Vote Buying and Election Promises: Should Democrats Care About the Difference?*

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1. Introduction

Most theorists believe that vote buying is bad from the point of view of democracy.¹ However, they also think that it is not bad from the point of view of democracy that politicians issue campaign promises to the effect that if they get elected, they will enact certain policies that predictably will benefit particular groups of voters, thereby trying to persuade these potential beneficiaries to vote for them. Hence, vote buying and election promises are commonly evaluated asymmetrically: whereas the former are inherently undemocratic, the latter are not (“the asymmetry thesis”).²

On reflection, however, this thesis is puzzling.³ In both cases, politicians typically try to get elected by offering people self-interested reasons to vote for them and in both cases voters, who are moved either by offers to buy their vote or by an election promise, are likely to deliberate on the basis of perceived self-interest.⁴ This common feature is what once led Robert A. Dahl to claim that “(i)n a rough sense, the essence of all competitive politics is bribery of the electorate by the politicians…. The farmer… supports a candidate committed to high price supports, the businessman… supports an advocate of low corporation taxes”.⁵

In this article I defend the non-comparative, negative claim that vote buying is not undemocratic per se and the comparative, negative claim that vote buying and election
promises are not, democratically speaking, unequally problematic per se. The arguments in favour of vote buying being undemocratic do not apply to all conceivable forms thereof and, thus, do not apply to vote buying per se. Also, the relevant, democratically problematic features of most forms of vote buying are features that some forms of election promises have too and, thus, do not constitute differences between vote buying and election promises per se.

No doubt, some readers will find these two claims provocative. Hence, I hasten to add they are consistent with the claim that vote buying as we know it, generally speaking, is democratically problematic, and very much so. In any case, my main interest lies with this article’s two main positive claims. The first of these concerns what makes vote buying democratically problematic, generally speaking. I argue that there are two such features. First, vote buyers have a self-interested reason to sell their votes and, thus, an incentive to deliberate and to vote on the basis of the prospect of a small private economic gain thereby distorting democratic deliberation and voting (henceforth: “the distortion objection”). Second, vote buying exacerbates political inequality (henceforth: “the inequality objection”). There are unusual forms of vote-buying that are problematic for neither of these reasons and many forms of election promises that are problematic for either or both of them.

The other main positive claim of the article is that if we find vote buying democratically problematic, when it is, because we endorse the distortion and the inequality objections, this commits us to other strikingly radical views about election promises (and many other electoral strategies), which, so I argue, may also distort democratic deliberation and increase political inequality. Such a critical view of election promises is much less widely accepted than the near universal rejection of vote buying and since the strongest and most common objections to vote buying are the distortion and the inequality objections, this is a significant result. The alternative is, on pains of inconsistency, to adopt a lenient view of vote buying which many democratic theorists find utterly implausible, if not outright repugnant.
In Section II, I introduce paradigmatic cases of vote buying and election promises and show why these involve a number of contingent features. Section III uncovers two necessary differences between vote buying and election promises. Building on this analysis, Section IV goes through various non-equality based democratic objections that have been raised to vote buying and argues that: (a) these objections do not apply to vote buying \textit{per se}; (b) have no less force when directed against election promises and, thus, cannot support the asymmetry thesis; and (c) have radical implications for how we should judge election promises and other electoral strategies that encourage people to engage in political deliberation on the basis of their self-interest. Section V pursues similar argumentative aims with regard to equality-based objections.

II. The Distinction Between Vote Buying and Election Promises

“Vote buying” is used to refer to a wide range of activities. The paradigm case of vote buying has the following features: 

(i) it is secret; (ii) the vote-buyer pays a voter a certain amount of cash roughly at the time of the election in exchange for the voter casting her vote for the candidate favoured by the buyer; (iii) the buyer offers no reason to the voter why she should vote the way she is being paid to vote other than that she will gain economically; (iv) while the seller of her vote can easily monitor if she receives the promised payment and refrain from voting for the relevant candidate if payment is withheld, assuming secret voting, the buyer will find it hard to know if the seller upholds her end of the bargain and to impose sanctions on the seller if she does not; (v) costs of vote buying are borne by private individuals; (vi) the benefits involved in vote buying is “targeted to a small group”, primarily individual vote sellers.
Contrast this case with the paradigm case of an election promise: (i) election promises are made publicly; (ii) the election promise issuer announces that she will implement a certain policy if elected and that policy is favoured by some parts of the electorate and will predictably favour certain sections of it (though not necessarily the same parts of it that favour it), even if it might be quite uncertain exactly which part of the electorate will benefit; (iii) the election promise issuer offers universalistic reasons to the voters why they should vote for the election promise issuer, for instance “Our policies are fair”; (iv) voters can ascertain if the election promise issuer (who gets elected) delivers the promised policies and impose sanctions on a candidate who fails to deliver on her promises, for example they can vote for a different candidate in the next election; (v) costs of fulfilment of election promises are borne by the state; (vi) election promises involve the prospects of benefits for large groups identified through general descriptive criteria.¹⁰

