

LUISS Guido Carli, Roma

Facoltà di Scienze Politiche
Dottorato di Ricerca in Teoria Politica

Voting: A Citizen's Right, or Duty?

The Case against Compulsory Voting

Tesi di dottorato di Jan Rovenský
Tutor: Raffaele De Mucci
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INTRODUCTION

Regular, free and fair elections are one of the most fundamental principles of any democracy. They are a simple, effective and convenient way by which citizens can participate in the proceedings of a democratic society. Even one vote can play a crucial role in the collective decision-making process and tip the balance towards one side or the other. Although the chances of this may be slim, it would still seem illogical not to try to affect one's future prospects, especially when the costs to casting a ballot are – all other things considered – negligible. A vast majority of citizens cares about their future and the future of their children, thus abstention is contrary to their interests; in this light, non-voting should be a rather rare occurrence. As we are well aware, however, in the real world this hardly the case.

Declining levels of voter participation in elections have become somewhat representative of a considerable number of democratic states, new and old, especially in the decades following the 1960s. This is true not only of ballots cast in second-order elections (local, state, European) but of first-order ones (parliamentary, presidential) as well. Nowadays it is not difficult to find evidence of what most political scientists call low turnout, especially throughout Europe and in the United States: Here are just a few examples – in 2001 Great Britain 59.4%, Poland 46.2%; in 2002 France 60.3%, Czech Republic 57.9% (Eurostat 2004);¹ in 2004 the United States 56.7% (Office of the Clerk of the House of Representatives 2004). A case in point might be the record of electoral participation in what many would describe as Europe's 'exemplary' democracy: Switzerland in comparison with member countries of the European Union² is at the very bottom when it comes to turnout: 56.5% of voters on average participated in parliamentary elections between 1945 and 2001 which, on the global scale, ranks Switzerland (145) behind the so called 'failed states'³ such as Sudan (144), Central African Republic (128), Democratic Republic of Congo (101), and the country is dwarfed vis-à-vis participation for example by Burundi (9), Angola (11) or Cambodia (14) (Pintor, Gratschew and Sullivan 2002: 78-9).⁴

¹ According to the statistics presented by Eurostat, there was a drop in participation in the currently 27 EU states from 75.6% to 69.9%, i.e. 5.7%, between the years 1994 to 2005.

² Obviously, Switzerland is not part of the European Union but is readily comparable in terms of political liberties, economy and culture.

³ For the index of and more information on failed states visit the Fund for Peace website: <http://www.fundforpeace.org/programs/fsi/fsindex2006.php> (accessed 06/2007).

⁴ It is perhaps ironical that compulsory voting is still practiced in the Swiss canton of Schaffhausen, when one takes into account the nationwide low turnout. For more on the specifics of low voter turnout in Switzerland,

Although the question of turnout in democratic countries is complex and fragmented, generally speaking there has been an observable decline of voters showing up at polling booths in first-order elections in the last few decades (not to mention the usually low turnout associated with second-order elections); on the whole – if one does not take into account the instances of intense electoral participation in Eastern Europe after the fall of the Berlin Wall in the 1990s⁵ – ‘turnout has decreased globally over the past 10 years by almost 10 percent, both in established democracies as well as newly-democratized developing countries’ (International IDEA 2002). The question thus stands: should we be worried by these developments?

It stands to reason that voting and turnout are two sides of one coin – it is impossible to talk about one without referring to the other. In any case, it comes as no surprise that the question of participation – especially given the fact that it seems that turnout has been on the decline in most democratic countries – has been widely debated by journalists, politicians and academics; indeed, one could say that the importance participation plays in an election has become a perpetual favourite. There are those political theorists who do not think of low participation as something outright undesirable, a considerable amount, however, regards decreasing voter turnout as a direct challenge to democracy and its legitimacy (let alone the legitimacy of a government) – for them democracy is synonymous with high turnout. In this light, it should therefore come as no surprise that turnout figures which we see today can in certain individuals evoke a sense of crisis; a crisis which gives them not only a cause for concern but for action as well.

What is the cause of these drops in turnout? This is the million dollar question. Is it something to do with institutional factors? Are the declines linked to changes amongst the electorate? Are political parties to blame? Has there been a decline in political culture generally due to the increased consumerist nature of contemporary society? What role does

refer to Eschet-Schwarz 1989. Another irony is that Switzerland was one of the last European countries to pass universal suffrage (1971), followed by Portugal (1976) and Lichtenstein (1984). On the cantonal level, however, Switzerland still holds the undesirable first place: women did not have the right to vote in the canton of Appenzell Innerrhoden until 1990.

⁵ This was significantly influenced by the fall of communism and the possibility of free elections in more than 40 years; but despite of this, participation has dropped sharply in some countries. For example, according to data of the International Institute for Democracy and Electoral Assistance (International IDEA) turnout in parliamentary elections in Czechoslovakia was 96.3% in 1990, 84.7% in 1992, 76.3% in 1996 (at that time the country was already divided into two: the data refers to the Czech Republic), 74.0% in 1998, 57.9% in 2002, and 64.5% in 2006; turnout in parliamentary elections in Estonia dropped from 78.2% in 1990 to 57.6% in 2003; turnout in parliamentary elections in Bulgaria dropped from 83.9% in 1991 to a mere 55.8% in 2005. Particularly Poland has a history of low turnout: on average 46 percent of voters participated in parliamentary elections from 1991-2005, 58% in presidential elections from 1990-2005. For more on the participation in post-communist countries, refer to White and McAllister 2007, Pacek, Pop-Eleches and Tucker (forthcoming), Kostadinova 2003, Bohrer, Pacek and Radcliff 2000.

immigration play in the statistics? The list of questions can go on. In short, there is no simple answer to the question why so many people do not to vote. Indeed, there can be none as rather than it being a single issue, it is a combination of many factors which can differ widely from one country to another. In any case, whatever the causes might be, near universal turnout is not a utopian concept in a democratic context: enter compulsory voting.⁶

Although the idea of forcing citizens to show on Election Day, and penalising those who do not do so, may be intuitively dismissed as something running against democratic principles, a closer examination reveals that this is not so – one can hardly dispute the fact that compulsory voting is practiced in several democratic countries across the globe: it is not only characteristic of somewhat newer democracies (especially the ones in South America) but is also an institutional arrangement in a sizeable number of mature democracies (Australia, Belgium, Luxembourg, to name a few). Apart from this, declining voter turnout sparked a debate, which in some countries is still ongoing, whether or not to introduce such legislation – this has been the case of Great Britain, the United States, Canada, New Zealand, India or even Jordan. To be sure, ‘some 6 314 000 000 people, or 9.6% of the world population, use compulsory voting in determining their form of government’ (Evans 2006: 6) or, to put it another way, 17% ‘of the world’s democracies compel their citizens to vote’ and compulsion is present in ‘ten of the 30 OECD countries’ (Ballinger 2006: 8). In the European perspective ‘states with some element of compulsory voting (representing approximately 18% of the continent) are situated in the top 45% [of countries with the highest turnout rates], whilst four of the top five are compulsory voting regimes’ (Hill and Louth 2004: 10). Indeed, where compulsory voting is in place, it is seen as an effective barrier against the crumbling of the democratic system caused by voter apathy and a way how to engage most citizens in decision-making and how to make voting more egalitarian, and thus truly representative of a democracy. It thus comes as no surprise that in states where low turnout is a frequent occurrence, some theorists and politicians laud compulsory voting as an efficient and simple way out of this, in their eyes, most undesirable situation.

⁶ It is important to realise that the term ‘compulsory voting’ itself is a misnomer (Engelen 2007: 25, Keaney and Rogers 2006: 7, 26, Lijphart 1997: 17, footnote 3). Countries with this practice require compulsory turnout, i.e. the voter appearing at the polling booth, rather than forcing him or her to cast a vote. Owing to the secrecy of the ballot, a voter may choose to cast a blank or invalid vote. Proponents of compulsory voting point out the negative connotations of the term ‘compulsory’ in English which Birch (2007: 2) describes as ‘somewhat unfortunate’. Although there have been several attempts to call this practice by different names, for example ‘compulsory turnout’ by Keaney and Rogers (2006: 26) or compulsory voting attendance (Hill 2006: 208), the term ‘compulsory voting’ has become an established expression amongst political scientists; Engelen (2007: 26) also acknowledges this. For purposes of this dissertation I will primarily use the term ‘compulsory voting’, sometimes substituting it by ‘compulsion’, or CV in its abbreviated form. Only rarely will I use ‘mandatory turnout’ or ‘mandatory participation’ to avoid the repetition of the same expression in close proximity.

Without denying the fact that compulsory voting is indeed practiced by a number of countries, one must point out that it remains a highly controversial issue which raises numerous questions about its genuine effectiveness – does higher turnout truly result in more legitimacy and a healthier democracy? Can it be harmful? Is voting a citizen's right, or rather his duty? What role does the non-voter play: is he an immoral and selfish free-rider or can some form of abstention actually be constructive and ultimately beneficial for democracy? To be sure, these are complicated questions. And it is the purpose of this thesis to provide the answers and ultimately argue against the rather tempting concept of solving turnout decline by compulsory voting.

It is important to realise that the question of compulsory voting is in fact a deeply normative one: in a nutshell, the debate centres around one question and one question alone: is voting my right, or is it my duty? Be one's view on the morality of voting and non-voting what may, it is a matter of fact that scholarly work advocating or defending compulsion relies heavily on empirical arguments, i.e. concrete data that supports the philosophical beliefs. It is clear that an apology of CV cannot merely rely on subjective views about citizens' obligations and on arguments for desirable moral behaviour. 'Hard facts' – numbers, graphs, statistics, empirical data, etc. – should form the foundations of these values. But is that the case? Due to the fact that the purpose of this thesis is to make a case against compulsory voting, it will come as no surprise that this study will at length confront the proponents of CV on their own ground. This work will thus carefully scrutinise the empirical data presented in support of compulsory voting and also make some normative claims of its own.

In addition, though CV in itself is a narrowly defined field, this dissertation is even more limited in its scope in three important ways. Firstly, the examined data is confined to first-order elections, i.e. parliamentary and presidential; this does not mean that second-order elections are not mentioned at all but, as their coverage would require more space than allocated for this thesis, reference to them will only be scarce. Secondly, despite the fact that compulsory voting legislation exists in one form or another in circa thirty countries, my research focuses almost exclusively on democracies and especially on those that can be regarded as established democratic states (some countries with CV are rather new democratic systems – South American states – and not all countries practicing compulsory voting legislation are democracies – Egypt, Singapore). Lastly, as one shall see, there are different levels of CV systems ranging from a toothless constitutional provision to stringently enforceable legislation: for the purpose of this thesis, I shall mainly focus on the strict versions of compulsory voting, which are mostly found in Europe (Belgium, Luxembourg,

and until 1970 the Netherlands) and Australia; accordingly, on the whole, the state of affairs vis-à-vis CV in South American states will not be discussed.⁷ Consequently, when drawing on comparative examples regarding the situation in states which lack CV, I rely primarily on within the European and North American context (and, to a very small degree, Japan). This thesis does not sport any sweeping case studies; in contrast I rely on numerous smaller examples of empirical data that is used to underline the argument being made.

As I have mentioned above, compulsory voting is fundamentally a normative concept: I will therefore not limit myself only to empirical data, but I will also work with ideas from political theory. The thesis will thus benefit from both fields and this will only add strength to my argument that CV is something which might glitter, but is certainly not gold.

As to the literature I have used during my research, it is important to keep in mind that the topic of compulsory voting is a narrowly defined field but as such has given rise to limited, yet significant contributions especially in the form of studies and essays presented at conferences (especially at the recent European Consortium for Political Research (ECPR) conference dedicated to compulsory voting in Helsinki in 2007) or in scholarly journals. In general, the theme is the same: either to argue for or against compulsory voting, sometimes focusing on even narrower topics within the field. Whole monographs solely about CV are rare and compulsion is usually mentioned within a broader context of research, for example in studies about participation or elections. On the whole, present scholarly debate had been stirred by Arend Lijphart's 1997 fourteen-page article entitled 'Unequal participation: Democracy's unresolved dilemma'; this does not mean that the topic has not been a matter of study before (by Robson 1923, Gosnell 1930, or Abraham 1955 to name a few) but the origins of the modern exchange can clearly be traced to Lijphart's essay. His controversial claim that the United States should adopt CV to combat low turnout effectively created the discussion between the two opposing sides. The literature of this thesis is based on three basic pillars – apart from scholarly contributions from proponents of compulsory voting (e.g. Engelen, Halperin, Hill, Hooghe, Jackman, Keaney, Lijphart, Louth, Matsler, McAllister, Rogers, Wertheimer) and its opponents (Ballinger, Czesnik, Farrow, Franklin, Jakee, Lever, Sun), research and publications by the International Institute for Democracy and Electoral Assistance (International IDEA) have played a crucial role in my examination of CV. It should be obvious that the list presented above is far from complete.

⁷ For more information and a list of literature on this topic refer to Fornos, Power and Garand 2004.

The structure of the thesis is as follows: the dissertation will be, aside from this Introduction, divided into three principle parts with numerous smaller chapters and a Conclusion. The case for compulsory voting will be established in *Part I*. Following a brief historical introduction of CV, I shall present the arguments that proponents of compulsory voting usually put forward in their defence of CV – I divide these pro-compulsion ideas into five consecutive steps and deal with each point in detail; the list is as follows: (1) there has been a general decline in turnout which seems to be continuing; (2) low turnout is undesirable because it results in unequal representation; (3) the only 100% effective institutional remedy to dramatically boost turnout is compulsory voting; (4) the duty to vote represents only a minor infringement of personal freedom and puts limits on citizens as any other law would; (5) active participation as opposed to non-voting is responsible and morally desirable behaviour. I will argue that the justification of compulsory voting (backed by empirical data) that voting is a citizen's duty rather than his right, revolves around two central normative ideas: that high participation is good because it increases legitimacy and the health of a democracy and that non-voting is bad because it represents immoral free-riding. The aim of this part is to present a concise case for compulsory voting using the arguments employed by its proponents. This will then present a foundation for counterarguments discussed in the second part.

Part II is the core of the thesis. It is here where I formulate the case against compulsory voting. The counterarguments here mirror the points presented in Part One and there will also be five of them: (1) it is questionable that declines in turnout are dramatic as proponents of compulsory voting claim; furthermore, there are clear cases of genuine high turnout in countries without compulsory voting legislation; (2) low turnout does not cause unequal representation; (3) CV only succeeds at raising turnout (however, high increases in participation are associated only with a strict administration and serious sanctions), and does not bring any other benefits; (4) compulsion represents a substantial violation of individual freedom and has questionable legitimacy; (5) non-voting is not immoral. This part will show that proponents of compulsory voting can only conclusively prove one thing and one thing alone: that CV only increases turnout. Nothing more. As to the other assertions advocates of compulsion make, I will argue that their claims are unconvincing when confronted with detailed empirical evidence. This chapter will further cast doubt on the two basic arguments of proponents of compulsory voting which stem from the claim that it is a citizen's duty to vote: (1) that high participation is necessarily good and that abstention cannot be a

constructive and integral process of democracy and (2) that non-voters are worthless immoral free-riders.

Part III will discuss the emerging theory of incentive voting as a conception which has not been fully and officially institutionalised but which has already attracted some attention as offering incentives to vote has been praised by some as the ‘golden’ middle road between systems of voluntary and compulsory voting. Rewarding citizens for participating seems to circumnavigate the Scylla of the spectre of fines and penalties associated with CV together with the branding of non-voters as free-riders, and the Charybdis of facing low turnout and at the same time promotes a more positive attitude towards voting than a voluntary system. Could this then be seen as the new way ahead for democracy? Hardly. I will argue strongly against such a form of voting especially because it puts politics on par with product-marketing, thus making voting incentives even more undesirable than CV itself. Most importantly it robs democracy of its meaning, turning it even more into a personal business venture than it has already become in many states. Surely, incentive voting is a new concept but if actually implemented could well prove to be the final nail in the coffin of democracy.

Finally, the *Conclusion* will bring all the loose ends together. In this part I will argue against CV and incentive-based voting. In the Conclusion I reject the concept of compulsion: I argue that the necessity to put such measures into practice has not been proved, neither empirically, nor normatively; however, at the same time, I do not suggest that CV should be eliminated in countries where compulsion is embedded into the political system for various historical and social reasons, but notwithstanding this fact there seems to be a trend in abolishing such a practice (such as it happened in the Netherlands, Italy and most recently Austria).

The aim of this thesis is to go beyond the shine of compulsory voting and show that it is something which glitters, but certainly is not gold and to warn against a potentially easy to establish quick-fix-all solution which, in the end, does not live up to its expectations. Compulsory voting, and incentive voting by that matter, should not form the backbone of any democratic electoral process; rather than coercing citizens or bribing them to vote, people should come to elections on their own accord and of their own conviction, not because they fear the possible sanctions. Realising the importance of voting, or more precisely the ideal of representation, is a necessary step towards a better democracy but a step which citizens must finally make on their own. Coercing democracy does not make sense and can ultimately prove to be counterproductive.

PART I – THE CASE FOR COMPULSORY VOTING

I-1: A Short Historical Overview⁸

Compulsory voting as we know it today is a concept which emerged around the time after universal suffrage – i.e. the right to vote without taking into account gender, race, religion, intelligence, wealth or social status – became an established practice around the world. Before the beginning of the 20th century there were no real reasons to enforce participation as the right to vote was in a majority of countries extremely limited (usually only accessible to white, wealthy males) that turnout levels in those times would bear little relevance to the current discussion; moreover those having the right to vote usually had strong interests in taking advantage of such a right. With the subsequent expansion of voting rights for women and different minorities, the numbers of the electorate considerably increased. However, the increase of voters also resulted in a not-before-seen occurrence: hand in hand with universal suffrage the number of people who did not show up at elections significantly increased. The growing percentage of non-voters became a problem, the ramifications of which were felt as early as from the beginning of the last century (roughly a few years after voting rights became universal). ‘The problem of the twentieth century [and some might argue that the same applies for the 21st] has shown itself to be that of persuading the peoples to make use of the right for which they clamoured: to get them not only to vote in a responsible manner, but to get them even to vote at all’ (Robson 1923: 569).

To be sure, some countries viewed this situation very seriously, as was the case with Australia which, because of declining turnout, introduced compulsory voting in 1924 to protect its democratic system. ‘The significant impetus for compulsory voting at federal elections appears to have been a decline in turnout from more than 71% at the 1919 election to less than 60% at the 1922 election’ (Evans 2006: 5). However, Australia was not the first country to set up such measures nationwide – the oldest compulsory voting legislation ‘was

⁸ For a more detailed examination of the history of compulsory voting, see Birch (forthcoming: chap. 2) and Robson (1923), though the latter study has now become somewhat dated.

introduced in Belgium⁹ in 1893¹⁰ (Pilet 2007: 3), followed by Argentina in 1912¹¹ – and not the last: Lebanon made turnout obligatory for a short while in 1952 (Scheffler 2001: 174),¹² Egypt did so in 1956 followed by Cyprus in 1960 (Gratschew 2001). Apart from Europe, Australia and South America, compulsory voting also has, perhaps surprisingly, a history in the United States: this was probably caused by the decline in turnout from the 1890s until the 1930s as a result of which North Dakota (1898) and Massachusetts (1918) amended their constitutions to accommodate compulsory voting, however, mandatory turnout laws were never passed (Gosnell 1930: 206-7, see also Abraham 1955). In the end, whether or not states actually adopted compulsory voting legislation is according to Birch (2007: 22) a matter of ‘genetic factors’ in a given country and as such was dependent on the situation in which this legislation was born.

Given the oft cited decreases in voter turnout from the 1960s onwards, it should come as no surprise that the issue of compulsory voting has been resurfacing recently: the recent debate was stirred especially by the works of the advocates of CV, for example, Wertheimer (1975), Lijphart (1995; 1997; 2000), Halperin (1999), Hill (2001; 2002a; 2002b; 2004), Matsler (2003), Watson and Tami (2004), Louth and Hill (2004; 2005), Keaney and Rogers (2006), Engelen (2007), Engelen and Hooghe (2007). Compulsory voting has been seriously mentioned as a way to boost turnout by some prominent politicians, for example by the leader of the British House of Commons Geoff Hoon in 2005 (BBC News 2005), the Prime Minister of Jordan Faisal Fayez in 2004 (Hamzeh 2004)¹³ and Indian deputy Prime Minister L. K. Advani the same year (Varadarajan 2004). The prospect of re-introducing compulsory voting in the Netherlands has been examined by Lijphart (1995), as well as its institutionalisation in the United States (Lijphart 1997, Halperin 1999, Matsler 2003), the United Kingdom (Watson

⁹ Strictly speaking, not even Belgium was first to introduce compulsory voting, only the first country to establish it *nationwide*: Robson (1923: 570) notes ‘the earliest experiments are to be found in Switzerland, the home of democratic inventions’; although the idea first appeared in the 18th century it became law around the 19th century like in St. Gallen in 1835. However, perhaps somewhat surprisingly, the practice to penalise non-voters appeared according to Abraham (1955) as early as the 17th century in the American colonies (Plymouth Colony in 1636, several towns in Massachusetts in 1660, were the first). In spite of this, the first experiments with forcing citizens to vote were recorded from the time of ancient Athens when citizens in the agora were virtually herded by slaves to attend the meeting; properly understood, this however was not compulsory voting in the sense relevant to this dissertation.

¹⁰ In 1893 Belgium made turnout mandatory only for men over 21 years of age; women were not required to do until 1949. Presently even non-Belgians residing in the country and Belgian citizens living abroad are, upon registration, required to vote. For a more detailed history of CV in Belgium, refer to Pilet 2007.

¹¹ Compulsory voting was legalised in accordance with Law 8871, dubbed the Sáenz Peña Law. Similarly as was the case in Belgium, women were granted voting rights in 1947 during the presidency of Juan Perón.

¹² Compulsion applied only to men, though women at that time were granted the right to vote. Lebanon, however, was soon to abolish this practice and in 1957 it was ‘silently dropped’ (Scheffler 2001: 174).

¹³ The kingdom of Jordan, however, cannot be considered a democracy in the wider sense – Freedom House (www.freedomhouse.org, accessed 06/2007) characterised the state as being ‘partly free’.

and Tami 2004, Keaney and Rogers 2006), it has become ‘more and more frequently discussed’ in Poland (Czesnik 2007: 3) and also has been examined in Canada (Pasternak 2000, Hicks 2000; 2006), New Zealand (New Zealand Press Association 2001) or Sweden (International IDEA 2004: 30). Although the amount of scholarly work in this field remains quite small when compared to other subjects of political science and theory, the current debate is a lively one especially because of the debate between the advocates and opponents of compulsory voting and because of controversies surrounding the very nature of CV.

I-2: Arguments for Compulsory Voting

Although the concept of compulsory voting is basically a legalised moral standpoint, it is important to distinguish it from a governmental attempt to dictate to citizens how they should properly behave and lead their lives. This is where empirical arguments find their way into the otherwise normative debate and are used to support the moral claim that it is a citizen’s duty to vote. Mostly they appear as Lever (2007) remarks, in a series of progressive steps which logically build upon each other. Although the numbering I use here in this thesis may vary, the manner of discourse amongst proponents of compulsory voting on the whole remains the same. The arguments converge, in the end, on the claim that voting is a duty, not a mere right. For the purpose of this study, I have singled out these ideas into a series of five points an overview of which is below, followed by a more detailed discourse of each step.

The *first point* states that many established and even new democracies have been battling with diminishing voter turnout at elections and as such is the general starting point of any debate about compulsory voting – this step obviously takes for granted the assumption that participation is declining and more importantly that low turnout is an undesirable factor at elections. After establishing such a sense of crisis, the *second point* shows us what are the consequences of low turnout, as it is especially connected to unequal participation: the older, wealthier and better educated citizens are generally more likely to vote than their younger, poorer and not so knowledgeable counterparts. In the end, those who are better off tend to be more represented in parliament and thus have their interests promoted more intensely than non-voters have. Proponents of compulsory voting point out that this results in an unequal representation of interests and unequal influence of certain social classes which runs counter to the moral ideals of democracy. The *third point* discusses the institutional remedies available to combat low turnout – for example, proportional representation, weekend voting,

lowering the frequency of elections – but finds them all lacking. Proponents of CV argue that neither solution is likely to improve the problem of low and unequal turnout as immediately and dramatically as compulsory voting can. After putting forward secondary positive spill-over effects which CV generates (for example the increase in political interest and sophistication, reduction of the role of money and negative political campaigning, partisanship, etc.) proponents of compulsion stress in *point four* that although certain people may regard CV as an infringement of personal freedom (and, to a certain extent, agree with this assessment), the duty to vote, or, more precisely, as they do not forget to point out, the duty to turn up at elections, represents only a minor and acceptable violation of this core democratic principle. The *fifth point* turns to the normative aspects of active citizen participation when it compares non-voting to free-riding on a public good (which is not really concretised but one is safe to assume that it is the democratic electoral system). To sum up, the five points with which I shall be working are the following:

1. Voter turnout has decreased in many democracies worldwide.
2. Low turnout is undesirable because it causes unequal representation.
3. The easiest, fastest and most effective response is compulsory voting which, apart from the increase in turnout, brings other benefits.
4. Compulsory voting does not represent a significant infringement of personal freedom.
5. Non-voting is morally wrong: it is free-riding on a public good and therefore it is acceptable to enforce turnout.

I shall now deal with each point in greater detail.

I-2-1: Voter turnout has decreased in many democracies worldwide

There seems to be little argument about the assertion that ‘voter turnout is not only low but also declining in most countries’ (Lijphart 1997: 9, see also Franklin 2004, Gray and Caul 2000, Blais 2000, Wattenberg 2002) – to be sure, a large quantity of empirical data points in this direction: a fall in participation over the past 40 years is apparent in many democracies, be it in Europe, North and South America, or Asia (Niemi and Weisberg 2001: 31). According to International IDEA worldwide average voter turnout has dropped from 73% in the mid-1980s to 64% in the mid-1990s (Pintor, Gratschew and Sullivan 2002: 76); these results are congruent with other research, for example of Gray and Caul (2000: 1094-6) who demonstrate that in 16 out of the 18 examined democracies turnout from the 1950s to the late

90s has fallen by circa 10%. Indeed, Wattenberg (2002: Chap. 1) calls it a ‘worldwide’ problem.

Empirical evidence shows that the United States in particular (together with its European counterpart in this respect, Switzerland) is ‘an exceptionally low turnout society’ (Teixeira 1992: 8, see also Wattenberg 1998) – participation of voters in presidential elections dropped from 62.8% in 1960 to a mere 50.2% in 1988 (*Ibid*: 6). As Teixeira further points out in comparison with twenty other democratic countries around the world

the average U.S. turnout rate of 53 percent in the 1980s ranks next to last (only Switzerland has a lower turnout rate). Moreover, the *size* of the gap between the United States and other democracies is huge. ... [E]ven if one compares the U.S. rate with the *average* across all twenty democracies (78 percent), the gap is still 25 points (*Ibid*: 7-8).

Vis-à-vis participation during the presidential election in November 2000 which was only 51.3% Matsler (2003: 954) speaks of an ‘abysmal’ result and refers to the whole turnout situation in the United States as a ‘national crisis’ (*Ibid*: 956); Hill (2006: 207-8) remarks that even if the high 60.7% turnout rate in the 2004 Presidential election were to remain ‘this is hardly cause for complacency – let alone celebration’ (for a further debate on voter turnout in the United States see also Burnham 1982; 1986; 1987, Rosenstone and Hansen 1993, Shaffer 1981, Miller and Shanks 1996, Cassel and Luskin 1988, Cavanagh 1981, Wattenberg 1998, Powell 1986).

Although the fall in voter turnout has not been as dramatic on European soil as is the case in the United States, it is still present and according to recent data still seems to be declining (Borg 1995, Jackman 1987, Jackman and Miller 1995, Topf 1995). A recent International IDEA (2004: 8) report demonstrated ‘that average turnout for elections to national parliaments in Western Europe has indeed declined since the early to mid-1990s’ thus only underlining the trend established after the Second World War. It also may come as no surprise that the euphoria of having free elections after decades of oppression from the communist regimes in Central and Eastern Europe was short lived and in spite of ‘initial increases in voter turnout in newly democratized countries during the 80s and 90s, current turnout in those states is now at about 70 percent – lower than the 73 percent found in the established democracies’ (International IDEA 2002). What is even more disturbing is the fact that declines in turnout can be witnessed in most post-communist states ‘since the very

beginning of democratic transition' (Czesnik 2007: 6¹⁴, see also Kostadinova 2003: 749-51, White and McAllister 2007: 587-91).¹⁵ Indeed, it seems the evidence pointing to diminishing turnout in most democratic countries is irrefutable; this is also the case even in newer democracies where logic would dictate that turnout should, at least initially, remain relatively high. Though in Part II I will somewhat cast doubts on these claims (they are not universally applicable as there exists clear instances of high turnout), let us for the sake of the argument assume that we are indeed facing the problem of dramatically low and declining voter participation.

I-2-2: Low turnout is undesirable because it causes unequal representation

In the second step the advocates of compulsion point out why exactly is low turnout bad: the answer is, because it creates rifts in the democratic structure. As Lijphart (1997: 1) points out '[p]olitical equality and political participation are both basic democratic ideals. In principle, they are perfectly compatible. In practice, however, as political scientists have known for a long time, participation is highly unequal.' High turnout levels at elections are seen by many theorists as a sign of the general health and well-being of the democratic system and they thus see declining levels of participation as a threat to the legitimacy of this system – for Teixeira (1992: 4) low and declining turnout threatens to break the link between the citizens and the policymakers, for Lijphart (1995) it is a serious problem, as is the case for Piven and Cloward (1988; 2000) and Mackerras and McAllister (1999), Hasen (1996) describes it as a 'social failure', for Dalton (2000*b*) it is a symptom of disengagement and dissatisfaction, Patterson (2002) calls it a 'disturbing' development, Hill and Louth (2005: 30) a 'crisis of citizenship' and Engelen (2007: 24) 'the most serious threat democracies face today'. The importance of high turnout thus lies in the attempt to ensure equal representation for all parts of the society, not only for those who regularly vote. Indeed, according to Engelen (2007: 25) the insistence on high participation is a 'purely instrumental' concept as 'the more citizens actually express their needs, the better the regime will be able to take them into account'.

¹⁴ Poland has generally seen rather low turnout rates following democratic transition – according to Czesnik (2007) it is on average 46%.

¹⁵ Pacek, Pop-Eleches and Tucker (2006) maintain that the reasons for decline are based on the stakes in the election, not apathy.

Political theorists have by now accurately established the typical portrait of the voter and the non-voter. People who are the most likely to cast a ballot are usually representatives of the older generation, are educated and have a good income; by contrast the typical non-voter is a person who is young, less educated and poorer.¹⁶ To sum up, the two most important factors here are age and the socioeconomic status (as better educated people generally earn more) of the individual in question.

BOX 1: WHO SUPPORTS COMPULSORY VOTING?

Though it is clear that non-voters are usually young, poorer and less educated people, who supports compulsory voting? Though proponents of CV who write scholarly articles typically belong to the elite, they make up just a fraction of its supporters. Data on this subject is rather scarce and research usually focuses only on the situation in one country; thus, the following picture might be distorted but we can nonetheless roughly establish the main characteristics of the typical supporter of compulsory voting.

In the case of the Netherlands (Irwin and van Holsteyn 2005: 14, Table III), conventional wisdom is accurate in relation to age (as older people are more prone to support compulsion), to alienation (where the more engaged are more supportive of CV) and to faith (people with religious views are traditionally supportive). However, interestingly enough the support for compulsion *decreases* with the rise in the level of education and is low amongst those citizens who keep themselves informed with political events; the differences in support amongst different social classes are, at least in the Netherlands, negligible. ‘Support for compulsory voting, emerges as a somewhat general conservative standpoint. Those over 65, with the least education, in rural areas, and from the most conservative religious group have the highest levels of support’ (Irwin and van Holsteyn 2005: 15).

In the case of Belgium the proponents of compulsory voting also conformed to the religious criterion but as opposed to the Netherlands, they were also left-wing – according to Pilet (2007: 8) the positive outlooks of catholic and socialist parties towards CV did not change considerably throughout the history of compulsion in Belgium. Also Massicotte, Blais and Yoshinaka (2004: 37-8) put forward the thesis that ‘[m]any countries with a Catholic majority require electors to vote’ and point out that Latin American states, as well as Belgium, sport some form of compulsory voting legislation.

To sum up this crude generalisation of the features of CV advocates, I believe it is possible to establish that age plays an important role as well as a sense of community. The most intriguing parameter is education. Further studies are in order, but the proposition that support for compulsion might actually decrease with increased education is an intriguing concept worth examining. This thesis, however, lacks the necessary space.

¹⁶ As recent surveys suggest (Pintor, Gratschew et al. 2002, Keaney and Rogers 2006) the gender gap (though women are more still less likely to vote than men) and ethnical background (though certain minorities may be at an economical disadvantage) do not anymore play significant roles in determining whether one will turn out or not. Age, education and wealth play the crucial role.

I will first address the socioeconomic factors. Political scientists have proven quite clearly that people with a better education and more wealth are also more likely to vote – Verba and Nie (1972) called this the ‘baseline model’ which consisted of income, occupation and education (see also Wolfinger and Rosenstone 1980, Powell 1980; 1986, Jackson 1995, Dalton 2000a, Keaney and Rogers 2006, De Ceunick, Devos, Reynaert, Valcke and Verlet 2007) – and that ‘in most European countries the working class turnout trails upper class turnout by about 10%’ (Rogers 2005). From a worldwide perspective (thus not accounting only for democratic countries) it is also quite unproblematic to discern the connection of better education and wealth on the one hand and higher voter turnout on the other – according to International IDEA’s statistics the turnout rate for a state with literacy of 95% or more is on average 72%, whilst countries with literacy rate of less than 95% the average voter turnout is about 68% (Pintor, Gratschew and Sullivan 2002: 86, fig. 16);¹⁷ similarly, the higher GDP per capita the higher the turnout (*Ibid*: fig. 17). It is thus evident that ‘inequality of representation and influence are not randomly distributed but systematically biased in favour of more privileged [wealthier and educated] citizens’ (Lijphart 1997: 1) and thus is evident, as Lijphart sums up, that ‘low voter turnout means unequal and socioeconomically biased turnout’ (*Ibid*: 3).

Apart from the socioeconomic factors age is also very important in determining voter discipline: generally, the young are less likely to vote than the older generations¹⁸. As Ballington argues (2002: 111), ‘[o]ne classical finding of election research appears well documented in the sense that voter turnout is indeed lowest among young voters (18-29 years)’¹⁹ and Topf’s (1995) research finds a positive correlation between the increase of age and turnout in European democracies.²⁰ Blais and Dobrzynska (1998: 246) found out that turnout declines by almost two points when the voting age (from 21) is lowered by a year (see

¹⁷ Franklin (2002b: 15-16) somewhat casts the causality between education and voter turnout into doubt – he points out that perhaps it is people who take an interest in the world around them are more likely to vote and these citizens may, because of their inquisitive nature, seek out extended education. According to him this may be one of the reasons why countries with more an educated population (Switzerland, USA) do not necessarily have higher turnout than countries with fewer well-educated citizens.

¹⁸ A partial explanation may be attributed to the fact that whereas in the 1960s most voters had to be 21 years old to cast a ballot, voting-age has nowadays been lowered on the whole to 18. For an assessment of this, see Dalton and Gray (2003: 32). Furthermore, is the case of the United States there was a surge in young voters in 1972 but this was due to legislation which for the first time made 18–20 year-olds eligible to vote in most federal states. Thus, if one actually removes this surge from the statistics, overall youth turnout remains more or less the same.

¹⁹ For a further study on the relationship between age and young voter turnout from an international perspective, refer to International IDEA 1999.

²⁰ As opposed to most other theorists, Topf finds no positive connection between participation and education. Verba, Schlozman and Brady (1995: 48) agree with this assertion because voting according to them requires from the individual only time, not knowledge or money. Education connects with political ‘engagement’, i.e. interest in politics, efficacy and party identification and does not have a direct effect on voting.

also Wattenberg 2006, Franklin, Lyons and Marsh 2004, Blais, Gidengil and Nevitte 2004). Instances of low voter turnout amongst young people can be found around the globe in countries such as the United Kingdom, United States, Russia, South Africa and young voter abstention has been a consistent occurrence in Latin America.

[T]he gap between the rates at which the different age groups [in Britain] vote has grown consistently since the 1970s. To take just one example, while in 1970, there was an 18 point difference between the 18-24 age group turnout rate (72 per cent) and the 65-74 age group rate (90 per cent), by 2005 the gap was 40 points (Keaney and Rogers (2006: 11) quoting Sanders, Clarke, Stewart and Whiteley 2005).

Age and socioeconomic status are thus the two most important factors which determine, whether citizens show up at Election Day and vote. But, to make matters worse, if both factors 'are heavily associated with not turning out, the evidence suggests that where these attributes come together, they tend to compound each other' – in other words, those who are the most likely to stay at home are the young, poor people with only basic education, whereas 'if he or she is only young or only poor (Keaney and Rogers 2006: 13). From the three factors – age, education, wealth – it is, at least in the case of the United Kingdom, age that is 'the single most significant of socio-demographic factors – more significant even than socioeconomic status' (*Ibid*: 11) – Keaney and Rogers quote a survey by Ipsos MORI²¹ according to which in the 2001 election only 39% of people aged between 18 and 25 voted, compared to 70% of those over 65 and the gap was even greater in 2005 when 37% of young citizens voted, compared to 75% of those over 65. 'Putting it another way, in the last election young people were half as likely to vote as older age groups' (*Ibid*). The impact of such behaviour when 'older people and richer or better educated people tend to vote in much higher numbers than young and poor or less qualified people' (*Ibid*) is thus obvious: the lack of votes from the latter groups means that key decisions are being taken on their behalf by better educated, wealthier and older citizens who will logically pursue policies which they have an imminent interest in; the end-result of such a situation will be that the younger, less educated and poorer generations end up being underrepresented – thus, as Engelen and Hooghe (2007: 3) point out, unequal turnout leads to 'unequal influence'. Lijphart (2001: 75) notes that low turnout makes it easier for politicians to 'reduce government aid to the poor, than to cut entitlement programs that chiefly benefit the middle class'. The young and/or poor

²¹ Ipsos MORI website: <http://www.ipsos-mori.com/>

are thus trapped in a vicious circle where, because they choose not to attend elections and vote, their voices become even more marginalised.

Apart from these consequences the proponents of compulsory voting point out that there are three other issues which stem from this trend and which can have a potentially lethal impact on the democratic system. The first is that the older generation, a considerable amount of whose members regarded voting as a duty, is slowly dying out but at the same time is not being replaced by a young generation that would contribute in the same politically active way as their parents. To be sure, today's youngsters are the future's old generation and there seems to be no reason to think that, once they turn fifty, they will all of a sudden cast away their lifelong habit of non-voting. It is probably more likely that they will retain their behavioural pattern even when they will grow older as voting behaviour is difficult on the whole to change (Smeenk, De Graaf and Ultee 1995, Hill 2004). Franklin (2004: 205), although he notes that there may be a transition between non-voters and voters, he presents evidence according to which 'transitions between them [voters and non-voters] occur much more seldom after the first three elections' (see also Franklin, Lyons and Marsh 2004); so, it seems that in Keaney and Rogers' words (2006: 11) 'declining to vote is not just a 'phase' that young people pass through – it is a habit set to last'.

The second claim is that unchecked, the advocates of CV assert, such developments could prove to have dangerous consequences as they could result in the further distancing of elected officials from citizens; in the end, the gap between the politicians and the people may widen to such an extent that officials will be unable to understand and rationally grasp the needs of this ever growing part of society; as a result, they will probably focus their energy on those voters, who are most likely to vote. The situation could escalate to such a state where 'the powerful vote and powerless stay away' and that 'elections, instead of serving as a check on the interests of the powerful, will merely offer another route for their advancement' (*Ibid*: 9). 'Abstainers thus become locked into a self-fulfilling cycle of quiescence, alienation and government neglect' (Hill 2006: 216), whereas traditional voters 'are engaged in the obverse cycle of high efficacy, participation and state inclusion' (*Ibid*: footnote 27). So, in the end, instead of a democracy there could be some twisted system which could be described as 'a democratically elected oligarchy', or as the Power Inquiry (2006: 42) dubbed it, a 'quiet authoritarianism'.

The third implication of low and unequal turnout and follows from the argument that the older and/or more educated and wealthier people are more likely to vote at elections is, according to the proponents of compulsory voting, that it is especially the left and centre-left

parties that are at a disadvantage. Based on data collected from 40 year's worth of elections Pacek and Radcliff (1995; 2003) demonstrate that there is a direct link between turnout and the number of votes cast for left and centre left parties and their electoral fortunes – according to their research each increase in voter turnout by one percent the share of the vote for left and centre left parties increases by almost one third of a percentage point; in former communist countries the differences may be even more pronounced (two or three-times more) as Bohrer, Pacek and Radcliff (2000: 1168-9) demonstrate. Elections can thus be especially challenging to social democratic and left-of-centre parties whose voters (young, less educated, poor) are usually less disciplined and more likely to abstain than those of conservative parties.²² Pacek and Radcliff are not the only ones to comment on such a trend: Jackman (2004: 6) points out that the poor, less educated people and the young have a tendency in general to vote for left and centre-left parties²³: ‘as socioeconomic based differentials in turnout diminish, support for parties of the left increases’ and this ‘results in higher welfare spending and more state interventions in the macro-economy and labor markets.’²⁴ This being said, proponents of CV claim that it is evident that the greatest battle will be fought over these voters – the right of the political spectrum will thus have to accommodate their demands if they wish to pull over some of the left's ‘traditional’ voters. It is assumed that the overall direction of policies will be ‘further to the left than would otherwise result, pulling party competition ... in that direction also’ (Jackman 2004: 7).

I-2-3: The easiest, fastest and most effective response is compulsory voting which, apart from the increase in turnout, brings other benefits

It is obvious that voter turnout remains a baffling enigma for political scientists as it is rather difficult to establish the exact causes of declines in turnout; the answers theorists provide are based on detailed observation but may not apply in each case. Apart from socioeconomic and demographical factors, it is clear that ‘participation depends on many aspects, including the salience of the issues ... the attractiveness of parties and candidates, and political culture and attitudes’ (Lijphart 1997: 10). To make matters even more

²² This need not necessarily be true for all left parties: for example voters of communist parties in Central and Eastern Europe are usually well disciplined; by the same token supporters of the extreme right also usually turn up at elections. In this sense, it is especially because of the radical nature of the political parties in question that they have such disciplined voters.

²³ By the same token, people with higher education are generally attracted by more liberal, right-wing policies.

²⁴ O'Toole and Strobl (1995) find that compulsory voting marginally increases spending on health, housing and transfers, whilst in a voluntary voting regime there is greater expenditure on defence and economic services.

complicated turnout, as Franklin (1996: 218) observes ‘varies much more from country to country than it does between different types of individuals.’ The good news for those who see declining voter turnout as a potential threat to democracy is the fact that there are several institutional remedies at hand which can help rectify this situation and increase turnout. Taking into account what has been said above, there seems to be no clear recipe to boost turnout when concrete factors affecting voting vary so widely from country to country; it therefore seems ‘much more promising to improve the institutional context than to raise levels of education and political interest’ (Lijphart 1997: 10) – in other words, it makes sense to focus on the institutional system and rules instead on trying to change the voting habits of individuals as this can be demanding, time consuming and difficult to isolate.

If we thus concentrate on and examine the institutional solutions, we find that there are numerous reforms available, ranging from user-friendly registration (in systems where it is necessary for voters to register with the relevant authorities prior to casting a ballot like in the United States), to the simplification of voting by widening the use of postal ballots, electronic voting, holding elections over the weekend or on more than one day, switching from majoritarian to proportional representation, reducing the number of elections in a given period of time or combining second-order elections with first-order ones²⁵, and thus reducing ‘voter fatigue’. However, the proponents of CV claim that the problem with such institutional reforms is that the overall increase in turnout is relatively minor and, though not completely insignificant, does not result in dramatic increases in participation which they envision: Franklin (1996: 226-30) for example establishes that postal ballots increase turnout by 4% – though Southwell and Burchett (2000: 76) claim a 10% increase in turnout²⁶ – and weekend voting by 5-6%; according to Lijphart (1997: 11) ‘[r]ecent comparative studies have estimated the turnout boost from PR [proportional representation] is somewhere between 9 and 12%’ and that for example in the United States ‘[f]ifteen percentage points appears to be the maximum benefit that thorough registration reform could achieve’ (*Ibid*: 10); this is obviously the ideal case scenario. Realistically speaking, the increase which the above mentioned institutional remedies can bring about, hovers probably around the 10% mark and the increase in participation caused by some of these reforms may only be a short-lived solution (such as

²⁵ For further details refer to, for example, Franklin 2004.

²⁶ For a further discussion refer to and Karp and Banducci (2000: 223) though these authors maintain that mail ballots ‘will not mobilize groups that traditionally participate at lower rates’ but cause a turnout increase of 3.6% amongst college graduates thus not having an effect on the socioeconomic differences, whilst Magleby (1987) suggested turnout increased for all socioeconomic groups. More research needs to be done, as studies are limited to single states only (Oregon in the case of Karp and Banducci 2000 and Southwell and Burchett 2000 and California in the case of Magleby 1987).

weekend voting or postal ballots) as traditional non-voters initially try something new but over time revert back to their old habits and decide stay at home during the next election when the novelty wears off. Furthermore, despite the fact that ballot boxes will stay open on Sunday or that registration will be made as easy and efficient as possible, there is no clear guarantee that there will be a significant increase of turnout and it also does not mean that there will be a decrease in the inequality of voters. As the proponents of compulsory voting point out, the above mentioned institutional solutions thus lack any assurance that they will be effective; indeed, Hill and Louth (2004: 25) go as far as to call such reforms ‘piecemeal’.

This is where compulsory voting makes its appearance, it looks as the perfect solution which leaves other reforms in its wake. The advocates of CV point out particularly its effectiveness and success in tackling *both* low and unequal turnout (Lijphart 2000: 150), hail the solution as being easy to understand by the electorate (why is voting important and what are the penalties when one does obey the law), valuable in its widespread impact on virtually all citizens (its effectiveness ‘can hardly be doubted’ (Franklin 1999: 206)) and also its practically immediate benefits once implemented (high turnout is achieved instantly).²⁷ Hill (2006: 212) maintains that CV is a ‘cheaper and more elegant solution’ than any other institutional remedy²⁸ and Engelen and Hooghe (2007: 1) claim that ‘compulsory voting is able to restore, rather than harm democracy’.

