

## ***Negotiating Democracy and Deontology in a Pandemic: Consequentialism and the Impetus to Vote***

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Keywords: deontology, utilitarian, consequentialism, voting, voting ethics, COVID-19, USPS, mail-in voting

### I. Introduction

Citizen Change, a celebrity-led, nonpartisan voter engagement campaign popularized the slogan “Vote or Die.” This coarse directive was intended to evoke an urgent sense of duty for democratic participation.<sup>1</sup> The phrase represents deontological (or duty-based) ethics applied to democracy, and it is poorly suited for application during a deadly pandemic. This paper argues that deontological appeals for democratic participation are inappropriate during the COVID-19 pandemic. Instead, voters should consider consequentialist rationales for voting.

### II. COVID-19’s effect on American democracy

From March 2020, many primary voters in the United States faced an unforeseen dilemma: to risk exposure and transmit a potentially fatal virus or eschew participation in the democratic process. Due to the rapid spread, some states were unequipped or unwilling to postpone primaries and provide alternatives to traditional in-person voting.<sup>2</sup> Contact tracing research shows that polling places can significantly spread the

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virus.<sup>3</sup> In the run-up to the 2020 general election, some states have expanded access to mail-in voting. Still, significant challenges persist. Nearly a quarter of the American population is ineligible to use COVID-19 as a reason for voting by mail, meaning they will have to vote in person.<sup>4</sup> Of those who are eligible to vote by mail, various barriers exist such as the need to request an absentee ballot and the uncertainty of safe and on-time delivery.<sup>5</sup> Politicization of the push for mail-in voting has led to an erosion of trust in the United States Postal Service (USPS) and its ability to protect voting integrity.<sup>6</sup>

### III. Voting as a categorical imperative

The use of deontology as a guide to ethical decision-making derives in large part from the *categorical imperative* articulated by Immanuel Kant. The categorical imperative is a moral obligation that can be universally applied, independent of outcome.<sup>7</sup> Thus, participants in a democracy vote not because they are convinced that it will have a particular effect, but because it is a universal duty. It is the right thing to do. Further, an action deemed necessary as a categorical imperative would encourage others to do the same. A deontological argument for voting concludes that accepting the duty of democratic participation is important because it would be immoral to abstain, yet expect others to uphold the democracy.<sup>8</sup> To this end, American democracy has a history of deontological efforts to instill the duty of voting, from nonpartisan voter engagement campaigns to lobbying efforts for compulsory voting.<sup>9</sup> Defining voting as a civic duty may also solve the rational choice conundrum that questions why people vote believing their vote may be insignificant.<sup>10</sup>

During the COVID-19 pandemic, public health efforts have sought to instill a duty to halt its spread through directives to stay home and avoid contact with others.<sup>11</sup> This competing deontology may in some cases be mutually exclusive with that of democratic duties, and alternative frameworks can provide decisional clarity.

### IV. Consequentialism as an alternative to democratic deontology

Opposite duty-based arguments for decision-making are those based on consequentialism, the theory that the intended or actual results of an action are what determines whether or not the action is ethical.<sup>12</sup> Given the competing and in some cases, mutually exclusive interests of health versus participation in a functioning democracy during the COVID-19 pandemic, consequentialist reasoning offers voters a more flexible approach to decision-making.

Voters have the option to vote in person, to vote absentee by mail, or not to vote. The deontological argument for voting removes the third option so a voter is left with options that could expose the voter, fellow citizens, and those handling ballots to the virus. Consequentialist reasoning considers factors that deontological arguments ignore: whether voting is worth potentially sacrificing health, how likely voting is to affect an outcome or produce change, how significant the health risks are in a particular setting, and how risk is mitigated.

A consequentialist approach to democratic engagement also allows a voter to evaluate the utility of potential results. If voters are highly vulnerable to COVID-19 and lack access to a safe polling place, arguably they should consider not voting, especially if their only concern is the presidential election and if their state's electoral college history demonstrates entrenchment that would either already lead to their candidate winning or disenfranchise them as voters. States like Mississippi, Louisiana, and South Carolina have unhealthy populations and election commissions that have not widely instituted safe voting measures.<sup>13</sup> Absent any

widespread vaccination, a duty-based approach to voting may lead voters to take an undue risk of harm with little benefit or influence over the outcome of the election. Because of its asymptomatic spread, even voters thought to be low-risk may need to consider the possibility of spreading the virus to those that are more vulnerable. A nursing home worker must evaluate a different set of consequences than a graphic designer.

Conversely, individuals may find that the consequences of abstention are greater than the perceived risks of voting. Voters may consider the potential political harm from inaction or the possibility that their vote could help decide a close race or ballot measure. In swing states, the harm of not voting could outweigh the risks. Consequentialism allows individuals to distinguish varying degrees of significance a course of action may have.

Arguments for a deontological approach to voting may rightly point out that few elections are without flaw or susceptibility to risk of some kind. Even those voting electronically may be vulnerable to hacking. However, the challenges incurred due to the magnitude and severity of the COVID-19 pandemic require layers of reasoning more suited for consequentialism than duty-based ethics.

Even a consequentialist approach that assesses voting as too risky does not necessitate political inaction. Abstaining voters in states that have not made mail-in voting widely available can participate in other forms of democratic participation, including mobilizing fellow citizens through phone or email and petitioning the government for safer electoral measures. Such action could have positive outcomes that extend beyond the immediate push for a more accessible democracy. In swing states, greater political consequences demand prioritizing participation.

## V. Conclusion

The COVID-19 pandemic has presented unforeseen complications to democracy, resulting in practical challenges and moral dilemmas. In many states, potential voters face a decision that could affect not only their own health but the health of their community and democracy. Voters should be able to consider each factor and the respective risks involved alongside their own values before making a decision. The blanket rigidity of a "Vote or Die" mentality or any such deontological democratic command is unsuitable in the time of a deadly pandemic. Consequentialist approaches that consider the potential outcomes of a voter's preferences, circumstances, health, and risk assessment offer more flexible guidance for ethical decision making.

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