No doubt the differences between these two paradigm cases are often instantiated in real life. However, many of the features of the paradigm case of vote buying, which distinguishes it from the paradigm case of election promises, are features that instances of vote buying normally, but not always have, and that instances of election promises do not normally, but nevertheless sometimes have. But if there are democratically relevant differences between vote purchases and election promises per se, they must differ in terms of their necessary properties in a way that makes a difference from a democratic point of view. If they only differ typically in terms of democratically relevant properties, at most we can say that typically, but not intrinsically so, vote buying is undemocratic while election promises are not. This is an interesting conclusion in its own right and one that casts light on the varying (lack of) democratic credentials of the whole spectrum of election strategies that lies between the paradigm case of vote buying and the paradigm case of election promises (see Section III for some intermediate cases). But it is also a conclusion that differs from the standard view that, unlike election promises, vote buying is condemned across the board.
As it happens, the differences between paradigmatic cases of vote buying and election promises are contingent. (Re i) Publicity is an important issue democratically speaking. However, it cuts across the distinction between vote buying and election promises. Exchanging money for a vote is a purchase of a vote even if openly declared. Similarly, campaign promises can be kept secret, say, because the candidate secretly issues the promise to representatives of certain interest groups. Obviously, vote buying will tend not to take place in the open because it is illegal. But since our enquiry concerns whether there is a democratic case for asymmetric legal treatment of vote buying and election promises, we cannot treat the present legal asymmetry between the two as parametric.

(Re ii) One can buy votes with goods other than money, say, services. In fact, vote buying often takes this form. Conversely, an election promise may be a promise of a cash subsidy for a certain group: “A candidate who pledges to extend public sanitation services to a currently unserved part of the county has essentially promised to relieve each of the voters in that jurisdiction of the expense of private trash collection”.\(^{11}\)

(Re iii) In the paradigmatic case of vote buying the voter is offered a self-interested reason to vote for a particular candidate.\(^{12}\) In the case of election promises voters are typically offered non-self-interested reasons to vote in favour of the candidate issuing the promise, for instance that the policy promised is just. But it happens that a candidate offers an argument in favour of people voting for her that consists in pledges that she will promote policies which are in their self-interest. Also, it is not uncommon for a candidate to favour certain policies to win votes even if the candidate has no particular principled reason for favouring them.\(^{13}\) Conversely, suppose a billionaire promises to donate $1,000 to a malaria vaccine research foundation for each person who accepts to vote for the billionaire’s favourite party. In this case, the vote buyer is trying to motivate the vote seller to accept the bargain on principled grounds, namely beneficence towards potential beneficiaries of the vaccine. This billionaire
would be in the business of buying votes, despite the unusual, non-self-interest-focused argument being offered to sellers.

(Re iv) There are well-tried techniques available to vote buyers to ensure they get their end of the bargain. One example of this is the case where the voter is instructed to bring her cell-phone video with her into the polling booth and use it to “send back images of the properly filled out ballot”. Moreover, whatever asymmetries in monitoring and possibilities for imposing sanctions exist are partly due to contingent legal restrictions on vote buying, and bargains concerning votes could be legally regulated like other contracts such that compliance is easily monitored and parties can sue non-complying parties for compensation. Conversely, when circumstances turn out differently than assumed when the promise was issued, it can be hard to tell if divergences from the policy originally promised constitutes a way of fulfilling the promise under changed circumstances or constitutes failure to fulfil the election promise using the changed circumstances as an excuse.

(Re v) It is possible for politicians to use public money to buy votes for their own re-election. Moreover, to the extent that the fulfilment of an election promise to reduce tax deductions for rich people involves costs, in effect these surely are borne by private individuals, namely those rich people whose disposable income will be reduced. Note also that even if, necessarily, votes were paid for with private money and election promises with public money, it remains unclear why this would make vote buying more, rather than less, problematic from a democratic point of view. After all, the use of public money clearly falls within the scope of democratic decision-making, whereas some deny that the use of private money, suitably identified, does.

(Re vi) Vote buying can be just as universalistic as election promises. Suppose the wealthy ruler of one country strikes a deal with more than half the voters in another country to fund some public good in that country provided they vote for a party favoured by the wealthy ruler. Here every voter within that country will benefit, if any, and yet this would clearly be a
case of vote buying. Also, if a candidate states that if elected she will make sure that some named national heroes are each paid a yearly sum of money then that involves the prospect of benefits for a small group of people picked out by means of their proper name. Yet, it is clearly an election promise, not an attempt to buy the votes of these few heroes.

III. The Essential Distinction

We have seen that paradigmatic vote buying differs from paradigmatic election promises in ways that do not reflect necessary differences between the two. But vote buying and election promises are different, so there must be some necessary differences between them. In my view there are two. First, vote buying involves a contractual relation, even if tacit, between two parties, whereas election promises do not. Contracts and promises are different. A contract obliges both parties to act in certain ways. A promise only obliges the promising party to act in a certain way, while the party to which the promise is issued incurs no obligations.

The second essential difference between vote buying and election promises is derived from the first. In the case of vote buying, transferring the benefits offered by the vote buyer (whoever the beneficiaries are) is made conditional on the recipient of the offer voting for the party offering the benefit. In the case of election promises, however, transferring the benefits involved in the policies the candidate promises to put in place is not conditional on those to whom the promises are issued having voted for the candidate. This difference seems obvious once we represent the difference between vote buying (1) and election promises (2) schematically as follows:
(1) If (and only if) you (I) vote for me (you), then you (I) (or people satisfying description D, which you (I) may or may not do) will get X. Agreed?

(2) I promise you that if (and only if) I will be elected you (or people satisfying description D, which you may or may not do) will get X.

This difference suggests that in cases of vote buying the probability of achieving the relevant benefit is significantly affected by whether the recipient of the offer accepts it, whereas it is not the case that the probability of achieving the relevant benefit involved in an election promise is affected by whether one has voted for the election promise issuer.\textsuperscript{16} Obviously, this difference is highly significant from the point of view of the distortion objection. However, again there is no necessity about this difference. A candidate who rightly believes that the election is a close call might issue an election promise appealing to a certain voter that her vote will significantly affect the probability of realizing the benefits involved in the policies. An extreme version of this is the case where an election is decided by a unanimity rule and, accordingly, the promised benefit will accrue to the voter only if she votes for the candidate. Conversely, there are cases of vote buying where the buyer is unable to monitor compliance. In these cases, the probability of obtaining the relevant benefit may be significantly affected by accepting the offer to buy one’s vote, but is unaffected by whether one in fact votes for the candidate buying one’s vote.