The estimates how much does CV increase turnout vary: according to Lijphart (1997: 12) ‘compulsory voting has been found to raise turnout by 7 to 16 percentage points’²⁹, Norris (2002: 75) mentions 7.7% higher participation levels of the voting age population and a ‘remarkable 14.2%’ increase of registered citizens, Baston and Ritchie (2004: 35) quote a 7-17% increase, Katz (1997: 240) writes it is worth ‘at least 10%’, and International IDEA (2002) found that ‘countries enforcing compulsory voting have on average a 10-15% higher turnout than other countries’³⁰ (for other analyses see also Jackman 1987: 411-12, 416; Blais and Carty 1990: 176-7; Hirczy 1994, Jackman and Miller 1995: 474, 476; Blais and Dobrzynska 1998: 250; Franklin 2002a: 158-60).³¹ For the purpose of this thesis, I believe it

²⁷ Franklin at the same time points out that low turnout is not a disease but rather a symptom of something being amiss.

²⁸ Feeley (1974: 242) is a bit more careful in his approach and calls compulsory voting a ‘reasonable, although not ideal solution’.

²⁹ Lijphart bases his estimate on calculations of turnout made by several authors, most of which exceed the 10% mark.

³⁰ The lowest estimate is about 3% and the highest 30%. The difference in numbers depend on many factors such as the pre-compulsion rate of turnout, the level of education, road network, distance of polling stations, whether the system is unicameral or bicameral, etc.

³¹ The opponents could for example counter-argue that out of the top ten countries with the highest voter turnout, only six have compulsory voting legislation; however, such a statement will not hold under closer scrutiny. As of

is safe to assume that CV will increase turnout by around 10%. However, in some cases sport much higher numbers and the jumps in electoral participation after the introduction of compulsory voting are obvious and quite dramatic – for example, in Australia from 57.9% at the 1922 election to 91.3% at the 1925 election (an increase of 33.4%), in Uruguay from 66.9% in 1966 to 88.2% in 1971 (21.3%), in Chile from 32.1% in 1961 to 50.0% in 1965 (17.9%); in other countries where there already was high turnout, the ensuing result was not so striking – in Belgium turnout rose from 84% in 1892 to 94.6% in 1894 (10.6%). Participation after the initial jumps remains constant, as long CV legislation is kept in place. Indeed, very high (and lastingly high) participation figures in Australia lead Jackman (1999: 30) to claim that compulsory voting has ‘rendered the *study* of turnout virtually irrelevant’³² and Hill and Louth (2005: 26) argues that the Australian regime is the ‘most efficient, effective and equitable compulsory voting system in the world’, a system that states with voluntary voting can only ‘envy’ and Hill presents the system as worthy of possible emulation via her compulsory voting template (2002c). High turnout rates obviously depend on the maintenance of the CV system so, it is logical that the abolition of compulsory voting logically leads to clear drops in turnout (due to this proven fact I find Hill and Louth’s above claim that compulsion forges new voting behavioural patterns as rather unconvincing, but more of this later). A case in point could be taken from the example of the Netherlands, where, when compulsory voting legislation was in force

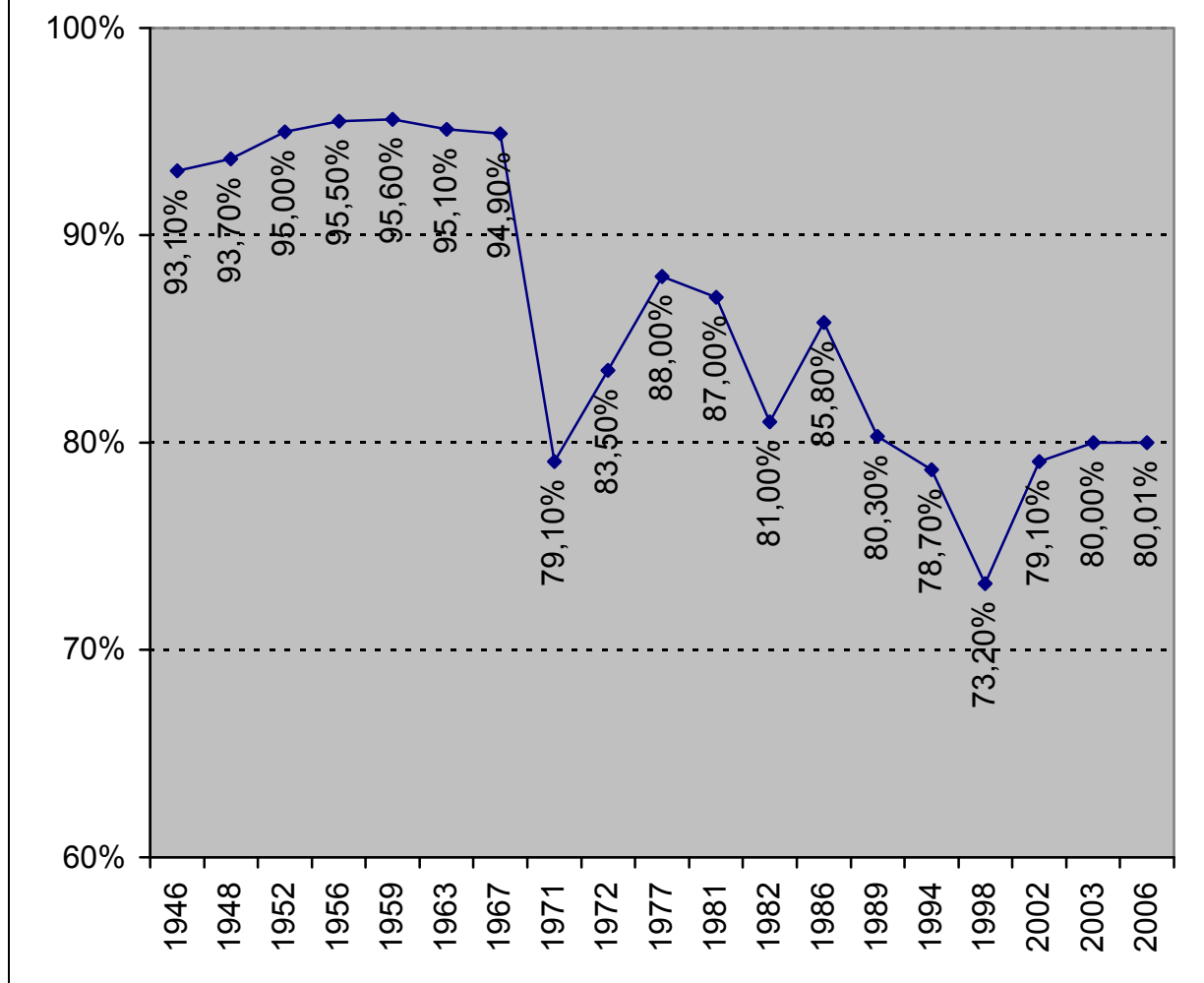
it kept turnout above the 90 per cent mark for *all* socio-demographic groups. With its removal, an immediate consequence was an increased variation between subgroups. This points to the long-asserted social ‘levelling’ effect of compulsory voting whereby all, rather than just the privileged and well-established sectors of society, are enabled to have their voices heard at election time (Louth and Hill 2005: 27).

2002 the top ten countries (countries with compulsory voting are bold-faced) according to voter turnout are: **Australia, Singapore**, Uzbekistan, **Liechtenstein, Belgium, Nauru**, Bahamas, Indonesia, Burundi and **Austria** (compulsory voting was abolished in 2004). Admittedly, Uzbekistan ranks 23rd worst on the failed states index, Indonesia 32nd and Burundi 15th (For additional information refer to footnote 3). There is no data for the Bahamas, Liechtenstein or Nauru. On the other hand Australia ranks 140th, Singapore 133rd, Belgium 138th and Austria 136th, on the failed states index, i.e. these countries are anything but failed states.

³² For a historical background of CV in Australia, refer to Mackerras and McAllister (1999: 218-21).

General Election Turnout in the Netherlands, 1946-2006

Source: International IDEA



Indeed, the declines in participation lead Lijphart (1995: 22) to claim that ‘[b]ecause compulsory voting is a simple and effective remedy for a serious problem of democracy I have become convinced that, in democracies that do not have it, it should be adopted’ and in the case of the Netherlands, re-adopted.

Empirical evidence thus undoubtedly supports the thesis advanced by proponents of compulsory voting that CV it has a ‘strong positive effect on turnout’ (Black 1991: 106) and that it is currently the fastest, most effective and easy way to increasing turnout. Furthermore, apart from having considerable impact on first-order national elections, compulsory voting also addresses the problem of low voter turnout especially in second-order elections (local,

state, European)³³ where CV generates according to Hill and Louth (2004: 10) a ‘powerful effect’, and in Lijphart’s words (1997: 13) is ‘strikingly effective’. As Lijphart demonstrates on elections to the European Parliament from 1979 to 1994 ‘the mean turnout was 84.2% in the countries with compulsory voting but only 46.4% in those with voluntary voting – a difference of almost 38 percentage points’ (*Ibid*); Smith (1999: 118-9) provides data which shows that turnout in European elections in countries with CV can be more than 30% higher than in states with voluntary voting. Needless to point out that where compulsory voting is institutionalised, voter turnout in second-order elections more or less mirrors participation in national elections – although it is on the whole lower than in first-order elections, these differences are only marginal (no more than two percent, and usually only several tenths of a percentage point), which is statistically insignificant.

BOX 2: SECOND-ORDER ELECTIONS

Though this thesis deals with second-order elections only in passing, they should still be mentioned. Second-order elections commonly show lower levels of participation than national elections; this is mostly because they are perceived as less important than parliamentary or presidential. For example, elections to the European Parliament suffer from considerable voter apathy (see Reif and Schmitt 1980, Reif 1984; 1985 and more recently Norris 1997 and Reif 1997): in the 2004 elections only 45.7% of potential voters from the then 25 EU member states cast a vote (Eurostat 2004; though Marsh 1998 points out the increasing importance of European elections on national politics). Although now somewhat dated, Gosnell (1930: 142-76) in his *Why Europe Votes* demonstrated the phenomenon of stark fluctuations in participation in first-order and second-order elections (though there were no European Parliamentary elections at that time), and these differences on the whole seem to hold even today.

However, more recently, several studies have been dealing with the so-called ‘turnout twist’; they examine cases where lower-order elections actually have higher turnout than national ones. Horiuchi (2005) shows that in Japan municipal assembly elections actually record higher voter turnout than national Lower House elections. His findings further illustrate that the ‘turnout twist’ appears in other countries as well (even in Europe) and that views held by many theorists may be partially distorted by the situation in the United States and Britain where second-order elections commonly report lower turnout than first-order ones.

The increase in voter turnout especially amongst the poorer, less educated and younger classes (who would under a voluntary system would not vote extensively) is the most immediate and positive impact that compulsory voting has on political life in a country, but it

³³ It is perhaps not without interest that Australia has voting is compulsory only in first order elections (Lijphart 2001).

is not the only one, its proponents claim (as suggested by Hill and Louth's assertion that CV generates new positive voting behaviour). Apart from rectifying low and unequal turnout the advocates of compulsion maintain that there are several other advantages which accompany the introduction of CV (see Wertheimer 1975: 292, Gordon and Segura 1997: 132, Faulks 2000: 114, Berggren 2001, Hill 2006, Keaney and Rogers 2006). It is important to bear in mind that compulsory voting builds upon the empirically supported assumption that almost every citizen will make an appearance at an election – high turnout, which is a direct result of compulsory voting, thus should also generate a number of spillover effects. Although the proponents of CV do not name them in any specific way, I believe it is possible to broadly classify them into three distinct groups: procedural, party-oriented and voter-oriented spillover effects.

Procedural spillover effects are those which governmental institutions respond in order to accommodate the creation and/or maintenance of a compulsory voting system. It is claimed that CV forces governments to simplify voting as much as possible and create 'voter-friendly' procedures (Hill 2002a, Verba, Nie and Kim 1978: 288, Keaney and Rogers 2006: 23). Jackman (2004: 8) notes that countries with compulsion 'typically reciprocate with institutional mechanisms reducing compliance costs (e.g., weekend voting, ease of registration, widespread use of absentee and postal ballots).' Hill (2006: 215) argues that in states with CV such as Belgium or Australia 'voting is a relatively painless process', Mackerras and McAllister (1999: 223) suggest that Australia is probably 'the most voter-friendly country in the world' as 'politicians and electoral officials have gone to considerable lengths' to simplify voting and Birch (2007: 9) asserts that such states 'have reason to make voting as easy as possible for the citizenry, as this will lessen the costs of enforcement, and it will enhance the popular acceptability and legitimacy of the institution' though (importantly) notes that these procedural effects are not necessarily constrained to countries practicing compulsion. There have also been some suggestions that compulsory voting drives government to examine more unorthodox voting mechanisms, such as voting over the internet, which is still in most countries in the testing phase.

Party-oriented spillover effects work with several assumptions, the most important of which is probably the hypothesis that under a voluntary voting system political parties spend significant amounts of time and money in their attempts to coax citizens to attend elections – and do not focus more importantly on 'winning the support of undecided voters' (Keaney and Rogers 2006: 29, see also Lijphart 2001: 76) – and this can very well border on the populist and generally be at the expense of a qualitative debate about political issues.. Such worries

are, however, irrelevant in countries with compulsory voting where political parties can stop expending energy and finances to persuade citizens to vote and instead debate problems of genuine national concern – compulsion would thus allow ‘party workers ... to concentrate more on talking with voters about issues and policies that are represented by their party’ (Blackburn 1995: 111) and this in turn helps promote overall political education of the whole society. Keaney and Rogers (2006: 29) sum up:

Where turnout is compulsory ... parties can generally rely on their supporters turning out. This can reduce the cost of electioneering and/or encourage parties to concentrate on winning over people who do not support any political party – people who often feel alienated from the political system. This in turn can increase the public’s sense of political efficacy and their confidence in the political system.

The financial aspect is also quite important and follows from the argument of universal turnout. ‘When almost everybody votes, no large campaign funds are needed to goad voters to the polls’ Lijphart (1997: 14) argues and in this sense cites Gosnell (1930: 185) who claims that such ‘elections are therefore less costly, more honest, and more representative’. Furthermore, as a by-product of near-universal turnout, parties will tone down their usual pre-election aggressive rhetoric, normally seen in voluntary voting systems, as negative campaigning may cause the alienation of voters: Ansolabehere and Iyengar (1995) demonstrate the demobilising effects of negative campaigning on voters, particularly on the undecided ones. Attack advertising only appeals to partisan voters, i.e. those harbouring sympathies for a particular political party; elections are then more often fought on party lines. As a result of compulsory voting, its proponents argue, political parties must address independent voters, so ‘when almost everybody votes, attack tactics lose most of their lure’ (Lijphart 1997: 15). Due to the decline in negative campaigning it is even claimed that populism could even gradually vanish from the realm of politics.

Voter-oriented spillover effects stem from the duty of voters to participate in the electoral process. Some proponents of compulsion assume that CV ‘may stimulate stronger participation and interest in other political activities’ (Lijphart 1997: 14). Compulsory voting thus may act as an incentive for citizens to be more interested and informed about the candidates standing for office and programmes of various political parties as opposed to non-voters who ‘have little incentive to accumulate information’ – this in turn should promote political self-education and sophistication (Gordon and Segura 1997: 132, see also Berggren 2001). Due to the fact that they are obliged to turn out, most of them will pay closer attention

to the issues which are being debated in the country as opposed to the where elections are voluntary. Also in due time, it is hoped that citizens will learn to live with the new turnout laws and will begin to appreciate them as in Australia, where people ‘regard voting as a fairly undemanding civic duty and tend to accept the compulsion to vote as both reasonable and legitimate’ (Hill 2001: 130) – this might in time engender the creation of a voting norm amongst the members of the electorate (Hasen 1996, Hill 2000; 2004, Matsler 2003 ,³⁴ Keaney and Rogers 2006) ‘that erodes only gradually in time’ (Engelen 2007: 27) if compulsory voting were to be abolished (much as it has become proper citizen behaviour to recycle plastic bottles and paper-waste); indeed, it may also serve as a way of ‘integrating the community’ (Sear and Strickland 2003: 4 quoting Blackburn 1997: 109-12).

BOX 3: LIKEABLE COERCION?

The advocates of CV out that in countries with compulsory voting legislation citizens generally voice their support for such laws: according to Mackerras and McAllister (1999: 221) compulsory voting in Australia ‘is popular among voters’ and from the earliest opinion poll ‘never less than six out of every 10 voters have supported compulsory voting’ and at the time of their research around 70% of citizens agreed with its maintenance; Aitkin (1982: 31) also noted that the system is not seen ‘as an imposition on the electorate’ nor that it creates resentment (for a further discussion on the levels of support for the system of compulsion in Australia, see also Goot (1985: 198-200), Lovell et al. (1998: 299) Hill and Young (forthcoming) cited in Hill (2007: 4). Hill (2007: 10) explains that the ‘relationship between Australians and the state has normally been an amicable one, often characterised as either Benthamite, utilitarian or social democratic in nature [as opposed to the Lockian liberal stance]... Australians have historically perceived the state in quasi-idealist terms as a benign provider of goods rather than an unwelcome imposer of restrictions.’

In case of the Netherlands, support for CV demonstrated to be rather unsteady. Irwin and van Holsteyn (2007) show that whilst compulsory voting was in effect the support for it varied: whilst a survey in 1946 showed that 66% favoured abolishing the practice, in 1966 about 69% voiced their support, a year later it was 70% but in 1969 53% of citizens were against compulsion. Irwin and van Holsteyn argue that several factors could have affected such attitude swings, as the wording of the question or noticeable efforts in the political sphere to institutionalise voluntary voting. CV was finally abolished in 1970 (*Ibid*: 3) and by the year 1999 only 35% supported the re-introduction of compulsion, though Irwin and van Holsteyn still claim that this is a surprisingly strong backing (see also Irwin and van Holsteyn 2005: 8-16).

³⁴ Matsler (p. 955) suggests that the introduction of compulsory turnout in the United States would ‘foster a social norm of voting’ and its violation would ‘elicit social condemnation’; he praises Italy for having such a voting norm without actually legally forcing citizens to vote.

This, it is argued, could help revive genuine interest in democracy and bring back participation to its previously high levels. According to Hill and Louth (2004: 26), CV generates a long-term positive affect on participation across the electorate as ‘voting seems to be a kind of habit and laws are an extremely effective way of shaping new patterns of behaviour.

I-2-4: Compulsory voting does not represent a significant infringement of personal freedom

A rather serious argument that proponents of compulsion need to address is the objection that obliging people to vote is an infringement upon personal freedom. The advocates of CV are painfully aware of this evident problem; indeed, as Lijphart (1997: 16) acknowledges the fact that it cannot be denied that ‘compulsion of any kind limits individual freedom’ but at the same time maintains that forcing people to vote ‘entails only a very minor restriction.’ The supporters of compulsion argue that compliance with the duty to vote is something which has to be learned (the voting norm I have just mentioned), much as any other change in current legislation: they claim it amounts roughly to the same thing as paying mandatory health insurance, sending children to school, wearing a helmet while driving a motorcycle, jury duty, taxation or recycling (Feeley 1974: 241, Engelen 2007: 30). Furthermore, they point out that voting requires considerably less time and ‘[c]ompared to some of the obligations the state imposes on its citizens, the obligation to turn out every couple of years is a very light one’ (Keaney and Rogers 2006: 7) In this light Engelen and Hooghe (2007: 4) claim that ‘[g]iven the importance of democracy, we believe a government has every right and reason to demand this much from its citizens’ and they ‘believe that compulsory voting is a legitimate way of increasing turnout, since it does not violate any fundamental liberties and does not entail an all too onerous burden’. Proponents of CV on the whole readily acknowledge the fact that some citizens may feel that they are being illegitimately pushed into doing something they do not wish to do, but argue that even if compulsory voting does impose some commitments on behalf of the electorate ‘obliging people to enter a polling station or fill out a postal voting form every couple of years hardly represents a major infringement of freedom’ and that an ‘element of compulsion is generally held to be acceptable so long as the resulting public good is of sufficient value’ (*Ibid*: 9, 30). By the term ‘resulting public good’ Keaney and Rogers are most probably referring to the

increased legitimacy and health of a democracy; such an increase of legitimacy seems certainly worth the cost involved, be it financial,³⁵ administrative or psychological – supporters of CV point out that a government elected by a majority – albeit with the use of some level of coercion – is *more* democratic than an executive body which is voted into office by less than half of those registered to vote.³⁶ Furthermore, as it has been pointed out in the Introduction, it is important to remember, the advocates of CV argue, that compulsory voting is a misnomer (Engelen 2007: 25; Keaney and Rogers 2006: 7, 26; Lijphart 1997: 17, footnote 3) – citizens are not required to vote but merely to turn up: it ‘is only registration and attendance at a polling place’ which is compulsory (Hill 2001: 130, see also Engelen and Hooghe 2007: 1, Hill 2006: 222). This means that they are free to spoil a ballot if they wish to do so or use the ‘none of the above’ option where available to them.³⁷ Thus, due to the secret ballot the ‘right not to vote remains intact’ (Lijphart 1997: 17) and thus is congruent with democratic practice.

BOX 4: WHOSE VOTES ARE NOT REQUIRED IN A CV SYSTEM

It is important to note that even in countries with compulsory voting not everyone is required to vote – for example, in Australia the ill and the infirm are exempt from this duty as are those citizens who find themselves abroad on Election Day; however, there exist also cases when whole groups of people are excused as ‘age exemptions are also common: for instance, Brazil makes voting optional for citizens between the ages of 16 and 18, citizens over the age of 70, and for illiterates’ (Jackman 2004: 3); people over 70 do not also have to vote in Argentina (Canton and Jorrot 2003: 189), Greece and Luxembourg and citizens older than 65 are exempt from turning out in Ecuador. In Egypt (by no means a democratic country) compulsory voting applies only to men.

As to the questions concerning the possible penalties for infringement of the law, proponents of compulsory voting point out that they are on the whole ‘fairly mild’ (Hill 2006: 219) and that citizens are not automatically sanctioned to pay the penalty, but to explain their behaviour; this is the case in Australia where in order to avoid a \$20 fine, one must provide the authorities with a ‘valid and sufficient’ reason which apart from a religious duty to abstain

³⁵ Hill (2006: 217) notes that the ‘Australian Electoral Commission estimates that Australian elections cost around five dollars per vote’. Thus if there were 12,419,863 votes in the federal election of 2007 the total cost of CV would be circa 62.1 million dollars.

³⁶ For example, turnout in the United States first-order elections often borders around the 50 percent mark and sometimes even drops beneath this level – this was the case in the presidential elections of 1996 and 2000 according to the statistics of the Federal Election Commission. At that time only 49.08% and 47.30%, respectively, of voters turned out.

³⁷ Matsler (2003: 974) especially argues for this blank ballot in the case of introducing CV in the United States because it enables citizens to exercise ‘the right not to speak’ which is congruent with the First Amendment which guarantees the right of free speech.

include ‘physical obstruction, whether of sickness or outside prevention, or of natural events, or accident of any kind’ (Australian Electoral Commission 2004: 4) and Aitkin and Kahan (1974: 447) note that in practice all explanations except those as ‘I forgot’ or ‘I was busy’ are readily accepted.³⁸ Mackerras and McAllister (1999: 224) point out that in Australia never more than 1% of the electorate (often much less) ever faces penalties or a court hearing (according to them 0.9% of non-voters actually end up in court) and in Belgium less than 0.25% of non-voters are prosecuted (Hasen 1996: 2170) and though classified as a regime with a strict level of enforcement seems to be much more lenient than one would expect – Pilet (2007: 2) points out that in 1985 ‘only 62 out of 450,000 voters that did not respect the obligation to vote were sanctioned’, i.e. 0.015%.

I-2-5: Non-voting is morally wrong: it is free-riding on a public good and therefore it is acceptable to enforce turnout.

The final point is to bring in the moral dimension to the whole argument: the claim goes that non-voters are actually free-riding on voters: non-voters thus selfishly, indeed, one could even go as far as to say parasitically, exploit the democratic electoral system without making any effort to uphold it. This is perhaps the most important step in the whole apology of compulsory voting and such a claim ‘can be found in every argument for compulsory voting, although it is rarely spelled out in any detail’ (Lever 2007: 11). Proponents of CV use the empirical evidence in the four preceding points as concrete foundations for their ultimate normative claim at the very end, i.e. that voting is a citizen’s *duty*, not merely a right. So, building on the notion which, compared with other duties the state demands of its citizens (military service, paying taxes, jury duty, etc.), and working with the thesis that voting represents only a minor infringement of personal freedom, Lijphart (1997: 17) can argue that ‘nonvoting is a form of free riding and that free riding of any kind may be rational but is also selfish and immoral’, as does Engelen (2007: 30) a decade later; Hill (2006: 210) also notes that compulsory voting is a ‘reliable way of ensuring that every citizen bears their share of responsibility for the election of representatives’. The commentator of *The Guardian* Marcel Berlins during the discussion whether to introduce CV in the United Kingdom argued in exactly the same vein: ‘Critics argue that ... we have a right ... to abstain from participating in the democratic process. No we don’t. What we’ve got is a *duty* as citizens to play our part

³⁸ As Orr (1997: 289-90) notes, the Australian Electoral Commission has successfully fought off legal motions that would make the list of plausible excuses available to the public.

in shoring up democracy' (Berlins 2006, my italics). Berlins, much as any other proponent of compulsion acknowledges the existence of a moral duty to vote in order to maintain the democratic system which, because a large number of people under voluntary systems do not vote, needs to be in his view supported by law, in this case compulsory voting legislation. Lever (2007: 11-12), though herself far from being an advocate of compulsion, neatly summarises the arguments of her opponents in the following way:

The key idea ... is that a democratic electoral system is a public good, in that all citizens get to benefit from it, even if they do nothing to contribute to it. Because it is a public good, it is possible to free-ride, or to enjoy the benefits of that good, without contributing oneself and, indeed, most people will have an interest in doing precisely that. Non-voters, therefore, can be seen as free-riders, selfishly and immorally exploiting voters. ... So, far from compulsion being unjustified, or even morally neutral, it seems positively desirable, as a curb on selfish and exploitative behaviour.

Although, as Lever notes, what the public good is, is not specifically mentioned by the proponents of CV, it is most likely to refer to the democratic system, understood in the ideal sense as a competitive system of interests the promotion of which is resolved by free and fair elections, or, in Lever's terms, the democratic competitive electoral system. And for advocates of compulsion for a system to be truly competitive, equal participation must be guaranteed. Empirical evidence of the existence of such a public good is readily at hand – we can safely assume that the presence of the free-rider is proof enough to establish the existence of a public good; the free-rider must exploit some public good without contributing to it in order to be branded a free-rider.

The intensity with which theorists of CV stress the need for active citizen participation is clearly evident – in one respect, coercing people to vote is not something that they are happy about, nonetheless, it is a sad fact that not all citizens are conscious of their duties to the society or willing to perform them. This is why some scholars feel, as Lever (2007: 12) points out, it is necessary to have compulsory voting legislation which only serves as the best means that is available is 'to combat the evil twins of low turnout and unequal turnout, and to do so with no significant costs'. Thus, clearly, for proponents of CV, voting is not just a right, but a citizen's duty – as Lijphart (1997: 17) claims, '[a]fter universal suffrage, the next aim for democracy must be universal or near-universal use of the right to vote' (see also Lijphart 2001: 77 and Engelen 2007: 24). The attempt to make participation universal is thus the next logical step in the attempt to create a better democracy for future generations.

BOX 5: List of Countries with Compulsory Voting

| Country | Sanctions* | Level of Enforcement |
|----------------------------|------------|-----------------------|
| Argentina | 1, 2, 4 | Weak |
| Australia | 1, 2 | Strict |
| Austria (Tyrol) | 1, 2 | Weak |
| Austria (Vorarlbera) | 2, 3 | Weak |
| Belgium | 1, 2, 4, 5 | Strict |
| Bolivia | 4 | N/A |
| Brazil | 2 | Weak |
| Chile | 1, 2, 3 | Weak |
| Costa Rica | None | Not Enforced |
| Cyprus | 1, 2 | Strict |
| Dominican Republic | None | Not Enforced |
| Ecuador | 2 | Weak |
| Egypt | 1, 2, 3 | N/A |
| Fiji | 1, 2, 3 | Strict |
| Gabon | N/A | N/A |
| Greece | 1, 5 | Weak |
| Guatemala | None | Not enforced |
| Honduras | None | Not enforced |
| Italy | 5 | Not enforced |
| Liechtenstein | 1, 2 | Weak |
| Luxembourg | 1, 2 | Strict |
| Mexico | None/5 | Weak |
| Nauru | 1, 2 | Strict |
| Netherlands | - | Enforced until 1970 |
| Paraguay | 2 | N/A |
| Peru | 2, 4 | Weak |
| Singapore | 4 | Strict |
| Switzerland (Schaffhausen) | 2 | Strict |
| Thailand | None | Not enforced |
| Turkey | 2 | Weak |
| Uruguay | 2, 4 | Strict |
| Venezuela | - | In practice 1961-1999 |

Source: *International IDEA*

***Key to sanctions:**

- 1. Explanation.** The non-voter has to provide a legitimate reason for his or her failure to vote to avoid further sanctions, if any exist.
- 2. Fine.** The non-voter faces a fine. The amount varies by country: three Swiss francs in Switzerland, between 300 and 3,000 schillings in Austria, 200 pounds in Cyprus, 10 to 20 pesos in Argentina, 20 soles in Peru, and so on.
- 3. Possible imprisonment.** The non-voter may face imprisonment as a sanction (we do not know of any such documented cases). This can also happen in countries such as Australia where a fine is common. In cases where the non-voter does not pay the fines after being reminded or after refusing several times, the courts may impose a prison sentence. This is, however, imprisonment for failure to pay the fine, not imprisonment for failure to vote.
- 4. Infringements of civil rights or disenfranchisement.** In Belgium, for example, it is possible that the nonvoter, after not voting in at least four elections within 15 years, will be disenfranchised. In Peru, the voter has to carry a stamped voting card for a number of months after the election as proof of having voted. This stamp is required in order to obtain some services and goods from certain public offices. In Singapore the voter is removed from the voter register until he or she reapplies to be included and submits a legitimate reason for not having voted. In Bolivia, the voter is given a card when he or she has voted as proof of participation. The voter cannot receive a salary from the bank if he or she cannot show proof of voting during three months after the election.
- 5. Other.** In Belgium, for example, it might be difficult to get a job within the public sector. In Greece if you are a non-voter it may be difficult to obtain a new passport or driver's license. There are no formal sanctions in Mexico or Italy but there may be possible social sanctions or sanctions based on random choice. This is called the 'innocuous sanction' in Italy, where it might for example be difficult to get a place in childcare for your child, but this is not formalised.

I-3: Summary – Voting is a Citizen’s Duty

Is voting a right, or a duty? For proponents of compulsory voting the answer is clear. But why is it a duty? Because, as CV stresses, active participation of citizens (which is generally expressed by turnout at elections) is crucial and beneficial to a democracy – the more people have their voices heard, the more legitimate and egalitarian, and thus the more democratic and healthier the system is; it is therefore in the interest of *all* members of the community to vote.

It is quite logical that this mere normative claim will not suffice in making people change their minds about voting: this is why proponents of CV present concrete empirical data to support their moral argument. As I have demonstrated above, this is usually done in a series of points, all of which ultimately add weight to the normative concept that it is indeed a citizen’s duty to vote. In this thesis I have singled out five steps: the first tells us that there has been a general decline in turnout, which is serious because it means that the legitimacy and health of a democracy is in jeopardy; the second shows us what are the implications of these changes: mainly that low turnout creates unequal representation; the third point confronts us with the possible solutions, however one arrives at the conclusion that changing cultural relations is a long term enterprise with uncertain results and that institutional reforms – apart from compulsory voting – usually fail to produce any dramatic outcomes; the fourth step deals with questions surrounding the suspect undemocratic nature of CV, and though it finds the practice somewhat limiting vis-à-vis personal freedom, the argument goes that compulsory voting poses a very minor infringement as it is comparable (and some would argue even less of a restriction) to any other law; the fifth and final step brings in the moral dimension to the whole argument when it is claimed that – due to all of the arguments presented above – it is a citizen’s duty to vote.

However, in the real world, not all people choose to do so, or, as supporters of CV see it, not all people understand what is it they owe the community – these citizens, these free-riders (whether their abstention is caused by conscious choice, apathy, ignorance, laziness is irrelevant) must be taught to be responsible and it is specifically because of these individuals that it is necessary to create legislation which renders participation obligatory (because, compulsory voting, after all, is a misnomer). For proponents of CV these selfish and immoral

people, because they do not participate in political life, harm their fellow citizens and ultimately themselves; it is therefore acceptable (indeed, morally required) to coerce these free-riders to perform their civic duty, i.e. to force them to vote, and to do so without any negative effects on regular voters who would go to the polling booths even if there was no mandatory turnout legislation. Furthermore, accusations that compulsory voting infringes on liberty are not valid, as the personal costs involved are vis-à-vis other laws, negligible.

At first glance the argument appears pretty straightforward: a democracy is alive and well as long as its citizens play their part and turn out in large numbers at Election Day. If turnout is low and unequal it is reasonable and even in the public interest to make turnout obligatory, especially because its enforcement amounts only to a minor inconvenience to the citizens. In states where such legal instruments are in place and for its supporters, compulsory voting represents an effective barrier against the crumbling of the democratic system caused by voter apathy. The whole concept of mandatory turnout goes one step further in answering the question, how intensely authorities should compel citizens to express their opinion – from encouragement to compulsion.³⁹ From a certain perspective, one could say that compulsory voting seems to be promoting a minimalist stance on participation – CV theorists would probably agree that active participation in all manners of public life is desirable but sensibly acknowledge that all out enforcement of participation is highly unrealistic; they therefore ‘limit’ their efforts to ‘where it matters’: in other words, to elections which are of national importance.

[T]he case for compulsion is meant to be democratic in two ways. Its concern with low and unequal turnout reflects democratic ideas about the nature and value of representation, equality and legitimacy. Thus, Lijphart notes that equality typically requires floors, below which people cannot fall, as well as ceilings that prevent them rising too high above their fellows. ‘One person, one vote’ he explains, puts a ceiling on voting, and the importance of this ceiling is well-acknowledged ... However, Lijphart complains, most democracies do not place a floor under electoral participation, and in its absence electoral participation has become seriously unequal. Compulsory voting, he thinks, can be seen as such a floor and, therefore, as the egalitarian counterpart to ‘one person, one vote’. Moreover, Lijphart believes – as do other recent proponents of compulsion – that compulsory voting will have social democratic consequences, in addition to strengthening democratic rights and duties. Thus, whether we look at the concerns that motivate it, or the outcomes that it hopes to achieve, the case for compulsory voting is designed to be democratic and to be clearly distinguishable from authoritarian or totalitarian alternatives (Lever 2007: 3 quoting Lijphart 1997: 12-3).

³⁹ Opponents of CV might be inclined to substitute the word ‘compulsion’ with ‘coercion’ or ‘forced participation’. Proponents of compulsory voting would probably strongly disagree with the use of such terms, especially because of the negative connotations they have.

So, in short, proponents of compulsory voting thus see CV as a safeguard of democracy: not only does it strengthen democratic ideals of equality, legitimacy and representation it also helps citizens to strengthen the democratic right to vote by making people utilise their full potential as members of the electorate whilst at the same time engendering from the duty to vote a voting norm – in other words it is meant to be democratic not only in the ideals it represents but also because of the outcomes it generates.

From the arguments presented above, it is evident that proponents of compulsion seem to cover all the angles and put forward a strong case in favour of making voting obligatory. High civic engagement is undeniably good for a democracy; it seems that a little personal inconvenience is a small price to pay for hearing the voices of virtually all citizens and for handing one's children a better and more mature democratic system. This is the normative ideal behind CV – compulsion in itself is only a means to an ends, i.e. that the citizens realise that voting is not their right but their duty. Democracy is worth fighting for and is well worth the possible sacrifices involved (personal, financial, and societal). The best choice one has in setting things right and efficiently increasing participation currently is compulsory voting, its advocates would argue. But is that really the case? As I have already stated, I myself oppose such a view. The reasons why will be covered in the second part of this thesis.

PART II – THE CASE AGAINST COMPULSORY VOTING

II-1: Introduction

As the first part of this dissertation demonstrated, proponents of CV put forward a strong case in favour of compulsory voting: it cannot be denied that compulsion increases turnout, especially amongst the younger and poorer citizens. Its effects are immediate and dramatic. It looks like the perfect solution. So, why does it seem so peculiar within a democratic context? Why have we not witnessed among democratic states a surge of this type of legislation? *What is wrong with compulsory voting?* This is what I now set to find out.

The first part of this thesis presented the five steps CV proponents usually use in their apology of compulsion; I have pointed out that, although it is a fundamentally normative concept, CV advocates present the moral case only at the end, whilst the first four steps by using empirical data clear the way for the final normative push that voting is a citizen's duty, not merely his right. In order to argue against CV, I will once again list the five steps for compulsion presented in Part One:

1. Voter turnout has decreased in many democracies worldwide.
2. Low turnout is undesirable because it causes unequal representation.
3. The easiest, fastest and most effective response is compulsory voting which, apart from the increase in turnout, has other benefits.
4. Compulsory voting does not represent a significant infringement of personal freedom.
5. Non-voting is morally wrong: it is free-riding on a public good and therefore it is acceptable to enforce turnout.

At first glance the argument looks pretty solid; there seem to be no apparent inconsistencies among the individual points: the first four form the empirical basis, the last one the normative thrust of the argument. However, appearances can be deceiving as a detailed examination will reveal. The foundations upon which compulsory voting is built is more sand than firm ground – upon closer scrutiny it is evident that proponents of compulsion base their arguments on questionable data which represent more wishful thinking than hard

facts. Making excited generalisations about the miraculous effects of CV, as some theorists seem to do, can even be misleading; indeed, I maintain the *only* thing one can readily prove is, that compulsory voting raises turnout. Nothing more.

II-2: The Case against Compulsory Voting

When viewed from a broader perspective, compulsory voting, the idea that voting is a citizen's duty, revolves around two key normative ideas which form the assertion that voting is a citizen's duty. These concepts are sometimes explicitly, sometimes implicitly present in every debate about CV: (1) high participation is good because it increases legitimacy and the health of a democracy and equalises turnout and, thus, (2) non-voting is bad because it means immoral free-riding. These two points form the basis for the moral justification of compulsory voting. This thesis will not only dispute these normative statements but also the empirical points thus putting into doubt the whole concept of compulsory voting. Once the fallacy of the empirical steps is revealed, the whole normative argument will be undermined and questioned.

To argue against the five points presented by advocates of compulsion (above) I present five counterclaims which mirror the assertions made by the proponents mandatory participation. They are the following:

1. The decrease in voter turnout is more ambiguous than CV advocates claim.
2. Low turnout does not cause unequal representation.
3. Compulsory voting only raises turnout.
4. Compulsory voting violates liberties and does not increase legitimacy.
5. Non-voting is not free-riding.

Before I address each point in further detail, I will briefly summarise my arguments in the following paragraphs. First, I will take a closer look at declining voter turnout, along with the probable causes. I will argue that, although there has been a decrease in turnout in democratic countries around the world, the picture is no so clear cut as advocates of compulsion lead us to believe (there are cases of record-high turnout, especially when citizens feel the stakes are high and there is a sense of 'purpose' in the election) and that one needs to

appreciate the many different factors lie behind these declines (not all of which are voter apathy).

The second point will argue against the claim that low turnout causes unequal representation. Despite the evidence presented in Part I that non-voters usually are the poor, the uneducated and the young, I will demonstrate that the chances of left and centre-left parties remain virtually the same, regardless whether turnout numbers are high or low. In other words, the chance that full participation would change electoral outcomes is highly unlikely.

The third step will show that there are important differences between compulsory voting regimes, ranging from nominal legislation to strict enforcement. This chapter will show that only the serious administration of CV causes the dramatic increases on turnout (at the present this is furthermore restricted only to four states), and that some compulsory voting countries do actually have lower average turnout than some democracies employing voluntary voting. Indeed, in this light, it is not compulsion that increases turnout but the imposed sanctions. The second part will discuss the claim that there are other benefits to compulsory voting rather than just high turnout, which I have already classified in Part I as procedural, voter- and party-oriented spillover effects. I shall prove that these assertions are not based on any empirical evidence again reinforcing the idea that CV only raises turnout, but nothing else.

The fourth point is the boundary between the empirical and the normative arguments: it will deal with the political concepts of individual freedom and legitimacy; it will find that CV is lacking on both points. As to the question of individual freedom, I will argue against the claims that compulsory voting is just like any other law; this is because that its repercussions can be much more severe than a minor fine, because it is possible to end up in gaol in certain countries as a direct or indirect result of not voting and some states allow for the disenfranchisement of non-voters which in a democratic society should be an unacceptable practice. Although CV proponents often point out that the term 'compulsory voting' is a misnomer and that the practice should be referred to as 'compulsory turnout' (Keaney and Rogers 2006: 7, 26), I demonstrate that such an assertion is hypocritical: after all, the advocates of compulsion are interested in votes citizens cast, not their presence at the polling booths and in some countries, notably in Australia, it is really voting, that is required, not turning out. I believe that CV compromises the right not to vote, understood as the right to abstain, which I maintain is as crucial as the right to vote within the modern democratic framework.

As to the notion of legitimacy, I will argue that there are some serious problems accompanying compulsory voting and the high turnout it generates. First of all, I claim that CV tackles only the symptoms not the real causes behind low turnout, thus making everything appear in order on the surface, whilst doing nothing about the serious issues that are left untreated. Secondly, CV needs to address the considerable number of protest and random votes that are directly tied to the practice of compulsion. Though proponents of CV tend to trivialise the whole matter, there is no doubt that it has significant consequences for the concept of legitimacy. Thirdly, I will argue against the first normative claim, i.e. that high participation is good because it protects the legitimacy and health of a democracy. In fact, I will demonstrate that this is not so and that it is actually healthier and more legitimate to have lower, yet genuine turnout than artificially high turnout which brings to the polling booths people who are uninterested, uninformed and who oppose the system and such individuals hardly make reasoned decisions and CV, as there are no positive secondary effects vis-à-vis political culture, does not improve the situation in any way. Furthermore, the more people attend, the more extremist views get represented either in local or national assemblies. In the end we thus must decide, whether we are looking for quality in democracy, or quantity. I certainly subscribe to the former. I believe that the fixation on achieving high turnout at almost any cost, may not no longer be suited for democracies of the 21st century where it seems a new trend of voting when it really matters seems to be evolving. One should consider the fact that electoral decline can be one of the symptoms of broader societal changes.

The fifth and final step argues that non-voters are neither the irresponsible children nor the immoral free-riders that CV proponents claim they are. This inconsistency in terms certainly does not help the case for compulsion. Secondly, I will point out that sweeping generalisations that all non-voters are immoral simply does not take into account different types of engagement. Indeed, to put voting on the highest pedestal simply ignores the fact that there are other valuable contributions an individual can make to a society. Finally, in this section I will also argue that high participation (expressed by voting) cannot be regarded as a universal public good and therefore the claim that non-voters are free-riders cannot hold. I will examine the normative implications of the assertion that it is a citizen's duty to vote, whilst maintaining that it is foremost his right. It will be argued that, as opposed to the right to vote, a duty to vote cannot be regarded as a universal democratic principle but something idiosyncratic to several countries. Furthermore, it must be remembered that the case for the urgency of making voting compulsory has not been proven and that voting is a negative right

and construing the concept positively can have serious implications which can border on the totalitarian.

II-2-1: The decrease in voter turnout is more ambiguous than CV advocates claim

II-2-1-a: Introduction

Any apology of CV typically begins by claiming that less and less people are showing up at elections. To be sure, the preachings about the dangerous declines in voter turnout have become somewhat of a mantra amongst numerous political scientists. To be sure, at first view empirical data of the past few decades seems to support such claims (as I have discussed in the Introduction and Chapter One). Because of this trend some theorists paint bleak pictures heralding the end of democracy as we know it – as Czesnik (2007: 5) observes ‘whenever few people participate in the ... election, political scientists launch a debate on democratic deficit’ and when there is a slump in turnout ‘there is much ado about crisis of democracy’. Surely, it would be difficult and false to deny that voter turnout has been somewhat decreasing but, on the other hand, it would be equally false to say that the changes are drastic or not to concede that ‘turnout change is not always in the downward direction’ (Franklin, Lyons and Marsh 2004: 115). In this light it should be remembered that it is low turnout that commonly makes news and becomes the centre of attention rather than reports of high participation numbers. ‘Stable turnout is not news’, remarks Franklin (2002b: 2) and points out that rises in participation receive little publicity. Indeed, high turnout may not be as uncommon as we sometimes tend to take for granted. It thus may come as a surprise to find out that it ‘did rise in the 2000 US presidential election ... [it] also rose markedly in the German election of 1998, in the Norwegian election of 1997, in the Swedish election of 1994, and in the British election of 1992 (*Ibid*: 5-6).’ International IDEA data clearly show that on a global scale turnout increased from 1945 until the 1980s with an average of 68% and has been declining in the 1990s only marginally to 64%.⁴⁰ Franklin (2002b) establishes that over the course of the next 30 years turnout might decline another 6% (judging by the four percent from the 1990s to the first decade of the 21st century) – an overall slump of 10% (as this is caused by the

⁴⁰ International IDEA, ‘Turnout over time: Advances and retreats in electoral participation’, in *Voter Turnout: A Global Survey*, http://www.idea.int/vt/survey/voter_turnout1.cfm (accessed 04/2008).

generational exchange of today's young voters who tend to vote less than their parents). However, I do not feel that these decreases in participation necessarily mean that we have a crisis of democracy on our hands as some authors would lead us to believe as for them low participation means the disengagement and dissatisfaction of citizens with the political system (see for example Teixeira 1992, Dalton 1999, Wattenberg 2000; 2002), especially so in second-order elections (Blondel, Sinnott and Svensson 1998 for a European perspective)⁴¹ – surely the United States has in general been a low-turnout society for more than just the past few decades.

However, as Franklin (2004: 4) writes, that '[m]ost of the commentators who decry declining turnout seem to assume that the development is consequential – either that falling turnout is bad in itself or that it is an indicator of bad things happening to the society.' However, as he further points out, the fall in participation 'might be incidental to deliberate changes made in a country's electoral system or other political arrangements.' In other words, certain reforms may cause the oscillation in turnout rates; it does not follow automatically, as we shall see, that a decrease in participation means the increasing alienation of citizens from the political system. I find this an important comment.

