are balanced. He considers objections to all of his proposals and arguments and admits to their failings. In chapter two, for example, he admits that potential undesirable corruptive effects may be strong enough to reject the lottery, and that the enfranchisement lottery is less transparent than the current system of universal suffrage. The book incorporates literature from around the world and from many different disciplines, including history, philosophy and political science. However, the referencing is clumsy, and there are some mistakes in the bibliography (Beckmann, Calvino, Daniels, Hariss, Holyoake, Kahneman).

Claudio López-Guerra (2014): Democracy and Disenfranchisement: The Morality of Electoral Exclusions. Oxford: Oxford University Press. 189 pages. ISBN: 978-0198705789. Price: £50.