A further point is that while the supposed difference in the relevant probabilities are illusory, we still need to introduce a qualification with regard to the claim that conditionality of the relevant benefits on having voted for the candidate represents a necessary difference between vote buying and election promises. Consider a case of a two candidate constituency with 100 voters where one candidate makes a contract with each voter to pay $100 to each voter in the district if she receives more than 50 votes. Compare this case with the election promise of the other candidate to enact a certain policy that will confer $100 on each voter if
If each voter must vote for either candidate and the candidate who gets most votes will be elected, the condition on which the election promise is based—that the candidate gets elected—is equivalent to the condition made by the first candidate in her attempt to buy votes—that she gets more than 50 votes. Now, the first case clearly is a case of vote buying (albeit a special one because the seller has little control over whether her part of the deal is done). Yet, it is not a case in which for each voter she will receive the relevant benefit only on condition that she has voted for the candidate. The higher percentage of voters the candidate requires to give each voter $100 the closer we come to the paradigmatic case of vote buying; the lower percentage the candidate requires the closer we come to the paradigmatic case of election promises. The point is that there are possible cases of vote buying where the benefit in question is not conditional upon each seller voting for the candidate, but conditional upon a sufficiently large group of voters having voted for the candidate offering the benefit. Moreover, election promises conditioned on the candidate being elected are functionally equivalent to vote purchases where the relevant benefit is due if at least half the sellers vote for the candidate. 18

To sum up: vote buying and election promises differ necessarily in that (i) the former is a contractual relation between the candidate and the voter(s) and (ii) the benefit involved in the former is conditional upon either having voted for the candidate or being a member of a group where enough have voted for the candidate. Hence, when we ask whether vote buying is more problematic per se than election promises from a democratic point of view, we are really asking whether either or both of these two differences matter democratically speaking.

IV. Non-equality Based Objections to Vote Buying
I will now review a number of arguments that have been offered for the asymmetry thesis. In this section I review five, non-equality-based ones, whereas in Section V I will review some equality-based arguments.

**A. Functional Requirements of Representative Democracy**

It might be suggested that, unlike vote buying, election promises are essential to the functioning of a representative democracy, because in their absence voters simply will not be able to make an informed choice among candidates: something which they clearly can in the absence of vote-buying. Election promises play an important role in voters making up their minds about which candidate to vote for, but the present argument overstates the case. Candidates may put forward their political values and factual beliefs as well as their political aims and intentions thereby offering voters an opportunity to make informed choices on likely policy directions without issuing any promises to the electorate. Indeed, this is what candidates sometimes prefer to do when they suspect, say, that circumstances are volatile and they do not want to promise to implement a certain policy for fear that they will be (seen to be) unable to deliver.

**B. Voter Autonomy**

Susan Stokes suggests that vote buying “can undermine the autonomy of vote sellers”. By this she does not mean that voters are unable to deliberate rationally, on the basis of their own interests, about whether to accept a small sum of money for their vote and act in accordance with whatever decision they make. Rather, she means that, unlike election promises cultivating a particular constituency, vote buying forces voters into supporting the benefactor-
party and does not allow them “to consider the full range of a party’s policies” thereby rendering them less “autonomous decision-makers”.  

However, it is an exaggeration to say that a voter who faces an offer to buy her vote is “forced to condition her vote narrowly on the prospect of retaining or losing a valued payment” and to disregard the “full range of a party’s policies, actions, and performance”. At least, this is so if being forced to do something requires that the alternative is unacceptable, the payment received for one’s vote is moderate, and the buyer’s abilities to monitor compliance are low. Even in cases where a voter is literally forced, say, because of poverty, to sell her vote, it is unclear why that would prevent the voter from taking into account the full range of the purchasing candidate’s policies provided there is a competitive market for votes. Given that assumption, presumably, voters will fix the price at which they will be willing to sell their vote to a certain party partly on that basis and, all other things being equal, demand higher prices from parties whose overall policies they like less. Hence, Stokes’ autonomy objection cannot demonstrate that vote buying is undemocratic per se even if we grant her the assumption that democracy requires voter autonomy in the pertinent sense.

C. Expressing Membership

Some argue that vote buying deprives people of certain benefits they might otherwise enjoy. For instance, Pamela Karlan submits that voting without being paid to do so offers the expressive benefit of “declaring one’s full membership in the political community”. If vote buying becomes legal and something that most do for money, people will be deprived of the opportunity to exercise civic virtue by voting.

In response, note first that it is unclear why one cannot still obtain the relevant expressive benefit and exercise civic virtue simply by refusing to sell one’s vote. The
relevance of this point might be tempered by the fact that if most others sell their votes, the community to which one belongs is a rather hollow one.

Second, Karlan’s objection hardly establishes any asymmetry between vote buying and election promises. If most citizens cast their vote on the basis of electoral promises that appeal to their self-interest, it would seem to deprive individuals of the opportunity to express their full membership of the community and exercise civic virtue given the fact that most individuals vote for parties they are paid to vote for who deprive them of these goods. One might reply, Titmuss-style, that allowing vote buying to take place deprives voters of the option to give a candidate something—that is, a vote—which the candidate cannot get (legally, anyway) through money.27 This is undeniable, but a strictly analogous thing can be said about allowing election promises that appeal blatantly to voters’ self-interest. This deprives voters of the option to give a candidate a vote which the candidate cannot get (legally, anyway) through election promises blatantly appealing to voters’ self-interest. It remains to be shown that democracy requires the former option, but not the latter.