Indeed, trying to establish why voters do not come to elections is sometimes more of an attempt of divination than presenting readers with hard evidence – after all, the reasons why people do not vote not only vary from country to country but can also vary from election to election, not only from a temporal point of view (different factors in different time periods), but also a hierarchical one (first-order vs. second-order elections). Of the factors which have the most profound impact on participation, Powell (1980) found it to be the socio-economic environment, compulsory voting, strength of party alignments and automatic registration and later (2000) claimed that proportional representation has a clear advantage over the majoritarian model, Jackman and Miller (1995) cite electoral laws and political institutions (proportional representation, compulsory voting, multi-party system) and Franklin, van der Eijk and Oppenhuis (1996) in the context of European elections cite compulsory voting and proportional representation. Blais and Dobrzynska (1998: 251) sum up existing research nicely when they claim that turnout 'is likely to be highest in a small, industrialized, densely populated country, where the national lower house election is decisive, voting is compulsory, and the voting age is 21, having a PR system with relatively few parties and a close electoral

⁴¹ Franklin and van der Eijk (1996) and Franklin (2001) however dispute any link between attitudes and falling turnout in European elections.

outcome'; they concede that such a country does not exist but where most of these conditions are met, turnout can exceed 90%, where not, it may be less than 60%.

To be sure, to claim that the decrease in turnout is not a prelude to a catastrophic scenario (as I will do later on) is a tough nut to crack. However, before I do so, I believe it will prove useful for further discussion to examine at some length the underlying reasons for the decrease in turnout to which – by applying a universal solution which artificially increases turnout – compulsory voting is blind as it does not take into account important differences in various democratic systems.

This chapter will look at three categories and their underlying factors affecting voter turnout. Taking into account the different conditions which can affect voter behaviour I believe we can plausibly formulate three broad categories which have the greatest impact on voting at elections: (1) socioeconomic factors, (2) institutional factors, and (3) political-cultural factors. The following examination will question a number of assertions which CV proponents take for granted.

II-2-1-b: Socioeconomic factors

The first category has already been extensively examined in Part One. I have pointed out that the main factors which have the most significant affect on voter behaviour are in this respect age, education and wealth – as I have established, it is mainly the younger and poorer citizens who often do not appear at the polling booths. Indeed, these causes are commonly cited by CV advocates who also point to the unequal representation age and socioeconomic status generates. There is no further need to repeat these details here, therefore I will move on to the next set of factors.

II-2-1-c: Institutional factors

Institutional factors have been briefly mentioned in Part One. It is here where I can cover them in greater detail, however, it must be kept in mind that their aim is to increase turnout and it is rather their absence than their presence that tends to have a negative effect on participation. For political scientists searching for the answer to the question how to increase turnout institutional factors are rather important – not only are the results readily measurable but as Lijphart (1997: 10) points out 'rules and institutions are ... more amenable to manipulation than individual attitudes'; he further adds that 'in order to expend voting in a

country with low turnout it is much more promising to improve the institutional context than to raise levels of education and political interest'. Indeed, Jackman (1987: 406) demonstrates (as Powell (1986) did before him) that 'different institutional arrangements have a major and predictable impact on national rates of voter turnout' and that it 'makes good intuitive sense' that turnout should respond to institutional patterns – the institutional arrangements are in fact something what one could call 'the rules of the game' (see also Franklin 1996). Both Jackman and Powell view institutional arrangements (Jackman ascribes them a 'critical role' – 1987: 419) as the main causal factor of turnout within a given country, not national differences of political culture, as opposed to Gray and Caul (2000), Flickinger and Studlar (1992) or Almond and Verba (1963; 1989) who see institutional factors as of only a secondary importance as, due to the fact they remain constant, cannot explain variations of turnout in industrial democracies. Almond and Verba (1989: 134) claim that 'if the norm of participation is not widespread, institutional change in the direction of fostering participation will not in itself create a participatory democracy'; in this light Jackman (1987: 417) cites Crewe (1981: 239) who pointed out that Almond and Verba's study from 1963

found that interest in politics, attention to political affairs in the media, feelings of civic duty and of individual political efficacy, and trust in political as opposed to other solutions to individual and communal problems, were consistently highest in the United States, followed by Britain, then Germany, and finally Italy—exactly the reverse of their rank order for postwar turnout!⁴²

Also Berinsky (2005) is sceptical about institutional changes maintaining that these reforms bring to the polls people, who would have voted anyway, i.e. that institutional factors stimulate turnout amongst those most likely to vote and claims that such reforms actually increase socioeconomic biases (see also Southwell and Burchett 2000, Karp and Banducci 2001). 'Electoral reforms, on their own, cannot ameliorate the present socioeconomic biases in the composition of the voting public because the increase in turnout these reforms bring is the result of the retention of transient voters, not the stimulation of nonvoters' (Berinsky 2005: 483). According to Berinsky, the mobilisation of new voters must take place not by institutional reforms (or at least not solely by them) but that it is 'political interest and engagement that drives citizens to the polls (p. 484). 'Put another way, instead of making it

⁴² Similarly Engelen and Hooghe (2007: 16) found that interest and turnout do not seem to correlate to one another: though interest and turnout was low in Portugal and the situation was opposite in Denmark, in Switzerland and Great Britain had low turnout despite high interest, while Belgium and Greece had low interest but high turnout (both, though, have compulsory voting legislation).

incrementally easier for citizens to participate in politics, we should make people want to participate' (*Ibid*). As one can see, the discussion whether turnout is a matter of institutions or culture is still ongoing. I do not wish to get into a detailed polemic in this thesis, rather to present both views as I feel both institutional arrangements and cultural factors play an important role in the determination of turnout.

Apart from compulsory voting (probably the strongest institution to have an effect on turnout) the institutional factors that can affect voter turnout are generally registration, absentee voting, weekend voting, electoral fatigue, and proportional/majoritarian representation. I will now deal with each institutional factor in more detail.

II-2-1-c-1: Registration

Registration is a crucial part of the electoral process as it is an instrument which implements the right to vote. Although the right to vote is a universal principle in most states across the world, there are still countries where disenfranchisement is existent, but 'tends to be more a matter of degree and of practice than of a legal phenomenon' and the 'most often excluded or non-included populations, by law or de facto, are peasants, ethnic minorities, women, the illiterate and the poor' (Pintor and Gratschew 2002: 26). Due to the fact that the focus of this thesis is on democratic countries, I will not address the problems of disenfranchisement (at least in the connection to registration; I will deal with this topic in conjunction with CV) as this practice appears primarily in states which cannot be considered democracies; this, however, does not mean that in certain forms such a practice does not exist, even amongst democratic countries, like, perhaps surprisingly to most readers, in the United States or Britain.⁴³

From a systematic point of view, Pintor and Gratschew (2002: 25) classify voter registration into four broad categories:

a) compulsory versus voluntary registration; b) continuously updated registers (e.g., much of Western, Central and Eastern Europe, Australia, Peru, Guatemala) versus ad hoc voter registers or a new register put

⁴³ Disenfranchisement is matter of fact in Saudi Arabia where women are banned (amongst other things such as driving) from voting but as I have mentioned this even occurs in democracies, where such a practice should be unacceptable: for example, it is practiced in Puerto Rico by the United States where any American citizen who moves to the islands loses his right to vote in any U.S. legislative and executive election at the national level, although all citizens of Puerto Rico are by the Jones-Shafroth Act of 1917 considered U.S. citizens. For a further discussion on this topic, see Torruella (1985) and Román (2002).

In the United Kingdom convicted criminals lose their right to vote though at the present this practice is under review following a ruling on its illegality in October 2005 by the European Court of Human Rights (BBC News, http://news.bbc.co.uk/2/hi/uk_news/4315348.stm, accessed 02/2008).

together for each election (e.g., many emerging democracies, Canada before 1997); c) registration through state initiative versus responsibility placed upon the individual citizen; and d) voter-specific registers (standard practice) versus not a separate register of voters (e.g., Sweden, Denmark).

Generally it is safe to assume that countries where registration is voluntary (e.g. Brazil, France, United States) and thus where citizens are not automatically enrolled (e.g. most European countries, Canada), tend to have lower turnout (see also Mitchell and Wlezein 1995). By the same token in these states additional bureaucratic/methodical difficulties –for example costly registration, complex registration forms, the need to register a long time ahead before an election – can considerably depress turnout.

The United States is often cited as an example of a country where registration is not only left upon the voters but where difficulties and obstacles linked with registering are a problem (usually this is not the case in European democracies). Whereas the former claim is true⁴⁴, the latter one is no longer valid as much reform has been made on this front – whereas more than a generation ago Wolfinger and Rosenstone (1980: 61) could have claimed that in the U.S. ‘registration is usually more difficult than voting’ and citizens must undergo a ‘complicated procedure’ (according to their research a liberalisation of registration rules could bring a 9.1% increase in turnout; see also Powell (1986: 35) according to whom registration criteria depress turnout by 14%) this is no longer the case.⁴⁵ From the time of their publication voter registration has become easier in the United States⁴⁶, especially because of the National Voter Registration Act in 1993⁴⁷, so much so that Highton (2004: 512) claims that ‘there is now little room for enhancing turnout further by making registration easier’. However, this is not completely true, as there is still scope for improvement, particularly by promoting Election Day registration; at the present only eight federal states have some form

⁴⁴ Powell (1986) estimates that automatic registration could boost turnout by 14%, Burnham (1982: 139-40) concluded that leaving registration on citizens lowers turnout by 8-10%; however, Burnham did not think that the elimination of procedural barriers would increase turnout, as he blamed the decline in participation on the degeneration of political parties and the interest of the elites to maintain the status quo.

⁴⁵ Wolfinger and Rosenstone were not the only ones to identify complicated registration procedures as factors which have a negative impact on turnout – see also Rosenstone and Hansen (1993) or the earlier study of Gosnell (1927).

⁴⁶ For more on the issues associated with registration in the U.S. see Teixeira (1992), especially chapter four.

⁴⁷ The so-called ‘Motor Voter Act’ in force from 1995 made registration easier by providing uniform registration services through drivers’ license registration centres, public assistance and disability agencies and through mail-in registration. For more details go to <http://www.motorvoter.com/motorhome.htm> (accessed 07/2007) and http://www.usdoj.gov/crt/voting/nvra/activ_nvra.htm (accessed 02/2008). For a scholarly discussion see Wolfinger and Hoffman 2001.

of same-day voter registration.⁴⁸ According to the U.S. think tank Demos such states recorded turnout higher by 10-12% during presidential elections of 2004 and elections in 2006⁴⁹ – available scientific research thus supports predictions of increased turnout.⁵⁰ Data on hand suggests that creating voter-friendly registration, in the case of the United States, did indeed have a positive impact on turnout (even for voters between 18 and 24 years of age – Fitzgerald 2003) but at the same time has had no effect in levelling the socioeconomic discrepancies amongst the electorate as the ‘proportion of registered voters remained steady’ (Berinsky 2005: 483).

Another important phenomenon to keep in mind when talking about turnout and registration statistics (and, indeed, electoral turnout in general) is the fact that turnout rates can be calculated by using two varying techniques: either as percentages of registered voters or as percentages of voting age populations (VAP). It is obvious that in countries with automatic enrolment of the electorate the numbers of registered voters are generally the same as the voting-age population – thus measuring turnout based on registration is used in Europe because eligibility to vote and registration are virtually the same and is usually the responsibility of the authorities (Powell 1986: 21) with the exception of France.

Statistically to measure turnout by using the number of registered voters in countries with voluntary registration, such as the United States, can be misleading – as McDonald and Popkin (2001: 964) explain that if ‘registered voters were to be used as the denominator in the United States, comparisons between elections and among states would be confusing, because registration laws vary substantially’ and add that is ‘virtually impossible to gather accurate registration figures due to outdated registration rolls’. That is why, according to Lijphart (1997: 7) ‘the only proper turnout percentages both in absolute terms and for comparative purposes are those based on voting-age populations’; such numbers, however, may not always be available. The differences in results when using these two different methods can be quite substantial and thus give us very different numbers which can give the wrong message about the state of turnout in a given country: for example in his study of thirty democracies Powell (1980) using data based on voting-age population established that the average turnout rate was 76% whilst Franklin (1996: 218) using percentages based on the number of registered voters

⁴⁸ These seven states are Idaho, Iowa (as of January 2008), Maine, Minnesota, Montana, New Hampshire, Wisconsin and Wyoming. Connecticut enables voters to register on the same day of the election but only for presidential elections. On average, American voters must register at least one month ahead of elections.

⁴⁹ <http://www.demos-usa.org/pubs/EDR%20-%2004%20Election%20info%20sheet%20011005.doc> (election 2004, accessed 07/2007); <http://www.demos.org/page507.cfm> (election 2006, accessed 07/2007).

⁵⁰ Percentage rates for same day voter registration oscillate between 8-15% (Teixeira 1992: 122, Wolfinger, Glass and Squire 1990); Teixeira, however, does not measure merely same-day registration but arrives at his result by taking into account other factors, such as weekend voting.

found that in 37 countries average turnout was 83%.⁵¹ And with calculations based on voting-age data there can be another two types of inaccuracies which can further distort the results as Lijphart (1997) points out – the first is the inclusion of aliens with no voting rights and the second is, that even those who spoil or cast a blank ballot are statistically considered as voters.

McDonald and Popkin (2001) did in the case of the United States an interesting study regarding turnout. In their research they used neither voting-age population (VAP) nor registered voters to measure turnout but construct their own voting-eligible population (VEP). They point out that using the VAP as a basis for analysis proves to be misleading (contrary to Teixeira 1992: 25) as it includes ineligible (non-citizens, disenfranchised criminals, mental incompetents and those who do not meet residency requirements) and excludes eligible voters (members of the armed forces and Americans living abroad); their VEP index removes non-citizens and felons whilst at the same time adding military personnel and U.S. citizens residing in foreign countries. McDonald and Popkin (2001: 965) by using the VEP index come to the conclusion that ‘noncitizens and ineligible felons, are segments that are increasing faster than the rate of population growth’ – the former has risen from 2% in 1966 to 8% in 2000 and the latter before 1982 formed 0.5% of the VAP, in 2000 this was 1.4%. The authors find that there ‘are virtually no identifiable turnout trends from 1972⁵² onward, and within the South there is a clear trend of increasing turnout rates’ (*Ibid*: 968). The apparent decrease of participation is given due to the way VAP is calculated, which is blind to the fact that the ineligible population has been increasing, not turnout amongst those eligible to vote. Comparing VAP and VEP numbers, the trend is clear – from 1948 to 2000 using the VAP the average national turnout rates were 48.68% whilst using the VEP they are 50.56%; the differences are the most noticeable from 1980 onwards where the margin oscillates from 2 to 5% (and almost 6% in 2000) in favour of VEP. However, in spite of these corrections McDonald and Popkin agree that the United States has lower turnout than other democratic countries but point out that this is almost certainly due to the ‘institutional structure of the political system [federalist organisation, separation of powers and frequency of elections], not the psychology of the voters or the tactics of the parties and candidates’ (*Ibid*: 970).

⁵¹ Perhaps the timescale examined by both theorists may have also been significant – Powell looked at turnout during the 1960s and 70s, whilst Franklin studied participation from the 1960s to 1995. Due to high participation during the 60s logic would dictate that were Powell to extend his examination for another generation, the average turnout could be lower than 76%.

⁵² This is the year the voting age was standardised to 18 by the 26th Constitutional Amendment – as a result this caused a noticeable slump in turnout between the years 1968-1972 (see Rosenstone and Hansen 1993: 57).

From the above discussion it is obvious that empirical data can be altered by numerous factors and that the method which one chooses to gain data may play an important factor in the result one arrives at.

II-2-1-c-2: Absentee voting

Making voting easier by using absentee forms of voting can also have a positive effect on turnout, or can depress participation in states that do not use such measures (Lijphart 2000, Wattenberg 2002). In particular, citizens tend to cast absentee ballots if the distance to the polling booths is considered to be an obstacle to the voting process (Dyck and Gimpel 2005).⁵³ In the U.S. 22 states permit absentee voting and this method seems to be becoming increasingly popular: Berinsky (2005: 474) notes that in the California 2002 general and 2003 gubernatorial elections, absentee votes accounted to more than 25% of all ballots. In general, one can distinguish between three different methods the voter has to cast a ballot without actually turning up at the polling station: (1) postal voting, (2) proxy voting, (3) voting over the internet.⁵⁴

The possibility to vote by mail (*postal voting*) has generally positive effects on turnout, though especially CV proponents would argue that the increases are only mediocre: Franklin (1996: 226) claims that postal ballots increase turnout by 4%, as does Watson and Tami (2004); however Southwell and Burchett (2000: 76) maintain that these ballots boost participation by as much as 10%.⁵⁵

Proxy voting, i.e. when an elector chooses to delegate someone to vote on his behalf, is only possible during elections; it is mainly used, for example, in large corporations or sometimes in political assemblies. For the purpose of this thesis, the impact of proxy voting is insignificant.

⁵³ Dyck and Gimpel also point out that early-voting and polling booths in untraditional places like shopping can have positive effects on participation. For more on early voting see Stein (1998) and Gronke, Galanes-Rosenbaum and Miller (2007) for a debate disputing the positive effects of early voting on turnout.

⁵⁴ Another matter is when the polling station actually 'comes' to the voters: Hill (2007: 11) summarises the great pains Australian officials go to ensure virtually all people can vote

⁵⁵ For a further discussion refer to and Karp and Banducci (2000: 223) though these authors maintain that mail ballots 'will not mobilize groups that traditionally participate at lower rates' but cause a turnout increase of 3.6% amongst college graduates thus not having an effect on the socioeconomic differences, whilst Magleby (1987) suggested turnout increased for all socioeconomic groups. More research needs to be done in this field, as studies are limited to single states only (Oregon in the case of Karp and Banducci 2000 and Southwell and Burchett 2000 and California in the case of Magleby 1987).

Democracies are still at the very beginning of unlocking the full potential of *voting over the internet*.⁵⁶ At the present, e-voting is still rather rare, especially on the national level in parliamentary and presidential elections; however, this type of voting has been, for example, commonly used in the business sphere and political parties have also tried to benefit from this easy and cost-effective way – the French UMP party first enabled its members to vote over the world wide web in 2002, most recently in the 2007 presidential candidate primaries (Election-Europe 2007).⁵⁷ Internet voting has also been used for example in Britain, the United States, Switzerland and has been well established for several years in Estonia. However, apart from Estonia, internet voting remains very much in the testing phase around the globe.

The main reason why postal voting and voting over the internet are not in such widespread use, are still probably security fears: the secrecy of the ballot may be compromised and there is also a danger of election fraud. However, secrecy and security concerns have always been a part of the electoral process and can be compromised even during the traditional ways of counting ballots.⁵⁸ The danger might indeed be higher when voting takes place by mail or over the internet but this might be more of a perceived danger than a real one given the established tradition of ‘going out to vote’. The fact that, for example, there has been a case of electoral fraud with postal votes in Great Britain in European and local government elections in 2004 is neither here nor there – it only shows that electoral fraud has not disappeared but accommodated itself to the changing conditions of voting. However, this problem is not a focus of this thesis and therefore I will not delve on it any further.⁵⁹

⁵⁶ I specifically do not use the term electronic voting as it may be misleading: electronic voting can not only be understood as voting over the internet, but primarily refers to voting using electronic means, i.e. automatic machines which include the use of punch cards or optical scan voting systems. To avoid confusion I use the term ‘e-voting’ or ‘internet voting’.

⁵⁷ Election-Europe is a French non-governmental organisation campaigning for a more inclusive approach to e-voting in France.

⁵⁸ Apart from security concerns there have been attempts to criticise absentee voting from the position that this practice limits erodes the community. Although the vast majority of people who argue against postal and internet voting would perhaps not sign up to the idea of compulsory turnout, their views are not completely incongruent with some arguments for compulsion, as one commentator (Johnston 2004) of the conservative British newspaper *The Daily Telegraph* demonstrated. He argued against postal voting by saying that ‘the simple fact that you must make a small effort to cast your vote at a specific place alongside your neighbours encourages the view that this a collective exercise.’ In other words, Johnston makes it clear that there has to be a sense of a collective and community, and this is facilitated through voting side-by-side your neighbour. Similarly Southwell and Burchett (1997: 53) point out that some critics of mail ballots ‘lament the loss of camaraderie or the polling place and emphasise the importance of such socialising experience for their children’.

⁵⁹ For more on internet and postal voting consult ACE The Electoral Knowledge Network website, <http://www.aceproject.org> (accessed 02/2008).

II-2-1-c-3: Weekend voting

Another way how to increase voter turnout is to hold elections on weekends or during a national holiday, rather than weekdays.⁶⁰ A yet different proposal is to stretch elections over the course over more than just one day. Currently, '70 percent of established democracies' hold elections over the weekend (Wattenberg 1998: 7) and some of them over the course of more than one day.

Although these institutional changes have a 'voter-friendly' approach, doubts can easily be cast on their actual effectiveness. First of all, holding elections on weekends and/or holidays may as much of an incentive as a disincentive to vote – citizens may be tempted to use the day off (national holiday or weekend) rather for their own pastimes instead of voting (casting a ballot can hardly be described as a hobby amongst the general public).⁶¹ Another problem is that the importance of elections may be overshadowed by the prospect of a bank holiday. Different countries approach voting day differently – for example, in the United States as well as Britain national elections usually take place during working days and workers do not get any free time to cast a vote (in surveys a considerable amount of people cite the lack of time as a reason for non-voting) – this is partially blamed for the decline in voter turnout. It seems that the best bet is a system where both benefits can be implemented, i.e. more voting days, one of which will be a free day during which people can vote. In this light, for example the Czech Republic seems to incorporate the best of both worlds: elections are held on two separate days (2pm to 10pm on Friday and from 8 am to 2pm on Saturday); however, even with these seemingly ideal conditions, the country experiences rather oscillating turnout.⁶² Also surprising could be the fact that in 'India, which keeps its polls open 4 days more than normal, this corresponds to a turnout that is 20 percent lower than in countries with only a single day of polling' (Franklin 1996: 227).

Franklin (1996: 227; 2002a) establishes the overall increase in participation thanks to weekend voting to 5-6% – in the wider perspective, however, this seems as something which is not that crucial in the determination of electoral turnout but is only one of a number of factors. However, to determine the exact significance of weekend voting or the impact of elections held on several days would require a meticulous empirical study, the likes of which

⁶⁰ Wattenberg (1998: 7) describes the tradition to have an election on Tuesdays – as is the case in the United States, as 'not user-friendly'.

⁶¹ Wattenberg (1998: 22) proposes to hold elections on Veteran's Day in November in the U.S.

⁶² According to the Czech Statistical Office's official election website (www.volby.cz, accessed 07/2007) in 1996 76.41% of voters attended the parliamentary elections, in 1998 74.03%, in 2002 58% and in 2006 64.47%.

are not possible in this thesis. Determining the exact effects of weekend voting could be an interesting topic for further research.

II-2-1-c-4: Voter fatigue

Voter fatigue describes a condition of apathy amongst the electorate when voting becomes too common; this condition is especially true for countries with a high level of direct democracy which translates into the involvement of citizens in frequent decision-making or where elections take place frequently. As a result, first-order and especially second-order elections⁶³ suffer from low rates of participation⁶⁴ – current research supports the thesis that frequent elections lower turnout (Franklin 1996; 2002a; 2004, Gray and Caul 2000, Gray 2003, Norris 2002, Wattenberg, 2002, Rallings, Thrasher and Borisjuk 2003).

Switzerland with its many referenda and overall low voter turnout is frequently cited as an example of electoral fatigue as well as the United States – whereas American citizens on average are required to vote as much as two to three times a year, Swiss voters should show up six to seven times a year,⁶⁵ and according to some estimates even more than a dozen times (Dalton and Gray 2003: 31).⁶⁶ Indeed, as Wattenberg (1998: 20) remarks, ‘there can indeed be *too much* democracy’ (italics in original) and Dalton and Gray (2003: 37) point out that the public is now more often asked to make informed decisions in sometimes quite specialised areas, and all this is taking place in a decentralised governmental framework; this leads them to conclude that ‘[m]ore democratic choices may not be the same as better democratic choices’.

But the high number of elections is something which is not confined only to Switzerland or the United States, at least not any more: recent research indicates that the overall number of elections in the West has increased substantially over the past couple of decades – for example, in the European Union citizens not only vote their representatives for the European Parliament but there has been a clear trend of regionalisation and decentralisation of power in the member states in accordance to the two EU principles of

⁶³ The difference between first-order and second-order elections has been contested by van der Eijk, Franklin and Marsh (1996); the authors claim that first-order elections (parliamentary, presidential) can at times demonstrate some features of second-order elections and vice versa.

⁶⁴ Second-order elections generally seem to suffer from electoral fatigue and low interest – see BOX 2 on page for further details.

⁶⁵ For more on how frequency of elections can depress voter turnout in the U.S. and Switzerland, respectively, see Boyd 1981 and Wernli 2001.

⁶⁶ Dalton (1996: 46-7) showed that the differences between the number of votes can be huge: residents of Cambridge, England were asked to vote 4 times between 1985 and 1990 whilst the citizens of Irvine, California were called to the polling booth 44 times in 1992 alone.

subsidiarity and proportionality.⁶⁷ Furthermore, as Franklin, van der Eijk and Oppenhuis (1996) show elections to the European Parliament held soon after national elections see a clear reduction in voter participation and Franklin (2003) additionally demonstrates how European elections depress national ones though he acknowledges this is ‘a price that needs to be paid for a necessary development [the curbing of the democratic deficit] at the European level’ (*Ibid*: 15) but should also be kept in mind when adding more institutions under control of the voters.

Whilst Europe is still in the process of increasing the decision-making powers of its citizens, American voters already had the opportunity to have their voices heard in many matters from national (presidential, Congressional elections) to local importance (local referendums, electing school boards, judges, sheriffs etc.). ‘Since 1960 there has been a significant expansion of the electoral marketplace on almost every dimension. More people have access to the polls, vote more often, at more levels of government.’ (Dalton and Gray 2003: 34). So whereas creating more voting opportunities for the public in the U.S. is nothing new, the expansion of various elections in Europe is a relatively recent phenomenon. As such, ‘contemporary publics are making more choices at *more levels*’ (*Ibid*: 29), especially in the E.U. where voter opportunities have been not as many as in the United States.⁶⁸

The above examples neatly illustrate the paradoxical situation which develops from the drive to make institutions and government more answerable to the public – it quite on the cards that the democratisation of institutions (in terms of citizen decision-making) is a significant factor in generating voter fatigue. It has been suggested that the best way to limit voter fatigue without making significant cuts in the fields where citizens co-decide, is to reduce the number of elections (or referenda) by combining second-order elections with first-order ones; it is logically assumed that once citizens do turn out at the polling station most of them will rather cast more than one vote than going to the ballot box, for example, in a week’s time.⁶⁹ It seems therefore logical and also in line with rational choice theory that ‘concurrent elections will increase turnout since the benefit of voting now increases while the cost remains almost the same’ (Lijphart 1997: 11). It must be stressed that there is a fine line between circumventing voter fatigue and answering calls to increase the fields and institutions

⁶⁷ These twin principles first appeared in the Treaty of Maastricht in 1992 and basically mean that the central powers of the European Union will act only when ‘the objectives of the proposed action cannot be sufficiently achieved by the Member States and can therefore ... be better achieved by the Community’. Decentralisation was in part an answer to calls for the EU to curb the democratic deficit.

⁶⁸ Jackman (1987: 408) points out that unicameralism can have a positive effect on turnout, as is the case of New Zealand.

⁶⁹ Franklin (2002a, 2004) demonstrates that even national elections held in close proximity to one another also tend to record lower turnout rates.

are answerable to citizens – too much engagement can lead to cases of voter fatigue and too little participation can raise demands for the government to decrease the democratic deficit. However, even though frequent elections may decrease voter turnout, any expansion of decision-making makes the system more democratic. Indeed, in my eyes, the increase in co-decision powers of the electorate is more important than high turnout at every election, regardless whether it is a first-order or second-order one. Low participation in itself need not be such an evil as proponents of compulsory voting argue – I will address this claim later on in the thesis.

II-2-1-c-5: Proportional vs. majoritarian representation

It is empirically proven that proportional representation (PR) generally engenders better turnout as elections calculated in this way are more likely to give voice to minority parties and secondly does not waste votes as the first-past-the-post system (Westminster, majoritarian) does; Norris (2002: 66) writes that ‘the basic type of electoral system is a significant indicator of turnout, with PR systems generating higher levels of voting participation than plurality/majoritarian systems’.

In this light Burnham (1987: 106-7) found that single-member constituency systems had about 10-15% lower turnout than PR systems, Blais and Carty (1990) mention 7% higher turnout in countries using proportional representation, Powell (1980) claims in his study of thirty countries that PR systems have a 7.3% increase in turnout, Lijphart quotes a 7.5% increase (1999: 284-5), and Franklin (1996) establishes that participation in these countries is 12% higher (see also Karp and Banducci 1999, Rose 2004, Blais 2006). ‘Proportional representation tends to stimulate voter participation by giving the voters more choices and by eliminating the problem of wasted votes ...; this makes it more attractive for individuals to cast their votes and for parties to mobilize voters even in areas of the country in which they are weak’ (Lijphart 1997: 11).⁷⁰ In the American context, Rose (1978: 45-6) points out that U.S. voters have ‘less choice than voters in any other Western nation’ because of the two-party system and proportional representation would be thus better for the minorities to have at least ‘*some* representation’ (italics in the original, see also Wattenberg 1998: 20-1).⁷¹ PR thus seems to act as a genuine incentive for those citizens who would otherwise not have voted

⁷⁰ Lijphart points out that the positive effects on voter turnout are more or less only felt in first-order elections; PR seems not to have any significant impact on second-order elections, like local or European Parliament elections.

⁷¹ In this sense it is important to remember that many countries put thresholds, for example 5%, for parties to be eligible to be represented in parliament. Thus, a proportional system does not automatically mean that all minority voices will be heard.

under the Westminster (or majoritarian) election model (see also Franklin 1999: 211, Blais and Carty 1990).

The sense of wasting one's vote is particularly evident among citizens living in the so-called safe-seat constituencies, i.e. in districts where the majority of its representative in parliament may be so large that it becomes futile to vote for an alternate candidate as he or she has realistically speaking no chance of winning.⁷² Indeed, in countries like the United Kingdom whole elections are often decided on a small amount of swing constituencies where majorities can be as little as a handful of votes – in this light Gosnell's writes (1930: 14) that 'the character of the British system of representation does not favor a high participation in every election district. In those constituencies, in which one party is sure of victory, many electors regard voting as useless.' Katz (1997: 240) remarks that 'at the individual level only those voters who live in marginal districts are likely to feel that their votes are effective. Among PR systems, the higher the effective district magnitude, the more each voter is likely to feel that their votes are effective.'

Proportional systems, although they do not waste votes as majoritarian systems do,⁷³ are not necessarily without their faults: as Brockington (2004: 472) points out, it is often claimed that PR brings about a paradoxical situation where incentives are matched by disincentives: there are more choices for voters (numerous political parties) but the resulting government is usually determined by negotiations amongst the elites – the voters do not have any say in the future governmental constellation and it may differ significantly from their expectations (unclear prospective choice) and it is also difficult for them to assign blame if things go wrong (complicated retrospective evaluation) (see also Powell 2000). Furthermore, it must be remembered that, unlike the Westminster model, there is no guarantee that the winner of the election will form a cabinet and furthermore most governments are dependent on coalitions – even a single party may thus cause the fall of the government, for example something rather common in post-war Italy. In addition, PR systems do not always guarantee that every minority will be represented as there are commonly thresholds to get into parliament, ranging from 1 to 10% (Blais and Massicotte 1996: 62).

Secondly, it has been suggested that the sheer numbers of political parties may be too large and actually act as a disincentive to turnout because it makes the system more complicated 'and more difficult ... for electors to make up their mind' (Blais and Dobrzynska

⁷² One of the reasons why voter turnout in the British general elections of 2001 and 2005 had been low was because many citizens regarded the voting process as a foregone conclusion.

⁷³ For more on the problem of vote-wasting and the advantages of PR in this respect, see Douglas 1993, Banducci, Donovan and Karp 1999.

1998: 249) – this is why the authors cite only a 3% increase in turnout in their estimates; also Jackman (1987: 408), Jackman and Miller (1995) and Norris (2002: 69-72) found that systems with a substantial number of parties can depress turnout despite the generally positive effects of PR. Brockington (2004: 485) however contests such claims (though he concedes that empirical data on the subject is mixed) and shows that it is mainly the issue with the forming of a coalition that is the principle depressant in PR systems: ‘the negative impact of large party systems on turnout is directly related to the nature of coalition governments that they produce’, i.e. when there are more parties in the coalition than those needed for a parliamentary majority – in this case the voters of the major parties tend to drop out of the elections.

In this respect the majoritarian system is much simpler: it is possible to distinguish between the winners and the losers in the election and decision-making can be facilitated by a narrower choice of (and perhaps ideologically very different) parties that have a realistic chance of gaining a majority in parliament. Furthermore, comparative research has shown that, on part of the political parties, the majoritarian system stimulates greater mobilisation and more personal campaigning by the candidates running for office than PR (Karp, Banducci, Bowler 2006); the parliamentarian elected for a particular constituency can be directly petitioned by all citizens living in the district⁷⁴ – these factors may decision-making easier for the electors. In addition, strong independent individuals not linked to any party have a good chance of becoming members of parliament which is almost impossible in the proportional model.

II-2-1-d: Political-cultural factors

Whereas socioeconomic and institutional factors can be fairly accurately measured, determining the political-cultural factors which might have an effect on turnout is much hazier. This difficulty arises particularly due to the fact that variables which have an impact on participation are not only different from country to country but most of the times vary from one election to the other.

⁷⁴ Another important factor that may have an affect on turnout is the size of the electoral district – generally ‘smaller districts are generally associated with higher voter participation’ (Norris 2002: 68). The probable causes are the greater level of ‘intimacy’ between the representatives and their voters: there might be more knowledge of what sort of a person the parliamentarian is, what are his views, the daily interaction with other people, etc. On the electoral scale smaller districts have the ability to bring in the level of contact of closer contact of rural politics into state politics. This is probably the reason why Malta has good turnout results without making voting compulsory.

Proponents of compulsory voting often cite apathy as a common cause for low turnout; upon closer examination, however, it becomes evident that the term ‘apathy’ lacks a clear definition and is quite a vague concept in itself – again, it describes the state of affairs, not its symptoms. Voters can be apathetic for numerous reasons: personal problems may make voting difficult, people may not wish to go out because of bad weather, they might wish to spend their free time in a different manner, they may not find any candidates worthwhile, etc. There are many possible explanations similar to the ones I have mentioned, however, there is no space to examine them here. Instead of focusing on personal whims (which differ from individual to individual and are hardly possible to summarise empirically) it is more useful to concentrate on changes in political culture and identify key factors which can have an affect on turnout, positive or negative. In this light, current research seems to suggest four main causes of diminishing voter participation: (1) the disillusionment with traditional politics, (2) the lack of political education, (3) issues contested at the election, and (4) the loosening of the connection between voting and duty can be identified as generic depressants of participation in democratic societies.⁷⁵ I will now deal with each issue in more detail.

II-2-1-d-1: Disillusionment with traditional politics

The steady drop of trust in politicians, political parties and governmental institutions (the declines are obviously linked to one another) has been evident throughout the democratic world in the past decades – the trend is obvious. For example Pharr, Putnam and Dalton (1999; 2000; 2001) show that trust in politicians and institutions has declined in the trilateral countries (Western Europe, North America and Japan) and this decline can be traced as far back as the 1960s in some nations (see also Dalton 1999; 2004 and Dalton and Wattenberg 2000). This does not mean that that there are not exceptions where trust has actually risen but such instances – like the Netherlands or Denmark – are few and far between. Indeed, ‘there is a general pattern of spreading public distrust of politicians and government among the citizens of Trilateral democracies’ (Pharr, Putnam and Dalton 2001: 299) and a very similar picture can be witnessed in Australia (see Burchell and Leigh 2002). Such a situation leads Dalton (2004: 191) to argue that ‘[c]itizens in nearly all advanced industrial democracies are increasingly sceptical towards politicians, political parties and political institutions’ and as a result abstain from the electoral process (see also Clarke and Alcock 1989, Finkel 1985, Sabucedo and Cramer 1991).

⁷⁵ Although this may not be a complete list of all possible reasons caused by shifts in political culture and may not be applicable to all states, these seem to be the most likely causes.

Different authors provide different reasons why citizens lose trust in politicians and political parties but all agree that it is most likely caused by a variety of factors and the interaction between them rather than any single issue. Leigh (2002) makes a list of seven reasons why people tend to lose trust in politicians – the World War II effect, poor leadership, the removal of incumbent governments, economic growth, declining interpersonal trust, declining respect for hierarchical institutions and the media. Newton (2006: 860) argues that while social capital is a necessary foundation for democratic support, economic and/or political performance is equally important and the erosion of trust occurs if countries perform badly despite high levels of social capital. ‘In general, social capital may encourage effective democratic government, which may encourage positive attitudes towards the operation of the system of government, but the link may be broken by poor performance’ and real-world problems. Dalton (2004) amongst the reasons which can engender distrust cites politicians’ behaviour and government performance, although he gives these factors only secondary importance, and focuses more on the decrease in political support on part of the citizens, the specialisation of public interests and the media.

Scandals involving politicians, embezzlement of state funds, affairs, corruption, in-party bickering and power games are always deemed newsworthy,⁷⁶ especially because many citizens think of their elected representatives as people who should lead by example. So, to a certain extent the media can be blamed for the decline in trust, but only up to the point. After all, journalists are expected to provide the public not only information but to also act as watchdogs – without investigative journalism and easy access to news and information, particularly because of the internet, many scandals and corruption cases would have gone unnoticed. Nowadays news is much easier to come by – rather than there being more scandals than in the past, it seems that more of them are disclosed to the public by mass media. Furthermore, over the past generation there has been a shift in what the public regards as acceptable behaviour; as a result, politicians are likely to be held accountable for acts which would in the older days have gone mostly unnoticed. In addition, the dissemination of information was mostly under the control of political parties, whereas nowadays this has become the domain of mass media (Dalton 2002a: 188).

All of these events are probably symptoms of a broader evolution in democratic societies. To come back to what was mentioned above in the section on voter fatigue it is

⁷⁶ By the same token reports of low turnout grab attention and, indeed, it has become almost an acknowledged truth that elections are plagued by low turnout and high participation, though admirable, has become regarded as something uncommon. I have already pointed this out in the first point of Part Two questioning decreasing turnout.

important to realise that – approximately at the same time when trust in parties and politicians began to wane – democracies experienced the widening of the spheres in which the citizen could politically express himself but at the same time would not be dependent on a political party to do so; it is important to point out that in the past party membership was *the* way to be meaningfully and efficiently politically engaged. Current research demonstrates that even though voters do not turn out at elections or trust their politicians this does not mean that they are disengaged from public life as many people still show a genuine interest in politics. A case in point might be that according to a Eurobarometer poll (2007: 51) 82% of young citizens living in the European Union (i.e. the age group which has been characterised in Part One as most likely not to vote) on average voiced their interest in politics and current affairs in their country.⁷⁷ However, in order to have their voices heard, young citizens in only three out of 27 E.U. countries chose at the top place to join a party (as a result of those who were politically active only five percent chose to work for a political party) – mostly the preferred option was to participate in a debate, sign a petition or to attend a demonstration. Even in the United States younger generations ‘are fed up with government and politics as usual, especially at the national level. They are less likely to support established political institutions, such as political parties, than are other citizens’ (Owen 2000: 638). So, whereas in the past decades trust in politicians has declined ‘[a]dherence to the norms and ideals of the democratic process have apparently increased over this same time period’ (Dalton 2004: 200) – we thus have reasons for optimism as the disenchantment with government and the political elites thus does not result in the loss of interest in politics or the loss of interest in democracy. Whether this directly translates into voting at elections is, obviously, a different matter.⁷⁸

Dalton (1984; 2006), Dalton, Flanagan and Beck (1984), Crewe and Denver (1985) and Inglehart (1990, chap. 11), are just some theorists who suggest that what we are currently witnessing is a fundamental transformation of citizenry and that the ‘old order is crumbling’ (Dalton, Flanagan and Beck 1984: 451) in industrial democracies as we are living through a rise of cognitive mobilization as an alternative to partisan mobilization – first of all voters are

⁷⁷ Young people the most interested in politics and current affairs in their country were Greeks (89%), the least engaged were Romanians (68%) – even this is a relatively high result and seems to go against the premise that proponents of compulsory voting work with. Then again, it does not follow automatically that the fact that young people are interested in politics will result in high participation of this particular age group in elections. Another common truth is that respondents usually exaggerate when answering a poll, showing themselves in better colours. Refer to BOX 6.

⁷⁸ For a more detailed study of political inactivity see Verba, Scholzman and Brady (1995: 129). The authors summarise the most cited reasons for political inactivity: lack of time (39%), a belief that self and family came before politics (34%); that politics had ‘nothing to do’ with the important aspects of the respondents life (20%); that politics ‘can’t help with my personal or family problems’ (17%); ‘as an individual I don’t feel I can have an impact’ (15%) and ‘for what I would get out of it, politics is not worth what I would have to put into it’ (14%).

becoming more educated and politically sophisticated, and secondly political information due to mass media, the internet and other channels is easier to come by (Dalton 1984; 2006). Whereas authors as Almond and Verba (1963; 1989), Eckstein (1966) and Putnam (1993)⁷⁹ argued that the government needed supportive citizens (i.e. educated, politically active and interested in current affairs, trustful and respectful of authority but at the same time able to criticise the elites) to function properly, nowadays it seems these people are being replaced by the critical citizenry. This process has to do with the extension of the fields in which citizens can become meaningfully active in the society, without the need to become party members for example by joining an NGO or various interest groups. Indeed, the rise of NGOs in the second half of the 20th century is unparalleled: this growth is especially remarkable in the spheres of the environment and human rights issues, although there has been development in other, more specialised areas as well. ‘There are now over 200 US NGOs associated with human rights issues, a similar number in the UK and across Europe, and expanding numbers of such organizations within the developing world’ (Held, McGrew, Goldblatt and Perraton 1999: 67). As I said, specialist organisations do not solely deal with human rights’ issues or environmental problems – a case in point might be that in the United Kingdom the Royal Society for the Protection of Birds (RSPB) ‘alone now has more members⁸⁰ than all the political parties put together’ (Keaney and Rogers 2006: 19). For example the British Power Inquiry (2006: 35) in what it dubbed the ‘Myth of Apathy’ found that ‘amongst the supposedly most apathetic ... 37 per cent were members of, or active in, a charity, community group, public body or campaigning organisation.’

At the same time the traditional political party cannot (or does not want to) handle such a degree of specialisation without fundamental reform – indeed, the highly specialised some NGOs operate in may very well be unattainable on a partisan level. The expected result is that political parties lose support as it happened in Britain: where the ‘last couple of decades have witnessed a profound decline in people’s identification with a political party, and most researchers are in agreement that this process of ‘party de-alignment’ has been a very important factor in driving down voting rates’ (Keaney and Rogers 2006: 16). Continuing with the British example, in 1964 seventeen out of 20 people had at least a fairly strong identification with a political party. By 2001 only 11 out of 20 did so, and by 2005 the

⁷⁹ Putnam puts forward four requirements for his civic community: political equality, citizen engagement, trust and tolerance, and the existence of civic associations.

⁸⁰ According to the RSPB’s website, it ‘is the largest wildlife conservation organisation in Europe with over one million members’. This quote is from ‘Introducing the RSPB’ (http://www.rspb.org.uk/Images/Introducing%20the%20RSPB_tcm5-58645.pdf, accessed 07/2006).

figure had fallen to less than 10 out of 20. The percentage of those who had a 'very strong' party identification fell from about 45% in 1964 to a mere 9% in 2005 (Sanders 2005: 5-6).

The fall in party support is not just typical of the United Kingdom but a general phenomenon which we may witness in a number of advanced democracies as a study of parties and politics in 20 OECD nations shows (Dalton and Wattenberg 2000). Indeed, even Australia with its compulsory voting system has experienced the weakening of the link between party loyalties and the electorate; 'reported rates of party identification in 1987 and 1990 were at least as high as in 1967, but appear to have fallen by roughly 10 percentage points in the eleven years between 1990 and 2001' (Jackman 2003: 275, esp. Table 16. 1) though on average identification remains high in comparison to other English speaking countries (United States, Great Britain, Canada and New Zealand).⁸¹ Another aspect connected to the decline in party loyalties and the associated losses in turnout is also closely linked to the loss of the powers of the unions, as Gray and Caul (2000: 1100-4) suggest. In a respect, this is just the other side of the coin, which deals with the loss of voters for left parties. According to them the diminishing importance of these groups together with traditional labour parties (both groups being closely connected) that were successful in bringing peripheral voters to the polls has reflected on the overall level of turnout as 'nations that saw a decrease in unionization [10 from a total of 18 in their study] also saw the greatest average decline in voter turnout' (*Ibid*: 1103).

It is as though ideologically driven mass parties and labour unions seem nowadays to be a remnant of an earlier period representing no longer much great allure for voters as was the case in the past (providing that they indeed have any other reasonable choice). Nowadays, we thus have an active, critical and politically engaged civil society living in a system which is still governed by traditional political parties. Although parties do reform and some are successful at doing so (Tony Blair's New Labour up to a point) the fact of the matter is that they are generally unable to (or not willing to) meet the expectations of the citizens which have risen faster than politicians can react. In effect, this is a good thing as criticism may instigate positive change. According to Dalton (2004) the critical citizenry strongly adheres to democratic principles and it is precisely this commitment which can be one of the factors that contribute to the erosion of trust. As a result of disillusionment citizens are not only less

⁸¹ Mackerras and McAllister (1999: 229-30) actually dispute this and claim that compulsory voting 'fosters widespread loyalties towards the major parties' (*Ibid*: 230) as only 12% of voters claimed not to have a partisanship in the 1996 election. I believe that the reasoning of this claim is difficult to prove as compulsory voting may very well distort the results.

willing to support political parties but also the establishment (for example by paying taxes or serving on a jury).

Scepticism about politicians and political parties generally tends to discourage participation in conventional forms of electoral politics. If one thinks that parties are unresponsive to public demands, why should one try to influence parties or engage in partisan politics? Thus, it is not surprising that the erosion of political support is paralleled by a decrease in election turnout in most OECD nations. At the same time, these critical citizens are more likely to engage in elite-challenging forms of political action: signing petitions, attending demonstrations, and engaging in other protest activities. While partisan activities might be downplayed, there is a greater willingness to work with NGOs and public interest groups (Dalton 2004: 200).

