

## **When Voting is Irrational and Elected Officials Have a Duty to Respond to Opinion Polls**

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In his recent article, “The Paradox of Voting and Ethics of Political Representation”, Alexander A. Guerrero provides a new argument for the rationality of voting.<sup>1</sup> In brief, Guerrero argues that all things being equal, it is rational for each voter to want candidates they support to have the strongest public mandate possible if elected to office. This is because the stronger an elected official’s mandate, the better able they will be to advance the voter’s interests. Since voters have reason to want politicians they support to advance their interests—and every vote contributes to the mandate of candidates one supports—it follows that, all things being equal, voting is rational: *every single vote matters*, contributing to the public mandate of candidates one supports. Finally, Guerrero links this argument to the ethics of political representation. He argues that because elected officials are (morally) supposed to represent their constituents, stronger public mandates (i.e. higher vote counts) morally justify officials working as citizens’ trustees, making independent decisions while in office rather than deferring to public opinion. Conversely, weaker public mandates (i.e. lower vote counts), because they indicate weaker public support, morally require officials to function as citizens’ delegates, deferring to public opinion instead of contradicting it.

In short, we can render Guerrero’s argument as follows:

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<sup>1</sup> Alexander A. Guerrero, “The Paradox of Voting and the Ethics of Political Representation”, *Philosophy and Public Affairs*, 38, no. 3 (2010): 272-306.

- (1) The best practical measure of an elected official’s popular support in their electoral jurisdiction—their *manifest normative mandate* (MNM)—has important moral implications for how they should act in office.<sup>2</sup>
- a. The higher their MNM, the more they morally ought to act as their constituents’ trustee (i.e. entrusted to decide what is “all-things-considered best”) while in office.
  - b. The lower their MNM, the more they morally ought to act as their constituents’ delegate (i.e. acting in deference to what constituents presently prefer) while in office.
- (2) All things being equal, elected officials with higher MNMs have stronger incentives to actually act as trustees while in office. Because “[r]epresentatives...face electoral consequences if they act in ways that displease their constituents”<sup>3</sup>—plausibly as a consequence of constituents expecting them to obey moral norms of *responsiveness*, *fidelity*, and *guardianship*<sup>4</sup>—officials with higher MNMs tend to enjoy more public/political support to act as trustees, whereas officials lower MNMs tend to face more pressure to act as delegates.
- (3) All things being equal, it is rational for individual citizens to want political candidates they support to function as trustees (as entrusted to decide what is “all-things-considered best”) rather than as delegates (acting in deference to what constituents presently prefer) if elected to office.<sup>5</sup>

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<sup>2</sup> Ibid: 275-289.

<sup>3</sup> Ibid: 279.

<sup>4</sup> Ibid: 280.

<sup>5</sup> Ibid: §VI.

- (4) Thus (from 1-3), all things being equal, it is rational for individual citizens to want political candidates they support to have the highest possible MNM.
- (5) The outcome of a popular vote is the best practical measure of a political candidate's popular support in their jurisdiction (i.e. their MNM).<sup>6</sup>
- (6) Every individual vote makes a small but real difference to a political candidate's MNM.<sup>7</sup>
- (7) Thus, (from 4-6), all things being equal, it is rational for citizens to vote for political candidates they support.<sup>8</sup>

The present article argues that the all-things-being-equal clause of Guerrero's (3) often fails to be met, and his premise (5) is false. I then show that when these premises are appropriately corrected, several provocative—but compelling—conclusions follow about the rationality of voting and political ethics, namely:

- A. Voting is typically rational for the members of a political party's base.
- B. Voting is often irrational for "swing" voters (i.e. independent voters who are not affiliated with any political party, as well as "undecided" voters who are considering voting across party lines).
- C. Elected officials have a moral duty to be respond to *changing levels of popular support* once in office, as indicated by properly monitored and corroborated public opinion polls of constituents, functioning more as delegates the lower their level of popular support.

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<sup>6</sup> Ibid: 275-6.

<sup>7</sup> Ibid: 297.

<sup>8</sup> Note that Guerrero does not take his argument to demonstrate that it is always rational for individuals to vote. Guerrero recognizes that this stronger thesis is implausible, as one's reasons for not voting (e.g. not being able to get off work to vote) could still outweigh one's reasons to vote. The relevant point is simply that Guerrero's MNM argument plausibly explains why, *all things being equal*, it is rational to vote for candidates one supports. See *ibid*: 296-7.