D. Social Meaning of Voting

With some affinities to Michael Walzer’s pluralism in Spheres of Justice, Cass Sunstein has argued that vote buying changes the social meaning of voting: “[i]f votes were freely tradable, we would have a different conception of what voting is for – about the values that it embodies – and this changed conception would have corrosive effects on politics”.28 The practice of buying votes invites people to vote out of a concern for their own economic well-being rather than the public good. One might add that selling one’s vote for money and voting have very different social meanings, in that the former is a private market transaction whereas the latter involves a public relation between citizens.
While Sunstein’s argument no doubt articulates a profound truth, it fails to show—nor does Sunstein claim otherwise—that vote buying and election promises are intrinsically different. First, it is hard to see the relevant substantial difference between vote buying and election promises here. Indeed, since the economic benefits that voters will get if politicians deliver on their election promises catered to the interests of particular, well-defined groups of voters typically are much greater than the benefits voters will get from selling their votes, campaign promises that appeal to voters’ self-interest may seem to pose a much greater danger of subverting the meaning of voting, even if the relevant benefits are not made conditional upon having voted for the candidate issuing the promise.

Second, democratic theorists cannot put a lot of weight on the different social meanings of legalised vote buying and voting when such market transactions are “blocked”. For suppose that vote buying is legal and everyone thinks that there is nothing wrong with selling one’s vote such that voting has a social meaning different from the one it has for us. It just so happens that no one sells her vote. Democratically speaking, this situation would not be worse than the otherwise identical situation in which vote buying is illegal and people find it wrong to sell their votes. And certainly it would not be worse than one in which buying is illegal and people find it wrong to sell their votes but poor people nevertheless do sell their votes. But if so, the concern for the social meaning of voting is not what accounts for why vote buying is problematic.

**E. The Distortion Objection**

Pamela Karlan provides an explanation of why vote buying ought to be illegal that appeals, not to its effects on individual voters, but to the way it distorts “postelectoral representation and governance”, because the population of vote sellers and vote buyers is not a microcosm of
the electorate, as vote sellers are systematically poorer than the electorate in general. On this view, outlawing vote buying is justified as a way of “protecting the integrity of the political process rather than the autonomy of individual voters”. Stokes offers a similar objection to vote buying that concerns how vote buying undermines the integrity of a democratic political process. More specifically, she invokes Robert Dahl’s “Principle of Equal Consideration of Interests”: “… ‘during processes of collective decision-making, the interests of every person who is subject to the decision must (within the limits of feasibility) be accurately interpreted and made known’…. If votes are bought they will carry little information about voters’ interests…. A person whose vote is purchased for an individualized payment is, for all practical purposes, lost to the process of collective deliberation, mandate making, and retrospective evaluations of government”.  

For these concerns to settle the present issue, it must be the case that election promises do not compromise the integrity of the democratic political process in comparable ways. To show this Karlan points to three differences between election promises and vote buying: the former are i) made openly, ii) the benefits involved extend not just to those who voted for the candidate, and iii) are not conditioned on any “particular vote or votes, but entirely on the majority’s vote”. In response note first that at best the concern for openness points to a typical, but contingent, difference between vote buying and election promises. Second, there are cases of vote buying where benefits are offered to all members of a constituency if the candidate receives a sufficiently large proportion of the votes cast within that community. Third, making an offer conditional upon receiving the majority’s vote is functionally equivalent to cases of vote buying where benefits are offered on condition that the candidate receives more than 50% of the votes. Hence, Karlan fails to demonstrate that vote buying and election promises are intrinsically different, democratically speaking.

I have similar doubts about Stokes’ argument. First, as Stokes points out herself, it is complicated to interpret and make known a voter’s interests merely on the basis of her vote.
For example, does the voter vote for a certain party because she agrees with its policy on one particular issue, or because she buys the whole package, or because she disagrees mildly with all of it but thinks her preferred party will not be represented anyway and wants to avoid wasting her vote? Hence, the possibility of buying votes does not introduce a qualitatively different complication here. Second, election promises can compromise the integrity of the political process in parallel ways. For instance, Stokes suggests that “vote buying vitiates elections as moments of retrospective judgement” where voters have “an opportunity to make a consequential statement about the performance of incumbents”.

But, similarly, incumbents who are able to make credible and flashy election promises may win the election even if the general view is that their performance has been flawed, thereby rendering the election useless as a moment “of retrospective judgement”. Note finally that vote buying need not prevent common political deliberation and political processes of preference formation. Such processes make a difference to whether people want to sell their votes at all, to which parties, and at which price. Hence, it is not as if the mere possibility of vote buying eliminates—as opposed to weakens— incentives to deliberate about and argue over politics.