It seems that the public has thus become much more discriminating than in the past and citizens have as a result shifted their interests away from political parties and trade unions to particular causes with which they can more readily identify. This could be caused in Keaney and Roger's words (2006: 14) by the 'replacement of traditional forms of political participation voting, by newer types, like boycotting goods, signing petitions and going on demonstrations, which are more in tune with the increasingly individualistic and consumerist nature of society'.⁸²

According to recent theories it seems that an increase in political knowledge (discussed in more detail below) can also affect the relationship between voters and political parties in two opposing ways: those who become independent can either be seen as sophisticated or as ignorant citizens. Dalton's theory about the rise of the critical citizenry and the de-alignment with traditional politics (represented by political parties), or cognitive mobilization, seems to be strongly connected to the notion of political knowledge. Indeed his thesis only works when one thinks of the critical citizenry as a mass of sophisticated independents, who, thanks to advances in education and information technology, 'now possess the political resources and skills that better prepare them to deal with the complexities of politics and reach their own political decisions without reliance of affective, habitual party cues or other surrogates' (Dalton 2006: 3). This could also explain the reasons why political parties are becoming increasingly unpopular – it is because those abandoning them can make rational choices on their own; in eight democracies, political parties were trusted the least as only 22% of respondents expressed their confidence in them. Wattenberg (2002) argues that

⁸² However, Keaney and Rogers point out that people who are the most likely to take part in the new forms of political participation are those who vote on a regular basis anyway (see also Berinsky 2005). Obviously, they approach the subject from the point of view of compulsory voting; I do not believe that there is always causality between the two.

upheavals in the party system of G7 countries were behind the drops in turnout after the 1960s (and more recently behind the decline in most OECD nations with the exception of Scandinavian countries), the impacts of which we still feel today. Whether this trend will revert in time or political parties will slowly adjust is difficult to foretell with certainty. In any case, Dalton's thesis sheds new light on the declines in participation and at the same time gives us some cause for optimism as it shows that people are not switching off, but are becoming more discriminating in their choices.

The opposite approach to explaining the de-alignment of citizens with politics is to maintain that like Campbell *et al.* (1960: 143) do that the independents are not sophisticated citizens but rather people who lack political knowledge: 'Independents tend ... to be somewhat less involved in politics. They have somewhat poorer knowledge of the issues, their image of the candidates is fainter, their interest is relatively slight, and their choice between competing candidates ... seems much less to spring from discoverable evaluations of the elements of national politics.' This approach sees weakening partisanship as a sign of political disengagement. According to these theorists the truly engaged citizens support the established electoral system and so logically the system of political parties (partisan mobilization). Amongst the proponents of this stance one aside of Campbell *et al.* could mention Dimock (1998) or Milner (2002, chap. 3) whose reasoning, vis-à-vis the situation in the United States, is in line with Putnam's (2000) thesis about the disintegration of social capital and the subsequent loss of engagement on the part of those with a lesser interest in politics. Turnout would then depend on the level of political knowledge as this theory assumes that, although critical at times, the citizens are generally supportive of the established democratic practices (government, elections, political parties, etc.). Although this explanation seems plausible, available evidence suggests otherwise: given the overall increase in education in democratic societies which often translates itself into political interest, and given the recent declines in turnout in some countries, I find it doubtful that this means that the non-voters are unsophisticated. Logically, this does not make sense (see also the chapter on political knowledge below). So, from the above debate it is evident that even though there most likely is a relationship between the disillusionment with politics and turnout, there is no consistent connection between turnout and the interest in politics as such. In other words, this runs counter to the claim that proponents of compulsory voting make, that in many countries there is a strong apathy towards politics and with lower education, that this translates itself into declining turnout. Available data seems to suggest that citizens are quite interested in politics

and political happenings, and that it is the disillusionment with the politicians and political parties which is taking its toll on participation as is the rise of the discerning critical citizenry.

II-2-1-d-2: Lack of political knowledge

Whereas electors claim to be keen on politics, there seem to be substantial questions regarding their actual knowledge in these matters.⁸³ It has been suggested that the lack of political education and the knowledge and information about current issues can affect the citizen's choice whether to vote; Lassen (2005) shows that citizens who are politically informed are 20% more likely to vote – this reflects the words of Lijphart and other proponents of compulsory voting about the educational bias of voters as discussed in Part One, i.e. that better educated citizens are more likely to come to the poll. 'The less a voter knows about government, the more likely it is that the person will judge representatives by their personal character instead of their political performance, and the less a voter knows, the less likely it is that he or she will vote' (Popkin and Dimock 1999: 142, see also Wolfinger and Rosenstone 1980, Delli Carpini and Keeter 1996). Larcinese (2007: 401) calculated on the example of British general elections of 1997 that informed voters are '6% more likely to participate'. Logically, younger voters will on average be less politically knowledgeable than their older counterparts – more confidence in one's knowledge of matters political also means an increased likelihood of voting and therefore communication – both on the interpersonal and media level is important (Lin 2003, Kaid, McKinney and Tedesco 2007).

Indeed, Milner (2002) maintains that it is more the level of civic literacy (political knowledge and reasoning) that accounts for the variations in turnout rather than the self-professed claim to be interested in politics or any other subjective indicators; civic literacy is according to him the best predictor for the level of political participation in a given country. It therefore may prove useful to examine some of the research on the level of political knowledge in established democracies (most of which has been conducted on American soil). Scientists seem to be divided whether there has been a growth of political knowledge over the past decades or whether we are witnessing a status quo. The main differences are apparent when contrasting the situation in the United States and other democratic countries.

⁸³ This does not necessarily mean that political knowledge is gained only in schools or through family interaction. For a discussion on this see Jerit *et al.* (2006) who focuses on the role of mass media and its effects on political knowledge rather than traditional studies which focus on race, class, education or gender.

BOX 6: THE ENLIGHTENED ELECTORATE

Such subjective claims are usually prone to inflation, for example because citizens might think that it is expected of them to be interested in politics and do not wish to lose face in front of interviewers, a variation of the so-called Hawthorne effect. (Clausen 1968, Katosh and Traugott 1981, Silver, Anderson and Abramson 1986). Norris (2002: 175) citing studies from the United Kingdom, Sweden and the United States points out that such behaviour is rather common calling it a 'systematic tendency to over-reporting' and that the results may be off as much as 20% vis-à-vis expected and actual turnout; Wolfinger and Rosenstone (1980: 115) claim that the gap between surveys and reality was never less than 5 percent and at times came close to 20%, Karp and Brockington (2005: 825) report that the gap between official and reported turnout in presidential elections in the 1990s 'is over 20 percentage points', Traugott and Katosh (1979) claim that in the U.S. election of 1976 this difference was 11%, Sigelman (1982: 49) found this difference to be 11.5% in the 1978 national election. Jackman (1999) found a similar pattern in Australia: according to his research, the reported voting rates of 88.8% in the event of the abolishment of compulsory voting are inflated (due to the fact that people responding to voluntary surveys are generally more interested in politics and thus more prone to vote) and would actually be more in the region of 50-60%. Karp and Brockington (2005: 827) who researched the over-reporting phenomenon in five countries note that 'the likelihood of overreporting should decrease as the proportion of nonvoters increases' as in 'national settings with higher levels of participation, the tendency to overreport turnout may be greater than in settings where low participation is the norm' (*Ibid*: 838).

Although at times the gaps between reported and actual turnout may actually be rather large, Singelman (1982: 55) summarises his research by the remark that 'our understanding of the factors that influence voting appear to be largely unaffected by the misreporting phenomenon' and even when taking into account these fluctuations 'one does not detect major compositional changes in the electorate'.

For further studies on the over-reporting of turnout, see also Katosh and Traugott (1981), Swadle and Heath (1989) for the case of Britain or Andersson and Granberg (1997).

Research by Campbell *et al.* (1960), Nie, Junn, Stehlik-Barry (1996) and Milner (2002: 44-7) found that the public in the United States is not very knowledgeable when it comes to politics and large portions of the electorate are either misinformed (Kuklinski *et al.* 2000) or uninformed. When compared to the level of knowledge in Europe and other democracies, the U.S. does not fare very well as Delli Carpini (1999) and Milner (2002: 43-7) show. Popkin and Dimock 1999: 142) argue that 'nonvoting in America ... results from a lack of knowledge about what government is doing and where parties and candidates stand, not from a knowledgeable rejection of government or parties or a lack of trust in government', Delli Carpini and Keeter (1996) state that despite the increases in educational level and information technology, political knowledge in the U.S. remains more or less the same as it was in the 1940s; Bennett (1995) produced similar findings on a narrower time-scale and

Converse (1964) claims that American political knowledge is fragmented and does not form an organic whole which would translate into reasoned ideas about electoral issues. This seems to be true despite the fact that in 1952

over two-fifths of the American electorate had a primary education or less, and only a tenth had at least some college education. By 2000, the proportion of the electorate with some college education outnumbers voters with only primary education by a ten-to-one ratio, and those with some college-education make up almost two-thirds of the electorate (Dalton 2006: 2-3).

Statistics of the U.S. Census Bureau (2006: 2) provide more insight when it comes to education and turnout – the number of voters who registered for the presidential elections in 1996, 2000 and 2004, respectively, was 70.9%, 69.5% and 72.1%; of these 82.3%, 85.5% and 88.5%, respectively, actually voted. In contrast, however, out of the overall voting-age population turnout was only 58.4%, 59.5% and 63.8%, respectively. The educational levels proved to be linked to turnout: ‘At each successive level of educational attainment, registration and voting rates increased. The voting rate of citizens who had a bachelor’s degree (78 percent) was about twice as high as that of citizens who had not completed high school (40 percent)’ (*Ibid*: 5).

Within the American context Milner (2002: 49) notes that political ignorance is nowadays strongly tied to age: the younger are those most likely not to vote and illustrates this to the fact that this was not the case in the 1940s through to the 1970s; at that time young voters were as well informed, if not better, than their parents. And although individually, well-educated persons are more likely to vote ‘[e]arlier generations were less educated but more politically knowledgeable (and voted more)’.

But what do these statistics prove? This evidence only supports the thesis that better educated citizens are more likely to vote; at the same time it seems to suggest that the rise in the overall level of education does not necessarily herald an increase in political knowledge, although one would and should expect some link between the two – people who are least likely to understand the intricacies of (American) politics are also least likely to be properly educated and by the same token registered to vote. But how does one account for the discrepancies between the level of education of voters and the fact that, for example, many U.S. citizens cannot distinguish the policy differences between the Democratic and Republican parties (Bennett 1995) or that less than half of all Americans know both the name and the party association of their representative in Congress (Jacobson and Kernell 1981)?

Why these results, when it has been proved that educated ‘citizens [more of which are in America nowadays] display substantially greater levels of understanding of the principles of democratic government, have a much better ability to identify incumbent local and national leaders, and can more frequently give the correct answer to questions about current political facts’ (Nie, Junn, Stehlik-Barry 1996: 31)?

One cannot expect one easy answer. As Delli Carpini (1999: 14) puts it ‘there is no single portrait of the American citizen: a substantial percentage is very informed, an equally large percentage is very poorly informed, and the plurality of citizens fall somewhere in between’. I believe it is important to take into account that studies surveying political knowledge are carried out on the overall population, more than a quarter of which is not registered to vote. As a result, this segment of the population may depress the levels of overall political knowledge in the United States and add to its rather unimpressive statistics. Thus the gradual rise in the educational level of American citizens does not contradict Bennett’s or Delli Carpini’s and Keeter’s findings about the status quo of political knowledge in the United States, because the statistics seem to measure the political education of all Americans, but not all Americans are voters. Voting thus seems to be more concentrated with elitist behaviour. Indeed, as Delli Carpini (1996: 32) points out ‘it is nearly meaningless to talk about how much ‘the public’ as an entity knows about politics. While political knowledge levels are, in many instances, depressingly low, they are high enough among some segments of the population, and on some topics, to foster optimism about democratic possibilities.’ Some population groups (African-Americans, women) tend to possess political knowledge relevant to the issues which relate to them rather than a general broad political outlook, and this leads Delli Carpini (*Ibid*: 33-4) to suggest that political knowledge is generally concentrated amongst certain groups. ‘[D]ifferent socioeconomic groups are drawn to politics through a variety of distinct pathways, but ... in the long run, differences in the ability, opportunity, and motivation to learn about *politics in general* outweigh differences in the ability, opportunity, and motivation to learn about *specific domains of politics*.’

When put into comparative perspective, citizens in other democracies around the world seem to have a better – though this does not necessarily mean high – understanding of politics than people in America. Milner (2002: 44) also points out this fact vis-à-vis turnout and shows that citizens with political knowledge are very likely to cast a ballot: ‘national differences in voter turnout reflect the fact that political knowledge figures for Great Britain, Australia, New Zealand, and Canada, though low, appear to be considerably higher those for similar surveys in the United States’. Partially, this may be attributed to the fact that, for

example, in Europe the institutions seem to be more forceful when engaging the electorate. As a result information is easier to come by and thus voters have an incentive to be more engaged.

The differences between the United States and other parts of the world may also be attributed to the rise of independents already discussed above. As it has been established, the citizens who feel alienated from political parties may either be the ignorant simpletons or sophisticated independents. Could it be that independents in the United States belong to the former type (partisan mobilisation) and those in other democracies seem to belong to the latter one (cognitive mobilisation)? Research is inconclusive on this part: Dimock (1998) in line with Campbell *et al.* (1960) asserts that the decline of partisanship in America has taken place amongst the more politically ignorant and less sophisticated parts of the electorate. Milner (2002: 40) also seems to think that American non-partisans could well be ignorant citizens and cites an example between the United States and Sweden – whereas from the 1960s in the U.S. ‘turnout and levels of political knowledge have been declining together’ and as a result those who switch their political party allegiance are likely to be poorly informed about politics; however, the independents in Sweden are not always apathetic or ignorant citizens and therefore campaigns are geared towards the involved and knowledgeable independents. Indeed, within the European context Inglehart (1990: 366) and Dalton (2000a: 26) find that the percentage of sophisticated independents (most of which come from the younger generations) has increased significantly over the past decades. ‘The percentage of non-partisans in the pooled European analyses increases from 30 per cent in 1976 to over 40 per cent in the 1990s’.

Dalton (2000a: 32-3) presents a rather different view of non-partisans in the United States: according to him the rise of the critical citizenry in Europe has been evident in America as well: according to him the number of sophisticated independents (whom he calls ‘Apartisans’) rose from 10% in 1952 to 18% in 1992, while during the same period the number of ignorant non-partisans rose by only 3%. The rise of sophisticated non-partisanship in America is, according to Dalton (*Ibid*: 30-1), especially true amongst the young, who are also more educated and politically sophisticated people (see also Beck 1984); such findings however seem to contrast with Milner’s claim that political ignorance is prevalent especially amongst the young in the U.S. Apartisans – who currently form about one fifth of the American public – thus challenge the Campbell’s (1960) traditional portrayal of the ignorant non-partisan.

[T]he modernization of American society over the past five decades has transformed the public. Expanding educational levels, increased access to political information ... and even the growing role of government have produced a process of cognitive mobilization that expands the political skills and resources of the average citizen. ... Consequently, ...an increasing share of the public approaches politics with a greater ability to judge the candidates and issues independent of habitual party loyalties (Dalton 2006: 15).

As one can see, research remains undecided on the level of sophistication of the American non-partisans. However, this does not disqualify the strength of the argument that there is a strong link between education and voter turnout. So how does one account for the fall of turnout apparent throughout democracies when education has become more widespread and available? Perhaps the problem could be related to the fact that education does not necessarily equal political knowledge. It is evident that the lack of education has a negative impact on turnout and little or no knowledge in political matters can depress participation even further. It is equally true that the increase in education does not automatically mean an increase in political knowledge, but this at the present should only be treated as a weak link as such claims would need to be verified by further research.

Presented evidence also seems to suggest that the increase in knowledge can lead to the disillusionment with the current political system and to the adoption of a more critical attitude, as discussed in the passage above about the critical citizenry. We might be witnessing broader changes in society with the rise of a new citizenry who are unsatisfied with the system. As a result of these critical approaches and evident dissatisfaction with how things are run, citizens may choose to boycott traditional parties based on ideological lines (evident from the increase in previously mostly unheard of independent candidates and new specialised political parties such as the Greens) which results in plummeting turnout (it is perhaps that knowledge brings the unwillingness to blindly follow the main political parties and this results in a decline in turnout). Again, it is perhaps too early to establish whether this is true as more research and time is needed to establish this with certainty. However, there is no mistaking that the lack of political knowledge (and knowledge in general) is a factor which has a negative impact not only on turnout but other factors as well.⁸⁴

II-2-1-d-3: Interest in the election

Voter turnout can be seriously affected by the overall mood of an election, whether voters feel that there are serious issues at stake, the polarisation of the political scene,

⁸⁴ For example Nie, Junn, Stehlik-Barry (1996: 31-8) argue that political education has an important impact on political tolerance.

‘closeness of the race and the decisiveness of an election’ (Franklin 2002b: 25, see also Blais 2000, Franklin 2002a, Abramson, Diskin and Felsenthal 2007). As Balinger (2007: 9) points out ‘the US Presidential election of 2004 (which produced the highest turnout since 1968) and the French Presidential election of 2007 indicate that a polarised electorate, and the sense that something is stake at the election, can raise turnout to historically high figures’. Even in a generally low turnout country like the United States there can be cases of high turnout, like the 1992 Louisiana gubernatorial primary contested by an ex-Ku Klux Klan member (Franklin 1996: 221). By the same token the prospect of fair and free elections can prove to be a strong incentive for citizens to show up – this was the case after the fall of communism in Eastern Europe, after the abolition of the apartheid regime in South Africa and more recently in the 2005 Iraqi election which people attended despite the generally unfavourable security situation. Such instances when percentage figures suddenly rise are not as uncommon as many people tend to think and even though there has been somewhat of a decline in turnout around the globe, citizens can be brought out of lethargy when confronted with, what they deem, crucial issues. By the same token, when pre-election polls seem to suggest that the contest is a foregone conclusion many voters may feel unmotivated to cast a ballot – it is believed that this feeling played an important role in the UK general election of 2001 and 2005; at that time many voters, correctly, believed that the Labour government will have no problems in keeping its majority in the House of Commons and many had the impression that the whole of Britain became a ‘safe seat for Labour’.

The nature of election campaigning and the polarisation of the political scene can also have a strong effect on turnout: Aarts and Wessels (2002) demonstrate on the examples of Norway, the Netherlands and Germany that political interest has the strongest impact on turnout, even more than education. According to them the polarisation of ideas is important in bringing citizens to the polling booths as it ‘makes a difference whether political parties offer alternatives or not or whether a race is close or not’ (p. 11). In a much similar vein, Pacek, Pop-Eleches and Tucker (2006: 21-2) argue that the increases and decreases in turnout in post-communist countries have more to do with the fact that ‘citizens appear to be choosing which elections to participate in on the basis of the stakes of the election’ instead of being disenchanted and that they ‘will participate in greater numbers in elections where there is more at stake’ (*Ibid*: 6).⁸⁵ This coincides with the research of Franklin, Lyons and Marsh

⁸⁵ The authors also use this ‘stakes-based’ approach to explain the initially high participation levels in the first elections after democratisation and the subsequent decline in turnout – participation is always higher when there are fears of the loss of democracy.

(2004) who focus their study on the falling turnout amongst younger voters: the authors find that it is mainly the interest in the election, that drives young cohorts to the polling booths not the character of society or its members – the authors maintain that due to the fact that elections have become less competitive, less likely to bring about policy change.

Another aspect which I have talked about and related to the issue of polarisation is the effect of attack advertising on turnout, which in Part One was claimed that it can have a negative effect on voter turnout. This is the view supported by the research of Ansolabehere and Iyengar (1994; 1995) on the example of the United States – they maintained that ‘attack ads can be and are used strategically for demobilization’ (1995: 9) and as such depress turnout. It seems somewhat logical that attack advertising should act as a deterrent for voters, however, detailed examination reveals that research on this subject differs widely. Lau and Sigelman (2000: 32) are very careful in their approach and maintain a ‘very cautious ‘perhaps’’ to the connection between negative advertising and the lowering of turnout. According to the authors this might be caused by the fact that political attack advertisement is generally less liked and regarded as less ethical than advocacy advertisements⁸⁶ but as to the actual efficiency find that ‘political attack ads are no more effective than advocacy ads’ (*Ibid*: 36) .⁸⁷ They maintain that attack advertisements may have ‘unhealthy’ consequences for a democracy but also claim that this would only have impacts of ‘very small magnitude’ (*Ibid*). Wattenberg and Briens (1999), on the other hand, voice their opposition to Ansolabehere and Iyengar’s findings in a much more resolute matter. They call their research ‘deeply flawed’ and lacking any ‘clear evidence’ (*Ibid*: 893). Indeed, they maintain that negative advertising does not decrease turnout and if ‘negative commercials persuade voters that the choice between the candidates is an important one, then they are likely to increase than decrease turnout’ and generally reject the thesis that negative advertisements demobilise the electorate. Their research was more recently supported by the findings of Goldstein and Freedman (2002) who found that attack advertising more likely stimulated interest for an election which, as a result, was also deemed as more important by the citizens.

II-2-1-d-4: Voting as a duty

The weakening of the perception that voting is a civic duty is also cited as one of the causes of declining voter turnout; especially proponents of compulsory voting have very

⁸⁶ Ballinger (2006: 18 and footnote 76) points out that in the British 2005 general election a poster accusing then prime minister Tony Blair of lying about the war in Iraq ‘harmed, rather than helped, the Conservative campaign.’

⁸⁷ Lau and Sigelman present a review of literature on this subject in Table 2-4 on pages 33-5.

strong feelings about this particular matter. As I have already mentioned in Part One this ‘voting norm’ is especially prevalent amongst the older generations and as Blais (2000) suggests, if people feel that they have a duty to vote, this is most likely to happen as they become older. For example, in Japan ‘early postwar generations saw voting as a duty rather than a right. Younger people today, however, overwhelmingly view voting as a right: in the 25 to 29 year-old age group, for example, 57 percent of respondents in one study saw voting as a right, while only 35 percent called it a duty’ (Pharr 2002: 838). A similar situation happened in the United Kingdom – Ballinger (2006: 6) points out that the ‘British Election Study shows that the perception of voting as a duty rises with age: only 56 per cent of 18-24 year olds regard voting as a duty, whereas 92 per cent of the over-65s do so’. However, even given these statistics ‘data for the 1994-2001 period reveal that very large majorities of British citizens believed that voting is a civic duty ... [T]he fact that at least two thirds of the electorate still regard voting as a duty suggests a relatively high level of psychological engagement with the political system’ (Clarke 2004: 287). This research does mention which socioeconomic group dominates the one third of citizens who do not view voting as a duty, but one may suspect, again, that young citizens (as well as poorer and less educated members of the electorate) will be strongly present. Topf’s (1995: 45) research indicates that this is indeed the case as ‘the youngest electors are less likely to vote than older electors’. It seems that younger citizens seem to regard voting primarily as a right and only secondarily as a duty. The question remains whether, as they grow older, they will develop a sense of duty. Research however suggests that the non-voting habit will probably ‘stick with them’ even as they age and that voting behaviour is a difficult habit to change and that the first three elections are on average decisive whether a person will be a voter or a non-voter; there is little movement between the two camps past this point (Putnam 2000, Miller and Shanks 1996, Plutzer 2002, Franklin 2004, Delli Carpini 2000, Franklin Lyons and Marsh 2004). Such a claim goes against Topf’s assertion that his research did not find ‘evidence of any general trend towards an increasing difference between these groups over time’ (1995: 45).

However, independent on these findings, Blais (2000: 104) discovered a strong correlation between the sense of voting as a duty and turnout. According to his research the sense of duty ‘is an important consideration for most voters’; Rosenstone and Hansen (1993: 147), on the other hand, come to an altogether different conclusion and one which does not put much importance on the fact whether someone feels it is his or hers obligation to cast a ballot – according to their research those who felt a strong sense of civic duty were only 6% more likely to vote than those who did not. It would seem thus logical that the absence of a

voting norm depresses turnout, however, such findings do not seem to fit the United States where turnout in light of recent data remains typically low – according to the Pew Research Center (2007: 49) for the past two decades the ‘vast majority of Americans continue to see voting as a duty, and most say they feel guilty when they do not get a chance to vote. Nine-in-ten agree that it is their “duty as a citizen to always vote”.’ However, in the case of the United States turnout is low because of other factors which have already been discussed in the pages above. In the United Kingdom the two thirds who feel it is their duty to vote roughly corresponds to the turnout numbers in the 2001 and 2005 general elections and a similar pattern can be detected in unified Germany from 1990 onwards – turnout hovers around 80% (International IDEA 2004: 61) which approximately represents the number of people who feel it is their duty to vote, 86.1% (see Mochmann 2003: 156). And although research suggests that older people are more likely to regard voting as a duty and thus are more likely to vote, this does not mean that the young generations, like for example in Canada, do not realise the difficulties in attaining universal suffrage or the importance of voting – they only have strong doubts about voting as an effective mechanism of political change (Chareka and Sears 2006).

In this light it might prove interesting to see, whether there is a connection between the sense of voting as a citizen’s duty and CV: recently Denk (2007) analysed this question. When comparing European countries he found are ‘in general no strong correlations between the institution of compulsory voting and sense of citizen obligation’ (*Ibid*: 12). Even more fascinating is his comparison between Canada and Australia: his analysis indicates that ‘the sense of citizen obligation is stronger in Canada than Australia’ (*Ibid*: 13); his findings lead him to conclude that the connection between compulsion and a voting norm are ‘overall weak’ though CV does seem to have an impact on culture – both positive and negative. However, this problem has already been addressed and it is therefore not necessary to examine it in further detail.

II-2-1-e: Summary – Declining voter turnout?

Voter turnout has somewhat declined – that much is true. It is impossible to list all factors that depress participation as they will significantly differ from country to country, from one democratic system to another – whilst in some states registration may depress turnout, in others it might be the first-past-the-post system and in others still the age of the electorate, or the importance of elections. More often than not, it is going to be more than one factor; most probably it will be a combination of several things which affect turnout.

Although generally speaking many established democracies have been experiencing somewhat lower rates of turnout in recent years, it is rather premature to assume that this is a general trend as Aarts and Wessels (2002) emphatically point out; the authors maintain that two factors that can significantly alter the outcome of research: the time-frame and type of elections being examined. They also add that each election is unique and that there are many variables related to turnout in any particular vote. In this light, relatively high turnout figures (especially if there is a sense of importance of the election and a polarised electorate) are not that uncommon as we sometimes are led to believe – proponents of compulsory voting tend to overlook these cases and news reports about high turnout do not make a particularly thrilling read as opposed to reports of abysmally low participation figures and a crisis of democracy. I believe there is reason to be optimistic: the findings that people are less involved in elections but not necessarily less involved with the world around them means that citizens are not losing interest in public matters which are very important within the modern democratic framework. The fact that they do not express themselves by voting at elections might be caused by other reasons other than voter apathy and indeed be the signal the beginning of a more fundamental change in society where traditional political and party systems are losing their allure to the now emerging critical citizenry. It is difficult to establish what the future holds in store for the democratic system: will the party system prevail in the end or will representative democracy be replaced by a more independent system of representation? In any case it is evident that changes are taking place and although there has been a decline in turnout this does not have to signal a crisis of democracy.

This chapter, which dealt with institutional and political-cultural factors affecting voter turnout, together with the socioeconomic causes discussed in Part One, meant to illustrate that the problems in the assessment of the decline in participation are not a matter of black and white approach but that the situation has many different shades of grey and as such is much more complex and fragmented than one could be left to believe by some theorists. The institutional and political-cultural factors I have described in the pages above are (together with the socioeconomic factors) have an important effect on turnout. Indeed, the various reasons underlying turnout rates show that the crude generalisations made by CV supporters are artificial and blind to specific causes.

II-2-2: Low turnout does not cause unequal representation

II-2-2-a: Introduction

The proponents of compulsory voting argue that low turnout is bad because it causes unequal representation – the young, the poor and the less educated are the least likely to vote and thus worsen the prospects of being adequately represented in a democratic assembly, such as the parliament. In the case of a parliamentary democracy this means letting others decide for you. Due to the fact that these often excluded groups would very likely cast a ballot for social-democratic (centre-left and left) political parties, these parties are at a disadvantage as a result of low voter turnout. For democratic theory this translates into the under-representation and the disadvantage of these groups vis-à-vis other segments of society which results in worse life-chances. For advocates of compulsion, universal turnout should be the aim of every democracy and the next logical step after achieving universal suffrage. They maintain that high and equal turnout brings about more legitimacy to the system and is ultimately beneficial to the ‘health’ of a democracy.

The aim of this chapter is to cast these claims into doubt and to argue that election results achieved in a low turnout democracy most often will not be different even under universal or near-universal rates of participation.

II-2-2-b: The left does not suffer from low turnout

It is often claimed – by Crewe (1981: 253), Lijphart (1997) or Pacek and Radcliff (1995; 2003), Bohrer, Pacek and Radcliff (2000) amongst others – that left-of-centre parties suffer as a result of low turnout, and that this causes unequal representation for certain groups. This theory works with two main assumptions: (1) that most non-voters – who, as we have established, hail from the less educated, poorer and younger spheres – would vote for social-democratic parties and policies, and it logically follows from this claim (although not expressly stated) that (2) countries with compulsory voting legislation will be more responsive towards social policies, as power will be more balanced between the left and the right. Both suppositions, however, manifest a weak link between what they say and what is in actual fact reality.

The first supposition is built upon a big ‘if’. CV advocates seem to take for granted that, if universal turnout were to be achieved (the only way to do this is, realistically speaking, by institutionalising compulsory voting), non-voters would predominantly vote left-of-centre

parties, as Pacek and Radcliff, Lijphart and Crewe hypothesise. Recent studies have, however, somewhat cast this claim into doubt: Tóká (2002: 50) finds the rise of votes for left parties with increasing turnout as rather insignificant: ‘for every one percent increase in turnout, a left-wing party can expect a change in its vote share anywhere between a one-hundredth of a percent *loss* and a three-hundredths of a percent *gain*’ (italics in original text); other available research, most of which has been written within the American context (Brunell and DiNardo 2004, van der Eijk and van Egmond 2006, Highton and Wolfinger 2001) confirms that higher or lower turnout would have only a negligible effect on party strength and it is thus highly improbable that results would be effected.⁸⁸ In the United States, Tucker, Vedlitz and DeNardo (1986) found that universal turnout would benefit only minority parties as these currently suffer as a consequence of low turnout but again would not bring any substantial gains to Republicans or Democrats. The research of Citrin, Schickler and Sides (2003: 84) on the other hand finds that Democrats (though not a left party in the traditional continental sense) would generally profit from universal turnout, but even then this would only rarely change election outcomes as ‘full turnout would likely change only a handful of outcomes,’⁸⁹ the main problem being that elections suffer from the lack of competitiveness. Also Highton and Wolfinger (2001: 179) show that universal turnout would bring only ‘modest changes’ and would not constitute such a great benefit to the Democrats; furthermore, due to its heterogeneous nature the ‘party of non-voters’ is already represented by that section of the population which votes, meaning that ‘since voters’ preferences differ minimally from those of all citizens’, it would make no difference to the results of an election if ‘everyone voted’. Though Wolfinger and Rosenstone (1980: 111) give evidence of the demographical differences between voters and non-voters, they come to the conclusion that ‘these demographic biases do not translate into discernible overrepresentation of particular policy constituencies’. Teixeira (1992: 104), whilst pointing out the undesirable effects of low turnout also in the end is forced to acknowledge that ‘most electoral outcomes are not determined in any meaningful sense by turnout and are not likely to change through even highly implausible levels of nonvoter mobilization. It appears therefore that nonvoting does not as a rule make much of a difference to election outcomes’ and says that ‘not much’ would happen if ‘everybody came’ to vote (*Ibid*: 95). In a similar light, Verba, Schlozman and

⁸⁸ However, exceptions are sometimes possible: Wattenberg and Briens (1998) find that in the elections of 1994 registered non-voters would have voted more for Democratic candidates and estimate that the Republicans would have lost 24 seats and thus a majority.

⁸⁹ Under full turnout for the Senate the ‘Democratic candidate’s percent of the vote increases by an average of 1.5 percentage points in 1994, 1.3 points in 1996, and .15 points in 1998’ (Citrin, Schickler and Sides 2003: 82).

Brady's study (1995: 205) supports the conclusion 'that voters and non-voters do not seem to differ substantially in their attitudes on public policy issues'.

As I already pointed out, it could be argued that the United States does not have a typically 'left' party but, again, research of any quantity on this subject has on the whole been made in America and is scarce in other parts of the democratic world – a few countries where scholarly studies have dabbled on this subject was, for example, Canada and Norway. In the case of Canada, which in contrast to the United States has a traditional left, labour oriented party, Rubenson *et al.* (2007) proved that the assumption that universal turnout will increase the left's share of the vote is not relevant and that the results of a simulated universal turnout would be consistent with data from America. 'Had everyone voted in Canada in the 2000 general election, the NDP, the traditional party of the left, would have gained .2 percentage points, moving from 9.9 to 10.1 percent. ... Likewise, the shares of votes for the rest of the parties do not change markedly' (*Ibid*: 448). However, as the authors point out, the difference in results may be more evident in countries with stronger class voting; this is in line with the suggestions made by Pacek and Radcliff (1995). Such would be the case of Norway – a study of whether the Norwegian Labour Party suffers from low turnout in local elections also showed some interesting results. Whilst support for the party from the 1960s has declined much as turnout has, Saglie and Bjørklund (2004) found 'no systematic support' that the Labour party as such suffers from declining turnout; according to their research 'declining turnout is not necessarily the cause of declining support for the Labour party'. Instead, the authors point out that these events may be caused by broader changes in the society, something which I have already discussed in the previous chapter. In other words, their findings undermine the claim made by proponents of compulsory voting that declining turnout directly damages social-democratic parties and, by that same token, their traditional voters as lower turnout and lower support for social-democratic parties do not necessarily have to be linked together. It is important to keep such a possibility in mind, as CV advocates do not even consider such a possibility but immediately attribute diminishing support for the left as a result of low electoral participation. Similarly as in Norway, Martinez (2005) finds that were turnout higher the outcomes of the 2001 general election in the United Kingdom would not change the results as the Labour Party would have won anyway. And a much larger research of 25 democracies by Bernhagen and Marsh (2004: 17) supports the same premise – there is no evidence that 'left, right, or centre parties gained systematically from full turnout scenarios'.

Czesnik (2007) examined the impact of CV on the 2001 Polish general election and concluded that, were each citizen to participate, the hypothetical result would be exactly the same as the official one, at least vis-à-vis the winners and losers: ‘Although many more citizens would have voted, the winner of the election would have been the same’ (*Ibid*: 19) – the differences would be at maximum 2%. The research of Hooghe and Pelleriaux (1997: 5-10, quoted in De Ceunick, Devos, Reynaert, Valcke and Verlet 2007: 9) also supports the assumption that compulsory voting does not make that much of a difference on the overall results; the authors, both supporters of CV, examined the hypothetical effects of the abolition of compulsory voting in the Belgian region of Flanders but were forced to conclude that the ‘political shift would be fairly limited’ (*Ibid*), i.e. not relevant in the formation of the executive, and at the same time found that the cancelling CV would lead to the under-representation of women and the less-educated.

Let us not, however, only dabble on existing research but try and see the effects of CV for ourselves. A case in point can be empirically deduced from how compulsory voting changed the situation in Australia – the following evidence can come somewhat of a surprise to supporters of CV. The Labour party formed a government four times from 1901-1913; was shortly replaced by the Liberals in 1913, but was back in power from 1914 to 1917; from 1917 to 1929 Labour went into opposition and Australia was governed by Nationalists. After these dates Australian politics were governed interchangeably by Labour and by Nationalist/Liberal coalitions with the number of elections won being more on the Labour side but the number of actually formed governments on the conservative side. In the last pre-compulsory voting election in 1922 turnout was 56.36% and Labour won with 42.3% but was forced into opposition after the Nationalists formed a coalition with the Country Party (together they received 47.79% of votes – 35.23% and 12.56%, respectively). In the first election with compulsory voting in 1925 turnout was 91.39% with Labour winning 45.04% of the votes but, again, was unable to form a government because the Nationalist and Country parties created a coalition with 53.2% of the votes (42.46% and 10.74%, respectively). The results show that Labour’s gain was minimal and it was the National party that gained most out of the institutional change in the electoral system where suddenly 38.03% more citizens came to cast their vote because of CV legislation. So, I ask, where are all the ballots the left should have gained? Should not the introduction of compulsion have shown a dramatic increase in the preferences for the social-democratic, i.e. Labour, party, as there were so many new voters (former non-voters, i.e. the young, the poor and the uneducated) who logically should have voted for the left? There indeed is something rather illogical about the whole

claim. The Australian example is just another piece of evidence suggesting that the situation vis-à-vis compulsory voting is not as clear cut as its proponents often take for granted. My findings are, at least in the case of Australia, validated by the research of Chong, Davidson and Fry (2005: 14-6) who also show on more recent election data (1996-2004) that the ‘same government would be elected under either a compulsory voting regime or a voluntary voting regime’ and present data that proves that under a voluntary voting system there would have been a ‘greater representation of left-leaning parties’ (the Democrats and the Greens) than under current electoral practice. Even Mackerras and McAllister (1999: 227-9), though they point out that Labour gains from the system of compulsion (while right-wing parties lose), the results of elections would only change probably in a ‘closely fought contest’ (*Ibid*: 229) as ‘the impact on the vote for leftwing parties is usually slight’.

As Lever (2007: 16) succinctly points out not always do voters ‘vote on their self-interest – for good and ill – so from the fact that social democrats assume that it would be in the interest of the socially disadvantaged to vote ‘left’ it does not follow that that is how the socially disadvantaged will vote, when they vote’. As we well know, political decisions, and, to a great extent, elections are not always a matter of pure logic: personal preferences may play an important role in deciding who is worthy of our vote. One’s socioeconomic status and age need not be a straightjacket on how one votes. Lever expresses her fear ‘that if voters cannot spontaneously see the case for voting for a social democratic party or its nearest equivalent, the compulsion to turnout is unlikely to make it plainer’.

I believe that not only in my eyes these studies cast in doubt the claim that left and left-of-centre parties would benefit from near universal turnout, i.e. compulsory voting. In fact, it seems that full participation would only very rarely change electoral outcomes, thus rendering accusations of unequal representation meaningless. Yet even if is Pacek’s and Radcliff’s research and Lijphart’s claims were accurate about full turnout and party representation (as they clearly are not) and the poor, the young and the uneducated voted unequivocally for the left, this does not under any circumstance guarantee that the parties will form a government – if one looks at the Australian example, it is clear that the winning party (Labour) was, as a result of a coalition between two different parties, actually underrepresented in parliament and this happened even under a majoritarian system (!) which should mostly guarantee the winner the running of the country. It is even more obvious that coalitions are even more likely to exist in proportional systems; although it should be logical, there is no guarantee that the winning party will form a government as the Australian case clearly demonstrates.

Briefly turning to the second assumption – that states with CV will be more prone to welfare policies – simple evidence will show that it is also false. Let us take two examples: Australia and the Nordic countries. Whereas the former is a country with a long tradition of CV, the latter do not have any such institution (Indeed the mere mentioning of compulsion in Sweden in 1999 (let alone the proposal to introducing it) created considerable ripples in the societal waters was met by fierce opposition (International IDEA 2004: 30)). If, even superficially, we examine their social welfare systems, it is easily discernible that the Nordic countries are much more sophisticated in comparison to Australia, that can be generally described as more liberal, for example in the British sense. And if we compare two other countries, for example the United Kingdom and France we will find that, notwithstanding the roughly similar turnout figures, the two countries importantly differ vis-à-vis welfare policies (France being well developed in the social sphere). Lever (2007: 15-6) in this light points out that countries notes for their social policies that only do not have CV ‘but even the democratic countries with compulsory voting are not notable for their social democratic policies’ and points out that compulsory voting is neither sufficient nor necessary for social democratic policies.⁹⁰

II-2-2-c: Summary – Same winners, same losers

To claim, as proponents of compulsory voting do, that all forms of low turnout are bad is an oversimplification of the complexities of turnout in much the same way as to state that all forms of high turnout are good. It seems that arguments CV advocates provide to show the bad effects of low turnout do not hold: low turnout does not significantly damage the chances of left and centre-left parties to be successful in an election and thus does not mean that their traditional voters (young, poor, less educated, or any combination thereof) are not sufficiently represented; it does not damage the health of democracy because in cases of voluntary voting only people with a genuine interest will come to the elections, as opposed to systems of compulsion which coerce voters to show up. In this light, I believe it is reasonable to ask, why is there so much ado about low and unequal turnout when the representation level in parliament would be the same? If there were no change in party preference (or only a slight

⁹⁰ I lack space for a detailed examination of the relation between CV and welfare policies. However, conducting research on the social policies of compulsory voting countries could be another avenue worthy of research. Also the question whether the welfare system itself engenders the trust of the citizens towards the state which translates itself into high participation could also be inspected. For a debate on the connection between politics and welfare see for example Castles and McKinlay 1979, Hicks and Swank 1992 or Hill, Leighley and Hinton-Andersson 1995.

one) and the voting results were to be the same, why should turnout be mandatory? In the case of Flanders, though women and the less-educated would not come to the elections, according to Hooghe and Pelleriaux's (1997) research this seems would not have an affect on the overall composition of parliament, so why is there so much talk about the under-representation of certain classes? This seems to be not as much of a problem of the presence/absence of compulsory voting legislation but of the overall representation in the democratic system itself. To sum up, the left does not seem to be any worse off in a voluntary voting system and the overall representation remains fairly constant, at least according to the above mentioned case studies.

II-2-3: Compulsory voting only raises turnout

II-2-3-a: Introduction

The most evident change that compulsory voting brings is the dramatic rise in turnout its proponents always point out. This much is obvious. However, it is equally important to realise that there are noticeable differences between CV countries: there are different intensities in the implementation of the legislation as, indeed, the laws themselves differ in their wording and level of impact. In an ideal case scenario, participation under a CV regime would be close to a hundred percent, but in the real world this is not the case. The reason is simple – there are CV states that do not even achieve the turnout levels of countries with voluntary voting. To put it a different way, not every CV system generates Australian or Belgian 90 percent turnout rates. This is my first argument.

The second one will claim that the assertion that CV generates positive spillover effects (procedural, party-oriented and voter-oriented) on top of significantly increasing turnout is a very dubious one indeed because such claims are simply not true. To be sure, not even proponents of compulsory voting are wholly agreed upon the fact whether CV creates such benefits: Lijphart (1997: 14) on the whole distances himself from such suppositions as he calls such advantages 'speculative'; on the other hand Keaney and Rogers (2006: 29) seem to take them for granted as they argue that mandatory turnout 'also cuts down the cost of political campaigning and encourages the political parties to engage with those groups least interested in politics or most dissatisfied with the political system' without actually bringing any concrete evidence to support these claims. They are not the only ones: or Faulks (2000: 114) and Engelen (2007) also hint at for positive spillover effects accompanying compulsion.

So, in this section I will examine the different types of CV regimes. I will then go on to demonstrate that the positive spillover effects compulsory voting is claimed to have are speculative at best and more likely completely false; indeed, I maintain that the only benefit CV can claim is that it raises turnout which I will later claim is not always something positive.

II-2-3-b: Different countries, different compulsory voting

It is evident that compulsory voting increases turnout, but these figures can differ significantly, depending on the effectiveness of the institutions and the strictness of the regime which translates itself into sanctions imposed on non-voters in a given country. Robson (1923: 571) points out that such measures ‘in order to be effective as a method of inducing a refractory electorate to go to the polling station, the infliction of a penalty for abstention without good cause must be rigidly and universally applied’. Although Robson posed his argument in the form of an observation, empirical evidence suggests his hypothesis is an accurate description of the real-life situation.

When one examines the turnout levels in countries with compulsory voting, one finds major differences – for example Guatemala with its mean turnout of 51.6% ranks 154th in the world, Mexico (65.2%) 122nd and Ecuador (68.9%) 111th (according to International IDEA compulsion is weak in Ecuador and Mexico and not enforced in Guatemala); on the other hand, Australia with its average participation rates of 94.5% is the first, Singapore (95.3%) the second and Belgium (90.9%) the fifth⁹¹ (Pintor, Gratschew and Sullivan 2002: 78-9; International IDEA classifies these three latter countries as states with a strict level of compulsion; according to Gratschew’s classification (2002; 2004) there are two other types of CV enforcement: weak and non-enforced). The wide gap between the two examples is self-evident; Kato (2007: 14) tested Robson’s hypothesis when he compared the average turnout between the three types and found that countries with strictly administrated compulsion have an average turnout of 91.3%, countries with a weak administration 76.9% and those with nominal CV a mere 63.9% – even lower than the average of 69.2% in states with voluntary voting. Also Hirczy (1994: 64-5; 2000: 46) has shown that democratic states which impose penalties for non-voting have on average, vis-à-vis countries that do have compulsory voting laws but do not enforce sanctions, 10-13% higher turnout.

⁹¹ Again, this data can be misleading because these numbers are based on the turnout of registered voters, not turnout based on the voting age population. In such a case we get a rather different picture: Australia (no longer the first but 20th with 84.2%) is displaced by Belgium (18th, 84.8%) and Singapore drops to the 129th position with 51.2%. Guatemala drops to 162nd place with 29.8%, Ecuador to 149th (42.6%) and Mexico (48.1) to 136th.

The above data clearly demonstrates that there are considerable variations between turnout levels between different CV regimes and that the dramatic increases in turnout proponents of compulsory voting often talk of are linked almost exclusively to strict enforcement regimes – such cases are according to International IDEA’s data at the present confined to eight countries: Australia, Belgium, Cyprus, Fiji, Luxembourg, Nauru, Singapore, Uruguay; due to the fact that relevant to this study are only free democratic countries (in other words, if we compare the level of freedom as measured by Freedom House, i.e. according to political rights and civil liberties), we can cross off Singapore and Fiji from the list, so the six states left account to only circa 20% of countries practicing CV.⁹² Hill and Louth (2004: 12) acknowledge this number when they claim (perhaps in a bit of a self-defeating way) that ‘no more than 15 regimes ... can properly be described as being compulsory because it is rare to see the practice used in places and with reasonable levels of enforcement and institutional support’ and that this list ‘can be further reduced to six (or seven with the inclusion of the Netherlands prior to 1970) when restricted to states with a history of well-established democratic norms’. In addition, just a mere year later, the list shrinks even more as Hill and Louth (2005: 35) claim that

‘no more than 14 regimes ... can properly be described as being in any way compulsory – it is in fact rare to see the practice used with reasonable levels enforcement and institutional support. This list can be further reduced to 4 (or 5 with the inclusion of The Netherlands until 1970)⁹³ by restricting it to developed states with a history of well-established democratic norms and systematic administration of compulsory voting.’

