

A philosophy professor muses about eliminating the right to vote

Alexander Fangmann
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In a recently published opinion piece in the *New York Times*' philosophy section, titled "Should Everybody Vote?" Gary Gutting, a professor of philosophy at the University of Notre Dame, aired the frustration of a substantial layer of intellectuals over what they see as the electorate's failure to vote in a "reasonable" way. Society's problems, Gutting and others believe, could be substantially fixed if only election outcomes were determined entirely by the "correct" ideas of properly educated people, that is, by people like themselves. In the course of what purports to be simply an overview of recent philosophical thinking about the right to vote, Gutting essentially offers a philosophical defense for its abolition.

Outside of his regular contributions to the *Times* and other publications as a "public intellectual," Gutting's particular academic specialty is in making philosophical irrationalism more comprehensible and acceptable within the philosophical circles that so far maintain a somewhat stronger connection to the rationalist traditions of the Enlightenment than the milieu dominated by postmodernism and the Frankfurt School.

To that end, Gutting has written several historical overviews on French philosophy, *Thinking the Impossible: French Philosophy since 1960* and *French Philosophy in the Twentieth Century*, which have brought the thought of postmodernists such as Jacques Derrida, Alain Badiou and Michel Foucault to wider audiences. In regard to Foucault, Gutting has become an influential interpreter of his thought, and one of his most well-known popularizers, having written both *Michel Foucault's Archaeology of Scientific Reason* and *Michel Foucault: A Very Short Introduction*. Philosophically, Gutting is a pragmatist. He is indebted intellectually to Richard Rorty, whose work is a main focus of Gutting's *Pragmatic Liberalism and the Critique of Modernity*. However, unlike Rorty and many of the other figures he writes about, Gutting is not a postmodernist.

Gutting's recent article from April 25 is written as though it were simply a philosophical examination of the claim that society should always try to increase voter participation. He starts off innocuously enough, noting that not voting can be a form of "protest against all the available candidates." He gives lip service to the real state of American democracy, or rather its domination by a financial aristocracy, by referring to the Gilens and Page study which suggests that the US is an oligarchy.

It soon becomes clear, though, that he is most interested in bemoaning what he sees as voter ignorance about candidates and issues, and speculating about what can be done to prevent these voters from having any further influence over elections. He writes:

Those who think everyone should vote also think that voting should be adequately informed about the candidates and issues. But there's a tension here, since there's considerable evidence from polling—not to mention just reading online comments about politics—that many people are poorly informed about candidates and issues. In "The Ethics of Voting," the philosopher Jason Brennan has argued that such people have a duty not to vote. It's

unlikely that many of them would agree with that conclusion, but given a large number of poorly informed voters, we might consider dropping campaigns urging everyone to vote or even insisting that we all have a duty to vote. [1]

Gutting devotes the largest section of his essay to the provocative idea of an "enfranchisement lottery," which would supposedly solve the problem of uninformed voters. This idea Gutting borrows from Claudio Lopez-Guerra, Associate Professor of Political Studies at Mexico City's Center for Research and Teaching in Economics (CIDE), who is currently serving as a visiting fellow at Princeton University's Center for Human Values.

The idea behind the enfranchisement lottery, as elaborated in Lopez-Guerra's book *Democracy and Disenfranchisement: The Morality of Electoral Exclusions*, is that instead of elections based on a popular vote of all citizens, elections could instead be decided by a randomly selected "jury."