Still, my claim is that it is not the case that, necessarily, vote-buying distorts democratic deliberation whereas election promises do not. This claim is consistent with the claim that vote buying has a strong tendency to distort deliberative democratic processes. In fact, Karlan’s and Stokes’ arguments contain an important truth, namely that vote buying typically distorts democratic deliberation through an incentives mechanism which election promises typically do not have. That is, typically whether one gets the benefit involved in an offer to buy one’s vote depends wholly on whether one accepts the offer, but, typically, whether one gets the benefit involved in an election promise is unaffected by whether one votes for the election promise issuer. Hence, one has a self-interested reason to accept an offer to buy one’s vote, but no self-interested reason to vote for a candidate who promises to implement policies that one would benefit from if implemented. Hence, to the extent that this difference in
incentives structure affects deliberations and voting, there is an expectation that vote buying leads one to decide whom to vote for on the basis of reasons deriving from self-interest, whereas no such expectation exists in the case of election promises even though they clearly cater for the self-interest of certain groups of voters. To the extent that one thinks democratic deliberation should involve people deliberating from impartial grounds (as is argued by many, though not all, theorists concerned with the quality of democratic deliberation), typically, one has a reason to be critical of vote buying that does not warrant being critical of election promises even if, as I have argued, there are exceptions.34

While this observation is significant, it is not powerful enough to support the asymmetry thesis. For plausibly, from the point of view of deliberative democracy, it is not the mere fact that people have an incentive to deliberate and vote on the basis of self-interested considerations that is democratically problematic. Rather, it is the fact that they do so, whether or not they have reason to do it. If they did not respond to the incentive, there would be no democratic problem. Moreover, if some psychological distortion means that people fail to deliberate impartially and vote on impartial grounds, even if they have no self-interested reason not to, that would be no less of a problem from the point of view of democratic deliberation. But, in fact, many election promises do make, and are designed to make, people deliberate and vote on the basis of whether they would better off if the promises were implemented than if they were not. (Here readers should recall the passage containing Dahl’s characterization of the essence of competitive politics as bribery quoted above.) Hence, while the distortion objection does apply to most cases of vote buying, de facto it applies to many election promises as well and, thus, cannot establish the asymmetry thesis.

V. The Inequality Objection
In the previous section I endorsed a suitably weakened version of the distortion argument. But I also argued that the non-equality based objections to vote buying fail to show that it is democratically problematic *per se*, and that election promises may distort democratic deliberation in ways similar to vote buying. Some might respond that this does not matter much since, by far, the strongest and most common objection to vote buying is that this will give rich people an unfair advantage over poor people in a way that violates a basic democratic norm of political equality.\(^{35}\) There are several reasons why this is so. First, on the supply side the same small payment will have much greater value and, thus, greater persuasive power for a poor person than for a rich person.\(^{36}\) Accordingly, poor people will sell their votes at a lower price and since parties will buy the cheapest votes first, all other things being equal, vote buying will distort the electoral returns from the poor.\(^{37}\) Second, poor voters may be more inclined than rich ones to discount programmatic benefits obtainable in the future and to assign higher value to immediate electoral payoffs.\(^{38}\) Third, on the demand side rich people and the candidates whom they support have more resources with which to buy votes.\(^{39}\)

There are different ways of fleshing out the ideal of political equality and, thus, different versions of the inequality objection. I shall review four such possibilities.

### A. Equality of Political Impact

One view says that democracy requires that all individuals have an equal impact on political outcomes, “i.e. that the difference [a voter] can make, just on his own, by voting for or choosing one decision rather than another” is the same across voters, and that vote buying violates this requirement because it gives rich people greater impact on political outcomes than poor people.\(^ {40}\) An appeal to this conception of political equality seems ineffective in this context, however. People who sell their votes do not have less impact on political outcomes.
Selling one’s vote is one way of having an impact on the political outcome. That is why it would make sense, for instance, to resent people who sold their votes to a fascist party thereby enabling it to win power. Such vote sellers could not respond to criticism that since they sold their votes they had no impact on the outcome of the election and, thus, could not be held accountable for it. True, if most members of a group sell their votes, the long-term interests of members of this group are less likely to be promoted by the government. But this is irrelevant here given that it is conceptually possible for a group to have a political impact in a way that does not promote its members’ interests. 41

B. Identical Opportunities for Political Influence

A different, but related view, says that democracy presupposes that all individuals have identical opportunities for influencing political outcomes. 42 On this view it follows that in a situation where people have different economic resources and, thus, some have the option of buying more votes than others, vote buying undermines democracy. Christiano expounds a version of this view. He rejects vote buying because it implies that citizens are not “guaranteed that their interests are given equal consideration”. 43 But, first, it is not clear why this clashes with the norm of political equality when the purported absence of this guarantee results solely from citizens’ own choices. Hence, it is not clear that vote buying per se is incompatible with the sort of guarantee favored by Christiano. Second, surely the absence of such a guarantee depends on the price of votes bought and with what strings attached (“You can use it to vote for party A or party B, but not party C”). Finally, Christiano’s argument ignores that money is a political resource even if they cannot be used to buy (rights to) votes.

More generally, I favor Ronald Dworkin’s dependent conception of democracy according to which “the best form of democracy is whatever form is most likely to produce the substantive decisions and results that treat all members of the community with equal
concern”. From that perspective there is no point in insisting that citizens have identical opportunities for political influence, since the fact that one individual has opportunities for exercising political influence others do not have can be counterbalanced in a way that restores political equality by these citizens having opportunities for exercising political influence the former do not have.

C. Equally Good Opportunities for Political Influence

A third view argues that democracy requires that all individuals have equally good opportunities for influencing political outcomes and that vote buying violates this requirement because it gives rich people better opportunities for influencing political outcomes. On this view, it is not a democratic problem that people have non-identical options for exercising political influence provided the differences between their options cancel each other out such that everyone has *equally good* opportunities overall. Suppose that all individuals’ opportunity sets for political influence are equally good despite economic inequality. We then introduce the option of vote buying. If the goodness of opportunity sets is determined partly by the likelihood of the different choices available to the agent and if a poor agent is more likely than a rich one to choose to sell her vote, vote buying might well lead to inequality in goodness of opportunities for exercising political influence.