It is thus rather an oversimplification to assume that CV in itself will cause significant increases in turnout – although even weakly enforced compulsion will make more citizens come to the polling booths, dramatic increases are only connected to strict cases of compulsion which is currently practiced only in a handful of states – somewhat of an anomaly in the democratic world. High turnout is thus not necessarily something which is present in each and every country with compulsory voting laws but only in those where its enforcement is strictly implemented, as Robson correctly hypothesized.

However, what makes a compulsory voting regime strict, weak or non-enforced? The sanctions – penalties are actively pursued, used only occasionally, or exist in theory but are not acted on in practice. This means that it is rather difficult to establish the exact number of countries that practice compulsory voting as it is easier to identify those with strict legislation

⁹² Until 1970 the Netherlands also practiced strict enforcement of its compulsory voting system.

⁹³ According to the authors the countries in question are currently Australia, Belgium, Luxembourg and Cyprus.

(viz. Hill and Louth's classification above). Furthermore there exists some discussion whether IDEA's classification into the three above mentioned categories is useful. Birch (2007) rejects this taxonomy and claims that it is better to classify states according to the administrative apparatus vis-à-vis compulsion – countries which have it (CV with sanctions) and states which lack such an apparatus (CV without sanctions – Norris (2002: 75) calls the two rules 'de jure' and 'de facto'). According to Birch (2007: 7) there are 'virtually no instances in the contemporary world of truly 'strict' enforcement' and furthermore doubts that Australia and Belgium could, upon closer examination, be classified as strict CV regimes. Although I am inclined to agree with Birch that it is perhaps more convenient to classify compulsory voting systems according to the presence or absence of sanctions, I do not agree with the reason why she makes such a claim, i.e. that at the present, there are no countries which would use strict enforcement against non-voters.

Before I will in the next chapter comment on the possible implications of CV penalties, it will be useful to concentrate our debate on the types of sanctions themselves. It is logical that by its very nature compulsion requires a system of sanctions for those who choose, for one reason or the other, not to vote in an election. Different countries have adopted different measures how to deal with non-voters: in general, I believe it is possible to distinguish between two broad groups of sanctions: financial, or non-financial.

Financial sanctions may be relatively small – such as 3 francs in Switzerland, 10-20 pesos in Argentina (see Pintor and Gratschew 2002: 107), 20 dollars in Australia⁹⁴ (Bennett 2005), or 20 francs in Liechtenstein (International IDEA 2004b: 16-7) – or even quite considerable and heavy (25-125 euros in Belgium⁹⁵ (Pilet 2007: 2) up to 700 euros in the Austrian region of Tyrol⁹⁶ when in use,⁹⁷ up to 500 pounds in Cyprus, and 99-991 euros in Luxembourg (International IDEA 2004b: 16-7)). The severity of these penalties obviously depends on one's income.

Non-financial sanctions make up a list of rather diverse measures which are difficult to generically classify. In Italy a 'name and shame' campaign was used when the names of

⁹⁴ This is provided non-voters acknowledge their transgression and pay immediately. If they however lose their case in court, the fine increases 50 dollars.

⁹⁵ The first absence is penalised by a minimum of 25 and a maximum of 50 euros, the second one 50-125 euros.

⁹⁶ This was the maximum fine permitted by law, non-voting usually cost the citizen 50 euros.

⁹⁷ Austria abolished compulsory voting for elections to the National Council in 1992 (Styria, Tyrol and Vorarlberg being the last regions to do so). The nation-wide duty to vote in presidential elections existed until 1982, from then on, each region chose whether to exercise compulsory voting or not. The last province to require mandatory turnout was Tyrol but this was abolished in 2004; Austria thus abolished the practice of compulsory voting altogether. For additional information see the Austrian Federal Ministry of the Interior, http://www.bmi.gv.at/wahlen/elections_compulsorey_voting.asp (accessed 09/2007).

non-voters were put on public display at the town hall; it could prove difficult for a non-voter to ‘get a job within the public sector in Belgium, Argentina or Venezuela’ (Gratschew 2002: 108). However, certain types of non-financial sanctions can be rather severe and even entail the infringement of civil rights, disenfranchisement and at worse carry a gaol sentence: citizens are sometimes removed from the voter register (Belgium – ‘a voter that did not vote four times in 15 years is not eligible to vote for the next ten years’ (Pilet 2007: 2) – Singapore, and Thailand); they need to produce proof of casting a vote in order to access certain goods and services provided by the public sector (Peru, Bolivia); in Australia people who refuse to pay fines for non-voting may eventually end up ‘for one or two days in gaol’ (Bennett 2005: 7). In the Australian case Gratschew (2002: 107) points out that there have not been any cases where a person not attending a poll would, as a direct result, be convicted and sent to prison and if this happens it is because he did not pay the fine, not because of non-voting. However, due to the fact that in Greece a citizen could spend ‘up to one month’ (International IDEA 2004b: 16) behind bars for non-voting, it is theoretically possible for people to go to gaol as a *direct* result of not voting;⁹⁸ the same sanction applied when voting was compulsory in the Philippines in 1973 – the non-voter could spend up to half-a-year in prison for not turning up at the polling booth (Hartmann, Hassall and Santos Jr. 2001).

It must be pointed out that it is difficult to classify penalties, notwithstanding whether they are of a financial or a non-financial nature, as being minor, medium or major because every citizen will regard them differently. For some, even the smallest of fines may represent a considerable burden (especially the poor who, I might point out, are also the least likely to vote), others may find that not being able to find work in the public sector (as is the case in Belgium, where those already working as civil servants may not be promoted – Pilet 2007: 2) has no effect on them whatsoever, and some citizens may not have a problem with being disenfranchised or spending a day in gaol. For certain people missing out on state jobs or spending some time behind bars may present a severe handicap (after all, they will end up with a criminal record).

Gratschew (2002: 106) sums up that the ‘simple presence or absence of compulsory voting laws is in itself too simplistic. It is more constructive to analyse compulsory voting as a spectrum ranging from a symbolic, but basically impotent, law to a government that systematically follows up each non-voting citizen and implements sanctions against them’.

⁹⁸ This severe sanction replaced older penalties under which it was more difficult for a non-voter to obtain a new passport or driver’s licence.

II-2-3-c: Spillover effects – too good to be true

As I have shown in Part I, certain proponents of compulsory voting claim that apart from increasing turnout, there are other advantages which derive from CV; however, a detailed examination will show that these assertions are, on the whole, false.

It is claimed that CV countries will accommodate institutional arrangement in such a way as to make them as ‘voter-friendly’ as possible due to the fact that citizens must vote according to law. In this light, compulsion is claimed to produce *procedural spillover effects* – such as weekend voting, ease of registration, widespread use of absentee and postal ballots and internet voting. Although such a claim might seem logical, it is important to emphasise that this is not a phenomenon exclusively characteristic of CV countries, and indeed some states with a voluntary voting system may be much more advanced in these matters than the ones with compulsion; to be sure, electoral reform is in a state of constant flux in virtually all countries, not only those with CV. I believe each democracy has an interest in making the voting process easier, although it might make sense that countries with CV have a more immediate impulse to do so, for example by simplifying registration or introducing internet voting.

Logic would dictate that CV regimes should, in the drive to make voting as painless as possible, examine unorthodox methods to simplify the electoral process. If we focus, for example, on internet voting⁹⁹ and postal voting, we will find the hypothesis that these forms of absentee voting will be the most prevalent in countries with CV as unfounded. Two examples: in 2007 it was Estonia, a voluntary voting country, held the world’s first national election in which citizens could use the internet to cast a vote¹⁰⁰ and four years earlier around 60% French citizens residing in the United States used the internet to elect their representatives to the Assembly of the French Citizens Abroad (Internet Rights Forum 2003: 18). There have been other experiments with voting via the internet, albeit on a much smaller scale and tentative manner in several Swiss cantons, in the Canadian province of Ontario, in Austria and

⁹⁹ I am talking here of remote internet voting (i-voting), which falls under the category of e-voting (electronic voting). However, e-voting can also refer to voting through an electronic voting machine (for example in Brazil, India or the United States) not by casting a paper ballot; the citizen still has to make the journey to the polling booth. Furthermore, it seems that electronic voting is more a matter of convenience for the government, and more specifically for the particular electoral commissions, due to the fact that it makes counting the votes easier. Both systems – remote internet voting and electronic voting – are not without a large deal of controversy about the misuse of the electronic system and possible election fraud. I have already addressed this issue in Part Two in the section on reforms concerning absentee voting.

¹⁰⁰ For more information see the Estonian National Electoral Committee website, <http://www.vvk.ee/engindex.html> (accessed 09/2007).

as a part of the European Union CyberVote Project, amongst others.¹⁰¹ As to postal voting International IDEA data¹⁰² shows that it is Finland and Iceland where this type of absentee voting is used widely (around 40% and up to 20%, respectively). In many countries (Canada, Spain, Switzerland) there are no special reasons needed to cast a ballot by mail other than notifying the authorities in advance. This is, however, not the case in Australia, a compulsory voting regime, where only citizens who find themselves distant from a polling station for 5 miles or more on Election Day in their State or Territory or the ill, infirm or pregnant women are eligible to cast a mail ballot – indeed, hardly an example of a voter-friendly measure. To sum up, the cases illustrate that it is a mistake to assume that countries with CV are always the most responsive in making elections more user-friendly: Estonia – the first country to introduce remote i-voting – does not practice compulsion and casting an absentee ballot in Australia seems to be more complicated than doing the same in Finland or Iceland, i.e. states without CV. By citing these examples I do not wish to say that democracies practicing compulsion are not pursuing policies to make voting easier (for example, Belgium is increasingly using electronic voting – not internet voting, though – to simplify elections) but that a CV regime does not necessarily equal more ‘voter-friendly’ institutional arrangements than countries with voluntary turnout.

Indeed, asserting that the introduction of CV would bring about such procedural spillover effects is mere speculation. The last time compulsory voting was established in a democratic country was in Cyprus in 1960 and since that time many reforms have been implemented in many different democracies around the globe. It is therefore doubtful that the introduction of CV would significantly contribute to institutional reform: the problem of registration has already been tackled quite thoroughly in the United States and there is a lively debate about implementing institutional changes in Britain even without compulsion (an elected upper house, switching from the Westminster model to proportional representation, amongst other issues). It may indeed be true that changes would take place more quickly upon the introduction of CV but due to the fact that there has not been an introduction of compulsory voting for almost 50 years, this is something very difficult to prove.

Party-oriented spillover effects are no less a matter of much debate. They are based on the claim that high turnout in CV countries is something which one can take for granted and thus political parties can shift their attention from motivating citizens to vote to ‘winning over

¹⁰¹ For more information about electronic and internet voting refer to the ACE Project website <http://www.aceproject.org/ace-en/focus/e-voting/countries> (accessed 09/2007).

¹⁰² International IDEA, ‘Postal Voting and Voting on the Internet’, http://www.idea.int/vt/postal_voting_internet_voting.cfm (accessed 09/2007).

the undecided voters'. As a result, it is claimed, elections will be less expensive, parties will turn away from populist rhetoric and attack campaigns (which can be regarded as a typical example of populism) and instead bring issues of genuine national interest into the limelight. Thus populism could gradually begin a less and less important role in politics and in time disappear altogether. If one examines the elections in Australia one necessarily arrives at the conclusion that this is not the case. Young (2005) found that attack advertising in the 2004 Australian federal elections was a widespread phenomenon. According to her research 7 out of 12 Labour party television advertisements were negative as were 7 out of 9 Liberal party advertisements; these ads were used as a means to discredit the leader of the other party. As Ballinger (2006: 18 and footnote 76) points out the 2004 general election in Australia was 'more consistently negative' than the 2005 British election and employed a tactic aimed at 'at discrediting each party's principal opponent' (*Ibid*). So it does not seem that CV generates 'gentleman-like behaviour' in politicians or create a sense of fair-play amongst political parties.

If we examine the claim that Gosnell (1960: 185) made (and Lijphart seems to support) that elections will be 'less costly' we find that it is not so, again, taking data from Australia. Available empirical evidence clearly illustrates that the cost of election campaigns has, on the whole, been rising in Australia in spite of compulsory voting legislation. This has nothing to do with CV but the 'adoption of modern campaigning techniques in the 1980s, mainly relying on the electronic media, has seen a spiralling of election costs for the major parties.' (McAllister 2002: 393-4, especially Figure 13.2). As McAllister points out parties under a voluntary voting system 'rely on their mass memberships to mobilize the vote; freed of this by compulsory voting, the parties use the mass media to appeal for votes.' Furthermore, even in Australia, as in most other democracies, political parties primarily rely on funds donated by wealthy individuals and corporations, rather than membership costs and money from the state. The claim that compulsory voting diminishes the importance of money thus seems false. In this respect it seems appropriate to mention the claim Keaney and Rogers made, i.e. that compulsory voting lets parties concentrate on 'winning over the undecided voters': this may surely be the case, though not exactly in the way Keaney and Rogers envision. In the case of Australia two research projects (Gaunt 1999, Denmark 2000) found that in the 1990s \$60 million were spent on a sports grants programme in swing constituencies. Leigh (2004) demonstrated that 'spending from the \$2.7 billion fund [of the Roads to Recovery, a safety and transport programme] was overwhelmingly directed towards coalition-held electorates' that voted for the government in the 2004 election and a year later

another study (Andrews, Fry and Jakee 2005) linked increased spending within the framework of Job Network, a federal programme targeted against unemployment, with marginal constituencies – an illustration of the fact that money is still important in Australia.¹⁰³ Surely, such examples hardly represent the diminishing importance of money or fair-play behaviour, more likely the same political calculations and machinations than in any other country.

The theory that compulsory voting might have a positive effect on party identification and political support also proved according to Lundell's research (2007: 16) as false. He found that although CV has a 'positive impact on party identification, trust in politicians and trust in political parties ... the actual effect on the dependent variables is very small' and that in this instance there is 'no actual dividing line' between countries with compulsory voting legislation and without it. Lundell expresses the idea that CV probably has a positive effect on certain citizens (most probably those who would vote anyway) but at the same time causes 'frustration among those who are indifferent to political matters' (non-voters). This leads him to conclude that 'compulsory voting does not provide a remedy to inadequate citizen confidence in political institutions and party-based representative democracy' (*Ibid*).

Equally speculative as procedural and party-oriented factors are the *voter-oriented spillover effects*; proponents of compulsory voting assume that CV may act as an incentive for citizens to be more interested, informed about and engaged in politics in general. Though this claim finds some backing in Berggren's (2001) and Gordon and Segura's (1997) research,¹⁰⁴ Selb and Lachat (2007: 4) have argued against Gordon and Segura's findings on the grounds that the statistically significant increase in political sophistication in countries with compulsory voting is distorted as a result of the methodology they use; after switching from the individual to the country level, the effect of compulsory voting will disappear. Jakee and Sun (2006: 64) point out that the claim that citizens become more politically sophisticated is unconvincing because advocates of compulsory voting always fail to specify a model by which this process takes place and 'the transformation process is merely assumed'. Apart from the two studies other evidence that compulsory voting promotes more political knowledge on behalf of the citizens is scarce – Grönlund and Milner (2006) actually found that CV countries had an under-average political knowledge amongst their citizens. Schmidt (1974 quoted in Katz 1997) found that in the Netherlands the 'people who voted regularly before 1970 but failed to do so after the abolition of the compulsory vote, were

¹⁰³ The relation between CV and financial arrangements is another avenue open to research.

¹⁰⁴ The impact of compulsory voting on political sophistication is only a small part in this broader study of the structural and contextual factors affecting the costs and benefits to individuals of becoming politically sophisticated in 12 West-European countries, three of which had compulsory voting legislation.

disproportionately uninterested and uninformed about politics'. Also Loewen, Milner and Hicks (2007: 12) after conducting a survey amongst young Canadian voters discovered that providing young voters with 'a financial disincentive from abstaining from voting did not increase how much they learned about politics'. Though the aim of the authors is not to prove a point against compulsory voting (indeed, the opposite seems more accurate), in the end they are forced to concede that 'most arguments for the merits of compulsory voting would claim that is the effects are conditional, then they are most likely to manifest themselves among those who would otherwise be unengaged, particularly youth' (*Ibid*: 16). In other words, if CV were to have an impact, it should be most felt amongst the younger generation; their research, however, proves that this is not the case with increasing political knowledge through a system of compulsion.

The same amount of doubt is present in the assumption that compulsory voting will increase the interest (expressed by participation) of people in politics; though Engelen and Hooghe (2007: 13-5) support the institution of compulsory voting, their research shows that CV does not in the European context seem to produce a higher than average political interest, nor does it boost feelings of political efficacy. Turning yet again to the Australian context: Ballinger (2006: 14) cites data which clearly demonstrates that there is virtually no difference in the engagement, or rather disengagement, amongst young voters when comparing young Australians with young Britons. Obviously such a question would seem irrelevant in Australia where turnout is obligatory, however the cited research shows that if CV were to be abolished, only half of 16-18 year-olds would vote (as opposed to 87% if participation is compulsory) and overall turnout in Australia would fall to the region of 50-60% (Jackman 1999: 46) even after more than eighty years of compulsory voting; a loss of around 30% of voters would result in the abolishing of compulsory voting in Belgium (Hooghe and Pelleriaux 1998), Brazil or Venezuela (Power and Timmons Roberts 1995) – in other words, CV does not create the voting norm or lastingly shape behaviour, as Hill and Louth (2004: 26) confidently claim though in the same article they concede that it were 'doubtful ... that the voting habit would stay with us without the strong incentive of law' (*Ibid*: 9). The Netherlands experienced such noticeable declines (around 15% on average) after the abolition of compulsory voting laws in 1970, yet even nowadays turnout still remains around the 80 percentile mark, i.e. more than the average of some current CV countries.¹⁰⁵

¹⁰⁵ It might be pointed out that turnout in the Netherlands remained high despite the abolition of compulsion and that it probably did generate a voting norm. Such an argument may seem valid, but one has to take into account the history of strong political engagement, the size of the electorate, proportional representation and other factors

These examples show that compulsory voting (or more likely the sanctions) increases and equalises turnout but does not show that it increases and equalises knowledge or interest in politics (not political issues) expressed by engagement in elections – if that were the case it would not be rational for so many people (assuming they are informed and interested in politics as CV supporters maintain) to become disengaged from the electoral process so sudden – after all, we know that more educated and knowledgeable people tend to vote more. Even Engelen and Hooghe (2007: 19), though themselves supporters of compulsion, point out that CV 'is not a panacea solution, as it does not bring the advantages that some proponents have attributed to it' and they are forced to conclude that compulsory voting does not contribute 'to the spread of political interest or political efficacy'.

II-2-3-d: Summary – sanctions, not CV, increase turnout

My aim in this chapter was twofold: (1) to empirically demonstrate that the level of participation is directly dependent on the strictness of the CV regime and (2) that compulsion does not generate any other benefits aside from increasing turnout.

As to the first point, it is a common mistake to assume that any CV regime is successful at generating high turnout figures. Indeed, only those with a strict level of enforcement, and logically penalties, which presently are only four democratic countries – Australia, Belgium, Cyprus and Luxembourg – have very high turnout, usually close to or over 90 percent. Indeed, in my eyes, it is therefore the penalties that in fact generate high turnout, not the legislation (as Kato's examination revealed that CV countries only with a nominal compulsory voting law have on average lesser turnout than states with voluntary voting).

The second point made it clear that it is empirically impossible to back the claim that compulsory voting produces positive spillover effects – such an assertion is speculative, controversial, questionable and, in the end, false. Procedural changes are happening even if a country does not have CV and some of the most radical innovations (for example, voting over the internet) have taken place in states without any history of compulsion whatsoever. Party-oriented spillover effects centred around the claim that in a system where everyone turns out,

which keep turnout high. However, it is important to realise that almost 40 years have past since the abolition of CV and that the generational effects would have mostly manifested themselves by now (if we assume that new voting patterns establish in roughly two generations' time, i.e. 50 years). Turnout in the Netherlands remains fairly constant thus suggesting that there are other factors which effect these figures at the present rather than merely the abolition of CV.

parties do not need to coax voters coming to the polls but can concentrate straight on important political issues; evidence demonstrated that populism is still present, for example in the form of attack advertising and that there does not seem to be any more sense for political fair-play in countries with CV than in voluntary voting regimes. Furthermore, money still plays an important (and some would argue increasing) role in political campaigning. Finally, the claim that CV has an effect on the information and knowledge of voters, makes them more interested in politics and establishes a voting norm is also debatable – indeed, if compulsory voting were to have such positive and long-lasting effects, why do opinion polls generate projections of substantial turnout declines in Australia or Belgium?

In my eyes, compulsory voting does not generate these desired spillover effects, and if somehow it is so, their impact is negligible and not worth serious debate. Indeed, again it seems that the only undisputable effect compulsion has, or more likely the sanctions associated with it, is that it substantially raises turnout. That is it.

II-2-4: Compulsory voting violates liberties and does not increase legitimacy

II-2-4-a: Introduction

Advocates of compulsion go out of their way very often to stress that CV is just like any other law, for example paying taxes, sending one's children to school, serving on a jury or even wearing a helmet whilst driving a motorcycle. All laws oblige citizens to act in a certain way and no one usually questions the fact that it is the nature of legislation to somewhat limit individual freedom. Due to the fact that it is the law, it is also logical that there will be consequences for those citizens who fail to fulfil its demands, in this concrete example, vote; however it is claimed that these penalties are mostly of a symbolic nature and serve as a reminder of one's civic duty, not as actual punishment. Furthermore, the advocates claim, compulsory voting is different than other laws, because it is not voting which is required but only turning out (after all, the term 'compulsory voting' is a misnomer) – thus compulsion does not infringe on the right not to vote because the citizen can choose to spoil his ballot, thus effectively not voting.

I question these assertions on two political notions: (1) individual freedom, and thus the associated concept of (2) legitimacy. In the following pages I will show that CV does not

satisfy the reservations made against it as there are some serious issues left unanswered. One may regard this chapter as the breaking point between the two parts of the thesis: empirical and normative. This section draws on material from both fields, as will become apparent.

II-2-4-b: Compulsion infringes on individual freedom

A common reservation made by CV opponents is the fact that compulsion seriously limits personal liberty, especially the right not to vote, leading for example Abraham (1955: 33) to claim that CV has an undemocratic nature. I will not differ from these claims. Indeed, it seems to substitute the right to vote with the duty to vote as the right to vote becomes in a system of compulsion irrelevant and non-existent. In general, CV advocates with two arguments to defend their position vis-à-vis reservations made regarding the infringement of personal freedom: (1) compulsory voting is just like any other law and the penalties for non-voting are negligible; (2) CV does not affect on the right not to vote because only turnout is required. Let us look at each one in more detail.

II-2-4-b-1: CV is not comparable to other laws

Proponents of compulsory voting often claim that CV is just like any other law, and it is logical that all laws somehow limit or regulate individual freedom. According to Lijphart (1997: 17) ‘compulsory voting entails a very small decrease in freedom compared with many other problems of collective action that democracies solve by imposing obligations: jury duty, the obligation to pay taxes, military conscription, compulsory school attendance, and many others’. Furthermore, Lijphart – as many others after him – maintains that CV is much less restrictive than some of the above cited examples (see also Hill 2007: 5). In this light, CV supporters claim that the penalties associated with compulsion are negligible and that their financial impact is the same as paying for minor traffic violations. That, however, is hardly true. Let us examine the possible implications of sanctions more closely (as I have already talked about their nature in the chapter above).¹⁰⁶

Proponents of compulsory voting readily acknowledge that there are penalties associated with CV practice but maintain that these sanctions are not really burdensome: Lijphart (1997: 3) calls them ‘generally low penalties’ similar in their impact to parking

¹⁰⁶ It has also been suggested that a fresher and different approach might be to do away with the whole system of penalties as they are negative and restrictive and this makes it more difficult for citizens to relate to the current electoral system in a positive way – an alternate proposal is to offer voters incentives to vote, instead of forcing them to vote. This will, however, be covered in detail in a Part III.

tickets and Keaney and Rogers (2006: 33) see them as ‘fairly minor sanctions’ comparable to a ‘small fine’ associated perhaps with parking tickets. Watson and Tami (2004: 8) beef up their case for CV by showing that for example in Australia in the year 1993 only 4412 voters (representing 0.9% of all non-voters) actually ended up in court whilst 94% of excuses made by the roughly half a million of abstainers were accepted and the rest 23,320 (4.7%) paid the allocated fine.¹⁰⁷ Though these numbers may in the larger context look insignificant, I maintain that the reality is more complex and that CV advocates tend to turn a blind eye that apart from the minor penalties there are exist more serious forms of sanctions and the possible repercussions may be very real indeed, especially in countries with a strict level of CV enforcement. Some fines, for example the almost 1000 euros in Luxembourg, are not something to be ignored, as for most people this may amount to half of their monthly wage. However, in my eyes, it is especially the non-financial sanctions that can have the most severe consequences.

Probably the strongest impact of compulsory voting laws is the possibility to end up behind bars as a result of non-voting. Though CV supporters point out that, for example in Australia, if someone does end up in gaol, it is because they did not pay the allocated fine, not because they did not vote, to me this sounds as mere wordplay. The fact of the matter is that the principle remains the same, regardless for what reason the individual question is sent to gaol – his incarceration will somehow be connected to the fact of not voting. Lever (2007: 19) duly points out, that ‘it is a predictable consequence of compulsory voting that people will go to prison, and end up with a criminal record, either because they cannot or will not pay the fine for non-voting.’ If we consider the case of Australia, after the election in 1993 at least 43 non-voters received a gaol sentence as a result of this (Bennett 2005: 7); some cases make the news if the protagonists are vociferous enough.¹⁰⁸ However, Australia is not the only country, where voters may end up behind bars: in Greece, Cyprus and the Philippines it is possible to be incarcerated as a direct consequence for non-voting.

Another ghastly implication of a CV regime is disenfranchisement, as is the case in Belgium. Though admittedly the loss of one’s voting rights is not permanent, I still feel especially strong about this case because I cannot see how a democratic country could have such provisions when the right to vote should be sacrosanct. This is a direct violation of the

¹⁰⁷ However, later elections show a considerable increase in the number of people who paid the 20 dollar fine: whilst in 2001 this was 39,874 people, in 2004 this number was 52,796 according to the data provided by the Australian Electoral Commission. Thus, one can see a clear increase of 25% in the number of non-voters.

¹⁰⁸ This was the case with Melissa Manson who refused to pay her fines for non-voting ‘on principle’ and as a result went for a day to gaol in 1999. Her reasons for not voting were that ‘there were no candidates worth voting for’. See Hill (2002c, endnote 17).

right to vote, putting the non-voter on par with convicted felons who in some states lose this right because of their crimes against the society. Trying to rebuff such a comment, as I suspect CV supporters would do, by stating that chronic non-voters would not really care if they lost their right to vote is simply irrelevant, because their ‘crime’ is not such as it requires the state to infringe on one of the basic political liberties an individual has within a democracy. I therefore find the following Birch’s (2007: 11) claim rather disturbing: ‘If voting is considered to be a civic duty, it would seem logical that non-voters should have their civic rights restricted. The most obvious right to restrict is the right to vote itself.’ I deeply question such ‘logical’ thinking. How does the disenfranchisement of the non-voter help the democratic system? Is the system more democratic and healthier by actually curtailing the universal right to vote? I seriously doubt this (Hill (2002c: 4-5) also seems to argue against disenfranchisement).

It might be argued that not all CV countries have such harsh responses to voter misbehaviour. This is certainly true as apart from systems with a strict enforcement of compulsion several countries have weak enforcement, or penalties exist on paper but not in practice. One might ask the question what is the logic behind having compulsory voting without any penalties to back it up? There are two plausible explanations. The first one is that for the local authorities it might not be worth the time and effort to enforce the penalties and running a CV system may even prove costly. If this is the case, it is clear that compulsory voting has already outlived its usefulness and should be abolished altogether. The second answer to the above question is – as Gratschew (2002: 106) suggests – that ‘[n]ot all laws are created to be enforced. Some laws are created merely to state the government’s position regarding what the citizen’s responsibility should be.’ In other words, the existence of compulsory voting legislation makes a citizen obliged to act in a certain, morally desirable way. It must be obvious to any one that by not going to the polling station he is breaking the law and this recognition imposes a kind of moral obligation on the voter and acts as a self-regulatory measure. The voter is aware that he will not be punished directly as the consequence of his actions but also knows that, in the end, the choice whether he casts a ballot or not must be sorted out by his own reasoning and conscience. My objection to this way of thinking is that it is unnecessary to have laws if they provide no practical use. If it is intended to be made a statement it might be more prudent to mention that voting is a citizen’s duty in the constitution.¹⁰⁹ Furthermore, to have CV enshrined in law and readily available, though

¹⁰⁹ Birch (2007: 17) lists constitutionalisation (together with incentive voting – discussed later – and collective sanctions – used mainly in former Soviet satellites) as a possible alternative to compulsory voting. The provision

not actively practiced, may pose a more subtle but not less real danger as Lever (2007: 21) points out that seldom used laws still ‘raise the spectre of arbitrary enforcement ... against annoying, unpopular, or combative individuals or groups’ and that such legislation ‘can seriously constrain someone’s liberty and privacy even when it never results in legal punishment; and can intimidate the groups to which that person belongs.’

So, CV may thus become an oppressive tool, and although the probability of it being used in such a way is small, it is still possible. Again, if the law is not in use (regardless the reasons, administrative, financial or otherwise) and serves only as a reminder of a citizen’s duty, it should also be abolished as any law which has outlived its usefulness. To this extent, countries which have a strict but consistent practice of compulsion behave more reasonably than states without serious CV administration.

In any case, returning back why I do not think that compulsory voting is comparable to other laws, I grant that it is quite true that voting once every four or five years requires less effort than sitting on a jury, however, I still feel that there is something wrong in comparing the two. Lever (2007: 36) maintains that it is difficult to compare compulsion with the duty to sit on a jury, serve in the army, send children to school or pay taxes; it is equally difficult to compare compulsory voting to these concepts as each one is justified differently and their moral and political significance is lost when treated as ‘examples of justified coercion in response to collective action problems’– taxation is tied to the concept of proportionality and redistribution (the element of compulsion is necessary here because otherwise the state would cease to function), jury duty to political notions of justice, fairness and equality (compulsion is necessary to ensure a free and fair trial not a biased jury), sending children to school goes with a basic idea of equality of chances (compulsion is necessary to force parents to send their offspring to school), etc. To generalise and claim that CV is just like any other coercive law is to misinterpret the different natures of these forms of compulsion (taxation, jury duty, mandatory elementary education etc.) which have ‘an evident and agreed point to them, whereas whether or not it is desirable to raise and equalize voting, or to use legal compulsion to do so, has still to be established’. Indeed, in this light it is important to bear in mind that CV does not have such urgency to it the other concepts cited above do.¹¹⁰

that voting is a ‘civic duty without making it compulsory in law’ is enshrined in a number of constitutions, for example in the Central African Republic, Colombia, Cuba, East Timor, Haiti, Italy, Mozambique, Paraguay, and Portugal.

¹¹⁰ I come back to this point in the Conclusion when I claim that the proponents of compulsion cannot prove the urgency to establish CV as there is not a society-wide consensus on the issue.

II-2-4-b-2: CV infringes on the right not to vote

Advocates of compulsion acknowledge that to a certain extent CV limits the freedom of citizens because of the obligation to participate in an election and because of the penalties involved for those who do not do so. However, despite of these facts they claim that compulsory voting does not violate personal liberties in an unforgivable manner because there are other benefits to be gained, such as enhanced participation, equality and representativeness (Lijphart 1998: 10). Hill (2007: 5) in reference to Australia writes that the ‘system embodies an implicit assumption that that the harm of restricting the freedom to abstain is outweighed by benefits that accrue’. To be sure, it is mainly argued that the right not to vote generally remains intact as ‘all that needs to be required is for citizens to show up at the polls’ (Lijphart 1997: 17), not actually cast a ballot. After all, we must remember that the term ‘compulsory voting’ is a misnomer. This is why Keaney and Rogers (2006: 7, 26) argue that the term compulsory voting should not be used and instead the practice should be renamed to the more accurate ‘compulsory turnout’ and Birch (2007: 2) also points out the ‘negative connotations of the term ‘compulsion’ in English.’¹¹¹

It is important to point out right at the beginning of this section that the practice of compulsory voting was challenged legally in the European Court of Human Rights in 1971 in the case of *X v Austria* (Append. No. 4982/71) under the Convention’s Article 9 which deals with the freedom of thought, conscience and religion. ‘The Court then ruled that a system of compulsory voting for those of majority age does not violate the right to freedom of conscience, provided that electors are free to hand in a blank or spoiled ballot’ (Baston, Ritchie *et al.* 2004: 36). Such a decision certainly is a valuable argument for proponents of compulsory voting, as it underlines the claim that, provided the ballot is secret, there is no way of knowing whether the person in question had voted or not, which thus does not violate his right not to vote.¹¹² However, in my eyes this decision does not morally justify compulsory voting but only acknowledges that is congruent with the democratic electoral system. I believe rather than just taking this court case as it is, it is important to take into account the time period at which the ruling was made: in the 1970s many communist systems were clamping down on reformist voices, and in this respect I have come to the conclusion

¹¹¹ Birch discusses the term at length in several languages on pages 1-2 of this paper concluding that negative connotations are mostly present in English, whether other languages, like the Romance ones, use the a much more neutral term which translates as ‘obligatory voting’.

¹¹² This, however, is not the case with Australia, as the discussion bellow illustrates. Hill (2007: 9) as a proponent of compulsion is well aware of this problem and acknowledges that were the European Convention of Human Rights apply to Australia, the current system ‘might run into trouble’ as Australia ‘seems to require actual and formal voting rather than mere attendance’.

that it was a way of setting apart democratic compulsion – as practiced in Australia or Belgium at that time – from undemocratic compulsion – for example until the year 1990 in former Soviet satellites states, the USSR itself or in other totalitarian regimes usually with only one party vying for seats in parliament. It was a way of distinguishing the undemocratic state of affairs in the Eastern block and democratic idiosyncrasies of some Western countries. So, although from a legal perspective CV is still regarded as compatible with democratic practice (provided the ballot is secret and that there is a way how to spoil a vote) I still maintain that the right not to vote, as understood under a voluntary voting regime as a right to abstain, is crucial to the democratic system and is as important as the right to vote itself.

First, let us look at the reasons, why the right to vote as such is not a trivial issue. As we know, there may be several reasons for non-voting; one them is can be interpreted as a form of protest or discontent (Wattenberg 2002). It is a well-established and fundamental principle within a democratic society that individuals have the right to protest, regardless whether this is accomplished by free speech, attending a demonstration or consciously not voting. Indeed, non-voting may be regarded as an easy, consistent and non-demanding way by which citizens can protest, it can be a form of civil disobedience. By forcing turnout and sustaining it by penalties, non-voting becomes an expensive exercise, not only financially but psychologically. ‘Rights of non-participation, no less than rights of anonymous participation, enable the weak, timid and unpopular to protest in ways that feel safe and that are consistent with their sense of duty, as well as self-interest’ (Lever 2007: 37). Laws requiring citizens to turn out exert a significant amount of pressure on the individuals and although proponents of CV claim that only turnout is required, not the actual vote, the reality is that most people, even those who would not have otherwise voted, will cast a ballot in the end. It is very much doubtful that such a coerced vote has value other than to improve voting statistics and give off the impression that a country’s citizens are strongly engaged in the life of the community.. There is no doubt that some citizens will choose not to vote out of sheer laziness and such a ‘justification’ is wrong by any standards. But even though such ‘reasons’ exist and can sometimes be common, this does not give anyone the grounds for curbing the right to abstain which is as important as granting universal suffrage – although CV truncates this ‘laziness factor’ at the same time it forces the dissatisfied to vote but not only them; the uninformed and the uninterested are also coerced to cast a ballot although they may have because of this reasonable causes for abstention. I therefore find no backing to Mackerras and McAllister’s claim that when casting a ballot in a CV regime ‘the act of voting means that they are forced

to think, however superficially, about the major parties'. Empirical evidence clearly shows that it is not so because if it were the case there would not have been so many random votes.

In other words, the right to abstain acts as a convenient and discrete way for citizens who do not vote in order to show their protest to 'slip out the back door' without further repercussions whatever their reasons for non-voting may be. If citizens do not regard non-voting as a passive way of staging a protest and their grounds for not showing up at the election is not laziness, there are probably other, more mundane causes. First of all, the right not to vote enables people without any real political knowledge to admit their ignorance without forcing them to make uninformed decisions which may otherwise upset the democratic system. Non-voting as much as an active process of disobedience can also be interpreted as an honest gesture of simply admitting the fact that one does not have the knowledge to make a well-considered political judgment. Poorly informed voters tend to make decisions based on irrational personal preferences that do not reflect on the given political situation thus further fuelling populist politics.

However, apart from expressing one's protest or admitting one's ignorance, there may be other, more immediate motivations. As pointed out already, the typical non-voters, i.e. the young, less educated and the poor may have other more immediate needs and problems that make it difficult for them to vote – issues such as unemployment, housing, etc. But they may not be only ones whose immediate concerns may make it difficult to cast a ballot and on occasion personal reasons, however trivial they may seem for someone with a detached perspective, may prevent us to vote even if it is against our better judgement. A person may for example need to attend to an ill relative, meet up with a potential employer, travel unexpectedly out of the country, etc. There may be many reasons. The problem is that CV forces these citizens to explain themselves which can not only feel demeaning but can cause resentment rather than support for the democratic system. Even though cases similar to those mentioned above are likely to be accepted by the authorities this does not make the need for the right to abstain any less urgent. Rather than facing the awkward situation of having to explain one's time management to the state authorities it is much more convenient to exercise the right not to vote, regardless whether one is a continuous non-voter or the 'one-off' type. Maintaining the right not to vote forgoes with such uncomfortable situations which require the citizen to explain his conduct.

So, after establishing the reasons for maintaining the right to abstain, I will now look at the right not to vote within the confines of a compulsory voting system and examine, whether CV is truly a misnomer which still guarantees the right not to vote.

It is important to realise that there is a disagreement even amongst supporters of compulsion on how to understand the concept of CV. Proponents of compulsory voting claim that the only duty citizens have is to turn out at an election, and therefore the right not to vote remains intact as they can still choose to abstain or cast a blank ballot. Closer examination, however, reveals that CV supporters themselves are not united on how to view the duty to turn out: Lijphart (1997: 3) maintains that all citizens have to do is ‘to appear at the polling station on election day without any further duty to mark a ballot or even to accept a ballot’ and although he acknowledges the importance of the ‘none of the above’ ballot he nevertheless makes it clear that the best option would be if the citizen had the option to refuse to accept a ballot (*Ibid*: 19, footnote 23); on the other hand Keaney and Rogers (2006: 26, 30), whilst they put strong emphasis on pointing out that the system they support is compulsory turnout not CV, paradoxically end up promoting the latter – it seems that they are not simply satisfied by the prospect that a citizen turns up at the polling station and crosses off his name from the registry, but actively votes (regardless whether this is a valid, even a formalised protest vote, or a spoilt ballot). The difference between these approaches neatly illustrates the fact that whilst Lijphart makes truly a case for compulsory turnout, Keaney and Rogers want citizens to cast a ballot, not merely turn up, thus arguing for compulsory voting. For the purpose of our argument I will characterise these two concepts as (1) a weak (Lijphart’s) and (2) a strong (Keaney and Rogers’) version of CV. One could even assert that the former version is more liberal because it is less demanding of the citizen but this is a false impression as neither account is really justifiable in terms of promoting only turnout – both infringe on the right not to vote, although in different ways.

Keaney and Rogers’ case for, what they call, ‘compulsory turnout’ is obviously defective – though they assert that the ‘citizen is not required to cast an actual valid ballot and, consequently, the right not to vote remains intact’ (Keaney and Rogers 2006: 30) upon closer inspection it will be obvious that it is not so. A citizen must vote (regardless whether he casts a valid or invalid ballot); showing up will not suffice – it is clear that this cannot be understood in a strict sense as ‘non-voting’. Keaney and Rogers equate non-voting to a protest vote as they do not envision a place for abstention: their version of compulsory turnout does not allow for it as they themselves acknowledge that their version ‘impinge[s] on the right not to take part in the political process at all’ (*Ibid*). They admit that ‘some curtailment of personal freedom’ is involved, however, they maintain that it must be seen in context as other compulsions are common in the democratic context, citing the usual examples of jury duty, taxation, etc. As I have discussed already above, they justify compulsory voting as serving the

public good (without elaborating what exactly the public good is, but do say that CV brings ‘benefits of increased legitimacy, representativeness, political equality and minimisation of elite power’ (*Ibid*) not once doubting the fact that any reasonable individual will see the case for compulsory turnout.

Lijphart, on the other hand, attempts to circumvent the controversy surrounding the strong version of CV by clearly stating that the only requirement a citizen should have is to turn out at Election Day and cross his or hers name off the voters’ list. Such a practice appears certainly as a weaker version to Keaney and Rogers’ proposal but closer examination will reveal that it also constrains individual freedom, though is somewhat less imposing than the former example. Lever (2007: 26) makes the acute observation that in Lijphart’s version ‘the case for forcing turnout, but not voting, is obscure’ and suggests that Lijphart’s approach, although it disguises itself as a less demanding version of CV, will produce, in the end, the same results as Keaney and Rogers’ proposal. The logic is that it is reasonable to assume that most people, due to the fact they have already turned out at the polling station and crossed off their names from the register will cast a vote as well; not doing so would not be worthwhile and would seem to most people as a complete waste of time.¹¹³ It is clear that that the truthfulness of such an assertion is difficult to establish for certain, as this is very unstable ground we are treading on and further research in this area could prove useful; however, the same goes for trying to deny such a claim. Equally difficult is the attempt to ascertain how the two concepts of compulsory voting (weak and strong) would actually differ from each other with regards to the voting itself – i.e., would there be any variation in the amount of votes cast in a system of compulsory turnout as Lijphart understands it and CV envisioned by Keaney and Rogers? There is no case study which I could draw on, but logic would dictate that there would not be much difference.¹¹⁴ In any event, the fact that people are prone to vote whilst at the polling booth does not, by any means, justify the practice of forcing them to attend thus infringing on their right not to vote (understood as the right not to attend). Lever (2007: 24) points out that Lijphart would probably regard the practice of forcing a citizen to accept a ballot or register a legally valid vote as something inconsistent with certain fundamental liberties – ‘the people’s freedom of conscience and, quite possibly, their privacy too.’

¹¹³ This, however, does not mean that the people who have voted because they have already turned out as a result of CV would have voted in the first place provided they had a choice under the voluntary voting system.

¹¹⁴ This is another topic worth further research: whether compulsory voting systems around the world are true compulsory voting systems as Keaney and Rogers understand them or compulsory turnout systems as Lijphart understands them. Comparing the rates of participation with the votes cast as well as the amount of protest/spoil ballots would be useful and worthwhile indicators.

However, compulsory voting itself seems exactly to violate such a freedom of conscience, i.e. abstention from the electoral process.

For example, Australia readily permits citizens to abstain on religious grounds, however vis-à-vis other arguments is quite unyielding. Nevertheless, making a case for abstention on a different justification than religion does not make the argument for the right not to vote any weaker – ideological reasons may be just as reasonable (indeed, I regard it as much more reasonable) as invoking some divine order. The relentlessness of Australian courts neatly illustrates some of the absurdities inherent in a CV regime and also illustrates that in this country, it is compulsory voting which is required by law, not turnout (I believe it is also here where Keaney and Rogers draw their inspiration for their ‘compulsory turnout’ system). Australian authorities regularly accept the objection to vote on religious grounds as a valid defence (implied in the case of *Douglass v Ninnes* in 1976), however other conscientious reasons for non-voting are on the whole not regarded as a sufficient reason by the state authorities and courts.

Australia is typically regarded as *the* ideal-type compulsory voting country – turnout is high (usually around 95%), the system is well administrated, penalties strictly enforced and CV also does not violate the right not to vote which is guaranteed by the secret ballot. Detailed examination will, however, show that this is not the case as there exist some very problematic areas. While it is certainly true that, due to the fact that the ballot is secret, there is no way of forcing people to vote, to suppose that the system sanctifies non-voting behaviour would be very misleading; the opposite is the case as it is not turnout which is important to authorities but voting itself. This is evident (as cited by Chong, Davidson and Fry (2005-6: 12) from a report made for the Australian Electoral Commission (Medew 2003: 7)) which clearly expresses its worries that there is no guarantee that ‘everyone will comply with the electoral laws and vote formally’ and is in accordance with the statement made earlier by the Joint Standing Committee on Electoral Matters (2004: 183) that the secret ballot makes it impossible ‘to determine whether all electors have met their *legislated duty to vote*’ (my italics), though it argues that it at least possible to measure the level of turnout. In this light, further evidence that it is voting not turning out which is required can be extrapolated from the fact that it is illegal to spoil a ballot. Though Orr (1997: 292) points out that it ‘it is not technically an offence to fail ... to record a formal vote’ yet acknowledges that ‘electoral officials probably do have the power to force electors to actually vote, whether by stopping

them leaving the polling station without depositing the ballot paper in the ballot box’,¹¹⁵ Twomey (1996: 11) points out that marking a ballot informally is actually an offence in Australia because it does not meet the requirements of the Commonwealth Electoral Act’s guidelines how to vote; as a result if citizens are actually to choose between different candidates neither of which they prefer, they are actually forced to lie and a ‘vote which is a lie and does not represent the view of the elector is treated as being of greater importance to the system of representative democracy, than one which truly represents a person’s political opinion, as long as the elector may freely choose between those candidates standing for election.’ Indeed, Twomey calls this an ‘unsatisfactory view of the meaning of ‘representative democracy’’ (*Ibid*). Also, if voters were to, as Chong, Davidson and Fry (2005-6: 12) point out, ‘simply put the ballot in their pocket and leave the polling booth’ this would be ‘in defiance of section 339 (1)’ of the act *itself entitled* ‘Compulsory Voting’! This push to have rather high voting than turnout is clearly evident in court rulings against non-voters in Australia.