Finally, I suggest that the last of these conclusions has wide-ranging implications for political ethics. I illustrate these implications by focusing on the questions—under debate in the 2016 US Presidential election cycle—of whether a sitting President has a moral duty to nominate or not nominate a new Supreme Court justice during his final year in office, and similarly, whether US Senators have a moral duty to obstruct, or not obstruct, confirmation of the President’s eventual nominee. Specifically, I show how, on the argument I advance, public opinion polls on the President and Senate have complex, yet intuitive implications for how each party to the political process ought to act.

### **§1. Guerrero’s Three Arguments for (3)**

The *paradox of voting* is a longstanding philosophical puzzle about the rationality of voting. The paradox holds that voting for political candidates is irrational because voting has significant costs for each individual voter (e.g. time, transportation, etc.), and the probability that any individual vote will decide who wins an election is vanishingly small.<sup>9</sup> A bit crudely, the paradox can be expressed by way of the following rhetorical question: why vote at all if voting is costly and it is a near-certainty that one’s vote will not determine which candidate wins?

Many different solutions to this puzzle have been defended. Some argue that voters often have significant interests in voting for its own sake—in taking part in the political process, for instance—and that the benefits of their doing so can outweigh the costs.<sup>10</sup> Others argue that even if voters do not want to vote for its own sake, they often have an interest in contributing to

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<sup>9</sup> William Riker and Peter Ordeshook, “A Theory of the Calculus of Voting,” *American Political Science Review* 62 (1968): 25–42; Alan Carling, “The Paradox of Voting and the Theory of Social Evolution,” in *Preferences, Institutions and Rational Choice*, ed. Keith Dowding and Desmond King (Oxford: Clarendon Press, 1995): 20–43.

<sup>10</sup> Stanley Benn, “The Problematic Rationality of Political Participation,” in *Philosophy, Politics, and Society: Fifth Series*, ed. Peter Laslett and James Fishkin (New Haven, Conn.: Yale University Press, 1979).

(rather than deciding) their favored candidate's election to office.<sup>11</sup> Others still argue that even if the probability of one's vote deciding an election is small, the consequences of elections can be so great (in terms of political policies) that the expected benefits of even a tiny chance of deciding an election may outweigh the expected costs.<sup>12</sup> Etc.

Although these solutions may have some plausibility—as various types of voters can intuitively have different interests in voting (some enjoy voting for its own sake, others want to make a difference in the election, etc.)—Guerrero contends that his new solution is more satisfying, and again, has important implications for political ethics.<sup>13</sup> I believe Guerrero is largely correct, but that two of his premises—(3) and (5)—should be replaced with different premises that, as I explained above, lead to more complex conclusions about voting and political ethics than the conclusions Guerrero defends.

Let us begin with Guerrero's third premise:

- (3) All things being equal, it is rational for individual citizens to want political candidates they support to function as trustees (as entrusted to decide what is “all-things-considered best”) rather than delegates (acting in deference to what constituents presently prefer) if elected to office.

Guerrero provides three arguments for this premise: an epistemic argument, argument from efficiency, and holistic argument. All three arguments share the same basic idea: that voters have rational grounds to *entrust* political decisionmaking to candidates they support, but not to candidates they do not support. Allow me to briefly explain each.

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<sup>11</sup> Alvin Goldman, “A Causal Responsibility Approach to Voting,” *Social Philosophy and Policy* 16 (1999): 201–17, at p. 217; Richard Tuck, *Free Riding* (Cambridge, Mass.: Harvard University Press, 2008): 50–62.

<sup>12</sup> See Derek Parfit, *Reasons and Persons* (Oxford: Oxford University Press, 1984), pp. 73–75.

<sup>13</sup> Guerrero (2010): 274, *fn* 7.