Still, it is unclear that this point is an appropriate basis for an asymmetric democratic evaluation of vote buying and election promises *per se*. First, the present point does not establish that vote buying is problematic per se. In admittedly rather hypothetical cases where everyone has equally good opportunities for buying votes the present concern is silent. The same point applies to cases where unequally good opportunities for buying votes are counterbalanced by inequalities in terms of opportunities for exercising other means of political influence that favours those who have worse opportunities for buying votes.
Second, the capacity to credibly issue election promises is in itself a means of exercising political influence and there might well be inequalities in this dimension that conflict with the principle of equality of goodness of opportunities for political influence in exactly the same way that vote buying does. Suppose that the demos consist of 9,000 poor people and 1,000 rich and talented people. The latter are organized in the Rich People’s Party. Moreover, since they have resources and talents that are in high demand, they have the option of emigrating or moving investments abroad, if they find the domestic political situation too unfavourable. The Rich People’s Party issues the election promise that if elected, it will implement a package of policies that will give each poor person $1,000 and rich people much more. However, if not elected, the people organized in this party will use their extra-parliamentary power to thwart any policy that would improve the situation of the poor people while being insufficiently advantageous to rich people, for instance they will move their investments to foreign countries and many of them will emigrate. Hence, the Poor People’s Party cannot credibly issue an election promise similar to that of the Rich People’s Party. This constitutes an inequality in goodness of opportunities for political influence between rich and poor people that, from the point of view of the present construal of political equality, seems no less problematic than that involved in vote buying. Hence, if one objects to vote buying on this ground, one must object to election promises, or, more precisely, the inequalities in the opportunities to issue credible election promises on exactly the same ground. More generally, even in the absence of vote buying “money can be used to purchase political power”, for example through campaign funding, through threats or warnings about moving investment or capital in response to unwelcome political initiatives, or through “buying special access to or control of the mass media”. Hence, if “(w)e want to insulate political outcomes from inequalities of wealth ... and towards that end ... institute prohibitions against buying ... votes”, we should, in all consistency, go further and eliminate the
sensitivity to wealth of other channels of influence over political outcomes such as those just mentioned.

**D. Equality of Interest Satisfaction**

Finally, a view holds that democracy requires that the government serves the interests of all and that vote buying violates this requirement because it leads to the government only or primarily serving the interests of the rich.\(^{51}\) The complaint here is not that poor people have less (favourable opportunities for exercising) political influence, but that their interests are less likely to be served under a scheme permitting vote buying and, accordingly, would apply even if vote buying did not diminish the political influence of the poor. Note, however, that for reasons brought out in my example of the election promise of the Rich People’s Party, election promises are not intrinsically different from vote buying, from the point of view of the principle that a democratic government must serve the interests of everyone to an equal degree. The differences in extra-parliamentary power imply that the government will serve the interests of rich people better than the interests of poor people.\(^{52}\) Hence, the present construal of political inequality cannot ground the asymmetry thesis.

**E. Two General Points about Equality-based Accounts**

Having gone through each of these equality-based accounts of the unfairness of vote buying, let me end by noting two general points in relation to equality-based objections to vote-buying. First, none of the versions of the objection explain why persons who have more political power than others should not be allowed to sell their votes. Accordingly, to the extent that there is a high correlation between income and political power, equality-based accounts cannot explain why it is problematic, democratically speaking, if rich people (are
allowed to) sell their votes. No doubt, some will see this as irrelevant given that, in their view, it is unfair to make it legal for rich people only to sell their votes. But since the unfairness here does not arise out of a concern for substantive political equality, this response concedes my point: that appeals to the four conceptions of political equality listed above do not offer a full account of why vote buying is problematic per se, since they do not on their own explain why it is problematic that people with more political power sell their votes.

Second, in so far as we reject vote buying as we know it, because it creates or increases political inequality, on whichever of the latter two conceptions one endorses—equality of goodness of opportunities for political influence or equality of interest satisfaction—that would commit us to radical implications with regard to election promises as well as other electoral strategies. Opportunities to offer credible election promises are not equally divided across candidates and political parties. Hence, the legality of issuing such promises institutes political inequality. But if we reject vote buying because it institutes political inequality we should, on pain of inconsistency, reject inequality-producing election promises as well as other inequality-producing electoral strategies. In general, any other way resource differences between people translate into comparable inequalities of goodness of opportunities for exercising political influence, for instance unequal degrees of control over the political agenda or access to campaign financing, is as undemocratic as vote buying. To the extent that very few electoral strategies do not privilege some groups over others the implications of this view are very radical. This does not show that such a demanding conception of democratic equality should not be accepted or, indeed, is not what most enemies of vote buying are committed to. Dahl thinks that the requirement of equal opportunities to participate in collective decisions is “extraordinarily demanding—so demanding, indeed, that the criteria for the democratic process would require a people committed to it to institute measures well beyond those that even the most democratic states have hitherto brought about.”

Perhaps
people should endorse those unacknowledged radical implications of their views on vote buying.

VI. Conclusion

I have argued that there are two essential differences between vote buying and election promises: (i) the former involves a mutual, contractual relation whereas the latter involves a promise; and (ii) the former, unlike the latter, makes relevant benefits conditional upon fulfilment of the voter’s contractual obligations or upon belonging to a group where a sufficient number of members of this group fulfils those contractual obligations. These warrant neither the asymmetry thesis, nor the view that vote buying is undemocratic per se, even if, in general, vote buying is democratically very problematic and that it would be bad, democratically speaking, to legalise vote buying.