As I have said, ideological reasons (as opposed to religious ones) are not sufficient reasons for non-voting as the case of *Judd v McKeon* (38 CLR 380) in 1926 illustrates. The court then dismissed Judd’s claim that as a socialist he could not vote for capitalist parties or support the social system based on capitalism¹¹⁶ and asserted that the only ‘valid and sufficient’ reason was the ‘personal physical inability to record a vote’ (without further concretising the matter), not turn up; in 1970 in the case of *Lubcke v Little* (VR 807) at first the Magistrate agreed that Little had a sufficient reason for non-voting, because he had no preference among the candidates at the election, however, the Supreme Court of Victoria on appeal overturned the verdict on the grounds that ‘voting is certainly preferential ... but it does not follow that a subjective incapacity on the part of the voter to determine that he prefers one candidate in an election to another affords a valid and sufficient reason for failing to vote’ (Australian Electoral Commission 2004: 4). Even more shockingly a year later in the case of *Faderson v Bridger* (1971, 126 CLR 271) the court dismissed Faderson’s claim that, not having any preference, it would have been a lie to state his preference as the ballot required him to do so. The High Court affirmed that

¹¹⁵ According to Orr these powers are derived from four sections within the Commonwealth Electoral Act (1918): they are section 233 (‘the voter upon receipt of the ballot-paper shall without delay ... mark his or her vote on the ballot-paper ... and ... deposit it in the ballot-box’), section 240 (a person must mark the candidates on his vote in order of preference), section 339 (1) (‘fraudulently take any ballot-paper out of any polling booth or counting centre’), and section 348 (1) (‘disobey a lawful direction given by the person in charge of the premises’).

¹¹⁶ This case created a precedent which was later applied to most of the other objections against CV.

[h]owever much the elector may say he has no personal preference for any candidate, that none of them will suit him, he is not asked that question nor required to express by his vote that opinion. He is asked to express a preference amongst those who are available for election. That is to state which of them, if he must have one or more of them as Parliamentary representatives, as he must, to mark down his vote in an order of preference of them (Australian Electoral Commission 2004: 4).

The case of *O'Brien v Warden* (1981, 37 ACTR 13) was in Chong, Davidson and Fry's words (2005-6) even more 'damning'. Warden arrived a week prior to the election but had no knowledge of the candidates and views they represented. The magistrate found such an explanation satisfactory, however, on appeal Warden was found guilty of breaking the law – the Justice stated that CV legislation in his view does 'not oblige the elector to make a true expression of his preference among the candidates. On one view he must make an expression of apparent preference; on another he need not express himself intelligibly or at all' (Australian Electoral Commission 2004: 5).

To me, such verdicts sound preposterous and violate the right to freely choose. Indeed, as Chong, Davidson and Fry point out (2005-6: 12) these rulings seem to be at odds with the 'more noble propositions that compulsory voting reflects the will of the people, or that it teaches the benefits of political participation'. If anything, the authors note, voters are taught that they need not make intelligent choices, only cast a valid ballot. Indeed, it seems that the authorities regard the citizen as an automaton with only limited electoral choices they can make and abstention is not one of them – hardly something desirable in a democratic society. As the system seems not to care about the 'subjective incapacity' of the voter to decide, it de facto sanctifies donkey votes and opposes purposefully spoiling the ballot.¹¹⁷ So, it appears that although the religious objection to vote (i.e., to the institution of voting as such) is readily accepted by Australian authorities, attempts to oppose compulsory voting on ideological grounds (such as objecting to the CV system itself, lack of sufficient knowledge to make an informed decision or not wishing to vote in a particular election) are rather short-lived. Australia seems to accept an objection to voting in general but not any opposition to the

¹¹⁷ Another serious problem which Chong, Davidson and Fry (2005-6: 13) highlight is the onset of electronic voting and the possibility of the spoiling one's ballot. They express their worries that with the possible increase of the computerised ballot in the future, it will become increasingly difficult to spoil the vote – they mention the example of internet surveys that do not allow to finish the process of answering them until all required fields are filled out and all necessary boxes checked. Without the none-of-the-above option voting, not just turning out, would become compulsory.

system of compulsory voting or in the case of a particular election – one must therefore use his right to vote absolutely, or never at all.¹¹⁸

This is absurd and as Lever (2007: 28) remarks '[s]uch a position seems remarkably arbitrary, morally and politically. A conscientious objection to being compelled to vote can be fully as conscientious as an objection to voting itself.' She draws up an analogy between conscientious objectors for war: people who are not pacifists should fight in all conflicts and should not choose which wars to fight and which not to fight. This sounds equally absurd. According to Lever, due to the fact that Australia chooses to excuse people with an objection to voting in general (mostly on religious grounds), but does not exempt from the duty to vote those with reservations against that duty or particular election, the country effectively violates the principles of freedom and equality of citizens. Implicit in her objection to compulsory voting is the question why, in the Australian case, one set of arguments is taken into account whilst others are completely disregarded. In effect, the citizens are expected to behave a certain way and if they do not wish to participate they are 'free' to do so, provided they give the right excuse to the authorities. In this light, Hill (2007: 18) mentions that it is in the interest of a CV system to 'allow dissenters like these to abstain without penalty' for two reasons: 'because their claims are morally compelling in terms of the types of democratic values compulsory voting is supposed to serve' and 'because such highly publicised cases of prosecuted voting recalcitrance are likely, over time, to bring the institution of compulsory voting into unjustified disrepute, especially when such recalcitrance results in a gaol sentence'.

Coming back to the two cases for compulsion presented above, I maintain that both examples – Lijphart's and Keaney and Rogers' – infringe on the right not to vote not only because of the fact that there is not much room for abstention in both cases but also because both accounts work with the assertion that the citizen must explain his actions to the state authorities if he fails to behave in the way dictated by law (regardless whether it is simply to turn out or cast a valid ballot). In my view, such a provision violates the right not to vote precisely because of this required explanation and the possible penalties which follow if one ignores this duty. It is interesting to put this into perspective with the right to vote – whereas no one sane would, within the democratic context, question a citizen's candidate or party of choice or make him state why had he voted in such and such a way, proponents of

¹¹⁸ I appreciate the fact that in the Australian case authorities are quite ready to accept many excuses, this, however, does not alleviate the fact that it is not possible to protest by non-voting against the system of compulsion without being fined or not voting in a particular election because of the choice of candidates.

compulsory voting seem to have no difficulty in making the non-voter explain why he did not vote. To me this further demonstrates the absurd nature of CV because the freedom associated with the right to vote and the freedom associated with the right not to vote go hand in hand and are inseparable within the democratic context. The freedom to abstain from the electoral process altogether (not to vote) should be unconditional and independent of further clarification much as the right to vote is. Furthermore, it is important to realise that abstaining from the electoral process is also a form of voting (though passive, but voting nonetheless) – admittedly, it may not please many people that citizens decide not to vote in elections (myself included) but this is something one should learn to appreciate, to examine and, if needs be, address the true causes behind abstention (which can be even in some cases beneficial to a democracy as I will discuss in the next chapter).

This is why I cannot regard neither version of compulsory voting (weak or strong) as justifiable in fulfilling the right not to vote which I believe is not satisfied simply by having a ‘none of the above’ option, by the possibility to spoil one’s ballot or by signing one’s name off the register. In effect, in their attempt to imprint the duty to vote on the society (by stressing the importance of universal turnout or near universal turnout as the next logical step following universal suffrage) by institutionalising CV, supporters of compulsion in actual fact do away with the right not to vote which they seem to regard as something unnecessary for a democracy. This, however, is false because in such a case we are left only with the duty to vote which gives elections a rather nasty authoritarian tinge as citizens must vote, provide explanation when not voting (only some of which are accepted), and if practicing the ‘right not to vote’ (not usually the case as this would be a waste of time) their protests are not seriously taken into account. If one of the principles of democracy is having free and fair elections, part of this freedom must be the right not to vote understood as the right to abstain from the electoral process altogether. The right to vote without the right not to vote loses its meaning and the duty to vote does not presuppose the right not to vote, and in fact neither the right to vote – the duty to vote supersedes the right to vote, rendering it trivial and obsolete.

Lever (2007: 22) in addition points out that there is a significant difference between the rights and duties of the electors and their representatives: as opposed to ordinary citizens, legislators may well be required on some occasions to vote – for example because of party discipline – openly and even in a given way. However, universal suffrage does not imagine such a case so ‘it is hard to justify a general duty to vote, or a duty to vote publicly, simply because one is a citizen and has a right to vote’ (Lever 2007: 23). Representatives are voted into parliament simply to make decisions on the citizens’ behalf (i.e. vote) but this logic does

not work the other way around – citizens are not obliged to vote for their representatives, they do not owe them their legitimacy, more than anything else the parliamentarians must seek legitimacy the citizens. This, however, I will cover momentarily in the second point in this chapter.

To summarise the arguments why the right not to vote is not something trivial, I believe it is important to think of the right to vote as something inseparable from the right not to vote. Indeed, though Verba and Nie (1972: 1) claim that ‘the more participation there is in decisions, the more democracy there is’, it important to realise that even the choice to abstain must be understood as a decision, notwithstanding its passive nature. Democracy is also about ‘not taking decisions’ as much as actively doing so. One must – although this may be difficult at times – acknowledge the right to abstain as something implicit in democratic practice and equally important as the right not to vote. Gratschew (2002: 106) writes that the ‘leading argument against compulsory voting is that it is not consistent with the freedom associated with democracy. Voting is not an intrinsic obligation and the enforcement of such a law would be an infringement of the citizen’s freedom associated with democratic elections.’ I tend to agree and maintain that the right not to vote is necessary for democratic freedom. As I have shown, compulsory voting limits this freedom, even though it claims that is not the case; this is true for both weak and strong accounts – Lijphart’s and Keane and Rogers’. The Australian case showed how narrow-minded and limiting a CV system can actually be, effectively curtailing freedom of citizens. Most proponents of compulsory voting recognise this: for example, Lijphart (1997: 16) writes:

Probably the most serious objection to compulsory voting is normative in nature: compulsory voting may be an attractive partial solution to the conflict between the democratic ideals of participation and equality, but it is often said to violate a third democratic ideal, that of individual freedom. ... That compulsion of any kind limits individual freedom cannot be denied, but the duty to vote entails only a very minor restriction.

These pages illustrated that it is certainly not so.

II-2-4-c: High turnout does not legitimise democracy

Proponents of compulsory voting make it clear that high turnout makes a country healthier, more egalitarian and thus, ultimately, the whole democratic system more legitimate. The second part of this chapter will argue that this is not the case. In fact, I tend to believe that low turnout in itself is not necessarily bad and that it can indeed be high turnout which can be

harmful to a democracy in some cases. Within this context I raise three main objections to CV: (1) by focusing on raising turnout compulsory voting tackles the symptoms rather than the causes of low turnout and makes only superficial changes; (2) CV generates a considerable amount of invalid, protest, and donkey votes which indicate dissatisfaction with the system and undermine its legitimacy; (3) low yet genuine turnout is more legitimate than artificially high turnout, which could actually harm democracy. I will now deal with each objection in detail.

II-2-4-c-1: CV tackles the symptoms rather than the causes

I have already hinted at this problem in the first chapter when I talked about the possible reasons underlying declines in turnout and pointed out the fact that CV masks the serious issues behind the falls in participation. One of the most serious objections proponents of CV must deal with – apart from the suspected undemocratic nature vis-à-vis individual freedom – is the claim that CV deals only with the symptoms and not the causes of low voter turnout, in effect fixing problems on the surface by mechanically increasing participation without tackling the real issues causing low turnout. Such increases, I maintain, could even damage democracy rather than make it more legitimate and healthy. Indeed, I believe it stands to reason that if we make voters out of non-voters this does not in any way remove the discontent that caused abstention in the first place.

Ballinger (2007) describes CV as a superficial form of ‘palliative care’. It concentrates on rectifying numbers without actually doing something about the causes that generate these figures. In the same vein Franklin (1999: 206) voices his scepticism that the causes of abstention can be solved by simply introducing compulsion as a ‘cure’ to the ‘disease’ of low turnout as CV ‘will not cure the underlying conditions that lead to low turnout’ but ‘divert attention from other proposed reforms ... which would address genuine deficiencies’ and turnout could then be an authentic indicator of the health of a democracy, unlike turnout generated by compulsion (*Ibid*: 222). Selb and Lachat (2007: 23), though strongly arguing against low turnout, conclude by stating that ‘the sources of this problem, however, are likely to be unaffected by a decision to compel citizens to the polls’. Finally, Lever (2007: 16) points out that decision-makers should be concerned about the ‘multiple forms of deprivation that characterize this section of the non-voting population’ and not abstention per se.

As I have established earlier from a socioeconomic point of view, it is mostly the poorer, younger and less educated citizens who are the core non-voters. These individuals obviously have many different reasons (albeit not all reasons, for example laziness, could be

deemed reasonable) why for non-voting but proponents of CV seem unconcerned with these different explanations. Instead supporters of compulsion champion the broadest and easiest strategy possible to boost turnout, but they do so only for turnout's sake.

As one has already seen, there may be many different reasons for turnout to fall: they might be caused by socioeconomic and demographic factors, institutional reforms (or lack thereof), or by political culture. Tackling these issues may be difficult but very important for making a democratic state a better place to live in. I believe that instead 'cheating' and applying the quick-fix solution of CV, politicians and political theorists should rather concentrate on the promotion of policies which will mend the problems and subsequently result in natural increases of turnout (or it is also possible that not, if the nature of citizenry is changing from the supportive to the critical electorate) without the coercion involved in institutionalising CV. If we are well aware of the fact that the poor do not vote, should we not rather focus our efforts on the creation of a fairer tax system or labour laws? If the young do not vote because they harbour feelings of mistrust for the political elite, should not the focus be on regaining their trust? If the less educated tend to in general vote less than their more educated counterparts, should not there be a governmental reform of the education system rather than making the citizens show up at elections under the threat of penalties? Surely, for the disadvantaged groups voting is usually bottom of the list, whereas finding a job, affordable housing or healthcare would be pursued with far greater urgency. By equalising voter turnout the however does not equalise the life chances of the most disadvantaged citizens within the society (indeed, I have shown that the link between high voter turnout and a higher social-democratic representation is very dubious). Compulsory voting aims to equalise and raise turnout, especially amongst the young, less educated and poor; however, the penalties (most notably the financial sanctions) accompanying CV in systems with strict enforcement are most likely to have the heaviest impact precisely on these citizens – older people come to the polls in far greater numbers than young voters and people who are better off are less likely to feel the financial consequences of the penalty. Paradoxically, compulsory voting coerces into compliance and has the greatest impact on those who are said to benefit the most from CV. In effect the laws could end up, as Keaney and Rogers (2006: 7) warn, 'heavily discriminating against the very groups the measure is meant to support' and the whole provision would be turned on its head.¹¹⁹ Indeed a

¹¹⁹ However, in defence of compulsory voting it must be said that even in strict enforcement systems like Australia or Belgium the authorities invite non-voters to explain their conduct and sound reasons are readily accepted. By the same token some states 'offer loopholes, intentionally and otherwise, which allow non-voters to

hypothetical situation of introducing compulsory voting in Poland would seem to have precisely such an affect as people without work would, according to Czesnik's (2007: 14-5) research, most likely remain non-voters, despite the risk of being fined; the main reason seemed to be to a form of protest.

The danger that CV brings is, that it may lull governments into complacency because high voter turnout masks the underlying problems of low voter turnout and can shift our concentration for some serious political issues. In this sense, 'compulsory voting is, at best, a distraction from the serious moral and political problems ... and at worst, is likely to persuade governments ... that "something is being done", although the most serious forms of inequality will have been left unchanged' (Lever 2007: 16-7). Indeed, one sometimes tends to suspect that compulsory voting and high turnout figures are of the most benefit to politicians and the image of a state they want to project within the wider world as a successful, legitimate and healthy democratic country, as opposed to other states where turnout is generally much lower. One must admit that the fact that 90% of citizens turned up at the polling booths looks very good on the news – nationally and internationally. But, again, I stress that this is only a convenient façade which masks the more important problems within a community and these problems, because everything looks in the best of order and the democratic system seems to be thriving, are left untreated. The incentives to societal changes will be weak at best as there will be considerably less motivation for politicians, parties and governments to respond to the changes that are taking place within society (providing that it is somehow possible to pinpoint the problems in the first place). And this complacency may actually be one of the causes of stagnation and unresponsiveness of a democratic political system. This is why I believe that CV can pose certain dangers, and these feelings of self-satisfaction might in the end very well be more hazardous than low voter turnout. This brings me to the second point in this section.

II-2-4-c-2: Compulsory voting generates dissatisfaction

In countries with CV everything seems to be in the best of order. Nearly everyone votes, and thus nearly everyone's voice is heard and taken into account. The system must thus be better and fairer than one where only half of the population comes to the ballot box. Does this then mean that there is no opposition and disinterest to the fact that one is obliged by law to vote? Simply put, there certainly is. And it surely is not small.

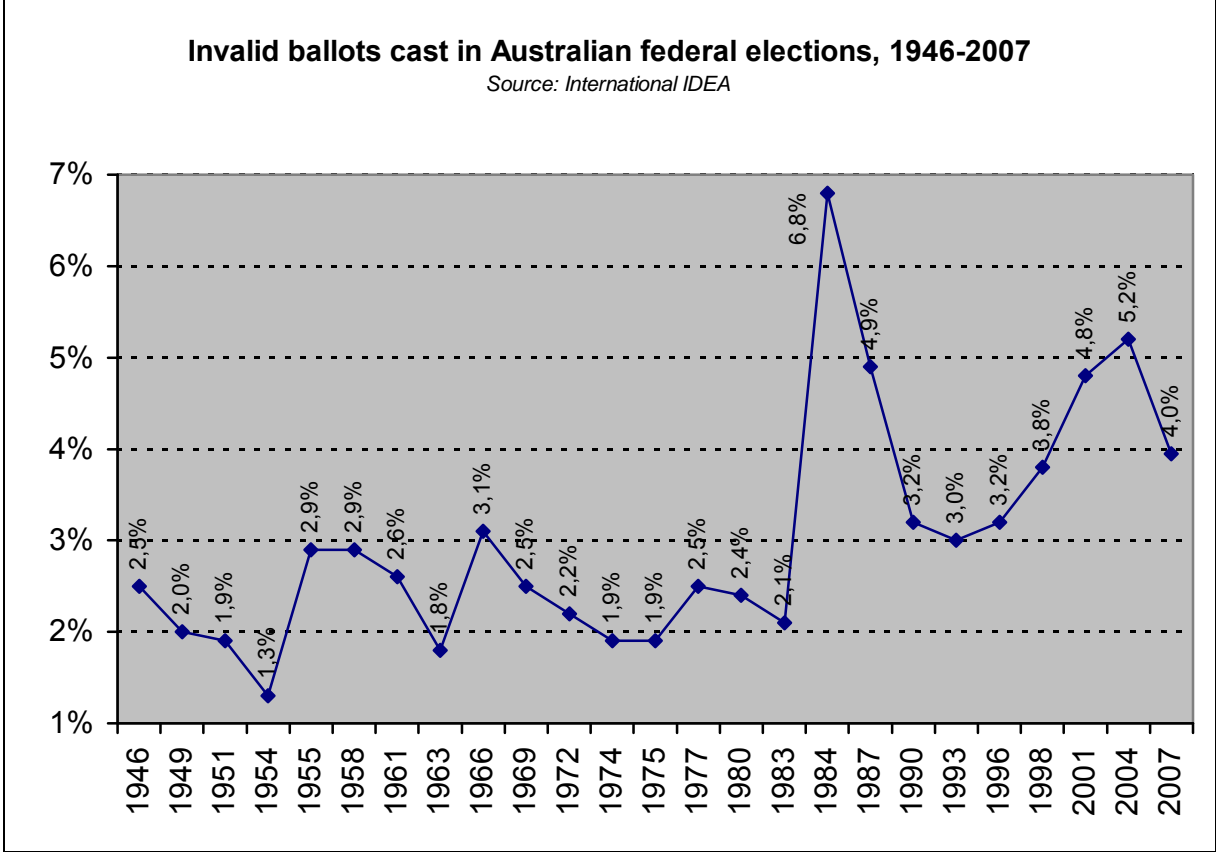
go unpunished. For example, in many countries it is required to vote only if you are a registered voter, but it is not compulsory to register' (Gratschew 2002, 107).

Measuring the level of dissatisfaction with CV in a country using compulsion is, however, tricky. One must bear in mind that in a country using CV there is no real feedback on the actual level of electoral engagement and one must at times need to re-create certain data. A compulsory voting system does away with some useful statistical indicators which political scientists can use to gauge what is 'going on' in the society and help pinpoint continuing problems – indeed, how else would political scientists know that the typical non-voter is mostly young, uneducated and poor and how else could politicians shift their attention to address the problems of these citizens? To be sure, CV supporters will claim that such a question in Australia or in Belgium is absolutely irrelevant as nearly everyone votes and as to the few non-voters, the government does not need to concern itself with them as they constitute only an insignificant minority. Surely, such a reply can be expected but one needs to ask, as I pointed out above, whether one does not miss out on some important aspects. Again, by institutionalising high participation through CV, does not cause problems to go away, any more than one can turn lead into gold by merely wishing it. High turnout generated by compulsion is not a magic pill which solves all democratic headaches. But to come back to the issue of dissatisfaction a compulsory voting system generates: the fact that non-voters in countries with CV legislation form a minority does not by any chance mean that people are satisfied with compulsion. In fact, one may easily prove that it is not the case. How? By looking at the number of protest and random votes.

It is important to realise that we are dealing with two issues here: protest votes against the coercive system of CV (blank and spoilt ballots) and uninterested votes (donkey votes). Whereas empirical data for the former is readily available, the latter are statistically somewhat tricky-to-measure. I will first discuss the protest votes.

It will probably not come as much of a surprise that countries practicing compulsion have quite a high ratio of invalid/blank ballots vis-à-vis regimes with voluntary turnout. Drawing on concrete empirical evidence, it can easily be verified that compulsory voting indeed has detrimental effects on the electoral process: *there is a direct correlation between CV and the amount of invalid ballots cast*. Gratschew points out that there is proof 'that forcing the population to vote results in an increased number of invalid and blank votes compared to countries that have no compulsory voting laws' (Gratschew 2002: 106, see also Mackerras and McAllister 1999: 224-6). The invalid votes could be interpreted as protest votes which to a considerable extent illustrate the level of dissatisfaction that a not inconsiderable number of voters harbour against CV. Let us examine three well-established

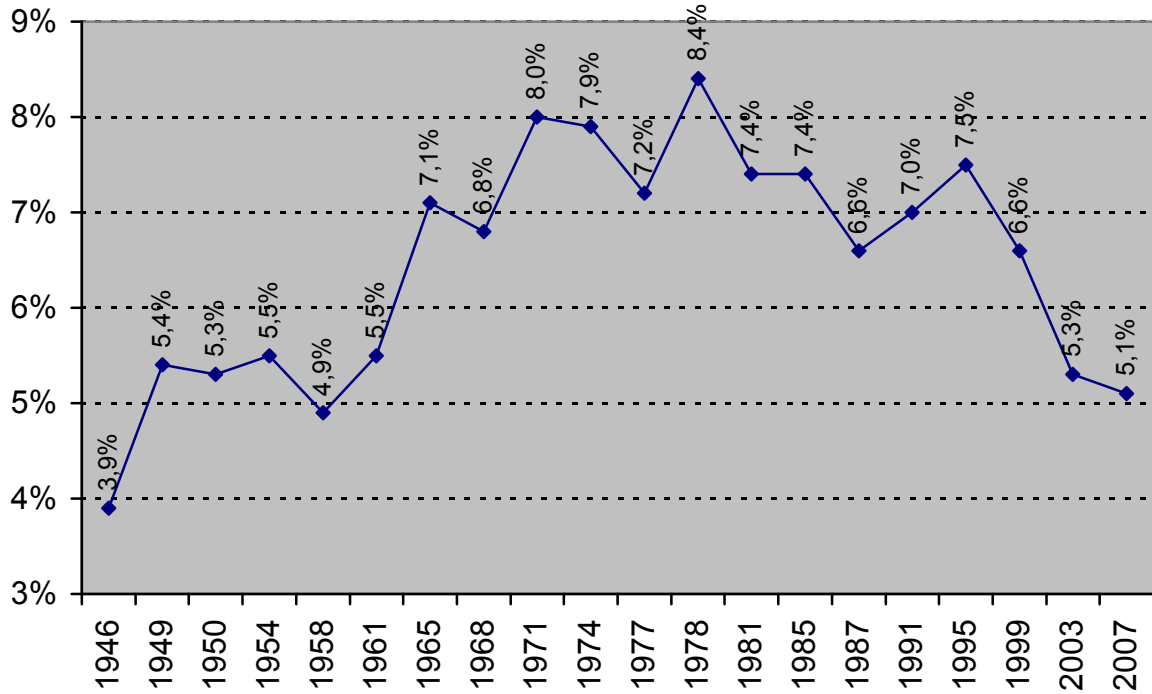
democracies with a strong tradition of strict compulsion – Australia, Belgium and Luxembourg – and examine the number of invalid ballots during recent elections.¹²⁰



¹²⁰ Statistics were provided by the International IDEA webpage.

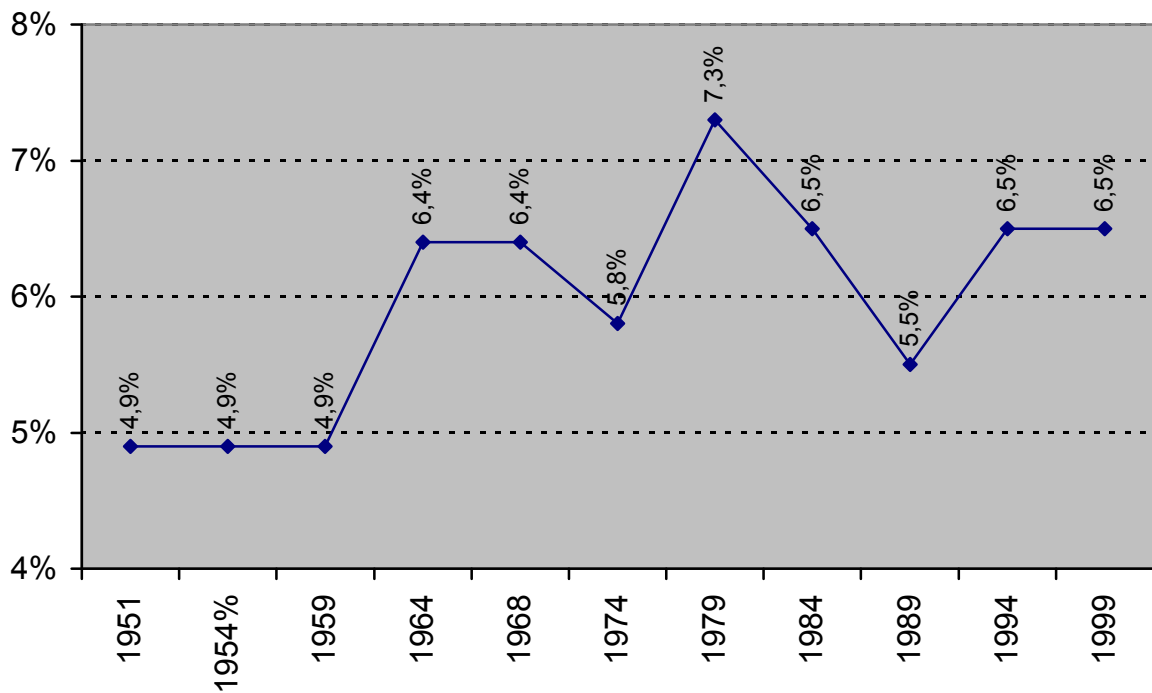
Invalid ballots cast in Belgian parliamentary elections, 1946-2007

Source: International IDEA



Invalid ballots cast in parliamentary elections in Luxembourg, 1948-1999

Source: International IDEA



BOX 7: DOES COMPULSORY VOTING MAKE CITIZENS STUPID?

Proponents of compulsory voting do have an explanation why there are so many invalid ballots in CV systems as opposed to voluntary voting ones and, as one might expect, it has nothing to do with expressions of dissatisfaction. In the Australian case CV advocates maintain it is the complexity of the nearly perfect electoral system that is the cause of invalid voting.

Bean (1986: 31) argues that the spoiled ballots are a consequence of preferential system of voting rather than CV legislation; McAllister and Makkai (1993: 23) claim that the interaction between a 'large number of immigrants', compulsory voting and the 'complexity of the electoral system' are the cause of spoiled ballots rather than protesting citizens. The question how much of these votes are protest votes is a matter of contention, yet I hardly believe that even the complexity of the ballot could not result in *so many* invalid votes. If it is the case, this certainly gives enough cause for serious action as the electoral system may not be as perfect as it is claimed it is.

Proponents of compulsion maintain that in the Australian case informal votes are mainly 'accidental' and caused by immigrants and people with literacy problems (Hill 2007: 16); spoiled votes occur because of numerous candidates on a ballot and the necessity to mark them in the correct preferential sequence – the more candidates there are the more likely it is that the voter will cast an invalid ballot (McAllister, Makkai and Patterson 1992, see also Young 2004); Mackerras and McAllister (1999: 226-7) list four reasons which in their eyes significantly contribute to informal voting: a) complex nature of Australia's electoral system, b) frequency of elections, c) House, Senate and sometimes referenda are held together and each vote must be cast in a different manner and d) differences to cast a formal vote in state and federal levels.

In this light I find it rather ironic that the Australian system is often praised as one of the best democratic systems in the world when it is so complicated that as a result many people actually cannot manage to cast a valid vote though it is the idea behind compulsion that everyone's opinion should be heard and that all ballots have equal worth. From what one can tell CV advocates do not seem to be bothered by this at all.

So, even if we accept the claim that it is the sheer complexity of the Australian system that contributes to informal voting, there is still another issue which troubles me. How to explain the number of invalid votes in other CV regimes? From a comparative perspective, increased percentages of spoiled ballots are a matter of fact in all CV countries, such as Belgium, Luxembourg or until 1970 the Netherlands. The voting systems do not significantly differ from one country to another – granted, there might be certain idiosyncrasies but on the whole it is about highlighting one's choice. If we elaborate this premise further, it would mean that either Australian voters are, simply put, more incompetent than their European counterparts (which I doubt very much) or that CV in general has a negative effect on citizens' ability to cast a valid vote, making them essentially more stupid (which I find equally doubtful). If we dismiss these two possibilities, than we are left with the simplest, and thus probably the most accurate explanation possible: invalid votes are protest votes.

The results prove that, notwithstanding the fact that turnout in these countries remains high (around the 90% mark), on average around 5% to 6% of voters spoil their votes; indeed, Australia has 'one of the highest levels of spoiled ballots among established democracies' as

McAllister and Makkai point out (1993: 23) and indeed in the 2004 election in Greenway the amount of informal votes reached a striking 11.83% (Young 2004: 1); Power and Timmons Roberts' research (1995) shows, that in the case of Brazil, these invalid votes amounted as much as 40%. Correspondingly, the amount of invalid ballots in countries without compulsory voting is usually under 1%; one could regard these votes as ballots invalidated by error; it is very much doubtful whether citizens who actually make the effort to vote under a voluntary system would spoil them on purpose. By the same token, it seems to me very improbable that in countries with compulsory voting there would be so many individuals unable to correctly fill out a ballot.

It must be pointed out that in states with proportional representation the threshold a party needs to get into parliament is commonly around 5% – there thus 'exists' a protest party which ends up not being represented and CV proponents do not seem to care much about this.¹²¹

¹²¹ Obviously, such a party would not be able to agree on anything else than abolishing CV; this, however, does not weaken the argument that there is a considerable amount of people who are dissatisfied with the system and cast invalid votes.

BOX 8: THE NONE OF THE ABOVE VOTE

In part, the problem surrounding the increased number of protest votes in a CV regime may be linked to the fact that not many states have the institution of a formal protest vote – the so called ‘none of the above’ option; Engelen (2007: 28) writes that this formalised protest vote would be ‘more attractive’ than having citizens simply spoil their ballot or cast a blank vote. At the present only France, Spain and Ukraine have a formalised ‘none of the above’ vote; it was also part of the electoral system in Russia but the authorities abolished this practice as in 2006 as part of a broader voting reform (Angus Reid Global Monitor 2006); Matsler (2003: 955, 971-2) also stresses its importance in the case of making voting mandatory in the United States. The problems associated with the ‘none of the above’ ballot are obvious: what would happen if it were to actually ‘win’ the election? Judging from the current state of affairs in democracies this is, realistically speaking, almost impossible but even if it somehow did, there does not seem much that could happen, apart from abolishing the compulsory voting system (or starting a serious debate to this end) and holding another election, as the otherwise ensuing power vacuum could be even more dangerous than a government without a substantial majority backing it. This is partly because that the ‘none of the above’ option has nothing in common except the dissatisfaction with the parties and their representatives or with the practiced political system, but as Matsler (2003: 972) points out it may also ‘stand for the proposition that marijuana ought to be decriminalized ... that more national parks ought to receive funding, that Mumia should be set free, that the death penalty should be reconsidered’ etc.

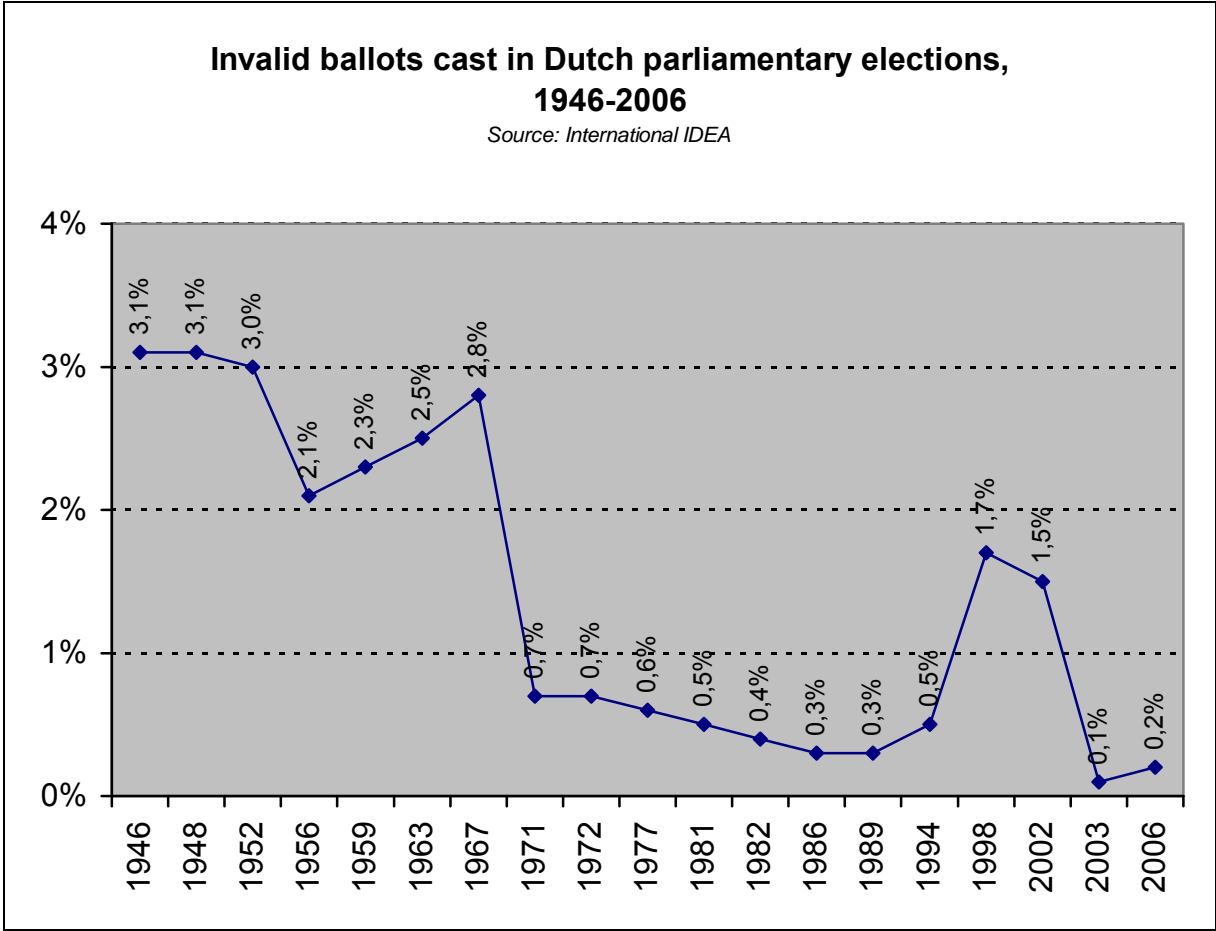
I believe that proponents of compulsory voting are well aware of this fact and are therefore quite willing to grant the none-of-the above option to the electorate. It is a strategy how to keep the opponents of CV happy that one can somehow formally voice his opposition to compulsory voting but at the same time do nothing to fundamentally reform the system. In this light, Engelen’s (2007: 31) comment that in a CV regime ‘politicians have to listen to their [the discontents] voices, which would otherwise never be heard’ as inconsequential and Hill’s suggestion (2006: 223) that in case of the creation of a protest vote it could contain ‘a blank space for respondents to write their own comments’ as trifling: I cannot imagine civil servants reading through and analysing each and every comment, let alone politicians taking any heed of them.

Another interesting question linked to the one above is, what would happen if citizens were to vote for example in a referendum to abolish democracy in favour of a benevolent dictatorship? This is a remarkable dilemma for democratic theory but it would seem that there would be no other alternative than to accept the choice taken, even though this would be the last democratic decision the society would take. However, I will not further dwell on either of these issues, although it was useful to point them out.

A good example of how compulsory voting increases invalid ballots (and voluntary voting virtually eliminates them) can be extrapolated from the voting statistics of the Netherlands, a country which abolished the practice of compulsory voting in 1970. After voluntary voting had been introduced there was a sharp drop in turnout,¹²² but by the same

¹²² On average around 15%: from 95% to 80% which still remains a result the United States and many European states could be proud to achieve. Hill (2006: 219), however, called this drop ‘drastic’ and pointed out low

token there was also a significant drop of the number of invalid votes which on the whole have stayed levelled on average around 0.5%; in 2003 it was just 0.1%. This, I believe, only proves that there is a causal link between compulsory voting and the amount of invalid ballots, i.e. protest votes.



Thus, CV does not only increase voter turnout but also as an undesired side-effect generates (which proponents of compulsion generally tend to omit in their research) a rather large amount of protest votes.

However, apart from these invalid and/or blank votes, one must also take into account the second type of irregular ballots: the so-called donkey votes. When considering these votes (typical especially in Australia) the situation is somewhat different from invalid ballots. A donkey vote is defined as an uninformed/uninterested/random vote which occurs ‘when an elector simply numbers the ballot paper from top to bottom (or bottom to top) without regard

participation figures for regional and European elections; in this light it is perhaps ironic that voting is compulsory in Australia only for federal and state elections but not all municipal ones.

to the logic of the preference allocation. A donkey vote is counted as a valid vote because it contains a number '1' and has numbered every square in sequential order.'¹²³ Donkey votes can generally be viewed from two perspectives: (a) as a means for people without any knowledge or interest in politics to fulfil their citizens' duty without spoiling the vote, and (b) where the 'none of the above' option does not exist, instead of spoiling a ballot or casting a blank one, the citizen can choose to cast the donkey vote as a form of a protest against the electoral system and/or current political establishment though it is impossible to interpret it as such.

The problem with donkey votes in Australia is nothing new and actually, it has been around right since the institution of compulsory voting in 1924.¹²⁴ In 1984 local authorities were forced to introduce voting reforms to mitigate this effect as much as possible, for example by providing a random list of the candidates rather than using the alphabetical order or listing of party names besides the name of each candidate; furthermore, ballot papers are not the same but each has the candidates listed differently. Though it is claimed that such a practice virtually eliminates donkey votes, I remain sceptical (in much the same way as it is claimed that high participation enforced by CV solves problems associated with low turnout) – this practice, in fact, makes it only impossible to measure them, but does not eliminate them. Indeed, for political scientists these random votes pose a serious challenge because in a system of compulsion it is virtually impossible to measure them. In the case of Australia estimates speak of up to 2%,¹²⁵ other research mentions 3% (Mayer 1966: 154) and another still 1-3% (Goudie 2000).

All together the amount of protest votes and the donkey votes make up a noticeable blot on the high turnout numbers created by compulsory voting. To be sure, CV supporters could object that the percentage of invalid ballots and donkey votes are not that high as opposed to the, for example, circa 40% of British citizens who did not vote in 2001. However, at the same time it must be remembered that even in compulsory voting regimes turnout is never a 100% – in strict systems around 10% of citizens do not usually show up (in more lenient compulsory voting systems this number often is much higher). If we add this number (10%) to the amount of invalid and donkey votes (say around 5%) we arrive at an actual turnout figure of 85%. In this light it must be pointed out that turnout in its high eighties can

¹²³ Definition provided by Australian Politics Website <http://australianpolitics.com/elections/features/donkey.shtml> (accessed 08/2007).

¹²⁴ For a more extensive study of the relation of donkey votes to Australian federal elections, see Orr 2002.

¹²⁵ Australian Politics, <http://australianpolitics.com/elections/features/donkey.shtml> (accessed 08/2007).

be achieved even in countries without compulsion – for example Malta,¹²⁶ Italy, New Zealand or Germany frequently achieve such results.¹²⁷ And it is important to keep in mind that turnout of around 90% is feasible mainly in countries with strict forms of CV (nowadays only four states) as turnout in countries without such a level of enforcement is often much lower, like mean participation of 70% in Argentina. To be sure, this is still higher than turnout during the last two general elections in the United Kingdom by around 10% but again, within the wider world, 70% turnout is not such a rare occurrence. As I have said earlier, voter participation can be a very fluctuating variable and it is quite possible that turnout will again begin to rise in the near future.

However, those these numbers may still be high, the protest and random votes I believe have some serious implications for the concept of legitimacy of a CV regime. Whereas in systems with voluntary voting there is no real opposition to the regime, this is not the case in a country with CV as the empirical evidence presented above clearly demonstrated. In this respect I ask the question what use are concerns about a more legitimate democracy when the electoral system itself engenders considerable opposition and disinterest from voters? Given the rather large amount of invalid votes, doubts may be cast about the legitimacy of the institution of CV itself and accordingly the legitimacy of the government elected by such a system – are the elections truly free and fair when citizens are forced to attend? In this respect the legitimacy of the government and also the system of CV is being devalued by the considerable number of protest and random votes. Indeed, as Abraham (1955: 21) claims an ‘unwilling or indifferent vote is a thoughtless one’ but proponents of compulsion either trivialise the whole issue or turn a blind eye to this fact completely. This discussion now brings me to the third part of this chapter.

II-2-4-c-3: High turnout can damage democracy

I have said at the beginning of Part II that one of the two key normative ideas CV revolves on is the concept that high participation is good because it increases the legitimacy and the health of a democracy. Indeed, many opponents of compulsion, myself included,

¹²⁶ Admittedly, Malta is something of an anomaly vis-à-vis turnout: not only due to its small and geographically concentrated population and government, committed electorate and proportional representation resulting in one-party executives. For more details about the particularities in Malta, see Hirczy (1995) and Siaroff and Merer (2002: 917).

¹²⁷ Hill and Louth (2005: 28-9) claim that in the case of abolishing compulsory voting in Australia one could expect the same level of turnout as for example in New Zealand and Malta due to the political circumstances in both countries. Though there would be a large drop in turnout in Australia were voluntary voting be introduced (as much as 40 %) this does not weaken the argument that there are voluntary voting regimes with high levels of turnout.

would agree that higher turnout is preferable to low turnout. Where we, however, differ is the fact that CV advocates maintain that all forms of low and unequal turnout are bad. For them high participation rates make an elected government more legitimate, but not only the government – proponents of compulsory voting maintain that high turnout makes the whole democratic system more healthy and legitimate, therefore citizens have a duty to vote. I am convinced that such a claim suffers from a profound fallacy. Indeed, I maintain that unnaturally high turnout as created by CV may actually harm rather than help democracy. Let us look at this argument in greater detail.

Having the possibility to vote must be one of the basic requirements of any democratic system. Free and fair voting is in this light not only a right but also one of the sources from which a democracy draws its legitimacy. That much is clear. However, where I believe CV proponents make a mistake is they equate the legitimacy of an elected government with the legitimacy of the whole democratic system. I believe it is fundamental to distinguish between the two. An election in itself is not a referendum about the legitimacy of democracy as a system *per se* as proponents of compulsory voting tend to see it. The basic idea of a democracy, as opposed to other systems of government, is the concept that citizens govern themselves (either through their elected representatives or by directly participating in the decision-making process). The procedure how to achieve this is to have an election or a referendum.

As I have established earlier, proponents of compulsion are deeply convinced about the fact that low turnout is something to be worried about: for example Matsler (2003: 961) argues that high voter turnout ‘legitimizes a democracy in a way partial turnout never will’, and Engelen (2007: 25) claims that the ‘more citizens abstain, the more the elected bodies lose their accountability’. The reason why they and other authors are so concerned with high turnout is because they have a fundamentally different and, I believe, deeply flawed understanding of the relation between voting, legitimacy and democracy. In essence, CV advocates claim that high popular consent expressed by voter turnout in elections is the source of legitimacy of a democracy (the more voters, the better) and assume that those who do not participate play a part in the destabilisation of the democratic system (this leads them to their second normative point that non-voting is bad because it means free-riding on the public good). The reason why I think such a premise is false is that democratic legitimacy is not derived from high voter turnout but from having the right to vote in the first place and the possibility to have free and fair elections which are only an *instrument* by which one realises his right to vote. It is important to realise that elections by themselves are not a referendum

about the legitimacy of a particular democratic system nor a source of democracy, but a convenient instrument how to fulfil the basic democratic ideal of self-government, i.e., to choose a country's representatives or decide on a issue of public importance. To assume that elections are a source of legitimacy of a democracy is simply preposterous: I could just as well make a silly claim that the churn is the source of legitimacy of butter. There is simply no relation between an election and the legitimacy of the democratic state. To be sure, low turnout may prove to be unfavourable to the legitimacy of a government, this does not however weaken my case. Free and fair elections are certainly important, but more important about this term are the two adjectives free and fair, which can, again, be traced back to the right to vote. The process of choosing our representatives in parliament must be transparent and competitive in a fair sense and open to all eligible voters (which in a democratic system means virtually all people regardless of age, social status, gender or religion). What matters is whether or not we fulfil this ideal, not the way how we choose to fulfil it. So, the same way elections (instrumentally) are not a source of legitimacy of a democracy so, too, high voter turnout is not a source of legitimacy of a democracy. As Jakee and Sun (2006: 69-70) argue, 'equating higher turnout with greater "legitimacy" (or even improved "democracy") is overly optimistic, if not simplistic. Compulsory voting systems can certainly deliver the former, but not necessarily the latter.'