### §1.1. The Epistemic Argument

Guerrero's epistemic argument goes as follows:

Representatives has resource advantages: they are given resources and staff to aid in their investigative work, and they have the time to devote to considering the issues carefully and to sift through the available information. Representatives also have access advantages: they are present during informational and deliberative meetings; and they have access to budget information, estimates regarding costs and benefits, and confidential information. Other things being equal, *it will be better, on epistemic grounds, for representatives to be morally empowered to make decisions directly* than being required to determine what their constituents believe or prefer and then let those beliefs and preferences determine their course of action.<sup>14</sup>

Guerrero uses the example of a butterfly enthusiast to illustrate:

There are many reasons that, if one supports a candidate, one ought to want that candidate to be morally permitted to act as a trustee, rather than as a delegate. The 'ought' involved here stems from an individual's moral and non-moral commitments. There are those things that one wants from political actors on one's own behalf—perhaps one is a butterfly enthusiast and one has reason to believe that one's favored representative will work to protect butterfly habitats...One's support for a candidate will be based on some mixture of prudential and moral concerns. Whatever the balance of these concerns, given that one supports a candidate, one ought to want...that one's favored candidate...act more as a trustee than as a delegate.<sup>15</sup>

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<sup>14</sup> Ibid: 290 (my italics).

<sup>15</sup> Ibid: 291.

Obviously, Guerrero's example focuses on a single issue, and single-issue voters are relatively uncommon. However, the example illustrates a general point: namely, that all things being equal, if a candidate a voter supports is elected to office, that candidate is likely to *share that voter's political interests on the whole* (not just on a single issue), have *more information* at their disposal for advancing those ends, and have a *better understanding* of information for advancing those ends, than the voter themselves. In other words, all things being equal, a candidate a voter supports will be in a better epistemic position to effectively advance that voter's interests in office than the voter. So, on purely epistemic grounds—again, all things equal—voters should want candidates they support to function as trustees while in office (making independent decisions), rather than as delegates (e.g. deferring to public opinion).

### **§1.2. The Efficiency Argument**

Guerrero's second argument for (3) focuses on general interests voters have in efficiency. He writes:

A second argument favoring representation by trustee highlights the efficiency of political representation...Part of the argument is epistemic...to be as well informed as political representatives, citizens would have to spend a tremendous amount of time, and so we should choose just a few people who will do the work for all of us. But part of it concerns the nature of decision making. It is faster and simpler to have one person or a small number of people making a decision, rather than a multitude of people...These efficiency concerns become even more significant when expediency is important, because of crisis, budget deadlines, and so onto have one person or a small number of people making a decision, rather than a multitude of people...<sup>16</sup>

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<sup>16</sup> Ibid.

In short, in addition to epistemic advantages, it is rational, all things being equal, for voters to want officials they support to function as trustees because such officials are likely to share the voter's political ends and be able to advance those ends *more efficiently* as a trustee than they would if they functioned as a delegate (attempting to measure and defer to voter's attitudes).

### **§1.3. The Holistic Argument**

Finally, Guerrero provides a "holistic" argument for (2). He writes:

A third argument stems from the benefits of having a holistic, rather than piecemeal, approach to decision making. Representatives who act as trustees are able to assess when it is worth losing battles to win the larger war, when it makes sense to compromise, which issues should be pursued in which order, and so on. Additionally, trustees are in a position to assess and respond to the 'big picture': how proposed legislation would fit with other existing or proposed legislation, how spending on one project could limit available funding for another project, and so on. Representatives who act as delegates...may not be aware of these concerns, leading either to worse decisions being made, or to representatives spending time and effort to inform their constituents of these concerns.<sup>17</sup>

In short, all things being equal, individual voters who support a given political candidate have interests in *sound political strategy* (i.e. knowing when to compromise, etc.), and sound political strategy is more likely to result from the official acting on their own judgments (as trustees) rather than deferring to voters' preferences (as delegates).

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<sup>17</sup> Ibid: 292.



## 2. The Case for Replacing (3) With a More Precise Alternative

As we have seen, Guerrero's (3) merely says that these considerations hold all things being equal. However, as we will now see, things are often not equal, in ways that we should want to take into account rather than set aside.

### §2.1. Limitations of the Epistemic Argument

Guerrero's epistemic argument holds that it is generally epistemically advantageous for voters to want candidates they support to function as their trustees while in office. As we saw above, Guerrero illustrates this by way of a simple example: a butterfly enthusiast who believes a candidate will work to protect butterfly habitats (something the voter values).