Since most democrats are initially inclined to endorse the asymmetry thesis, they must revise their views either by adopting a more lenient view on vote buying—the libertarian response—or, alternatively, by adopting a more critical stance on election promises (and, depending on their exact reasons for finding vote buying problematic, democratically speaking, other important features of political life, say, unequal access to issuing credible election promises or to the means of political agenda setting, normally thought to be unproblematic or much less problematic than vote buying)—the non-libertarian response.

I have canvassed the latter response. While vote buying may not distort democratic deliberation under unusual circumstances, legalising it would realistically result in certain sections of voters deciding who to vote for largely on the basis of the prospect of personal economic gain, and thereby distort the democratic process. However, this should not blind us to the fact that electoral strategies other than vote buying, for instance the issuing of election promises, similarly may distort democratic deliberation and lead people to decide whom to
vote for solely on the basis of which candidates promise to implement policies that will benefit them the most. Similarly, while vote buying might not violate the norm of political equality under quite special circumstances, legalising it under realistic circumstances—say, ones that involve large inequalities of economic resources—would increase political inequality and, thus, would be objectionable from the point of view of a democratic norm of political equality. But, again, the use of other electoral strategies to win votes—say, issuing of credible election promises—may similarly violate the norm of political equality to which we appeal in our condemnation of vote buying. Hence, when we object to vote buying because it clashes with our commitment to democratic deliberation untainted by a dominant concern for private gain and a fundamental norm of political equality, we commit ourselves, on pains of inconsistency, to adopt much sterner views than we tend to hold on other means of achieving political influence, including the issuing of election promises.
Notes

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2 A reviewer of this journal entertained the idea that the real democratic problem lies in the selling of votes, not in the buying of them. Admittedly, one can sell one’s vote only if there is someone who buys it (and vice versa) and, accordingly, if one is democratically problematic so is the other, derivatively at least. Yet, in the case of prostitution, despite the analogous inseparability of selling and buying, some believe that it is one, but not the other, aspect of the relevant economic transaction that is problematic. For instance, some think that by buying sexual services one demeans the seller and that it is morally wrong to demean others, but not to demean oneself, and, accordingly, that the buying, but not the selling, of sexual services is morally wrong. As it happens, from a democratic point of view the most plausible objections that one may have to vote buying—for instance, that it distorts democratic deliberation and undermines political equality—apply symmetrically to vote selling and vote buying. It is not as if the (possibility of) selling one’s vote distorts democratic deliberations whereas (the possibility of) the buying of one’s vote by others does not distort them.


4 Since it is true of each voter that the probability that her vote will make a difference to the political outcome is virtually zero, arguably, voters have no good, self-interested reason to vote for a candidate who promises to implement policies that, if implemented, would benefit them. However, what is relevant here is whether voters actually are motivated—in a way that may be irrational—to deliberate on the basis of perceived self-interest and to vote for a candidate who promises to implement policies that benefit them. I return to this in Section 4.5.

By “the paradigm case of vote buying” I mean the case that, conceptually speaking, most clearly qualifies as a case of vote buying and may for that reason serve as a standard in relation to which more controversial cases might be classified as cases of vote buying provided a sufficient degree of similarity obtains.

Vote buying involves the individual, immediate, and private exchange of goods, services, or cash for electoral support, usually in violation of legal norms”; Allen D. Hicken, “How do rules and institutions encourage vote buying?” Elections for Sale, ed. Schaffer, pp. 47–60 at p. 51. See also Scott W. Desposato, “How does vote buying shape the legislative arena?” Elections for Sale, ed. Schaffer, pp. 101–22 at pp. 102–3. I set aside as non-paradigmatic cases of vote buying: (1) negative vote buying, i.e. cases where the voter is paid not to vote for certain candidates; (2) indirect vote buying, i.e. cases where a broker is paid to make others vote in a certain way (see Karlan, “Not by money”, pp. 1456, 1462–3; Jean-Marie Baland and James A. Robinson, “How does vote buying shape the economy?” Elections for Sale, ed. Schaffer, pp. 123–41); (3) cases where “payment” consists in abstaining from executing a threat (see Susan C. Stokes, “Political clientelism,” Oxford Handbook of Comparative Politics, ed. Charles Boix and Susan Stokes (Oxford: Oxford University Press, 2007), pp. 604–27 at p. 605; (4) vote buying in contexts other than election for political representative bodies, say, vote buying in stock companies.

Cases that I set aside as cases other than vote-buying (albeit they are sometimes labelled as such) include: (1) turn-out buying, i.e. cases where people are paid to vote (or, in the negative case, to abstain from voting), not to (not) vote for a certain candidate (see Simeon Nichter, “Vote buying or turnout buying? Machine politics and the secret ballot,” American Political Science Review, 102 (2008), 19–31); (2) cases that do not involve any mutually binding agreement between vote buyer and vote seller, for instance cases where a candidate hands out gifts to voters and those who accept the gifts judge from their size how powerful the candidate is and, wanting to be on the winning side, vote for the candidate who offers the largest gifts (see Frederic C. Schaffer and Andreas Schedler, ”What is vote buying?” Elections for Sale, ed. Schaffer, at p. 27).

This example also shows that it is not necessarily true that whereas politicians issue election promises intending to serve public interest merely foreseeing that doing so will win them votes, vote buyers purchase votes with the intention to win votes. In some cases, politicians who issued a certain election promise and delivered would have preferred not to issue the promise and not to (bind themselves to) implement the promised policy, had they been certain of being elected. Moreover, even if differential intentions did reflect a necessary difference between vote buying and election promises, it would be a further question whether intentions behind political acts matter in themselves democratically speaking.