These jurors would be sequestered, then "educated" by teams of policy experts and forced to watch presentations and debates about the candidates. Only then would they be able to make their selections. The outcome of this process, being made by an electorate composed entirely of informed participants, would then avoid all of the supposed negative election outcomes resulting from an ignorant and apathetic population. According to Gutting,

The result would be voters informed to a level most of us can only hope to achieve. We would need a fairly large jury—perhaps several thousand—to properly represent the nation's diverse views and interests. Televising the proceedings would help ensure transparency. Since the jury was randomly chosen, its vote would very likely represent the outcome of an election in which we were all well-informed voters. [2]

The idea that such a process would lead to "better" electoral outcomes reveals a great deal about the theoretical assumptions and class positions of both Lopez-Guerra and Gutting. Most importantly, the idea that the problem with society is simply one of widespread ignorance, which can be cured by a concentrated dose of factual knowledge, is an ahistorical and idealist conception. In fact, it reproduces, though in a very vulgar form, certain conceptions of utopian theorists of the late 18th and early 19th centuries. They believed that enlightened monarchs who were educated and guided by impartial mentors, experts and, of course, philosophers, could overcome the ills of society. In reality, the exercise of political judgment and its transformation on a mass scale is a far more involved process than Gutting appears to admit, involving complex historically

formed socioeconomic circumstances and interests.

This perspective was clearly understood and criticized by Karl Marx, in his “Theses on Feuerbach,” written in 1845. In the third thesis, he wrote:

The materialist doctrine that men are products of circumstances and upbringing and that, therefore, changed men are products of other circumstances and changed upbringing forgets that circumstances are changed precisely by men and that the educator must himself be educated. Hence this doctrine necessarily arrives at dividing society into two parts, of which one towers above society (in Robert Owen, for example).

The coincidence of the changing of circumstances and of human activity can only be conceived and rationally understood as revolutionizing practice. [3]

Ignoring this insight, Gutting maintains that the problem with elections is that most voters have not been properly educated. The solution is therefore an idealized jury system which will create the circumstances for such an educated electorate. But the reality of social life is not nearly so simple.

Somewhat ironically, Gutting’s recourse to the concept of an impartial jury, standing entirely above society and evaluating “facts” with absolute impartiality, exposes the bankruptcy of his intellectualist schema. As every experienced attorney knows all too well, the selection of a jury is the most critical and contentious of processes. Whether in a civil or criminal case, the lawyers expend enormous time and effort in the process of examining the background, life experiences and, above all, professions and economic status of each potential juror. It is taken as a matter of course that the jurors’ response to the “facts of the case” will be influenced, both profoundly and subtly, by their *class* status. If this is the rule in every civil or criminal case, what would be involved in selecting a jury empaneled to determine the future of society?

If the proposal for the enfranchisement lottery were to be implemented, the project would soon be overwhelmed by conflicting views on how the electoral jury was to be selected, the instructions they were to receive, the evidence they were to examine, etc. How would these issues be decided? Would another pre-electoral panel be created to adjudicate such issues? Would not that preliminary panel be also overwhelmed by controversies relating to its selection, decision-making process, evidentiary rulings, etc.? Would not vast sums of money be spent by wealthy individuals and powerful corporations to influence and corrupt the process?

Which candidates and their policy teams would be allowed to present their views to the jury? Any that are interested, or just “viable” candidates, in the manner used frequently to bar parties outside of the Democrats and Republicans from presenting their views on television? How, and by whom, would the standards of electoral eligibility be determined?

And once the process actually gets underway, the assumption that experts and candidates would present unbiased information to the jurors is simply untenable, tantamount to an expectation that they abandon their class position.

One presumes Lopez-Guerra and Gutting expect that jurors will soberly evaluate candidates on the basis of their devotion to the “national interest.” But on what basis will the “national interest” be determined. What definition of “national interest” will be employed? How will it take into account the indisputable fact that the very concept of “national security” assumes the priority and legitimacy of “national state” interests?

In evaluating Gutting’s project, let us consider how the jury project would have worked out had it been applied in the election of 1860, when the “national interest” was defined in absolutely irreconcilable terms by

the supporters and opponents of slavery. How would an “electoral jury” have decided between Lincoln, Douglas, Bell and Breckenridge? And, by the way, would slaves have been included on the jury?