Notice that, in the case so described, the voter does indeed have epistemic grounds for wanting the candidate to function as their trustee while in office. If elected, the official will likely have more knowledge of how to effectively craft and pass legislation protecting butterfly habitats than the voter—in which case the voter has epistemic grounds to defer to them. However, these epistemic advantages accrue to the voter Guerrero describes because in addition to (i) supporting the candidate, the voter in question also (ii) supports the particular values and policy aims the candidate official has while in office: namely, the candidate's commitment to protecting butterfly habitats.<sup>18</sup>

However, there are at least two ways in which (i) and (ii)—support for a candidate, and support for their particular values or policies—can, and often do, come apart.

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<sup>18</sup> The distinction here between supporting a person or candidate and supporting that person or candidate's specific values or aims is crucial. It is entirely possible, on Guerrero's definition of "support" for an official (and indeed, on any commonsense construal), for a person to support an official but *not* support some of the official's values, policies, or aims. Guerrero defines support as (i) an attitude toward a candidate or official in office, or (ii) being content to authorize the person to govern (ibid: 275). One can, clearly, be content to be governed by an official even if one disagrees with some (or even all) of that official's aims. For example: I may be *content* to be governed by Jones, even if I dislike some or even all of Jones' political aims, because I dislike his political competitors' aims even more.

First, voters often support candidates for office while only supporting part of the candidate's political platform. For instance, suppose I have never favored butterfly preservationism, but support and vote for a candidate who favors butterfly preservation because other parts of their political platform appeal to me (I generally like their views on economic policy, foreign policy, etc.). In this case, although I support the candidate, and have epistemic grounds to want them to function as my trustee on many issues (economics, foreign policy, etc.), there is one issue I care about for which I do not have epistemic grounds to favor them acting as my trustee: namely, butterfly-preservationism, which I simply do not support.

Second, many voters support candidates both pre- and post-election, while also undergoing marked shifts in their values or policy preferences regarding what they want those same candidates to do while in office. For instance, suppose I voted for a candidate who shared many of my values, among them butterfly preservation. Now suppose that after the election, I still support the official I voted for (who is now in office), but I come to renounce my previous support for butterfly preservationism (let's say I discover that butterfly-preservation undermines job creation, and I care about job creation more than butterflies). In that case, while I still support the relevant official, and voted for them because of their support for butterfly preservationism, I no longer support their butterfly preservationist policies. Yet this clearly undermines the epistemic grounds I have for wanting that official to function as my trustee while in office, at least on that issue. Although I still support the official, I now have epistemic grounds for wanting them to function as my delegate on a specific issue, adjusting to my changing preferences regarding butterfly preservationism while they are in office.

The problem for Guerrero's epistemic argument, in other words, is this: although (3) may be strictly true—all things being equal, voters do have epistemic grounds to want candidates they

support to function as trustees—things are often not equal, in ways that adequate theories of the rationality of voting and ethics of political representation should pay attention to. And indeed, many voters seem to fall into the categories I just described. First, voters often support candidates and elected officials, while only supporting some of the candidate’s values or policy aims. For instance, as of 9 March 2015, about 47% of Americans approved of *Barack Obama’s* performance as US President, while less than 40% support his *policy aim* of reaching a nuclear deal with Iran.<sup>19</sup> Second, voters often change their values and policy preferences dramatically post-election, no longer supporting particular values or policy aims of the candidate post-election. For example, while Barack Obama won the 2008 US Presidential Election popular vote by a 52.9% to 45.7% margin,<sup>20</sup> and a slight majority of Americans polled supported Obama’s health care reform plan early on his Presidency,<sup>21</sup> support for Obama’s plan dwindled *well* below 50% over his first several months in office<sup>22</sup>, and has remained *under* 50% ever since.<sup>23</sup> In short, while public support for Obama has remained fairly robust<sup>24</sup>, support for particular policy aims of his has fluctuated dramatically.

Fortunately, we can amend Guerrero’s (3) to account for these complexities, as follows:

(3)\* It is rational for individual citizens to prefer political candidates they support to function as trustees while in office *to the extent that the candidate’s values/preferences align with their own*. However, to the extent that an individual

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<sup>19</sup> <http://www.wsj.com/articles/the-wall-street-journalnbc-news-poll-1378786510?tesla=y> (accessed on 14 July 2015).

<sup>20</sup> <http://www.fec.gov/pubrec/fe2008/2008presgeresults.pdf> (accessed on 14 July 2015).

