Does Democratic Competence Require a Commitment to Electoral Democracy?

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Abstract. Standards of democratic competence are implicit in many areas of democratic theory, playing a role in debates about the responsibilities of citizens, civic education, and more. The importance of establishing minimal requirements for democratic competence that all those committed to democracy can endorse is thus clear. In recent work, Alexandra Oprea and Daniel J. Stephens argue that a democratically competent voter is one who both knows how to and intends to vote in such a way that, if the relevant candidates or policies were chosen, the predictable end of electoral democracy would not follow. In this paper I outline and discuss two complications for their account. First, I argue that in some cases a democratically competent voter may vote for an option that, if chosen, would bring about the predictable end of democracy. Second, I challenge their claim that democracy must involve the use of free and fair elections, urging instead that sortition—that is, the selection of public officials by lottery—can be legitimately democratic. Consequently, a democratically competent voter can intend to vote for an option that ends electoral democracy without intending the end of democracy entirely, provided that they intend to vote for a suitably democratic alternative based on the use of sortition.

Keywords: democracy; democratic competence; voting; sortition; lottocracy

Introduction

Standards of democratic competence are implicit in many areas of democratic theory, and the correct way to set those standards is something about which there is much disagreement. Many disagree about how such standards bear on the epistemic responsibilities of citizens, how they ought to shape civic education, and more.[1] Given their centrality to these debates, the importance of establishing appropriate standards of democratic competence is clear.

In recent work, Alexandra Oprea and Daniel J. Stephens defend a specific account of democratic competence, one they call the *Minimal Standard* (Oprea and Stephens, 2024). According to this account:

> A voter is considered democratically competent with respect to a given election provided that the voter (1) knows how to vote for the candidate or policies that, if chosen, would not predictably bring about the end of that electoral democracy (*epistemic competence*), and (2) intends to vote in such a way (*democratic commitment*) (Ibid, 175).

The appeal of this account, as Oprea and Stephens see it, lies in the fact that "it makes as few commitments as possible on issues of substantive disagreement in democratic theory" (Ibid, 170). It is not intended as an account of what a fully virtuous citizen looks like, but rather an account which most democratic theorists can accept, and around which further debates about issues such as civic virtue or the epistemic responsibilities of citizens can pivot. Political philosophers and democratic theorists disagree about many things but, if successful, the Minimal Standard can act as common ground between theorists with otherwise conflicting views, committing those who accept it only to the importance of avoiding the predictable end of democracy, as well as the "the minimal conceptual claim that democracy includes the presence of free and fair elections" (Ibid, 172).

However, in this paper I argue that their account has implications one could reasonably reject even if firmly committed to democracy. I outline and discuss two complications for their account. First, I claim that there are cases where not only is it morally permissible to vote for an option that, if chosen, brings about the predictable end of democracy, but that one can so vote

[1] On the epistemic responsibilities of citizens, see Boult (2021). On civic education, see Gutmann (1999).

without thereby being democratically incompetent. At most, democratic competence requires a *presumption* in favor of democracy rather than an indefeasible commitment. Second, I challenge the claim that democracy must include the presence of free and fair elections. Following a rich tradition in political thought, I urge instead that a commitment to democracy does not preclude support for the use of *sortition*—that is, the selection of public officials using random lotteries—rather than elections. If so, one can intend to bring about the end of *electoral* democracy without intending to bring about the end of democracy entirely. More importantly, one can have such intentions without being democratically incompetent.

1. Bad Options and Hard Choices

The Minimal Standard requires that one both *knows how to* and *intends to* vote in such a way that the end of electoral democracy would not predictably follow if the relevant candidate or policies voted for were chosen. In what follows, I grant that a necessary condition of democratic competence is that one at least knows how to vote so as to avoid the predictable downfall of one's electoral democracy. However, I reject the claim that a necessary condition of democratic competence is that one intends to vote in such a manner. I argue instead that democratically competent citizens are not required to vote so as to preserve electoral democracy, at least under some conditions. What sort of conditions? Consider the following case:

> **BAD OPTIONS:** Amad lives in a democracy that has recently come to be dominated by two rival parties, both of which intend to replace democratic rule with a non-democratic political system if they ever come to power: the Justice Party (which intends to replace democracy with an executive monarchy) and the Party of Justice (which intends to replace democracy with a totalitarian dictatorship). The Justice Party's aspiring monarch is a benevolent and intelligent person, while the Party of Justice's leader is cruel and incompetent. Although neither are committed to democracy, life under the rule of the monarch will predictably be better than that under the dictator. Amad would vote for a party committed to preserving democracy if he could, and he knows what sorts of policies would be helpful to that end, but it just so

happens he can only choose either the Justice Party or the Party of Justice. Correctly predicting that the former option would be less bad than the latter, Amad votes accordingly.

If the Minimal Standard is correct, then a democratically competent voter necessarily intends to vote in such a way that, were the relevant candidates and policies chosen, the end of democracy is not a predictable result. Failing to vote in such a way entails that one is democratically incompetent. But BAD OPTIONS seemingly provides a counterexample to this claim. Amad chooses the least bad of two bad options. His choice seems at least morally permissible, if not morally required, for not only is he voting for the option that is predictably less bad, it is simply not possible for him to vote so as to preserve democracy. And assuming that he would otherwise know how (and intend) to vote in such a way given the opportunity, it is not plausible to characterize him as democratically incompetent. If so, the democratic commitment condition of the Minimal Standard is false.

A proponent of the Minimal Standard might reasonably complain that BAD OPTIONS only counts as a counterexample to it by crafting a scenario wherein it is impossible to satisfy its democratic commitment condition. Perhaps the democratic commitment condition should instead be interpreted such that it requires only that a democratically competent citizen intends to vote so as to preserve their electoral democracy *provided that* it is at all possible to do so. This modified version of the condition avoids the counterexample sketched above.

However, other cases show that even this modified version of the democratic commitment condition ought to be further modified. Consider the following:

HARD CHOICE: Bruno lives in a democracy that, much like Amad's, has come to be dominated by two parties intending to replace democratic rule with their favored non-democratic alternative (as before, a benevolent monarch and a totalitarian dictator respectively). However, in Bruno's case, the two dominant parties are not the only options and there is one other party committed to preserving democratic rule. Bruno shares this commitment to preserving democratic rule but, unfortunately, his fellow citizens largely do not: 49% of them support the prospective dictator, while 48% of them support the aspiring monarch. The remaining 3% of citizens, like Bruno, support the sole democratic party, understanding as they do the sorts of policies required to preserve democracy. If such citizens

> vote for the democratic party, the outcome is that the dictator comes to power. But if they instead throw their support behind the would-be monarch, they avoid the dictatorship. Accurately predicting that life under the dictator would be far worse than that under the monarch, Bruno votes for the party of the prospective monarch, despite his commitment to democracy.

If the modified version of the Minimal Standard is correct, then a democratically competent voter necessarily intends to vote so as to preserve their electoral democracy, provided that it is possible to vote for such an option. Failing to vote in such a way when it is possible to do so entails that one is democratically incompetent. But, as before, HARD CHOICE seems to provide a counterexample to this claim. Bruno's choice seems permissible given his reasonable desire to avoid the dictatorship. More importantly, he understands what it would take to preserve democratic rule and would vote for a party committed to electoral democracy if not faced with the prospect of a terrible dictatorship. Accordingly, it is not plausible to characterize him as democratically incompetent. If so, even the modified version of the democratic commitment condition is false.