Lever (2007: 22), in this respect, points out that citizens do not owe electoral support to the government and thus do not have a duty to vote. Although citizens have a duty to support just institutions, this does not, however, establish a general duty to vote – 'it is quite a step from a general duty to support just institutions to the claim that citizens are morally obliged to vote in every election and that moral obligation may be legally enforced.' In this sense, Lever points out that support is understood as active participation and the 'failure to vote in and of itself will count as failure to support just institutions'. I subscribe to Lever's argument that government is there for the benefit of the governed not the other way around (see also Farrow 1998: 43). The citizens do not owe electoral support to the government, because not all (most likely a majority) people will not have voted for the government which formed the cabinet in the first place. The citizens do not owe electoral support to democracy, because democracy does not base its legitimacy on any particular election but on the practice of having free and fair elections. And this practice of having free and fair elections is the 'just institution' that citizens should support. In addition, it is important to realise that implicit in this practice is not only the right to vote, but also the right not to vote.

Another reason why high voter turnout cannot be the basis for the legitimacy of a democratic system is the numerous problems it creates. As I have already shown, CV generates a considerable amount of protest and random ballots. What does this tell us? It tells us that compulsory voting brings to elections citizens who have no interest in being there. In this respect, I believe it is important to ask: what value do such votes have? The ballots of individuals who do not understand and do not appreciate the nuances of the democratic system will be more as sand in the cogs of a clock than oil which makes it run smoother.

The fact of the matter is, and what CV supporters tend not to understand, that more voters does not necessarily mean better choices. In a voluntary voting system it is safe to assume that only people who are (at least minimally) interested in casting a ballot are the ones who show up at elections, whereas in a CV regime a significant minority of people are forced to turn up against their will. My objection centres on the idea that compulsion forces citizens who are uninterested in politics and/or lack sufficient knowledge to meaningfully participate – as a result these individuals, who under a voluntary voting system would ordinarily abstain, are unlikely to cast a well considered vote. Selb and Lachat (2007: 19) prove this point when they state that ‘voters prone to abstain if CV was abolished [in Belgium] are less inclined to make their decisions in a way that coherently reflects their issue preferences’ as they have less political knowledge and lack the interest necessary to make reasoned decisions. This is why, according to the authors compulsion thus may have ‘undesirable effects’ (*Ibid*: 23); in a similar vein Wattenberg (1998: 20) points out that forcing people to vote in the United States could generate donkey voting.

In this light I believe it is important to distinguish between genuine and non-genuine voter turnout: whereas in a voluntary voting system a of, say, 80% can be regarded as genuinely high (for example in Germany, Italy, or the Scandinavian states), it is impossible to say the same about these results in a CV country (if it were genuine, there would not have been compulsion in the first place). Forcing individuals who cannot make informed choices to come to the polling booth and vote in my eyes hardly represents a betterment of democracy. As we have seen, compulsion will not make them more informed anyway, so why should we dilute the quality of democracy by quantity? I do not think so that it is in the interest of the democratic system to coerce ignorant citizens (at least in political matters) to come to the polls. The reason why we should make something obligatory should be for the ideals of democracy, not because of numbers. To argue that more voters make a better democracy is a false argument – I might as well say that more patients will mean better healthcare which is absurd. This incessant insistence on high participation reminds me of making herds out of

citizens; indeed, it seems to me that CV supporters would rather have a herd of all citizens than a smaller group of individuals better accustomed to make informed rational choices.

To be sure, compulsion seems to serve no other purpose than increasing turnout for turnout's sake. This is why I am convinced that it is more useful to have a more genuine, albeit lower turnout, than to have artificially inflated rates generated by compulsion, and this is why low turnout may not be bad.

Indeed, certain scholars have argued that the fact that people choose not to show up at an election may even be a sign of a healthy society – voters participate in elections when they feel there is an imminent danger to their way of life or when something very important is at stake (this ties in with Franklin's notion of the critical citizenry that is discriminating in its voting habits). However, when changes in the political system will not really affect citizens in any important way, they may have no incentive to vote because their life will not change significantly if either party forms a government. This is, for example, why Lipset (1960; 1981) claimed that a low level of participation may be taken as proof that the will of the citizens is expressed by existing government policies; Jones (1954: 36) describes political apathy as a 'political virtue', Hardin (1998: 24), at least concerning the example of the United States, calls it 'evidence that government has not engendered grievous distrust and opposition',¹²⁸ and Wilson (1936: 76) argues that in 'a society which only 50 percent of the electorate participates it is clear that politics does satisfy in a way the desire of the mass of the individuals in the state' (see also Wilson 1930). Correspondingly as low turnout may not be such a bad thing so, too, high turnout may not be such a good thing – this claim is in line with Tingsten's (1937) thesis that sudden increases in participation may be the evidence of tension and serious governmental malfunctioning and by the same token may bring to the polling booths citizens whose social attitudes are unhealthy from the point of view of the requirements of the democratic system;¹²⁹ Morris-Jones (1954: 25) argued that high turnout was a 'totalitarian' idea and that a partially apathetic electorate was in fact safeguarding democracy and acting as a 'counterforce to the fanatics who constitute the real danger to liberal democracy' (*Ibid*: 37); in fact Prothro and Grigg (1960: 294) point out that a considerable part of non-voters may indeed be the fanatics Morris-Jones talks about as 'fortunately for the democratic system, those with the most undemocratic principles are also those who are least likely to act'.

¹²⁸ Wattenberg (1998) contests such a claim and points out that in the American example non-voters are likely to be dissatisfied with the current political establishment.

¹²⁹ Of course, Tingsten was referring to a voluntary voting system – in a CV regime when needs to add the protest and random ballots I spoke about earlier.

Although Tingsten, Wilson nor Morris-Jones did not, in this light, write about compulsory voting,¹³⁰ an interesting observation may be made regarding the claim that high turnout necessarily reflects socially unhealthy views of some citizens – in other words, the higher the number of voters, not only the more protest and random votes there will be, but by the same token the more extreme political outlooks not be congruent with a liberal democracy. Obviously such a claim would need to be tested by further research but the available scholarly studies seem to suggest that there is a good deal of truth to this line of reasoning. Engelen (2007: 28) acknowledges this when he affirms that in the Belgian region of Flanders ‘about a quarter of valid votes currently go to the extreme right-wing party’. Whilst examining the impact of the hypothetical abolition of compulsory voting in the area, data collected by De Ceunick, Devos, Reynaert, Valcke and Verlet (2007: 14-6) shows that the extreme right Vlaams Belang¹³¹ would as a result lose voters; though it would not be the only party to do so, it seems that its position would be considerably shaken as 30 to 40% of its voters (the most vis-à-vis all other parties) claimed that they would never go back to the polling booths, were CV abolished. In the Australian case, Mackerras and McAllister (1999: 229) note that ‘[m]inor or protest parties benefit [from compulsory voting] because high turnout also mobilises disproportionately more swinging and uncommitted voters, who have usually defected from the major parties’ but at the same time point out that in the wider picture their gains are not that important (and neither are for the major parties as I proved earlier). In the Netherlands, which had CV legislation up to the year 1970, Irwin and van Holsteyn (2007: 9) found that nationalistic and authoritarian citizens were ‘more likely to support compulsory voting’ thus indirectly validating the connection between radicalism, CV and high turnout. The authors in an earlier study show (Irwin and van Holsteyn 2005: 33) that the biggest loser after the abolition of compulsion in 1970 was the extremist Peasant Party as ‘it would seem that the establishment parties would gain nothing by forcing either alienated or uninterested voters to the polls’ (*Ibid*: 34). In this light, it is probably not surprising that one of the reasons why the Netherlands abolished compulsory voting with the support of all the major parties, apart from the fact that it was regarded as undemocratic (*Ibid*: 16, 25-6), was ‘because of the rise of splinter parties, coupled with the feeling that the voters of the splinter parties were the disaffected who would simply stay home if voting were not obligatory’ (Katz 1997: 244, Irwin and van Holsteyn 2005: 24, footnote xxv).

¹³⁰ Due to the time frame it could be argued that the authors were worried about unnaturally high turnout in Nazi Germany and subsequently Stalinist Russia.

¹³¹ Vlaams Belang was formed in November 2004 after its predecessor, the Vlaams Blok, lost a court case for inciting hate and discrimination and was forced to disband.

If we take these findings into account, I submit the following question: If high participation, as research suggests, causes the proliferation of extremist views on a parliamentary level, does not the ‘health’ of a democracy, with which so many CV supporters are obsessed, derive itself from the fact that one does not vote for political views which are hostile to democratic principles? Surely this is the case, because in my eyes it is much more important to be without such radical parties in parliament than to, only to satisfy our thirst for turnout in the high nineties, have them drafting legislation. In this respect I strongly disagree with Engelen’s (2007: 29) assertion that ‘one has to take every vote at face value’ because calling some votes ‘worthless puts one on the slippery slope to totalitarianism’. I find such a claim absurd because it should be obvious that voluntary voting does not deny anyone his vote but that high participation created by CV may be dangerously linked to the proliferation of more politically radical views represented on the parliamentary level; by the same token this also could suggest that compulsory voting coupled with proportional representation may actually help sustain small parties which under normal circumstances would not stand a chance in the electoral race. If anything, it is most likely compulsion that creates the slide towards this ‘slippery slope’. However, as I have already mentioned, more research would be needed on this subject to draw more precise answers.¹³²

Obviously, I do not wish to claim that high turnout is, in general, bad, only that unnatural and coerced high turnout by a compulsory voting regime is not as good as a number of theorists take for granted. Accordingly, not all forms of low turnout need be bad; in fact, as I have shown, lower turnout may mean better turnout for a democratic society. High turnout is something a democracy should be proud of (provided it is genuine) but not something to be pursued at all cost regardless of consequences.

However, it may be that ‘neither high nor low rates of participation are in themselves good or bad for democracy’ as Lipset (1981: 229) claimed, and Bollen (1980) did after him. Indeed both authors, as opposed to compulsory voting theorists, argue that it is not possible to use participation figures as an instrument to gauge political democracy because ‘the extent and nature of that participation reflect other factors which determine far more decisively the system’s chances to develop or survive’ (Lipset 1981: 229). What this passage suggests is that participation is only a secondary factor in terms of importance vis-à-vis democracy: turnout,

¹³² A valid objection could be raised by pointing out the fact that compulsory voting may not be ‘responsible’ for the representation of more politically extreme parties, because their voters are usually well disciplined and quite mobilised at elections. The theory works with the notion that those voters, who under a voluntary voting system would stay at home vote for these extreme parties just to express their displeasure with the fact that they are obliged to vote.

which an election generates, is necessarily reflected by numerous other variables (which I have already addressed) that influence whether voters will participate in collective decision-making or not. Again, we are coming back full circle to the objection that, with its focus on increasing turnout, compulsory voting puts aside underlying problems which are the real cause for non-voting and voter dissatisfaction.

II-2-4-d: Summary – Low turnout does not equal bad turnout

Compulsory voting creates some serious problems. First of all, there are important issues regarding individual freedom: citizens can as a result of non-voting end up in gaol and/or being disenfranchised. The incarceration of people for abstention can easily be interpreted as limiting the freedom of conscience and clamping down on non-conformist views which the greater society somehow does not deem worthy of being taken into account. As to the disenfranchisement of non-voters, it is obvious that such a practice is undemocratic, because it infringes on the basic democratic right to vote (provided we do not actually put non-voters on par with felons who because of their crimes forfeit their right to vote). Furthermore, I have shown that in a system of CV it is not turnout which is desired but voting; the whole system thus violates the right not to vote which is as important as the right to vote as, indeed, one could regard it as a form of voting in itself.

Secondly, as we have seen, there are several serious issues regarding the legitimacy of CV system (indeed the infringement on the right not to vote is also one): a sudden jump in turnout does not mean that problems which were causing low participation in the first place go away; they only simply disappear from view. By making the numbers right, compulsory voting deems the problem of low turnout solved, but such a solution certainly does not make things automatically better as the changes are cosmetic rather than substantial. As a matter of fact we know that it is the uneducated, the poor and the young who are the least likely to come to vote and it may be that these groups will be affected worst by sanctions imposed by compulsion. To fight low-turnout by making voting compulsory would be, in Franklin's words (2004: 220), like shooting the messenger. 'Removing the signal that something was wrong would not make the thing right' is an apt description of the efforts of CV supporters.

We must further take into account that CV brings to the polls all people and turns them into voters but this does not mean that the individuals are content with such an arrangement. Indeed, their dissatisfaction can be seen in the form of protest votes (invalid or spoilt ballots) which are directly tied to the CV system (empirical evidence is readily available). To be sure,

a compulsory voting regime brings to the polls not only dissatisfied individuals but also uninterested and uninformed citizens who are most likely to cast a donkey (random) vote only to keep the administrative apparatus of their backs. These ballots have no rationality or logic and as such are completely worthless to democratic practice. When the quantity of these ballots is taken into account, compulsion does not generate levels of participation which are all that different from other democratic countries. And atop of all this, there is tangible empirical evidence that compulsory voting (or, more specifically high turnout generated by CV) causes an unhealthy representation of extremist political views. It therefore follows that more voters does not necessarily translate into a better and more legitimate democracy. In this light, it may be better to have lower voluntary turnout (because this at least guarantees that only people with at least a minimal interest in the election will vote) than high and artificial turnout (where even the extremists, the uninterested, the uninformed and the dissident are coerced to vote).

II-2-5: Non-voting is not free-riding

II-2-5-a: Introduction

The last argument in the apology of compulsory voting is the moral dimension. It is only after building on the four prior empirical steps that CV advocates put forward their normative claim that voting is not merely a citizen's right but most importantly his duty, and therefore people who do not vote act in a selfish and immoral way: simply put, they free ride. In the eyes of the proponents of compulsory voting such people are useless and there is no place for them within the society of responsible citizens. The non-voter is regarded as a person who takes advantage of the other voters' efforts and brings nothing in return. Indeed, Lijphart (1997: 17) writes that 'nonvoting is a form of free riding' and claims that such a practice is 'selfish and immoral'.

Obviously I will dispute this claim. It is important to take this chapter not as an isolated one but directly tied to the previous one, as it indeed builds upon the arguments presented there. In the last chapter I showed why low turnout is not bad and how high turnout can actually damage a democracy. In this chapter I turn my attention to the person of the non-voter. I will examine what value people, who do not vote, can bring society. First of all, I will show that proponents of compulsory voting face a serious dilemma as they work with two profoundly diverse concepts of the non-voter: in the first picture, these people are looked

upon in a patronising way as children that do not know that it is in their interest to vote and must be properly guided, in the second picture they are likened to selfish immoral free-riders. Such inconsistency obviously does not reflect well on compulsion. Secondly, I will argue that to call non-voters free riders is another oversimplification in terms typical of CV supporters and that this sweeping statement omits in an important way the relation of the non-voter to the concept of legitimacy and, in addition, because of the fact that there may be other forms of participation which may indeed be even more helpful to the society than merely casting a ballot once every four years and branding non-voters as free-riders make such distinctions impossible. Finally, I will show that the non-voter cannot be a free-rider because there is no public good to free-ride on. I will examine the concept whether high and active participation (voting) can be regarded as a public good. Indeed, in the following pages I will counter the arguments about the immoral free-riders and prove that non-voters do have their intrinsic worth for a democratic society.

II-2-5-b: The non-voter – CV's double dilemma

CV advocates face an interesting predicament as to the nature of the non-voter. When one recalls the second and the current chapter of Part II, one finds significant differences. When supporters talk about the generational and socioeconomic factors effecting turnout and the representation of left and centre-left parties, supporters of CV seem genuinely concerned with the impact of low and unequal turnout and the resulting under-representation of certain social groups – there is thus good reason to make voting compulsory, because CV would get rid of these undemocratic discrepancies. Lever (2007: 30) points out that in the second step proponents of CV see non-voters as people who ‘find it difficult to protect their own interests ... and so are liable to exploitation by the more powerful, knowledgeable and politically astute’ and thus their well-being is at stake. In the first picture the non-voter is regarded as a child needing guidance which the state provides in form of making voting compulsory, so that the ‘child’ will learn his civic duty. It is clearly evident that such argumentation is deeply patronising (Chong, Davidson and Fry 2005-6: 16), and certainly not in line with responsible citizenship. If we imply that the voters must be guided to the opinion polls because they cannot do so on their own, I find it difficult to believe that such people could make reasoned decisions as to for whom to vote. Should they not have guidance in this matter as well?

Now let us look at the situation in the fifth point. We find a completely different depiction of the non-voter: he is no longer the weak individual society ought to protect from

the interests of the strong but a selfish exploiter of the public good without any moral conscience – he is a democratic parasite. His actions undermine the electoral system because not only he but also all other citizens and the democratic electoral system itself suffers as a result from his non-voting. It is thus obvious that we must teach such individuals how to behave ‘properly’. We are well aware that one of the motivations for the institution of compulsory voting is equality, however, by the very nature of its legislation CV seems to imply that there are in fact two classes of citizens. Proponents of compulsory voting must take for granted the duty to vote (the right to vote is not really relevant), and it is because the duty to vote supplants the right to vote that an imbalance in the concept of equality occurs – people are no longer regarded as equal in the traditional sense of each having the right to vote but in terms who participates and who does not. This hidden categorization implies that true citizens take an active interest in politics which benefits the society (this is from a minimalistic point of view characterised by voting), whereas the non-voters need to be coerced into taking the active stance by laws which make turnout obligatory. In this respect compulsory voting seems to imply that there are citizens who are valuable to a society (voters) and those who are not (non-voters). By trying to make the non-voters see the strength of their argument, proponents of compulsion put down their claim as a moral dilemma in terms of good and evil thus indivertibly forcing the non-voter into a corner due to the fact that it has already been decided that voting is good. Active participation is stressed as something desirable and good for democracy, whereas non-voting is portrayed as something parasitical and bad and people (not citizens, because being a citizen also means voting) who do not participate are accused of consciously taking advantage of the efforts of the well-behaved citizens. The problem for me with this picture is that it is too black and white and the good and bad sides are a priori defined, thus allowing no room for further argument. By supposing that something is the correct way of behaviour does not make it so, as I have already pointed out. This argument is, once more, linked to the fact that advocates of compulsion take too many things for granted – that low turnout is bad, that non-voters are worthless free-riders, that compulsory voting is like any other law, etc – and to me such presuppositions are typical of apologies of compulsory voting. The justification in this case stems from the selfish nature of the non-voters who free ride on the electoral system; they must be made to contribute, even against their wishes and regardless of the quality of the vote, because it is for the greater good of society. In this chapter I wish to dispute such a claim. In my eyes, the non-voter is an integral part of the democratic system, much like the right not to vote is an integral part of the right to

vote. To be sure, to claim that non-voters are free riders is another simplification made by CV supporters.

In the whole of the literature supporting CV not once do the advocates address this evident discrepancy. Proponents of compulsion seem not to have any particular misgivings in linking together these two rather diverse views – ‘this rather suggests that such plausibility as these arguments have turns on a failure adequately to identify the interests of nonvoters, or to enquire too closely, into who, exactly, we are talking about’ (Lever 2007: 31). Due to the fact that these two concepts are vastly different this problem is not something to be simply waved away and the fact that we are left without an answer poses serious questions about the consistency of thought of CV proponents. However, I will not devote my energy in answering this contradiction in terms, as it is something supporters of compulsory voting must do. Nevertheless, it was important to point this problem out.

II-2-5-c: Non-voters are not free riders

Proponents of CV claim that non-voters behave in an exploitative and immoral way and do not even think that the non-voter could be in some ways beneficial to the democratic society. Firstly, they are insensible to the fact that it is also the non-voters who have an important role to play vis-à-vis legitimacy. And secondly, they are blind to the different reasonable motives for non-voting and are oblivious to the fact that there may be other ways by which citizens can significantly contribute towards the betterment of democracy.

As we know, elections are only seldom won by clear and distinct majorities, especially in systems with proportional representation. Though a Westminster model on the whole guarantees the victorious party formation of the cabinet, this is not always the case also (as I have shown in Australia). Coalitions of two or more parties are an important fact in political life and a very common occurrence. So if we have a coalition government, it stands to reason that it does not have the support of the majority of voters; in fact it may be true that a majority of citizens actually voted against it. And even in a first-past-the-post system, it is not rare that the government was voted in by a minority of voters. The important lesson from all of this vis-à-vis the legitimacy of a government is a matter of acceptance of the winner by all citizens (voters and non-voters alike), not only of the supporters of the victorious party or parties. In this respect it is clear that non-voters ‘have a critical role to play in conferring legitimacy on the outcome of elections, and this role is no less crucial for being largely passive’ (Lever 2007: 32). To this I add that we must also take into account the acceptance of the victorious

side by voters who had voted against it. In this respect he rates of participation are not that important – a government elected with large turnout does not automatically become legitimate. If the streets are filled with people protesting against it, if there is public outcry against the cabinet, there is something obviously wrong. From this perspective, legitimacy is dependent on the consent of the silent majority – people who have not voted for the winning party or coalition and the non-voters – which accepts the result of the election. Such an approach acknowledges the significance of legitimacy being conveyed actively by the voters but at the same time shows the impact of the, often overlooked, passive consent of the other citizens in the society which plays a vital role in democratic theory.

Secondly, compulsory voting is blind to the fact that there are non-voters and non-voters. One can, without any hesitation, claim that there will always be people who will never vote. That is a matter of fact. However, to maintain that these individuals bring no value to a society is simply wrong. Let us examine why. Although it is true that a society needs the active participation of its citizens to survive, it is equally true that voting is not the only form of civic engagement. Indeed, various civil rights' groups, environmental agencies, non-governmental organisations, local communities and other countless associations make important contributions to the life of the state. Let us compare the contributions of two imagined persons.

The first individual is someone who all his life has been promoting road safety in the area of his residence. For the past thirty years he has been actively engaged in this field and has accomplished several notable achievements: his relentless efforts contributed to the closing down of a busy road running through the neighbourhood where he lives and diverting traffic to an alternate, less populated street. Due to his endeavours new traffic lights were built, speed humps installed, and some streets were even completely pedestrianised. To put it simply, his actions significantly contributed to the decline in deaths caused by traffic and accidents in the immediate area, making the neighbourhood a safer place to live in. In other words, his efforts extensively increased road safety. Now, let us suppose that this individual holds a deep personal conviction that politics is not worth his time due to corruption and general mismanagement by the people in charge. It stands to reason, in his mind, that he will not vote because for him all 'the lot in parliament are a bunch of rascals'. Out of principle, he will not vote.

Now let us look at the other individual, we shall assume that she is an accountant who does not have any strong views and as such does not contribute to the life of the community in any field, apart from one: voting. As a person, she is rather boring, properly pays her taxes,

and does not have any extracurricular activities. She does not actively contribute to the life of the community, at least not in any way as significant as his fellow citizen who seems obsessed with promoting road safety. However, she always votes at elections and not once did she omit to cast a ballot.

Now, a CV regime will necessarily see the first person as a non-voter who selfishly exploits the society, whilst the second individual would be an example of the proper citizen. However, who is to say that the vote of the accountant is more valuable than the year long activities of the man committed to improving road safety in his neighbourhood? Does casting a vote once every four years really mean that we, as citizens, have sufficiently contributed to the betterment of the society and towards the health of a democracy? I hardly think so and do not believe that anyone sane would choose the latter over the former. As we can see, this example neatly illustrates that CV is blind to these important distinctions. Although it is true that under a voluntary voting system such differences would also be left unnoticed, at least it would not involve branding the man devoting his life to improve road safety as an immoral, free-riding non-voter. The fact that there may be other, much more meaningful ways to participate than just casting a vote, is an important distinction one should keep in mind and something proponents of compulsory voting tend to forget. To be sure, they could argue that such a person would not probably vote anyway but this is really not an issue here. The heart of the matter is that a CV system penalises all non-voters, regardless of their actual contributions to a society. And indeed, what is true at the individual level may be relevant at the national level. In this light Franklin (1996: 230-1) points out that low turnout countries need not be taken as states with an apathetic electorate. Indeed, taking the example of the United States, he draws attention to the fact that ‘Americans participate more than people in other nations in nonvoting activities’ (*Ibid*: 231).

Furthermore, we must not forget that making voting compulsory in effect prescribes desirable behaviour without taking into consideration factors for non-voting which need not be immoral, selfish or exploitative. They need not be a form of reasoned protest, but may be more trivial, as I have made clear in the previous chapter where I stressed the importance of the right not to vote enables the uninterested and the ignorant to abstain from the process. In this light non-voters show their worth in the sense that they realise their limits. Indeed, I believe that a system is more legitimate if these citizens are not forced to cast votes because they will only dilute the results by their random ballots. In this sense, the non-voters have value because of their inactivity.

As we thus can see, non-voters are not always dishonest, immoral individuals, but can actually be very active in a society and may actually be as a result of their engagement even more valuable than some voters. There is no one template to which all non-voters would conform. Indeed, non-voters are not free riders, because they do not have a public good to free ride on. This brings me to the last part of this chapter.

II-2-5-d: Voting, non-voting, free riding, and the public good

CV supporters readily equate the behaviour of the non-voter to exploitation, immoral and parasitical conduct: in other words, free riding. When someone free rides, it is evident that there must be a public good to free ride on, as otherwise one could not speak of free riders. That much is evident. It comes to reason that one may ask what exactly this public good is. To be sure, that is a very good question to which proponents of compulsion do not give a clear answer (see also Lever 2007: 34). I am, however, convinced that it is voting which they regard as the public good.

We are aware of the fact that proponents of compulsion believe that high turnout increases the health and legitimacy of a democracy and therefore guaranteeing high participation (i.e. something which is in the democratic framework expressed by the act of voting) serves the public interest. This is why I think that proponents of compulsion regard high participation, rather than the democratic electoral system (as Lever 2007 suggests), as the public good. This is the reason why they put so much emphasis on the duty to vote as opposed to the mere right to vote – high and active participation makes the democratic electoral system, in the minds of advocates of compulsion, come alive and truly flourish. This stands in contrast to countries which also maintain the democratic electoral system but because of low participation, it is nowhere as perfect as the one in a CV state. In addition, it is not only the democratic electoral system that is sustained by active participation but also the society. I believe that CV supporters do not see active voting as a mere instrument but that they see it as fundamental to the functioning of this system and of democracy as a whole. However, is it so? Can high participation be a public good? This part will argue that it is not so – and, without a public good to exploit, non-voters cannot be free-riders. Let us look at this claim in greater detail.

II-2-5-d-1: The public good – an economical view

The expression public good is first and foremost an economic term coined by Paul A. Samuelson (1954) who is credited with creating the theory of public goods and it is usually contrasted with the concept of private goods. Simply put a private good is the egoistical competitive interest of an individual or group. It is excludable and rival, meaning that it is possible to prevent other users the consumption of the good and consumption by one user prevents simultaneous consumption by other people. There are many private goods, like cars, food, books, etc. For example a piece of pie is excludable for people who cannot pay for it and it is rival in the sense when one eats the pie there will be none left for others to consume. Public goods are defined by economic theory as goods conforming to two criteria: (1) non-rival consumption and (2) non-excludability. When a good is non-rivalrous it means that the usage or consumption of such a good by one person has no effect on the consumption of the same good by another person. Non-excludable goods are those whose consumption is impossible to prevent: an individual may enjoy the benefits of the good without paying or contributing in one way or another. A typical example can be national defence, law enforcement, clean environment, road network, information goods or something as trivial as a lighthouse.¹³³ Let us consider the lighthouse: it is non-rivalrous because even the crew of any ship (even that which has not contributed to its maintenance) can still benefit from the light it provides. It is furthermore non-excludable because it is impossible (or would be very costly) to limit the crew of such a ship not to use the light it provides. The same goes for national defence or clean air: even people not paying any taxes or contributing to the public good in any way still enjoy the benefits they provides as an attempt to single these individuals out of consumption would be practically unachievable. There are different types of communities which can draw upon the public good: in the case of lighthouses a community consists of vessels at sea, national defence provides protection for a society living within a state, while clean air is a global problem. However, it is clear that a public good is non-rival and non-excludable for *all* members of a defined community and that it is in the grasp of each and every person to benefit from the good, even those who are free riders.

The logic in providing such public goods even though there are people who exploit the system can be justified by rational choice theory and more specifically by its subfield, public choice theory, even though these approaches assume that citizens behave primarily in a rationally self-interested way. At first glance it would seem that rational choice theory by its

¹³³ However, not all theorists view the classical example of the lighthouse as a non-controversial example of a public good. For example, the English economist Ronald Coase (1974) challenged the notion on the grounds that it is more of a club good, i.e. those goods which are non-rivalrous but excludable, like theatres, health clubs or cable television.

very nature should dismiss the claim that citizens have self-interested reasons for the existence of public goods given the existence of free riders; indeed, it would be more rational to choose to free-ride on a current public good than to support it. The obvious problem is that such 'rational' behaviour would be in the interest of all citizens and hence would result in the disintegration of the public good; thus, it is more rational and in the individual's self-interest to keep the public good in place than not to have it at all, therefore most people choose not to free ride (either by their own choice, by taking advantage of various incentives or simply by trying to avoid penalties). If this were not so, the unrestrained pursuit of self-interest would make any provision of a public good difficult at best. For example, each person has an interest on an unpolluted environment to live in but left to their own devices not many people protect nature – an individual or company may rationally choose to burn dangerous waste (cheap) instead of disposing of it in an ecologically friendly way (expensive), if they are not coerced by the laws or given incentives to change their behaviour in a specific way; this may not be immediately reasonable for them but desirable in the interest of each member of the society in the long term. 'The idea of public goods thus highlights the existence of public or collective interests that are distinct from the private interests of either individuals or groups. It could be argued that these constitute the 'real' interest of the individuals concerned rather than their 'felt' interests' (Heywood 2004: 245).

From the above debate it is evident that the concept of public good is something which has its unique place in economic theory: it is a good beneficial to all members of a given society which, however, is difficult for individuals to provide on their own. It can be defended on the grounds of rational and self-interested behaviour by justifying it from the position of public choice theory.

II-2-5-d-2: The public good – a political view

Now, economical theory is not our concern here, it is rather political theory which also addresses the concept of public goods, although it understands them in a broader framework than economic theory does. Whereas a public good within the economic sphere has more to do with the materialistic side of life, in the field of political theory a public good is more aligned with the abstract notion of a common good and the public interest. Indeed, there are perhaps very few expressions which are as abused as 'public good' or 'public interest'. This term have been frequently and routinely exploited by politicians left, right and centre and other than the fact that the term is linked to some vaguely defined positive outcomes, there is not much consensus on exactly what are the public goods. To be sure public interest suffers

from a serious definition problem¹³⁴ and the expression has suffered much misuse and nowadays virtually lacks meaning other than serving as something politicians appeal to to increase their morality.

Similarly as was the case with the economical perspective it could prove useful also to define private goods in the context of political theory. Again, private goods are something which individuals pursue because they wish to maximise what they see as their interests and thus promote their well-being. This need not necessarily be as materialistic as cars or food but more abstract as ideals – indeed, the creation or maintenance of compulsory voting laws can also in some cases serve private interests as shall be discussed later. It is evident that there is a myriad of private goods and it stands to reason that some of these interests are compatible to a lesser or higher degree with the interests of other individuals, although the reasons of one's pursuit of such and such an interest may vary greatly. As opposed to private goods, a public good should be in the interest of all citizens. The problems with such a definition are obvious: concepts which would conform to the interests of all citizens are few and far between.¹³⁵ Indeed, some theorists question the whole concept of either the public good or the private good but they represent a relatively minor stream.¹³⁶ Despite these differences in opinion,

¹³⁴ These definition problems are nothing new they were addressed by a number of philosophers. For example Jeremy Bentham (2005 edition: 12) wrote that the 'interest of the community is one of the most general expressions that can occur in the phraseology of morals: no wonder that the meaning of it is often lost'.

¹³⁵ Stating that the public good is something that is to the benefit of a majority will simply not do: such interests could then only be qualified as 'shared interests' not real public interests. Some theorists acknowledge only these shared private interests – individuals congregate in the forms of various civil organisations, NGOs, lobbying groups, religious communities, trade unions, etc. in order to promote a specific shared interest which they would find impossible advancing alone. It follows that individuals in one such group tend to put their particular interest above those of other groups and individuals and that therefore there cannot be a public good in the interest of all citizens. For more on this refer to what I call the radically individualistic approach.

¹³⁶ There are theories which question either the existence of public good, or the existence of private good. These two approaches, which formulate two very extreme positions within the public/private interest debate I characterise as either (a) *radically individualistic* or (b) *radically collectivist*. For the purpose of this thesis, however, these two radical approaches will not be taken into the account as they would not be applicable to Western democracies because of their extreme positions.

The *radically individualistic* stream puts great emphasis on personal liberty and maintains that the public does not share a common interest; instead there are only competing private interests. According to this view society is made up out of a collection of individuals who seek to maximise their own interests or goods (which they perceive rationally and accurately) without taking into the account the interests of others. This approach is not a single school of thought; rather it can be found in a number of different theories like rational egoism (Ayn Rand – *The Virtue of Selfishness*), individualist anarchism (Max Stirner – *The Ego and Its Own*, Benjamin Tucker – *Individual Liberty* essays, Josiah Warren – *Instead of a Book*), or the anarcho-capitalist stream of libertarianism (David D. Friedman – *The Machinery of Freedom*, Murray Rothbard – *Man, Economy, and State*).

The *radically collectivist* approach in contrast emphasises the society and questions self-interests as the driving force behind human action, going in some instances as far as saying that there is no such thing as a private interest, or at least that there should not be one. Individuals should accommodate their lives according to the needs of the community and in the name of the public good. The radically collectivist approach would be linked with various forms of socialism, communism and even fascism (particularly with regards to the state). Socialists, for example, reject individualism and claim that people are connected to each other by virtue of their common

there appears to be a general understanding among political theorists ‘that a distinction can be drawn between private interests and the public interest’ (Heywood 2004: 241). However, the ways how to arrive at a public good can vary greatly: I claim that in general one can distinguish between two broad approaches: (a) the *individualistic approach* (b) the *collectivist approach*. The first approach arrives at the concept of a public good by building upon private goods; the second view on the other hand acknowledges the objective existence of public goods next to the existence of private goods. I will now discuss both views in more detail.

Within the *individualistic approach* private interests still remain the primary driving force for individuals’ actions; private life is given preference over the life of the community (ideologically these theorists are generally liberals). However, there are spheres where various private interests overlap and where this happens it is possible to find common intersection points which would constitute the public interest, although there will not be many of these goods.¹³⁷ Obviously, there still remain question about the intentionality of the constitution of the public good but this does not dispute its existence.¹³⁸ It is evident that private conceptions of good are constitutive for the public good; the common interest cannot be defined without first taking into the account various private goods, however, to assume there is none would equally be a mistake. This individual viewpoint, by stressing only private interests, fulfils the criteria which one could characterise as a weak, or thin, version of public interest – what is described as the public good are the few shared private interests by each and every citizen. Although they started out as private goods, they have evolved into what can be described as public goods because all individuals themselves recognise them as goods and have selfish

humanity; due to the fact that people care about the good of their fellow citizens and act accordingly it becomes increasingly impossible to differentiate between their private interests and public ones.

¹³⁷ It is important to point out that there may be very different definitions of the public good even within the individualist approach ranging from the classical liberals/libertarian miniarchists arguing for the very basic ‘night watchman state’ with basic public goods (for example, Adam Smith – *The Wealth of Nations*; John Stuart Mill – *On Liberty*; John Locke – *Second Treatise on Government*)/(Robert Nozick – *Anarchy, State, Utopia*; Friedrich Hayek – *Road to Serfdom*; Milton Friedman – *Capitalism and Freedom*) to that of the social liberals arguing for a state providing certain positive liberties (John Rawls – *Theory of Justice*; Thomas Hill Green – *Prolegomena to Ethics, Lectures on the Principles of Political Obligation*; Amartya Sen – *Freedom, Rationality, and Social Choice*).

¹³⁸ According to Adam Smith public goods appear only by coincidence. An individual ‘neither intends to promote the public interest, nor knows how much he is promoting it. ... [H]e intends only his own gain, and he is in this, as in many other cases, led by an invisible hand to promote an end which was no part of his intention. ... By pursuing his own interest he frequently promotes that of society more effectually than when he really intends to promote it.’ (see Smith 1998, 512-3).

On the other hand, John Rawls offers a totally different view and argues that there indeed is intentionality behind the creation of public goods. ‘Different political views, even if they’re all liberal, in the sense of supporting liberal constitutional democracy, undoubtedly have some notion of the common good in the form of the means provided to assure that people can make use of their liberties ... [I]f citizens are acting for the right reasons in a constitutional regime, then regardless of their comprehensive doctrines they want every other citizen to have justice. So ... they’re all working together to ... make sure every citizen has justice. Now that’s not the only interest they all have, but it’s the single thing they’re all trying to do’ (Prusak 1998).

reasons for doing so. Despite the fact that citizens agree on certain provisions there will obviously be differences in opinion how best to secure such goods – for example, is it better to have a flat tax or a progressive one? Should the army be professional? Should education be free? Etc.

The second viewpoint, what I call the *collectivist approach*, regards society as a communal body within which one can identify genuine public goods which objectively exist next to private goods but do not directly stem from them – this approach stresses both private *and* public interests as co-existing together from the beginning. For the collectivist approach, probably the most important public good is the commitment to political liberty which is, however, not understood as freedom to do what one pleases but as the participation in the life of the community – the shift from the individual to society is a significant factor here. As opposed to the individualist viewpoint this would present us with a strong, or thick, version of public good. In general, such an outlook sees the public good as having greater importance and moral value than the interests of individual citizens and recognises a ‘collective entity’ which has ‘distinct common interests’ (Heywood 2004: 242). These theorists (ideologically mostly recruited from the republican and communitarian camp) believe that private interests are formed by one’s membership in a community which upholds specific, in our case democratic, values rather than the other way around; indeed, society is necessary for self-realisation because self-realisation is ensured and ideas are conveyed through interaction with other individuals within a community.¹³⁹ The measures by which public goods are promoted can vary in their intensity: in extreme instances the collectivist approach could be likened to

¹³⁹ It is important to realise that interpretations of republicanism itself, similarly as liberalism, are far from unified. As the Stanford Encyclopedia of Philosophy points out from a historiographical perspective *classical republicanism* (for example that of Aristotle – *Politics*, *Nicomachean Ethics* and Niccolò Machiavelli – *Discourses on Livy*) can be interpreted in two ways, primarily depending on how to view citizen engagement vis-à-vis political liberty. The first stream, civic humanism (Hannah Arendt – *The Human Condition*; J. G. A. Pocock, *The Machiavellian Moment*) sees political participation, i.e. political liberty, as something intrinsically valuable for the common good. In other words, to be free and to enjoy civic virtue means to actively participate in the public life. From a philosophical perspective, communitarian thinkers are quite close to this outlook (Charles Taylor – *Sources of the Self*; Alasdair MacIntyre – *After Virtue*; Michael Sandel – *Liberalism and the Limits of Justice*; Michael Walzer – *Spheres of Justice*, amongst others).

The second stream, *civic republicanism* (the most important theorists would be Philip Pettit – *Republicanism: A Theory of Freedom and Government*; Quentin Skinner – *Liberty before Liberalism*), regards active participation and civic virtue not as something which is intrinsically part of the common good but as something which acts as a means to safeguard a society against oppression, domination and the exercise of arbitrary power. It is a way of preserving political liberty and the democratic society (which are the true public goods) and active engagement by citizens in politics is only an instrumental good for this purpose; in other words active participation is useful ‘both in bringing about the right sorts of laws, institutions, and norms, and in ensuring their durability and reliability on the other’ (Lovett 2006). In an interview, Michael Sandel called the two republican views strong and weak, respectively (see Wenar and Hong 1996).

Notwithstanding the differences between the intrinsic and instrumental good, both streams of republicanism nevertheless stress the importance of active political participation and civic virtue in the life of individuals and society.

Rousseau's (1994: 7) idea of 'general will' which in his own words 'tends always to the conservation and well-being of the whole and of each part of it'. Although I do not wish to get into deep philosophical arguments in this thesis, Rousseau understands the general will as what a community would unanimously do if each individual were to act selflessly – the general will is the sum of the common interests of all citizens within a community whether they realise this or not; if they do not appreciate the public goods it is because they are momentarily blinded by their own private goods and interests. For Rousseau it is quite logical that those citizens who do not recognise the superiority of the general will, act wrongly; in such a case, they should be coerced into the action dictated by the general will, and the individual will effectually be 'forced to be free' (*Ibid*: 58), in effect forcing them to express their freedom in much the same way what compulsory voting does by forcing people to vote (I will discuss this in more detail below).

From the arguments above it is evident that the two most important streams of political theory in relation to current democratic practice – liberalism and communitarianism – endorse the existence of a public good, although they justify it by two different approaches. Generally speaking, the individualist approach (liberalism) stresses the importance of the individual and recognises the fact that there are some goods which every citizen has an interest in and in this perspective a public good develops almost spontaneously – this is the concept of the thin version of public goods. On the other hand, the collectivist (communitarian) approach points out that the individual is imbedded in the society and that public goods are objectively given and, if acting rationally, all citizens aim to enforce them – this outlook represents a thick version of public goods. It therefore can be safely assumed that the concept of public goods has firm roots within a democratic society – obviously, there are differences on how thin or thick such an interest should be but this does not weaken the argument of the existence of public goods in the political sense.

II-2-5-d-3: Public good and voting

The existence of public goods in a democratic context has thus been established. As I have pointed out earlier, proponents of compulsory voting suggest that active participation expressed by voting is the public good which they are defending; the democratic electoral system is a more-or-less unproblematic public good within the democratic framework and in fact, even opponents of CV would not see anything wrong in this assertion. The controversy arises when it is claimed that non-voting equals free-riding thus rendering active participation (i.e. voting) the basic building block of the democratic electoral system not just the most

convenient instrument of choosing the people's representatives and at the same time disregarding any possible benefits of abstention which can also be seen as a form of voting.

When one talks about voting it is important to bear in mind that voting itself is not a singular concept. Indeed, before one can actually vote one must have the right to do so as there cannot be any participation without the universal right to vote which presupposes the right not to vote as well. The importance of the right to vote and whether it conforms to the criteria of a public good is therefore one aspect which shall be examined below. The second is, whether the act of voting itself can be characterised as a public good, i.e. being in the interest of all members of a society, and whether, thus, active participation (as endorsed by compulsory voting) is a public good.

The right to vote and the public good

Proponents of compulsion take for granted the right to vote without giving extra thought to its importance. The relation between the right to vote and voting is not horizontal but a more hierarchical (vertical) relationship, where the right to vote forms the foundation upon which active voting and the duty to vote stressed by advocates of compulsory voting builds upon, though mostly it seems that this foundation becomes irrelevant because it is supplanted by a universal duty to vote. In my attempt to answer the question whether the right to vote is a public good, I will first define what would a democratic society uphold as something being in the public good. The best way to approach this problem is from a minimalist point of view – any thicker definition would spell disaster as there are different types of democratic systems and an even greater amount of cultural and social idiosyncrasies within a particular country.

Do different types of democracy share some common principles? It is true that different countries may have different ideas about implementing democracy, yet, on the other hand, it is equally true that there are principles which no democratic state should be lacking. These principles are present in the very definition of democracy which can be characterised as a state system within which people rule themselves through popular participation (voting) and that the government decides in the society's best interest.¹⁴⁰ Accordingly then, the answer to the question whether the right to vote is a public good will follow naturally: if voting is one of the basic principles of a democracy, it seems logical that it is in the common interest to grant the right to vote to practically all adult citizens. And because voting is a basic right, it is safe

¹⁴⁰ Obviously, this statement raises many questions, such as: Who are the people? Who should rule? How far should the rule extend? In whose interests? Etc. Although these are crucial issues in democratic theory it is not the purpose of this thesis to examine them.

to assume that basic rights and liberties are also public goods. In this sense the basic rights and liberties are the public good common for all democracies and the right to vote falls within these categories. The right to vote thus seems to be an uncontroversial concept within the democratic framework – after all, any democratic government derives its legitimacy in the first place from universal suffrage, (i.e. the right to vote without taking into the account gender, race, religion, intelligence, wealth or social status) which has had a turbulent history of its own.¹⁴¹ Any proposals for curbing universal suffrage in democratic countries would obviously be viewed as a step backwards and met with hostile reactions. It therefore seems quite logical that none of the two approaches to public good presented above would question the right to vote. The position of the individualist view would run along the lines that each person regards the right to vote as being in his own interest (regardless whether he chooses to exercise that right or not; not to have it would go against rationality and the democratic concept of equality) and therefore the right to vote will become a public good. Even the collectivist view cannot raise any objections against such a fundamental right. After all, it is one of the basic requisites for equal political participation; active citizen engagement is therefore in the interest of the whole society; however clear emphasis would be put on exercising the right to vote, not abstaining as non-voting does not equal active participation. This will be discussed in length below but the preference of using the right to vote as opposed to abstaining does not undermine the argument that the collectivist part of the debate would place equal emphasis on granting universal suffrage.

By using the language of Isaiah Berlin (1969) the right to vote (encompassing the right not to vote) would be a negative liberty, which is closely linked to the principle of non-interference and is usually characterised as freedom ‘from’ something. An individual, who enjoys a negative liberty, is free to do as he or she wishes. Berlin uses the concept of negative liberty when answering the ‘question ‘What is the area within which the subject – a person or group of persons – is or should be left to do or be what he is able to do or be, without interference by other persons?’’. Indeed, negative liberty typically concerns individuals – the things I can do without interference from others or by harming others. Clearly, the right to vote grants me the freedom to decide whether to go to the polling station and cast my vote or whether I choose not to do so.¹⁴² In other words it does not normatively bind the individual to go and vote; it leaves up to the individual to deal with the moral implications of attending or abstaining.

¹⁴¹ For more on the history of universal suffrage see Keyssar (2000) and Lloyd (1971) amongst many others.

¹⁴² There could still be the question whether my act actually harms someone, at least in non-physical sense.

To sum up, it is safe to assume that the right to vote would in all democracies be regarded as an undisputed public good, from which each member of the society would benefit (from the right per se, not necessarily from the result of the vote). I have argued that the right to vote should be regarded as a negative freedom and as a foundation for any other discussion on compulsory voting. After all, there cannot be any such discussion if there this right is absent. It is logical that democracy is built upon basic rights and liberties and the right to vote is amongst the most important ones.