<sup>21</sup> [www.rasmussenreports.com/public\\_content/politics/current\\_events/healthcare/june\\_2009/50\\_favor\\_obama\\_health\\_reform\\_plan\\_45\\_oppose\\_it](http://www.rasmussenreports.com/public_content/politics/current_events/healthcare/june_2009/50_favor_obama_health_reform_plan_45_oppose_it) (accessed on 14 July 2015).

<sup>22</sup> [www.rasmussenreports.com/public\\_content/politics/current\\_events/healthcare/september\\_2009/health\\_care\\_reform](http://www.rasmussenreports.com/public_content/politics/current_events/healthcare/september_2009/health_care_reform) (accessed on 14 July 2015).

<sup>23</sup> <http://www.pollingreport.com/health.htm> (accessed on 14 July 2015).

<sup>24</sup> Compare Obama’s approval ratings at [www.gallup.com/poll/126809/obama-approval-rating-lowest-yet-congress-declines.aspx](http://www.gallup.com/poll/126809/obama-approval-rating-lowest-yet-congress-declines.aspx), which hovered around 50% during Jan-March 2010, to his health care plan ratings: [www.rasmussenreports.com/public\\_content/politics/current\\_events/healthcare/september\\_2009/health\\_care\\_reform](http://www.rasmussenreports.com/public_content/politics/current_events/healthcare/september_2009/health_care_reform), which hovered around 40% over roughly the same period. (accessed on 14 July 2015)

citizen's values diverge from the candidate's, it is rational for the citizen to the candidate to function as their delegate while in office, changing course in office to represent their (the citizen's) preferences.

## **§2.2. Limitations of the Efficiency Argument**

The same considerations apply to Guerrero's efficiency argument. Guerrero argues that if a voter supports a candidate, then, all things being equal, they should want the candidate to function efficiently while in office—something the candidate can do better functioning as trustee (making their own independent decisions) rather than as a delegate (deferring to the preferences of constituents while in office). Once again, however, things are often not equal. As we have seen, for many voters there is a big difference between supporting a candidate or official, and supporting specific values or policy aims. I may support a given official because, on the whole, I think they are doing a good job, and I agree with many of their values and policy aims. And indeed, on those policy issues (the ones I share with the candidate) I do have rational grounds to desire efficiency. But now suppose I support a candidate or official but do not support some of their values or policy aims. Is it rational for me to want them to advance those values or policy aims efficiently? Surely not. On those policy aims (the ones I do not support), I should want the official—even if I support them on the whole—to be *inefficient*, deferring to my opposing values or policy preferences on the relevant issues. As such, voters have efficiency-based grounds to want elected officials they support to function as trustees while in office only to the extent that the candidate's values/preferences align with their own—and to function as delegates to the extent that their values or policy preferences diverge. But this, again is what (3)\* affirms. So, once again, we have grounds for replacing (3) with (3)\*.

### **§2.3. Limitations of the Holistic Argument**

Finally, the same considerations also apply to Guerrero's holistic argument. Guerrero argues that, all things being equal, voters have rational interests in candidates they support taking a holistic rather than piecemeal approach to political decisionmaking ("Representatives who act as trustees are able to assess when it is worth losing battles to win the larger war, when it makes sense to compromise, which issues should be pursued in which order, and so on"). The problem again, however, is that whether and to what extent it is rational to desire candidates one supports to engage in holistic decisionmaking depends on the extent to which one shares the candidate or official's values and policy aims. If I support an official and agree with most of their policy aims, then indeed, I should want them to engage in holistic (rather than piecemeal) decisionmaking on those issues. However, suppose I fundamentally disagree with the candidate on some other values or policy aims (for instance, abortion law). When it comes to that issue, I may have reasons to want the candidate to pursue a more piecemeal approach. For instance, suppose I generally identify as a "social conservative" and support a socially conservative candidate, but my preference on one issue (the issue of gay marriage) shifts away from the candidate's post-election. In that case, even though I generally I may be satisfied in having the candidate generally adopt a holistic approach to decisionmaking (defending "socially conservative values" on the whole), I may have reasons to want decisionmaking to occur in a piecemeal fashion on this one issue. But this is just to say that Guerrero's holistic argument also favors (3)\* over (3).

### **§3. The Case Against Guerrero's (5): Identifying MNMs with Elections *and* Opinion Polls**

Similar considerations undermine Guerrero's fifth premise:

- (5) The outcome of a popular vote is the best practical measure of a political candidate's popular support in their jurisdiction (i.e. their MNM).