Schaffer and Schedler, “What is vote buying?” p. 23. See also Desposato, “How does vote buying?” p. 106; Brusco et al., “Vote buying,” pp. 79–80. The availability of techniques whereby vote buyers can monitor the voting behaviour of vote sellers and withhold payment in response to non-compliance on part of the vote sellers renders vote buying more democratically problematic.


Schaffer, ”Why study vote buying?” pp. 4–5.


A further complication, which I shall mention but not pursue, here is that there are vote-rewarding election promises—the candidate promises to reward those who have voted for her, if she is elected—and vote-neutral vote buying—the vote buyer makes a deal with a group of voters that if enough of them vote for her she will reward all of them. Arguably, the first is more problematic, democratically speaking, than the latter—indeed, it is as problematic as standard
cases of vote buying. To see this, suppose that it is certain that the candidate intends to keep her promise (/part of the deal) and will in fact succeed in doing so. So in the case of vote-rewarding election promises the candidate will reward those who voted for her and those only, whereas in the case of vote-neutral vote buying the candidate will reward all voters within the relevant group irrespective of whether they voted for her. On these assumptions, in the former scenario the probability for each voter of receiving the relevant reward provided the candidate is elected depends crucially on whether she has voted for the candidate. However, in the latter scenario this probability is unaffected by that. Vote-rewarding election promises and vote-neutral vote purchases are intermediate cases.

19 In this article I evaluate vote buying from the point of view of democracy. Accordingly I set aside objections to vote buying based on other values. So, for instance, vote buying has been criticized on the ground that it reduces aggregate social welfare because the most likely motive for buying votes is to recover the costs of buying these votes by exploiting control over public treasury. Hence, there is a danger that “[v]ote buyers would finance their purchases out of the pockets of third parties” in a way that will lower social welfare (see Richard Epstein, “Why restrain alienation?” Columbia Law Review, 85 (1985), 970–90 at pp. 987–8). Whatever the merits of this objection, it is not an objection that invokes the value of democracy, which, after all, is different from the concern for maximizing aggregate welfare.


21 Offering an opportunity for policy predictions in this way is different from promising to implement a certain policy. The former does not involve politicians binding themselves to policies predictably implemented, if they get elected, and, accordingly, if they do not implement them they cannot be charged with failing to deliver on their promises (although they might be charged with their commitment to the relevant values being hypocritical and so on). Admittedly, politicians offering voters a reasonable basis for predicting which policies they will implement if elected may in itself distort democratic deliberation—votes will be cast solely on the basis of whether the predicted policies promote voters’ self-interest—this is quite compatible with the limited
point that I make in this subsection, i.e. that election promises are not “essential to the functioning of a representative democracy” and, thus, cannot be thought different from vote buying simply on this ground.


23 Ibid., p. 96. A voter has reason “to consider the full range of a party’s policies” only when there is political competition on all the relevant policy issues. But, presumably, Stokes’ real concern applies even in cases where there is only limited political competition on policy issues. In such cases, vote buying would eliminate the voter’s reason to consider the full range of a party’s policies even on matters where political competition exists and, thus, further reduce voters’ autonomy (which is already reduced by limitations in political competition).


26 Ibid., p. 1472.


28 Cass Sunstein, “Incommensurability and valuation in law,” Michigan Law Review, 92 (1994), 779–861 at p. 849. Sunstein’s argument raises the general issue of what determines the social meaning of an institution or a social practice, say, the attitudes and understandings of present participants or the intentions of the original founders of the institution or social practices (if there are any such founders) or something else. For present purposes I can set this issue aside, for my argument in this subsection grants Sunstein his claim about the social meaning of voting.

29 Karlan, “Not by money,” pp. 1457, 1467, 1470.


31 Karlan, “Not by money,” p. 1468.
Karlan, ibid., pp. 1469–70 adds that vote buying “transforms what should be a relational agreement and ongoing conversation between elected official and citizens into a discrete contract between candidate and voter.”


I thank the editor for this formulation.

Desposato, “How does vote buying?”


For a reason to reject the ideal of equality of political impact itself, see Dworkin, *Sovereign Virtue*, pp. 195–6.


Ibid., p. 62.


Compare Peter Vallentyne, “Brute luck, option luck, and equality of initial outcomes,” *Ethics*, 112 (2002), 529–57. I ignore qualifications to the stated ideal necessary to accommodate the, democratically speaking, unobjectionable better opportunities for exercising political influence of elected representatives and citizens who have greater abilities to put forward reasoned arguments in favour of policies; see Copp, “Capitalism,” p. 86.


Suppose poor voters are more inclined than others to “focus on initial tangible benefits and to discount or ignore non-salient costs” thereby leaving candidates free to “pursue other policies that in the aggregate would do more harm to the poor than benefit them” (Hasen, “Buying,” p. 1362). Then presumably not only the possibility of vote buying but also the possibility of issuing election promises to transfer initial tangible benefits on poor voters will lead to inequality in goodness of opportunities for political influence.

Copp, “Capitalism versus democracy,” pp. 92–5. Promises to move investment or capital in response to welcome policy initiatives may similarly distort democracy.

51 See, for instance, Fabrice Lehoucq, “When does a market for votes emerge?” Elections for Sale, ed Schaffer, pp. 33–45 at p. 34.

52 Cf. Dryzek, Deliberative Democracy, pp. 21, 84.

53 Similarly, if the existence of permanent minorities is a problem from the point of view of political equality, it is hard to see why political equality clashes with members of permanent political majorities selling their votes to members of political minorities. This point applies in particular to referenda about issues of special concern to permanent minorities.

54 Dahl, Democracy and Its Critics, p. 115.