Let us return to the issue of a poorly educated jury. Chad Flanders, reviewing López-Guerra’s book in *Notre Dame Philosophical Reviews*, an online review journal co-edited by Gutting, notes quite correctly that disenfranchisement is not the only logical conclusion following from voter ignorance. The response that would be more in line with the historical expansion of the right to vote would be to ensure that everyone is educated enough to make an informed decision. Gutting paraphrases López-Guerra’s revealing response to this challenge, writing: “Ideally, we would provide everyone with the relevant knowledge, but that would be impractical, time-consuming and expensive.”

Gutting’s casual dismissal of mass education is of a piece with the profound shifts to the right over several decades by the formerly liberal intelligentsia. This petty-bourgeois layer is becoming convinced that workers can no longer be trusted to vote. In the event of a military coup or the imposition of dictatorial methods of rule, these figures could be counted on to provide their moral benediction and support.

This is not a farfetched. Back in 2012, Gutting published a piece with the title, “Should We Cancel the Election? (A Socratic Dialog),” an imagined dialog between himself and Socrates in which he has Socrates argue that the election should be canceled, on the grounds that the selection of leadership based on elections is a worse method than letting politicians and elites make the selections themselves. In the end he asks Socrates if he trusts politicians more than the people. Socrates responds,

Yes, I do. For all their failings, most politicians are reasonably sincere, honest, and much more intelligent and educated on the issues than their constituents. Very few of them come up to the standards I set, but once freed from the necessity of courting uninformed public opinion, most of them could do a creditable job of making decisions in the public interest. And remember, without elections, politicians would no longer need the vast amount of money that gives big donors so much influence. [4]

One would imagine that the real Socrates would not have argued so stupidly. Moreover, the wily old philosopher, who had plenty of experience in the rough and tumble of Athenian politics, would have hardly been so confident of the integrity of politicians. But Gutting is hardly Socrates. His claim that politicians, freed from the burdens of running elections, will be freed to do the “right thing,” is ahistorical nonsense. Gutting’s arguments are refuted simply by citing the decisions of the Supreme Court, whose justices are appointed for life. They need not court “uninformed public opinion.” How, then, does Gutting explain the Court’s ruling in the Dred Scott case, Plessey v. Ferguson, Citizens United, or, let us add, Bush v. Gore? Why did Scalia, Thomas, O’Connor, Kennedy, and Rehnquist interpret the facts of the 2000 election in such a dishonest manner?

Following the Bush v. Gore Supreme Court ruling that handed the 2000 election to George W. Bush, and the refusal of the Democratic Party to fight the theft of the election, the *World Socialist Web Site* warned that there was no longer any significant constituency among the US ruling class for a defense of democratic rights. Since then, anti-voting-rights laws and methods of voter suppression have proliferated, as seen recently in the Supreme Court’s upholding of North Carolina House Bill 589.

This rightward shift has now embraced the academy, with figures like Gutting offering up philosophical arguments which provide intellectual defense and cover to such anti-democratic efforts. Regardless of whether he set out to do so is entirely beside the point. The theoretical conceptions

Gutting is toying with have serious political implications whose logic may lead much farther than he intends, rooted as they are in definite class positions and interests.

Gutting's pragmatism, the product of a long and comfortable career in the academy which required only that he continuously keep shifting his views to correspond to the "common sense" or "humdrum" views that circulate there, has now intersected with crisis-ridden class society and the needs of the bourgeoisie. Following an unprecedented primary campaign that has resulted in the likely nomination of two of the most unpopular Democratic and Republican candidates in recent US history, Gutting may well find a receptive audience for his views among sections of the ruling class.

[1] Gary Gutting, "Should Everybody Vote?," *New York Times*, April 25, 2016.

[2] Ibid.

[3] Karl Marx, "Theses on Feuerbach," in *Ludwig Feuerbach and the Outcome of Classical German Philosophy*, ed. Frederick Engels (New York: International Publishers, 2010), p. 83.

[4] Gary Gutting, "Should We Cancel the Election? (A Socratic Dialog)," *New York Times*, August 23, 2012.



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