BAD OPTIONS shows that a democratically competent citizen may intend to not vote so as to preserve electoral democracy if they are unable to do so. And this seems like a minor concession, one that a proponent of the Minimal Standard can readily make. But HARD CHOICE shows something more interesting and important. It shows that even if it is possible for a democratically competent citizen to vote for an option where the predictable downfall of electoral democracy would not result if it were chosen, they need not intend to do so if the consequences of doing so would be sufficiently negative. At first, this may appear to be in tension with a firm commitment to electoral democracy. But it is worth noting that most theories of democracy, including theories that emphasize the intrinsic value of democratic decision-making procedures, *already* permit the use of non-democratic decision-making procedures if doing so is necessary to avoid sufficiently negative outcomes.[2] HARD CHOICE can be viewed in this vein, as a choice one would rather not have to make but must make nonetheless. Consequently, cases like this show that the Minimal Standard requires even further refinement. A newly revised democratic commitment condition could require

[2] See Halstead (2016) for an extended defense of this claim. See also Porter and Gibbons (2024) for related discussion.

that a democratically competent citizen vote so as to preserve their electoral democracy provided that (i) it is possible for them to vote for such an option *and* (ii) it is not necessary to vote otherwise to avoid sufficiently negative consequences. This version of the democratic commitment condition thus establishes a *presumption* in favor of democratically competent citizens voting so as to preserve their electoral democracy, but this presumption can be overcome under certain conditions.

2. Against Elections

A proponent of the Minimal Standard might still have reservations about what the above cases show. In both cases, no matter what either Amad or Bruno chooses, the end of democracy will soon follow. In a sense, their actions are futile. And perhaps the Minimal Standard is intended to apply only in cases where there is a realistic chance to preserve electoral democracy. If so, the Minimal Standard may still be worth embracing, provided we understand that it does not apply in cases where the downfall of democracy is inevitable.

But even in cases without either bad options or hard choices it is not necessary that democratically competent citizens vote so as to preserve electoral democracy. This is because, contrary to Oprea and Stephens, it is not necessary that democracy includes the presence of free and fair elections. In fact, there is a longstanding tradition in political thought identifying democracy with the use of *sortition* rather than elections to select public officials.[3]

Most contemporary proposals for how to integrate sortition into existing democracies combine the use of both elections and sortition—for example, by having bicameral systems where elections are used to choose representatives for one house and sortition used to choose representatives for the other (Barnett and Carty, 2008). Such proposals pose no problem for the Minimal Standard since they can be considered forms of electoral democracy. But other proposals involve replacing elections with sortition entirely, creating a political system that *only* uses lotteries to select public officials (Bouricius, 2019; Guerrero, 2024). It is these systems, and in particular the fact that they are plausibly *democratic* systems, that pose a problem for the Minimal Standard. Consider, then, one final case:

[3] For an overview of this tradition, see Sintomer (2023).

> **AGAINST ELECTIONS:** Carlos lives in a thriving democracy and is committed to preserving democratic rule. However, he is also aware of authoritarian encroachment happening elsewhere and is concerned to proactively avoid this happening in his country. After reading around the literature in political philosophy and political science, he concludes that sortition is more effective than elections at preventing the capture and subsequent abuse of political institutions. He knows what sorts of policies would preserve the use of elections and grants their appeal, recognizing that if his democracy continued to use elections it would likely continue to thrive. Nonetheless, he thinks that systems using sortition alone are likely to be even better. In the upcoming election, he intends to vote for a party that promises to gradually transition from the current electoral system to one that only uses lotteries to select public officials.

If the newly revised version of the democratic commitment condition is correct, then a democratically competent voter necessarily intends to vote so as to preserve their electoral democracy, provided that (i) it is possible to vote for such an option and (ii) it is not necessary to vote otherwise to avoid sufficiently negative consequences. It is possible for Carlos to vote this way and it is not necessary to vote otherwise to avoid sufficiently negative consequences, since the continuation of electoral democracy would not lead to disastrous consequences as in HARD CHOICE. So, according to the newly revised version of the democratic commitment condition, Carlos is democratically incompetent. But this again seems implausible. Carlos understands what it would take to preserve electoral democracy. Moreover, he is committed to preserving democratic rule through the exclusive use of sortition, an institution widely considered to be genuinely democratic (Mueller, Tollison, and Willett, 2011; van Reybrouck, 2016; Courant, 2019; Waxman and McCulloch, 2022). Not only does he appear democratically competent, he is better-informed than most citizens about the available range of democratic institutions. But if so, even the newly revised version of the democratic commitment condition is false.