First, (5) is predicated upon a false assumption: namely, that a given voter's support for a candidate is an all-or-nothing thing (i.e. one either supports a candidate, or one does not). However, this conflicts with commonsense. Support for a political candidate can intuitively come in degrees. For instance, sometimes one hears voters say things like, "I support candidate X wholeheartedly. I agree with just about all of her values and policies." Other times, however, people say things such as, "I support X, but I'm not crazy about him. I like some of his policies but not others." Further, one often hears people say things like, "I don't support X as much as I used to. I would still vote for X, I suppose. But I do not really like many of the things they are doing in office." Indeed, a person's level of support for a candidate or official can fluctuate over time, depending on how closely the candidate or official's values or policy aims match one's own. For instance, I might strongly support a given candidate on election day because I favor their butterfly-preservation policies. However, suppose that after election day, I come to renounce butterfly preservationism. In that case, I may still support that official in office—yet my overall level of support for them may wane (viz. "I don't support them as much as I used to. I like their other policies, but I reject their stance on butterfly preservation").

As such, in order to determine what the best practical measure of popular support for a candidate or official is in their jurisdiction—that is, what their manifest normative mandate (MNM) is—we need to consider different types or levels of support. I submit that, in real-world politics, elections are commonly taken as indicating something like public support for a candidate's entire political platform. When candidates win by large margins, it is commonly said that they have a "strong mandate" to govern, pursuing the set of policies they supported during the election (at least temporarily; more on this shortly). On the other hand, elections are clearly poor measures of partial and changing support for a candidate. Since each vote for a candidate is

an all-or-nothing thing (a vote is a vote), one's vote cannot signal how strongly one supports a candidate. Worse still, elections cannot measure fluctuating support—the extent to which voters support more, or fewer, of the candidate's values or policy aims once elected. Elections at most measure how many people on a single day (the day of an election) are willing to support a candidate's entire political platform. Yet the extent to which we support only parts of a candidate's platform, and fluctuations of support after election-day, are in principle beyond what elections can measure.

Are there better practical levels of these other types of support—partial support for a candidate, and fluctuating levels of support over time—than elections? There are: namely, carefully conducted, publicly regulated, corroborated, ongoing public opinion polls. Now, of course, opinion polls can be poorly designed; people may give different answers to the very same questions posed in a different order; and so on.<sup>25</sup> And indeed, Guerrero raises these worries himself in a footnote.<sup>26</sup> However, rejecting the value of public opinion polls on these grounds is unwarranted, and for two reasons. First, we should not overstate methodological problems with opinion polling. Although a single poll, like any other scientific study, may be poorly designed and its results erroneous, if a polling result is replicated many times by independent investigators over time using different samples, and the poll is open to and subject to public scrutiny (both of which do occur in the case of opinion polling), then there may be compelling epistemic reasons to trust the results (within their margins of error). Second, in order to evaluate whether public opinion polls should be utilized to measure public support for candidates and officials, we need to compare them to elections—in particular, on the issue of what we are trying to measure. As we have just seen, elections have fundamental problems when it comes to measuring what voters

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<sup>25</sup> See e.g., [www.publicagenda.org/citizen/issueguides/higher-education/publicview/redflags](http://www.publicagenda.org/citizen/issueguides/higher-education/publicview/redflags)

<sup>26</sup> Guerrero (2010): 276, fn. 11.

have rational interests in measuring: the extent to which they support candidates or officials after election-day, and the extent to which they support particular values or policy aims of the candidate or official. Opinion polls may not be perfect, but when it comes to *these* measurement-targets (ongoing public support for specific policies), they are plainly superior to elections, since again, elections can neither measure strength of any individual's support nor the extent to which they favor or disfavor candidates' values or policy aims post-election (including while in office).

Accordingly, Guerrero's (5) is false. It should plausibly be replaced by:

(5)\* The outcome of a popular vote is the best practical measure of *popular support for a candidate's entire political platform on election-day* ("full-platform MNM").

However, the outcomes of multiple independent public opinion polls are the best practical measure of a candidate's *level of public support* (or lack thereof) and *support on particular values and policy issues* ("particular policy MNM") on an ongoing basis.

Some might wonder why, if public opinion polls can measure ongoing public support (or lack thereof) for particular policies, elections are necessary at all. My contention is that aside from playing important roles of accountability and peaceful political transition (rotating new individuals into and out of office), elections are (as I mentioned earlier) normally understood as a *temporary* signal of public support for a holistic blend of policies endorsed by a given candidate during an election cycle. For instance, it is often said, when a candidate wins an election by a large margin with large turnout, that they have a "public mandate" to pursue the policies they campaigned on. However, this way of talking about a candidate's "mandate" is typically treated by the public, other politicians, and the media, as temporary. As the official's time in office goes along, and the public gets to evaluate the official's performance in office, members of the public,



media, and political sphere appear to continually reevaluate whether the official “still has a mandate.” Indeed, when public opinion dramatically changes on specific issues, it is often said that the official’s mandate “has run out”, and that they should change course to reflect changes in public opinion. This is precisely what (5)\* entails: that elections give elected officials temporary mandates to pursue the blend policies they campaigned on, but only temporary mandates, to be continually reevaluated as time goes by, on particular issues, utilizing public opinion polls.

#### **§4. Why Voting is Often Irrational for Swing Voters**

Now that we have seen that we should supplant Guerrero’s argument with (3)\* and (5)\*, respectively, what follows for the rationality of voting? First, given (5)\*, a voter should only vote for a candidate they support if they are willing to lend (temporary) support to the candidate acting as a trustee on their entire political platform if elected. Since election results are, again, interpreted as a candidate’s “mandate” to follow through on their political promises prior to the election, it is rational to vote for a candidate only if one supports enough of their proposed policies to give favor them having a temporary mandate to pursue their entire political platform post-election. But, while this may often be true of members of a particular party’s political base—people who, generally speaking, may be willing to authorize their favored party to govern as trustees if elected—it is surely not true of many “swing voters”: voters who do not align with any particular political party, or who do align with a party but are considering voting across party lines in a given election. Swing voters, generally speaking, are voters who do not support the full policy platform of *any* candidate up for election. They are often “undecided” on who to vote for precisely because, although they may prefer *parts* of one candidate’s policy platform, they also find themselves attracted to parts of the *other* candidate’s platform as well. When (3)\* and (5)\* are inserted into Guerrero’s argument, it follows that it is often irrational for these voters to vote.

Voting for *any* candidate would give added (albeit temporary) legitimacy to that candidate pursuing their entire political platform while in office. Yet this is precisely what the swing voter should *not* want. Given that they only support part of the candidate's policy platform, they should want *no* candidate to receive a public mandate in support of that candidate's entire political platform. Rather, the swing voter should want whichever candidate is elected to pursue whichever mix of policies they, the swing voter, most supports on an ongoing basis (which, issue by issue, are better represented not by election outcomes, but ongoing opinion polls).

These implications of the revised argument are, I believe, highly intuitive. It is intuitively rational for members of political parties' base constituencies to vote precisely because, as a member of the party's base, one generally favors the party's values and policy aims—aims that, on epistemic grounds, efficiency grounds, and holistic grounds, one wants to enable one's favored candidates to pursue effectively: which is what resounding electoral wins do (providing a “public mandate” to govern). Swing voters, on the other hand, do not firmly side with the values or policy aims of any particular candidate, but are instead torn between opposing candidates' values, policy preferences, or personal qualities relevant to advancing their values or aims. Consequently, (3)\* and (5)\* reveal—in an intuitive fashion—why it is often irrational for swing voters to vote. It is irrational for them because higher vote totals lend normative support to the candidate serving as a trustee with respect to their political platform as a whole, which swing voters have grounds to want to avoid. According to (3)\* and (5)\*, it is far more rational for swing voters not to vote, as that will require whichever candidate who gets elected to serve as a delegate, responding to their constituents' preferences, including the preferences that they, the swing voter, have that diverge from the candidate's preexisting values or aims.

## **§5. Why Elected Officials Have a Qualified Duty to Obey Opinion Polls**

Finally, in the same way, (3)\* and (5)\* entail a qualified duty of elected representatives to change course in response to opinion polls post-election. Premise (1) of Guerrero’s argument, which I accept, holds that whether an elected official should function as a trustee or delegate depends on their level of constituent support—that the more support a candidate has, the more they should function as a trustee, and the less support they have, the more they should function as a delegate. Yet, (3)\* and (5)\* entail that support should be measured not merely in an “all or nothing fashion”—on the basis of election results—but rather on an ongoing basis, utilizing ongoing public opinion polls: as only public opinion polls can measure fluctuating levels of support for a candidate, and their particular values or policies, post-election. Accordingly, when (3)\* and (5)\* are combined with Guerrero’s (1), the implications are these: the higher a candidate’s vote total on election day and the higher their overall level of approval stays in opinion polls, the more they should function as trustees of those who voted them into office. Conversely, candidates who enjoy lower vote totals on election day or falling approval ratings while in office should function more as delegates, responding to changes in public preferences, so as to represent their constituents’ evolving interests.