One might naturally object to this conclusion by questioning the democratic credentials of using sortition to select public officials, especially the exclusive reliance upon sortition that Carlos supports. Carlos may be well-informed about democratic institutions, but he is not democratically competent if exclusive reliance upon sortition is not democratic. What, then, can be said in favor of

the claim that even exclusive use of sortition can be democratic (beyond pointing to the fact that many democratic theorists have considered it legitimately democratic)?

The most fully developed argument for the claim that such use of sortition is democratic comes from the American philosopher Alex Guerrero. In his recent book, *Lottocracy: Democracy Without Elections*, he considers at length the question of whether a political system solely relying upon sortition is democratic (Guerrero, 2024: 311-60). According to his account, a "system is democratic to the extent that it does well by four dimensions of political morality: political equality, political participation, respect for and protection of the rights of body and mind…and responsiveness" (Ibid, 311). Importantly, he convincingly argues that at least one version of a political system relying exclusively upon sortition to select public officials—what he calls a *lottocracy*—does just as well as or even better than electoral democracy along plausible versions of each of these dimensions. If he is right, there is a powerful presumptive case for the claim that a lottocracy is democratic. But if so, then citizens like Carlos who vote for parties intending to gradually transition to lottocracy are not democratically incompetent, and even the newly revised version of the Minimal Standard's democratic commitment condition is false.

Another objection challenges the claim, endorsed by many supporters of sortition, that political systems relying upon sortition such as lottocracy would more effectively prevent the capture and abuse of political institutions than electoral democracy. If, as some critics of lottocracy argue, transitioning from electoral democracy to lottocracy would in fact *increase* the risk of capture and subsequent democratic backsliding, then one might conclude that voters like Carlos who choose an option committed to replacing electoral democracy with lottocracy are not democratically competent.[4]

But this objection is unconvincing. The Minimal Standard requires voters to avoid choosing options that *predictably* bring about the end of democracy, and whether transitioning to lottocracy would be more likely to bring about the *predictable* end of democracy than maintaining an electoral system is highly controversial. While its critics claim that lottocracy would be less effective than electoral democracy at preventing capture, its advocates forcefully argue that lottocracy (and the use of sortition more generally) would more effectively prevent capture than alternative democratic

[4] Critics of lottocracy who claim that it is likelier to result in capture and abuse than electoral democracy include Umbers (2018), Landa and Pevnick (2020), and Hutton-Ferris (2023).

institutions (Bouricius, 2013; Guerrero, 2024). At the very least, whether electoral democracy or lottocracy is better able to prevent capture and abuse is a complicated empirical question yet to be decisively answered either way. Accordingly, characterizing any voter who chooses an option involving lottocracy as democratically incompetent is at best premature and, at worst, directly counter to the "main thrust" of the Minimal Standard, according to which "minimal competence for democracy simply means being competent enough to do one's part to keep the democracy going" (Oprea and Stephens, 2024: 175).

Before concluding, some clarifications about what I am claiming are in order. I do not claim that the use of elections is undemocratic or that the use of sortition is uniquely democratic. Nor do I claim that there are no good reasons to preserve the use of elections or that there are serious questions one could raise about political systems that only use sortition. My claims are more modest. First, following many others working in political philosophy and democratic theory, I claim that using sortition—and even using *only* sortition—is legitimately democratic. Second, I claim that since we cannot rule out the possibility that political systems such as lottocracy are better than electoral democracies at preventing capture, abuse, and subsequent democratic decline, it is not plausible to characterize as democratically incompetent voters who choose options committed to transitioning to lottocracy (or other sortition-based systems). But if that's right, then the Minimal Standard requires yet further refinement in order to accommodate such cases.

According to a version of the democratic commitment condition sensitive to the possibility of democratic systems based on sortition, a democratically competent voter necessarily intends to vote so as to preserve their electoral democracy, provided that (i) it is possible to vote for such an option, (ii) it is not necessary to vote otherwise to avoid sufficiently negative consequences, and (iii) there are no suitably democratic but non-electoral alternatives for which one intends to vote. I conclude, then, that democratic competence does not require a commitment to electoral democracy.

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