These too, however, are intuitive implications—indeed, ones often asserted in daily political life. Candidates who enjoy resounding electoral wins and/or maintain high approval ratings in opinion polls post-election are commonly understood as having public support for governing, whereas, regardless of what might have happened on election-day, consistently plummeting opinion polls (such as in the Vietnam War, etc.) are taken to be revocation of public support for “failed policies”, and a public demand for a change of course.

Finally, as such, the argument has provocative and wide-ranging implications for political ethics. Consider two related issues under debate in 2016 US Presidential Election: the question of whether US President Barack Obama has the moral authority to nominate a new Supreme Court Justice during his final year in office, and whether it is morally right or wrong for Republican members of the US Senate to attempt to obstruct confirmation of the President's eventual nominee. Although the current argument does not specify precisely how high elected officials' MNMs must be for them to function as trustees rather than delegates, three opinion poll results are notable: President Obama's overall public approval rating from February 22-28, 2016 is 48% approve/48% disapprove<sup>27</sup>, Congress' is 14% approve/81% disapprove<sup>28</sup>, and over 56% of US citizens believe the Senate should hold hearings and vote on Obama's eventual nominee.<sup>29</sup> The revised version of Guerrero's argument that I have defended thus suggests, first, that the President is roughly equally morally justified in functioning as the American people's trustee and delegate at present—and so is not violating any duty to the American populace by putting forth a Supreme Court nominee. Second, insofar as a supermajority of Americans disapprove of Congress but 60% polled want the Senate to vote on Obama's eventual nominee, the revised argument suggests that US Senators as a group have a strong moral duty to function as Americans' delegates, as well as a duty as a group not to obstruct Obama's nominee. Finally, however, insofar as citizens in some US States are strongly anti-Obama (and opposed to him nominating a new Supreme Court justice), *particular* Senators may nevertheless have a duty to their constituents (the citizens of their State) to attempt to obstruct the path of Obama's nomination. But these are all, I believe, entirely plausible conclusions. Obama's overall level of

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<sup>27</sup> <http://www.gallup.com/poll/116479/barack-obama-presidential-job-approval.aspx> (accessed 7 March, 2016).

<sup>28</sup> <http://www.gallup.com/poll/1600/congress-public.aspx> (accessed 7 March, 2016).

<sup>29</sup> <http://www.people-press.org/2016/02/22/majority-of-public-wants-senate-to-act-on-obamas-court-nominee/> (accessed 7 March, 2016).

public support *does* suggest that he does have the moral authority to submit a nominee (at least as much as moral authority as he lacks), public support for his nominee being heard and voted on by the Senate *does* suggest that the Senate has a collective duty to hear and vote on the nominee—while, at the same time, strong opposition in certain US States to Obama successfully appointing a new Supreme Court Justice does suggest that Senator’s in those states should aim to obstruct his eventual nominee. Although these implications are obviously in tension with one another, they are precisely the implications that I believe a sound democratic theory of political ethics should have: elected officials should represent their citizens. Senators who represent citizens favoring obstructionism should obstruct, those who represent citizens against obstructionism should not obstruct—and the final outcome (obstruction/non-obstruction by the Senate as a whole) should be a function of the level and kind of support that different Senators have in their respective states. That, intuitively is what democratic representation should be—each representative representing the will of their constituencies, and the collection of representatives representing the will of the whole—and it is precisely the political ethics that our revised version of Guerrero’s argument entails.

## **Conclusion**

We have seen that when two premises in Guerrero’s argument are corrected, the revised argument has provocative—yet quite intuitive—implications for the rationality of voting and political ethics. First, voting is generally rational for members of a political party’s base. Second, voting is often *not* rational for swing voters. Finally, the lower an elected official’s public support in opinion polls while in office, the greater than official’s moral duty to change course, to better satisfy the changing values and priorities of the citizens they represent.