Voting and the public good

As it has been established, the right to vote is fairly unproblematic and it is safe to presume that such a right is a public good, as each person has a personal interest in maintaining it. However, a rather different situation arises when it is assumed that active participation itself, i.e. voting, is a public good and when it is claimed that, as CV advocates do, that voting is a duty, rather than a right.

When addressing this problem, it is important to realise that this claim is much thicker than simply maintaining that the negative right to vote is within the common interest of all citizens. The duty to vote can be characterised as a democratic principle, or rather as a principle which is compatible with a democracy, but it cannot be seen as a universal one as the right to vote is: simple proof could be that only a limited amount of democracies practice compulsory voting (and only four do with serious administration), whereas all democracies grant their citizens the right to vote. Lever (2007: 34) points out that to call ‘high and equal turnout or voting [a public good] obviously begs the question whether high turnout – or, even, equal turnout – are themselves public goods. There are some reasons to doubt this, not least because what is to count as “low” or “unequal” turnout is obscure’. Indeed, to claim that active voting, as CV supporters seem to do, is a public good raises questions about what actually fulfils the criteria of high and active participation – is it 90% turnout, or would 80% suffice? Is 60% low in the case of the United States or Switzerland? And does turnout need to be as high in each election? Indeed, to base democratic legitimacy on high and active participation just begs the question that there are also countries which have much lower turnout but the legitimacy of which hardly anyone doubts, like the above mentioned example of the USA or Switzerland. Again the supporters of compulsory voting are unclear on this issue.

So, asserting the duty to vote as expressed in practice by CV is compatible with democratic society but cannot be described as a universal principle – this is evident when examining it in the light of a public good. Rather than a general principle, compulsory voting

is a variance from the more common system of voluntary voting; its peculiar nature is further enhanced by the fact that there does not seem to be much consensus on what form should compulsion take: the rate of compulsion varies between countries, some of which have a strict system (Australia, Belgium, Luxembourg) whilst others are quite lenient in their approach (some South American states).

Here we arrive at the second point, the urgency for high participation. If we make a quick survey of democratic states, we find no demand for high turnout numbers amongst the electorate, no sign that a majority of citizens wish to see compulsory voting legislation passed (in fact, quite the opposite is true). In this respect the right to vote is on a totally different level, especially because it is undisputable. Furthermore, as we already know, it does not follow that even in CV countries compulsion is viewed on favourably and that as opposed to a voluntary voting system and the right to vote, CV and the duty to vote is a controversial topic in democratic theory. So high and active participation understood as voting cannot be a public good in all democracies but only in countries where specific historical, sociological, cultural and other reasons made it possible. In any event, nowadays the institutionalisation of the duty to vote seems untranslatable to other countries.

When examining the concept of voting as a public good it is useful to draw on the two theoretical approaches presented above. According to the individualistic approach CV could only be defended if all individuals would come to regard it as their private interest: however, such an assertion is untrue given the fact that it is not a universally agreed on norm, and that even in countries where it is required by law to attend the election there is a considerable amount of spoilt ballots and non-voters. So, although from the individualist perspective it would theoretically be possible to claim that CV should be regarded as public good, in reality this is not likely to happen. In such a case a thicker approach is needed to proclaim that voting is a duty, not merely a right. Proponents of CV point out that participation is to a democracy like the environment is to human life: it is a necessary condition for a healthy society – much as pollution damages the environment, so too much disengagement damages a democracy.¹⁴³ In any event this presupposes that low participation levels are necessarily bad for a democracy, which I have proven otherwise. The collectivist point of view would agree with this line of thought and many theorists would likely see voting as a duty. As it was claimed above, this outlook stresses the importance of active political and civic virtue; to be sure,

¹⁴³ If one, however, applies the economic approach towards compulsory voting as a public good which is non-rival and non-excludable, there could be a problem – in some countries non compliance with mandatory turnout can lead to the loss of the right to vote, such as Belgium. In such a case, compulsory voting could not be, strictly speaking regarded as a public good, because it would become excludable.

active voting would be probably the first example of engagement which springs to mind; the proponents argue that a society is kept alive and healthy by the activity of its members and voting at elections would qualify as the least possible form of participation. In other words, it is not only a citizen's right but it his duty to help keep the community thriving. From this perspective the obligation to vote can, indeed, be seen as a public good but, again, only by clearly showing that low and unequal participation actually harms the system.

Coming back to Berlin, it can be said that the statement that voting is not only a citizen's right, but also his duty, is an example of positive liberty: this sort of freedom refers to communities, or individuals as part of their communities, and postulates that an individual is free insofar as he is the master of his actions. Positive liberty gives us the opportunity to be free *to* do something, it enables individuals achieve self-realisation and allows them to fulfil their potential. This liberty is interpreted as 'the presence of control on the part of the agent. To be free, you must be self-determined, which is to say that you must be able to control your own destiny in your own interests' (Carter 2007). Due to the fact that self-determination in the republican approach equals active citizen participation, CV is a way, to use Rousseau's words, of ensuring the freedom of individuals within a community and forcing them to express their real interests. Compulsory voting is thus much more than a norm in the legal sense because it morally prescribes the desired behaviour expected of the citizens – all members of the community have the duty to vote but due to the fact that not all do, coercion is a necessary instrument in forcing people to fulfil their duty. In this sense, voting is construed as a positive right, a right which is only fulfilled by the participation of citizens. This, however, is a highly problematic concept. Voting, as all political rights, is primarily construed negatively (this in the democratic context is expressed by the right to vote). If we, however, start to claim that it is a positive right (as the duty to vote is), this will have important ramifications: we might very well begin to see other political rights positively, such as the right to become a member of a political party or the right to expression. Although this sounds absurd, if we start claiming that one must vote, we might very well end up promoting the idea that to make participation even better, the citizen must become a member of a political party and voice his opinions publicly at certain prescribed times. To be sure, such practices actually lead us from the path of democracy to a totalitarian system.

Thus, to see voting as a public good is highly problematic for several reasons, all of which have not been proven by CV supporters: firstly, I established that it is true that low turnout does not damage democracy nor decrease its legitimacy, secondly, there is no urgency in democratic countries to establish compulsory voting laws and thirdly the duty to vote is not

a universally shared value in democracies as the right to vote is and therefore is not transferable as universal suffrage. So, this means that voting cannot be a public good and, therefore, non-voters cannot be free-riders.

II-2-5-e: Summary – No public good, no free-riders

The aim of this chapter was to build upon material presented in the previous one and to demonstrate that non-voting and non-voters are not the immoral free-riders. First of all, I pointed out the fact that proponents of compulsory voting have a conceptual problem how to characterise non-voters: whether as inexperienced ‘children’ who need guidance or immoral free-riders. Secondly I stressed that to universally declare each person who does not vote as an immoral free-rider is an oversimplification of terms because there are other meaningful ways citizens can contribute to the well-being of a society apart from casting a vote. Finally I examined the notion whether voting, as CV proponents seem to suggest (yet, again, they are not concrete on this matter), can truly be considered a public good. I found such an assertion lacking any evidence, vis-à-vis issues of legitimacy, urgency and as a universally shared democratic value. However, notwithstanding these differences all democratic countries grant the universal right to vote for their citizens and only a few actually force them to cast a ballot.

PART III: INCENTIVES: A MODERN ALTERNATIVE TO COMPULSION?

III-1: Introduction

Recently a somewhat different approach on how to get voters to the polling booths has emerged. Instead of making participation mandatory this concept stresses the use of incentives to coax citizens to cast their votes. It has been argued that it can be regarded as a fairer alternative to compulsory voting and it has been claimed that this approach gets rid of the negative connotations associated with compulsion whilst at the same time stimulating turnout – incentive voting has been hailed as the golden mean between voluntary and compulsory voting and as an effective approach of bringing the voters back to the election booths; it can be seen neither as a neutral (voluntary voting) nor a ‘sticks’ approach (compulsory voting) but as a ‘carrots’ approach. Some theorists and politicians have recently been considering instead of introducing mandatory turnout to propagate the use of incentives in election campaigns to stimulate voter participation – in the United Kingdom a study by Baston and Ritchie (2004) voiced its support for incentives and has been to a lesser degree used in some countries – a few U.S. federal states introduced a voter lottery (Hasen 1996: 2136 mentions that in certain Californian districts voters were offered a ‘half-dozen Yum-Yum doughnuts’ or a ‘discounted spinal adjustment by a chiropractor’, see also Hasen 2000) as did Bulgaria in 2005 (Balinov 2006: 60) well as in the Norwegian city of Evenes (Gratschew 2006: 58).

This chapter could be partially regarded as an anomaly because research is not as extensive as on compulsion. In any case, when talking about new areas of study, this subject may well prove an important one in time. As we are well aware, money certainly plays an important part in our life and handing out financial rewards always draws attention. It might well be that in the future we will be hearing more about incentives in elections.

III-2: The ‘carrots’ approach

The central idea of this system is that incentives may help the public to adopt a more positive attitude towards voting thus stimulating turnout spontaneously and without coercion. The philosophy behind the ‘carrots’ approach argue is that instead of punishment people are more likely to react to rewards. In principle, the penalties are still in place but are not so evident to the non-voters – as opposed to the non-voters who gain nothing by staying at home, the voters get some sort of benefit; for example a ‘financial incentive is basically another way of looking at a fine – whichever way, voters are advantaged relative to nonvoters’ (Baston and Ritchie 2004: 38). However, it is important to point out that there are several types of incentives, all of which need not be necessarily financial in nature. Various measures have been suggested as rewards for casting a vote: in the United Kingdom amongst others, a tax reduction, a small amount of money not exceeding £10 or even a constituency based lottery have been recommended (*Ibid*: 39-40). A proposal from South Korea’s Prime Minister Han Myeong-sook considered boosting voter turnout by introducing lottery tickets or gift vouchers for books and other cultural products. ‘It would be better to come up with ways to give incentives in light of public opinion against punishments such as fines or restrictions’ (Korea.Net 2006) it was argued. There could be other possible incentives for voting like easier access to certain public goods, shorter waiting times for processed documents and information, easier access to government grants, travel discounts, etc.

The proponents of incentive voting point out four key benefits of this system: (1) as it has been already hinted at, they draw attention to the generally positive psychological effects of using incentives instead of penalties that, rather than castigating non-voters and penalising them directly, rewards citizens who vote. Incentive based voting is a way of suppressing the negative feelings that some people may have against a penalty-based system; (2) maintaining a compulsory voting system may be costly, however incentive voting does away with the financial and administrative burden of the mandatory turnout system; (3) vociferous opposition against compulsory voting according to Baston and Ritchie (2004: 38) is no longer an issue as there ‘is no need to identify, locate and take action against non-voters’ and (4) people who do not vote are not regarded as free riders, they are no longer ostracised as their decision does not ‘involve imposing an official stigma’ on them for example by being convicted in court, nor is their right not to vote violated in any way.

At first glance, incentive voting may seem the perfect solution to the problem of declining voter turnout that is not as drastic and oppressive as compulsion but at the same time has all the prerequisites to succeed in raising participation. However, I maintain that such reasoning is wrong and that incentive voting may in fact be even more harmful than compulsory voting itself – in my eyes, bribing voters to come is a much worse principle than making turnout obligatory by law. Nevertheless, before I proceed to the critique of incentive voting, I will present a case study of the phenomenon which took place in the Czech Republic not so long ago.

III-2-1: The effects of incentives - a case study of communal elections in the Czech Republic

This case study examines the effects of incentives on communal elections in the Czech Republic on October 20-21, 2006. The use of incentives in such a scope as in the city of Most has been unprecedented in the electoral history of the Czech Republic and has brought much controversy. The use of this case study is useful in examining the effects of incentive voting and answering the question whether incentives mean a rise in participation levels or the effects are negligible.

The communal elections¹⁴⁴ for the city council of Most have been an historic landmark in Czech political culture. It has been the first time that any what could be deemed worthwhile incentives were used in an election, much to the dismay of other political parties.

In order to understand the complexities a short introduction is in order. The whole issue revolves around the political association *Mostečané Mostu* (SMM, the ‘Citizens of Most for Most’). After the communal elections in 2002, the city council has been ruled by a grand coalition of the conservative Civic Democratic Party (ODS) and left-wing Czech Social Democrat Party (ČSSD) together with the support of several independent councillors. At that time SMM was in opposition with 10.72% of the votes, i.e. five mandates in the 45 seat city council. However, the situation changed radically in 2006 as SMM came first in the elections, won by a sweeping 33.36% and gained 18 seats. It announced that it will form a coalition with the Communist Party of Bohemia and Moravia (KSČM) which came in third in the election with a gain of 15.85% and 8 seats, and thus the two parties would control the council.

¹⁴⁴ Statistical data and numbers used in this essay have been provided by the website of the Czech Statistical Office’s official election website (accessed 01/2007).

Mostečané Mostu was founded by members of the flat association Krušnohor which according to its website administers circa '16,500 flats, 250 non-residential premises and 1,000 garages.'¹⁴⁵ The main objective was to promote the interests of this group which takes care of almost half the housing in Most. Its members were dissatisfied with the way the city council was run from 2002 to 2006 as was evident in recent interviews, such as with SMM secretary František Ryba who is also the vice-chairman of the board of management of Krušnohor. 'Our goal was to stop the filth ODS was doing in the council and restore normal relations. We have no quarrel with the Civic Democrats as such, only with the gang which turned the town administration into its own business.' (Nedělní svět 2006b: 4) The so called 'filth' points to the allegations of corruption in handing out city contracts and the administration of the town budget. The leader of SMM Vlastimil Vozka (also member of the board of management of Krušnohor) said that his association wished to restore 'legal competition' and 'change the system' (*Ibid*) of handing out public contracts. The reasons of SMM were therefore simple: to gain control of the city council, stop corruption and better manage Most's finances. The means which SMM chose to fight the pre-election campaign were rather unorthodox. The association introduced a strategy (at least to the width of scope) not before seen in the Czech Republic – incentive voting. Basically, there were two types of incentives employed: (1) a lottery used in two pre-election rallies and a post-election one and (2) motivational voting by using direct financial incentives. I will now discuss the two types in more detail.

As it is obviously impossible to exchange rewards directly for votes, SMM had to adopt a different tactic. The first case involved a three-time lottery during three campaign rallies. The first two took place before the elections the last one immediately after the vote. The strategy SMM adopted was quite ingenious: three weeks before the elections took place the political association held a rally a part of which was a lottery for anyone who attended the meeting. A hundred people won bicycles in a lottery. Two weeks later, or one week before the election, another lottery was held, this time 35 people won personal computers. However, amongst the computers on the podium were also three new Škoda Fabia cars, all together worth about 35,000 euros at the time. These were not part of the draw but it was announced that they will be also available in a lottery, provided SMM proves victorious in the elections. A week later SMM did indeed win the election with more than a 20 percent gain from last time; two days after the election three people from a crowd of 11,000 won a car and a

¹⁴⁵ <http://www.sbdkrusnohor.cz/>

thousand received a voucher worth 1,000 Czech crowns (circa 35 euros at that time). The second tactic sparked even more controversy than the former, although in retrospect there does not seem to be much of a difference between the two. This case involved the entrepreneur Jiří Zelenka, number three on the list of candidates for SMM in the election, who promised a 10,000 Czech crown financial reward (about 360 euro at the time) to circa 600 of his employees in Unimontex company, also under the condition that SMM wins the election.

These incentives attracted widespread criticism prevalently from the ruling coalition of conservatives and socialists. During the campaign the then mayor for ODS Vladimír Bártl referred to the lotteries and promised financial rewards as ‘bribing of electors’ (Nedělní svět newspaper 2006a: 1). The leaders of SMM dismissed these claims; they argued that the strategy chosen was unorthodox but the only effective way how to make changes in the city council. Ryba argued that each political party offers something to their voters. ‘The prizes we offered were unique ... Elections are a trade. We only changed the marketing strategy’ (Nedělní svět newspaper 2006c: 1). Incentives were thus just a means to an end, the end being controlling the council and displace corruption. ‘There was no other way, because otherwise we could not achieve a change of the city council,’ (Czech Television 2006) said Vozka. Other criticism which appeared in the media pointed to the cost of the campaign led by SMM which was estimated between 15 and 20 million crowns (circa 535,000 – 714,000 euro at the time).¹⁴⁶ Some voices appeared claiming that one set of corrupted politicians was displaced by another, who actually ‘bought’ their way into the council. SMM denied these charges.

Even though SMM won the election, the old coalition decided not to relinquish control and referred the whole situation to court, partly because, in the words of ex-mayor Bártl, the parties did not want ‘such campaigns to be repeated in the future’ (Českolipský deník newspaper 2006: 5) Before the court issued a verdict there was a state of anarchy in Most city council as there were suddenly two mayors (ex-mayor Bártl refused to step down before the court verdict) and any decision-making was blocked for several weeks. In the end, the regional court in Ústí nad Labem had to issue three separate verdicts¹⁴⁷, all of which confirmed the validity of elections, apart from district no. 20 (Chánov),¹⁴⁸ where the court declared a re-election to be held. In this particular district the court acknowledged evidence that members of SMM were handing out lottery tickets or coupons valued at 300 crowns

¹⁴⁶ These estimates are based on media reports and statements made by experts.

¹⁴⁷ 15 Ca 253/2006-129; 15 Ca 252/2006-14; 15 Ca 248/2006-22; verdicts decreed by the Regional Court in Ústí nad Labem. For more information visit the Czech ministry of justice website, <http://www.justice.cz> (in Czech).

¹⁴⁸ According to the Czech website of the European Social Fund the district of Chánov has a majority population of 1500-2000 Roma; most inhabitants (94%) have only primary education and there is widespread unemployment (90%). More at: http://www.esfcr.cz/mapa/int_us6_17_1.html (in Czech).

(about 10.50 euros at that time). There were also reports of handing out the same amount in cash if citizens vote for SMM. Although the plaintiffs could not bring any tangible evidence, the court acknowledged the fact that there was evidence of swaying of voters in the day of the elections which is prohibited by Czech law¹⁴⁹ and a unprecedented rise in participation levels – it jumped from 4.73% in 2002 to 36.52% in 2006; SMM gained 96.51% of votes – and thus elections in this district were invalid. In the re-election in December 2006 a similar result was achieved and participation levels soared even more: 50.65% of eligible voters came to the polling station and 94.7% voted for SMM. There was thus no change in the previous result.

As was mentioned above, the lottery and other financial incentives were found to be congruent with the Czech legal system. Its verdict however indirectly questioned the rationality behind the motivations of some people to vote. ‘As regards to the proposal which would deem the elections invalid, the court adds that notwithstanding the workings of the legal system of the Czech Republic regarding the regulation of conduct in election campaigns for concrete representative bodies, it is foremost the voters, and not one concrete party using progressive methods in its election campaign, who bear a not negligible amount of responsibility for the make-up of concrete representative bodies. It is the voter who should in each election meticulously judge, be it by past experiences with individual parties in the election or by the realistic chances of fulfilling pre-election promises made by individual parties in the election, whether the political party in question is only using populist gestures merely to gain power without actually intending to bring benefits to its voters.’¹⁵⁰

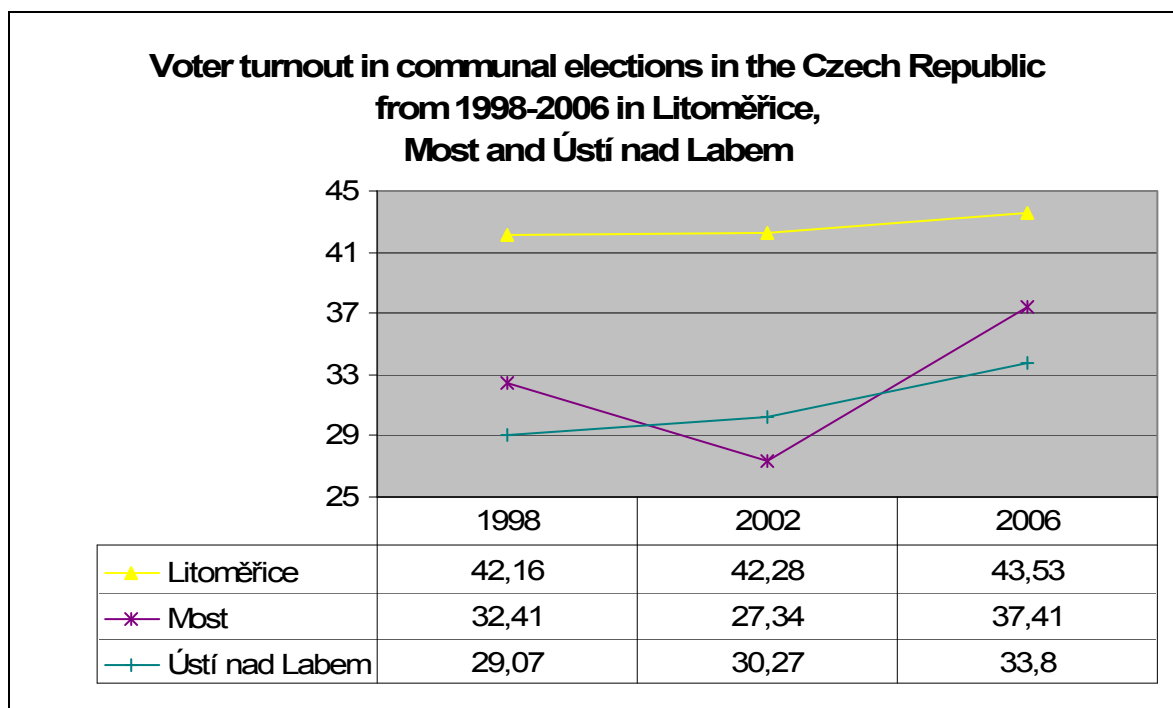
It is important to point out that apart from the attempt to end corruption in the council, there was also a second reason cited by SMM’s representatives, which was no less urgent than the greater transparency argument. This was an attempt to increase voter turnout: ‘We are not interested in buying voters. By having prizes ready we want to make them (the citizens) stand and wake up from lethargy and apathy,’ said the leader of SMM Vozka (*Mladá fronta Dnes* newspaper 2006: 1) and added that the main reason was to ‘petition voters who normally do not attend elections’ (*Czech Television* 2006) and ‘attract as many people as possible so that the result will be legitimate’ (*Nedělní svět* newspaper 2006a: 1). In other words SMM declared as a reason for providing incentives higher voter turnout thus ensuring greater legitimacy for the elected city council. Judging from the example above, it is certainly true that there has been a massive increase in participation in the district of Chánov (a ten time increase in the repeated round of elections), but was this the case in Most as a whole vis-à-vis

¹⁴⁹ Political parties must cease their campaigns three days before the election.

¹⁵⁰ Court verdict 15 Ca 253/2006-129.

other cities in the region,¹⁵¹ such as Ústí nad Labem and Litoměřice, which are comparable to Most in the number of registered voters?¹⁵² Statistical data provides a clear answer.

In 2002 the voter turnout levels for Most, Ústí nad Labem and Litoměřice were 42.28%, 30.27% and 33.61% respectively. Four years later, i.e. in the elections where SMM used incentives in the election in Most, turnout was as follows: 37.41% in Most, 33.8% in Ústí nad Labem and 43.53% in Litoměřice. The graph below illustrates the trends in the three cities in the last three communal elections.¹⁵³



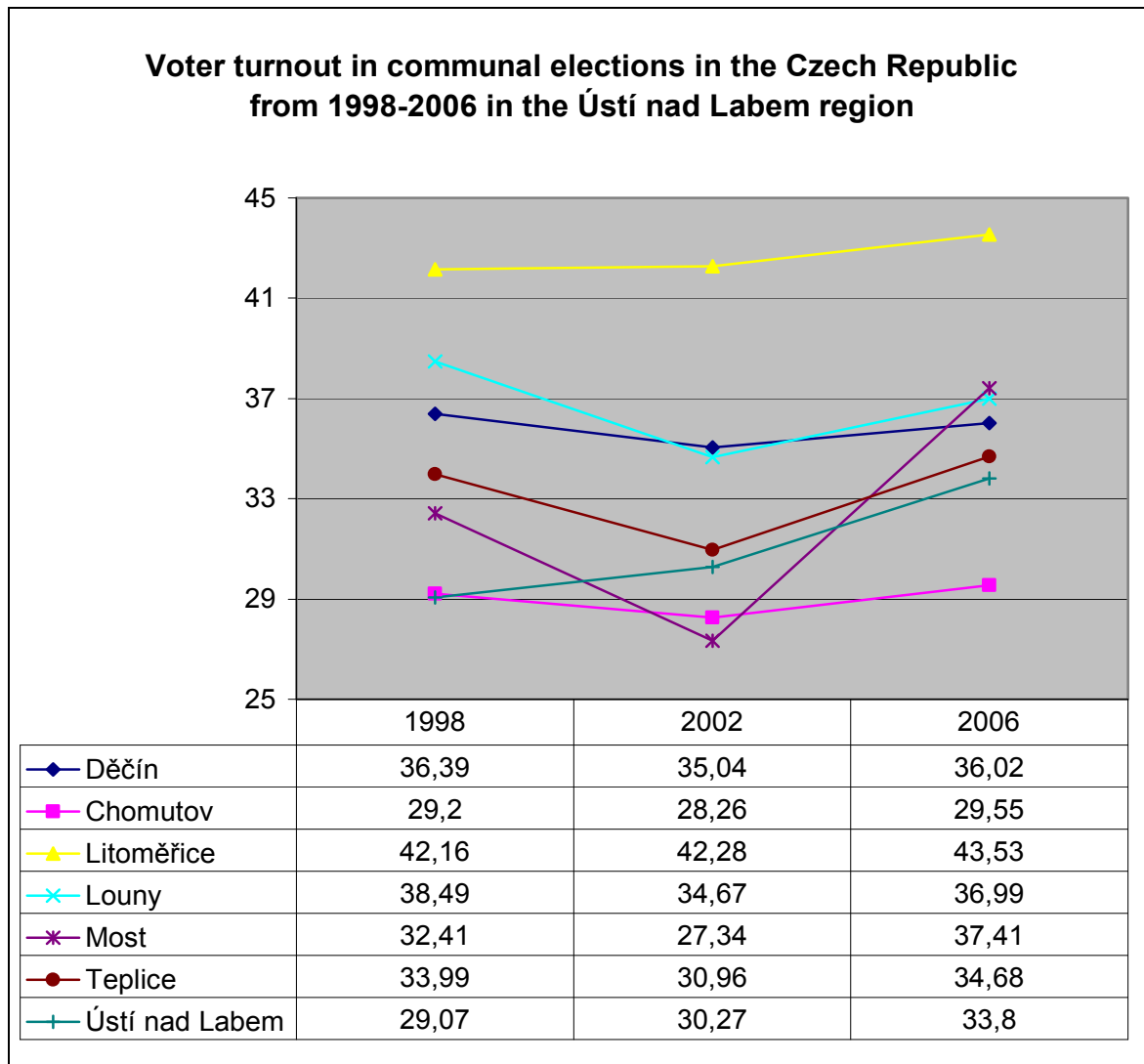
It is clear that there was an evident increase in participation in Most in 2006 (between 1998 and 2002 there was a 5.11% decrease followed by a 10.07% increase in 2006), other cities in this region showed virtually no movement (up or down) worth considering, even if one takes into account all the greater cities, as the graph below illustrates. Upon examining the evidence, it can be stated that there has been a rise in participation levels in Most, something not seen in other comparable cities where there were no incentives used, however the overall increase in voter turnout in Most (10.07%) was far from something which one could describe by the term dramatic, though from last position in voter participation in 2002

¹⁵¹ The comparison of voter turnout between different Bohemian regions will not be used, as the population of Most, where incentives were provided during the election campaign, is negligible when compared with regional population.

¹⁵² In the 2006 elections, Most had 93,370 registered voters; Ústí nad Labem 95,034; Litoměřice 93,267.

¹⁵³ Voter turnout percentage is unavailable for the first year of communal elections which were held in 1994.

the city came in second in 2006. However, Most did not displace Litoměřice (no incentives) where turnout remained relatively high for this type of election¹⁵⁴ and has remained so for the past eight years. Vis-à-vis Most, there was a tenfold increase in the district of Chánov which, due to the impoverished nature of this city part, must have been directly related to incentives by SMM.



The leaders of SMM claimed that there were two reasons for using incentives in their election campaign: the first one was to gain control of the council, the other to make more people come to vote, thus increasing the legitimacy of the city council administration. As to the first objective, SMM did gain control of the council and came in first in the election. It certainly was an impressive victory, however not a landslide one as the association had to

¹⁵⁴ It was somewhat lower than the country-wide average for the Czech Republic which was 46.28%.

form a coalition with the communists to have a majority.¹⁵⁵ Notwithstanding this fact, it is nonetheless a notable result for SMM which gained a mere 10.72% in 2002. The use of lottery and financial incentives brought a considerable amount of criticism and three separate complaints to court regarding the buying of votes. The judiciary concluded that each election campaign is about ‘buying votes’ and each political party addresses these issues in different ways; SMM used an innovative tactic of incentives which proved an effective strategy. A level of surprise and dismay was to be expected. ‘There is a wide range of circumstances which can affect [the elections results]. That is the nature of the whole political campaign...’¹⁵⁶ In other words, each party has the liberty to choose its own ‘weapons’ in the election as long as they are within the law, as was this case. The obvious question which still remains unanswerable is, whether SMM’s sponsors (a group of entrepreneurs) were really sponsors and not investors who expect to get their money back from the city of Most. This, however, is an unresolved ethical matter and not something to be discussed in this essay. All in all, the first objective, i.e. to provoke a change in the city council was certainly achieved by incentives. The leaders of SMM would not agree with this, as it was especially the programme which they offered that made people vote for them and the incentives were just a way to get people to vote. ‘We did not win because of gifts but convinced voters [at meetings]’ (Mr. Ryba cited by Czech Television 2006) These claims seem to be in contradiction with the fact that the last and most valuable lottery took place after the elections and only if SMM won the vote.

This leads to the second claim made by SMM, that incentives were used to increase turnout and thus make the city council more legitimate. If one takes into account the statistical data introduced above, it is clear that there was a rise in voters by almost 10,000 people. It goes without saying that the greater the turnout, the more legitimacy the executive has. An increase of ten percent is not a bad result; however, from a broader perspective it is not that important. Even with the increase turnout in Most is about ten percent lower than the average level of turnout in communal elections in 2006 which was 46.28%, which by itself is nowhere near the level of turnout many scholars would deem as desirable. Let us assume that the increase in voters is linked with the incentives offered by SMM. If so, the majority of these 10,000 citizens would give their vote to the association specifically because of the incentives.

¹⁵⁵ The election results were: 1 – Sdružení Mostečané Mostu SMM (33.36%, 18 mandates); 2 – Občanská demokratická strana /conservatives/ (19.92%, 11 mandates); 3 – Komunistická strana Čech a Moravy /communists/ (15.85%, 8 mandates); 4 – Česká strana sociálně demokratická /social democrats/ (11.78%, 6 mandates); 5 – Sdružení nezávislých kandidátů – Evropští demokraté /centre-right/ (5.17%, 2 mandates).

¹⁵⁶ Court verdict 15 Ca 253/2006-129.

If this were so, than this would mean that there is no increase in legitimacy of the council as a whole. In this case the equation that more turnout equals more legitimacy (understood as trust for a given executive, in this case the city council) would simply not hold. Furthermore, the claim that SMM's goal was to bring more citizens to the polling booths looks like populist propaganda and only an attempt to justify their innovative method which guaranteed them control over the city council by using a normative argument. What happened in the electoral district of Chánov only illustrates how some voters make their decisions – indeed, to claim that they at least superficially thought about the elections is absurd, because the only thing they considered had to be their personal gain.

To conclude: this case study neatly illustrates the fact that incentives do achieve a greater level of participation, although it seems that it is not that significant as some proponents would lead us to believe. From the cited example it furthermore seems that it does not bring the desired increase in legitimacy, as votes tend to be given to one political party that introduced the incentives, in this case SMM. The question remains about the effectiveness and legitimacy if incentives were not part of any political party's campaign and would be introduced by the government in form of a tax reduction or vouchers for some cultural events (we will look at this when discussing Bulgaria, below); these might bear some legitimacy but rewards handed out by one political party, as was the case in the Czech Republic, do not.

III-2-2: Incentives: the hidden danger

In one respect, the case study presented is an anomaly. When considering SMM's success it is evident that much of it can be attributed to the use of incentives. Politicians and theorists making the case for incentives would not see this as the way forward because without any unified rules the offered rewards would come down to which political party has more money thus making the link between money and politics even more intense and such a case is clearly unacceptable (in such circumstances incentives could be funded by private enterprises or citizens thus giving a party an unfair advantage, as was the case with SMM). It would equally seem wise for the state not to hand out the money directly to political parties, even though there would be funds allocated specifically for the purpose of providing voter incentives, for three reasons: firstly, the parties could use the allocated money in another way; secondly how much money is handed out to a party would probably be dependent on its size and influence in parliament; and thirdly parties could be tempted to add more funds to the

incentives thus effectively creating an ‘incentives race’. It is therefore crucial, if incentive voting were to be introduced, for the government to be in charge of the whole system and regulate it. The following criticism will thus focus on incentive voting under the sponsorship of the government, as was the case in Bulgaria in 2005.

As I have hinted above, I do not regard incentive voting as something beneficial to a democracy and to me it hardly seems as a system congruent with democratic principles. To criticise this approach even more, I believe that such a system may actually harm democracy even more than compulsory voting. I sum up my reservations in the following paragraphs. Generally, there are four objections.

First, it is very much a question of debate whether the incentive voting system is financially more economical than compulsory voting as the first question is a matter more of speculation and the monetary cost of compulsion is difficult to establish because it is already part of the electoral system and countries like Australia or Belgium do not break down the electoral costs in such a way as to make it obvious how much does it cost to maintain the administration associated with CV. In any case the money for incentives handed out in one form or another would necessarily come out of the budget; this means that there would need to be cuts in other areas which could be ultimately more crucial to the well-being of the state. Obviously, in some systems political parties do get money from the state for campaigns depending on the number of representatives in parliament. In such a case, funds for incentives would have to be added to this budget as the money political parties gain for the state are used for campaigns and maintenance anyway.

However, tangible evidence suggests that incentive voting would not be a cheap enterprise, something which could prove not only a problem to poorer countries but to the wealthy democracies as well. Let us, for example, take the proposed case in the United Kingdom where according to Baston and Ritchie (2006: 40) a ‘£10 flat rate on a turnout of 80 per cent would cost around £360m’. This is not a small amount and the overall increase in voter turnout could in the end prove counterproductive as the state would have to bear the financial costs. However, the costs need not be so dramatic, for instance if one would use the lottery as a means of handing out incentives – ‘an incentive of £2 per person might be inefficient to administer and too small to encourage turnout, while a lottery jackpot of £100,000 per constituency might be attractive and cost only £66m in payouts, and the marginal cost of the extra voters would be a lot lower’ (*Ibid*). It is therefore possible to make incentive voting cheaper, but this does not answer the objection whether there are other sectors which would benefit from the finances allocated to the incentives. Furthermore, a

detailed look at the Czech and Bulgarian example (though the former was a party initiative and the latter a governmental one) neatly illustrates several problems; perhaps the main objection would be that neither method significantly increased turnout which is the primary argument for the possible introduction of incentives – in the Czech Republic the increase was circa 10% and in Bulgaria on a nationwide scale a mere ‘55.7 per cent of 6.7 million eligible voters cast their ballots – a fall of close to 10% from the previous election’ (!) (Balinov 2006: 61). In the Bulgarian example, the citizens did not seem all that interested in the national lottery (prizes included a car worth 15,000 euros, computers, electronic devices and mobile phones) as only about 20% of voters registered for the draw.

There have been some suggestions that rewards should be handed out to those who vote using postal ballots or e-votes because this type of voting reduces the costs of an election. The criticism arising from this proposition is that people will be rewarded even if they do not make an effort to go out and physically cast a vote.

The second point has difficulty with the flexibility of reform of the incentive voting system. Let us consider two model situations: What happens when the regime is in need of change, for example because the financial incentives no longer fulfil their purpose as they have become economically negligible? What occurs when it is decided that the system should be abolished? As to the first question – the £10 in the British example or the 15,000 euro car in Bulgaria may no longer provide a stimulus to voters, and, due to inflation and other economic pressures, it is necessary to increase the money which is handed out in order to keep the voters still interested. Increasing the incentives should not prove to be the main problem but what could become an issue would be that a party could use the proposed increase of financial incentives as a bargaining chip during the election campaign. Incentive voting itself could be used, or hinted at (even if incentives would be banned from campaigning, parties could make their position known through various leaks), during an election campaign in which political parties could make suggestions that they would raise the reward for voting, be it financial or other. Obviously, it is difficult to say whether an increase from, say, £10 to £20 would result in a significant shift in the votes to the party in question, but under certain circumstances such claims could have a considerable impact.

In the Bulgarian general elections in 2005 incentives introduced were seen by ‘the media, international organizations and many voters ... as being focused on potential supporters of the ruling party, the National Movement Simeon II, who were expected to be more hesitant about voting in the elections than the supporters of its main political opponent, the leftist Bulgarian Socialist Party’ (Balinov 2006: 60). Condemnation poured in from all

sides: the president, the opposition, the local electoral commission and even the Council of Europe, which criticised this on the grounds that there should be widespread political consensus, equal accessibility to all voters (one had to register for the lottery by telephone, sms or internet) and that a neutral body such as the Central Electoral Commission should have organised the lottery (not a private company as was the case).

The second question discusses the danger associated with maintaining this type of system – one could very well imagine the situation when incentive voting has become undesirable but politicians and the authorities are caught in a vicious circle from which they cannot get out. Let us picture a model situation where the incentive voting system has been used for a number of years effectively boosting turnout. Now, what happens is that the system proves to be no longer sustainable, regardless whether this is because it has been outlived or whether it proves too much of a burden? The government will probably find it a very difficult political decision to make: taking away something which most citizens will see as a benefit will surely prove an unpopular move which could cost the party the next election followed by a considerable slump in turnout as a way to protest against the changes. The government then ends up in a vicious circle where it wants to abolish the incentives but cannot muster the political courage to do so. It thus becomes psychologically important to maintain the system. Obviously, there could be cases of a countrywide or all-party consensus on bringing incentive voting to an end but it seems to me that getting rid of the system will bring too many political problems.

The third point is that people should not be bribed into going to elections but should instead feel it as something they must do on their own. To an extent this criticism reflects that of compulsory voting which forces citizens to cast a ballot. I believe the inner commitment to vote is a crucial democratic concept which cannot and should not be supplanted by incentives, monetary or otherwise. But using incentives is even worse than compulsory voting for several reasons: firstly, compulsory voting legislation establishes a clear signal that voting is a duty whereas incentives seem to make voting a question of individual personal gain; the act of casting the ballot may become rid of any meaning and importance which democratic countries attach to it. The approach attempting to ‘sell the vote’ is in line with contemporary social attitudes and a more market-oriented feel to it but ‘lacks some of the high-minded dignity of the case for compulsory voting’ (Baston and Ritchie 2006: 39) or voluntary voting for that matter. Whilst incentive voting should increase voter turnout without making people feel negative about the electoral system, as opposed to CV, the same criticism which opponents of compulsion use could be applied here, too: higher participation even without the citizens’

negative feelings again masks the real causes of the problem for low turnout and incentives may act as a means of rectifying the situation but only superficially. ‘As with compulsory voting, it is a response based on a misunderstanding of the causes of engagement. It assumes that today’s citizens can be motivated only by appeals to their self-interest’ (Power Inquiry 2006: 217). In my eyes, incentive voting runs the danger that citizens will start seeing elections as a business venue from which they can make easy money. The attempt to create a ‘voting norm’ could come to naught as self-interest would be the prime cause to vote in elections.¹⁵⁷ In the end, an election could turn out to be nothing more than a form of advertising campaign aimed at selling a product which happens to be the very essence of democracy itself. Indeed, this is probably why in the Bulgarian case the ‘lottery was seen as a deviation from best election practice’ (Balinov 2006: 60). To be sure, incentive voting does remove the stigma with which CV brands the non-voters and does away with the penalties (at least as directly effecting the non-voters) but it seems that this business-like attitude is as dangerous, if not more, than forcing citizens to participate.

Finally, from the data presented above, it is difficult to see how incentives are any more effective than other institutional remedies in increasing turnout (apart from compulsory voting): the example of Bulgaria where incentives were offered on a nationwide scale failed to increase turnout (which was actually even lower than during the last election when incentives were not used) is a case in point. Indeed, in this light, incentives seem as a rather unfortunate attempt to coax voters to come to the polling booths and, as opposed to other institutional provisions, have rather debateable results. In this light it makes even less sense than compulsory voting which at least generates high turnout, and as Hill and Louth (2004: 19) remark, ‘although the carrots approach might satisfy the objections of voting libertarians, it is rarely as effective as sticks.’

III-3: Summary – Worse Than Compulsory Voting

Although incentive voting may seem as a perfect middle way between the leniency of a voluntary voting system on the one hand and the heavy-handedness of compulsion on the other, looks, again, prove to be deceiving. Although evidence seems to suggest that incentives could become an effective means of stimulating turnout, the end result of handing out rewards

¹⁵⁷ It would be interesting to see how rational choice theory would cope with this problem as voting would then become advantageous to most of the society. This could prove intriguing ground for further research.

could prove catastrophic for a democracy. Bereft of any meaning, voting could become nothing more than a convenient means of increasing one's personal gain at the expense of democratic principles and ideas. For this reason alone incentive voting should be vehemently opposed. It would be a mistake to claim that there are not any benefits to this system: there are, most importantly of making the non-voter problem irrelevant. However, it would equally be foolish to overlook the far reaching negative implications that incentive voting could, after some time, engender. Although its aims are to increase and better democracy, there is little doubt that using this kind of system is not the way forward. We need not extend the consumerism of our society into politics any further than necessary. After all, ideals, not money, as it is often the case, should be the backbone of politics.

CONCLUSION

The patterns of turnout in established democracies have changed – high participation is no longer an everyday occurrence. Though this does not mean that it has vanished, it is evident that it is no longer as prevalent as it was half a century ago. Some, however, are far from satisfied with such a situation. Indeed, for a number of people high turnout is the alpha and omega of established democratic societies, it is the lifeblood of the democratic system. In this light, it should come as no surprise that declining turnout generates a sense of anxiety and concern, and in some cases need for action. Probably the most effective way to achieve high turnout is to alter the ‘rules of the game’, i.e. to change the institutional arrangements themselves. Most reforms will, if properly implemented, result in positive change but only one institutional remedy can guarantee near-universal turnout: compulsory voting.

In recent years an increasing number of theorists and politicians have shown renewed interest in CV, which is generally regarded as a successful and easy way of boosting voter turnout without spending time, money and energy on projects the effectiveness of which is uncertain at best and, as opposed to compulsion, which do not produce automatic results. CV has kept participation in countries such as Australia, Belgium or Luxembourg at a constant and, compared to states with voluntary voting, overall high level.

It seems as if compulsory voting is the ideal solution: it dramatically and immediately boosts turnout and, so CV proponents claim, brings other benefits (such as increased political knowledge on part of the electorate, making politics more civilised in the financial and rhetorical aspect, streamlining the whole electoral process, etc.).

However, as this thesis has extensively argued, such lofty expectations are unfounded. Indeed, meticulous scrutiny will reveal that the quick-fix-all solution offered by CV is not real gold but fool’s gold. Apart from boosting turnout – and in my study I question whether high turnout is always positive for democracy – other ‘benefits’ which compulsory voting is said to produce are highly speculative but in most cases utterly false. This, coupled with accusations of immoral behaviour of non-voters, make the whole case for compulsion unsustainable. This study has argued that typical apologies of CV use several points to forward their claims: for the purpose of this work I singled out five steps, all of which lead to the argumentation that voting is a citizen’s duty, not merely his right. To give weight to the otherwise controversial

argumentation, advocates of compulsion reinforce their normative statement by turning to empirical data which they claim supports their assertions.

The first point usually states that democracies are facing a worldwide problem of declining voter turnout. This argument creates a sense of crisis, a crisis which can have serious ramifications if not addressed because, as the proponents of compulsion claim, high participation increases legitimacy and the health of a democracy, whereas low turnout means that there is something amiss with the representative system. To be sure, CV advocates illustrate their case in the second point by showing the ill effects that low turnout has: representation is biased towards the more educated, wealthier and older social classes (more conservative, right wing); as a result, the less educated, poorer and younger people (who usually incline to vote the left) will not have their interests promoted in parliament as, were they go out to vote, they would otherwise have. This leads to the third point which presents compulsory voting legislation as the most effective solution how to dramatically improve an equalise turnout without any significant effort from the state. Beside this, it is claimed that the institutionalisation of CV brings other benefits, such as, amongst others, increased political knowledge of the citizens or less vicious political campaigning (I have classified these spill-over effects as procedural, party- and voter-oriented). The benefits of compulsory voting seem to be so evident and positive that its supporters point out, in the fourth step, that any possible infringements of personal liberty are negligible to the profoundly positive effects; these effects outweigh the necessity of appearing (not actually voting, as that would be an infringement of personal liberty) at the polling booth once every four or five years. When viewed in this light, many other laws are far more restrictive than CV. Furthermore, due to the fact that it is turnout, not the actual act of voting itself which is required, the right not to vote remains intact. In the fifth step the proponents of compulsion put forward the main normative argument: voting is, after all, something a citizen is morally required to do because he in fact owes his support to the democratic system without which there could be no voting at all. In short, voting is thus a citizen's duty – those that realise it naturally come to vote when the time arises; however, the non-voters who choose to free-ride should be forced to change their selfish behaviour and be, if necessary, forced to participate on the proceedings of a democratic society. Thus, basically, CV proponents work with two normative assertions: (1) high participation is good because it increases legitimacy and the health of a democracy, and (2) non-voting is bad because it means immoral free-riding. For proponents of compulsory voting, citizens ought to vote because it is their moral duty.

However, notwithstanding the philosophical statements connected with the concept of CV, it is evident that its advocates use concrete empirical arguments to support their claim. Fundamentally, philosophical discourse is about ideas, there is no right or wrong, only acceptable and unacceptable arguments to certain people. Though I can present normative claims, why I feel it is fundamentally wrong to force people to vote and to brand them as selfish free-riders, there will be no objective truth to my argument. That much is obvious. However, where concrete irrefutable evidence can be presented about the fallaciousness of CV is within the domain of political science. That is the reason why this thesis has been intensely working with empirical data. So, whilst primarily a normative question, the arguments on compulsory voting can, and are, commonly divided into moral claims and empirical claims (aimed at supporting the moral strength of the argument). The two assertions claiming that high participation is good and non-voting is free-riding, at first glance, seem sound. However, as this thesis has argued, the arguments are empirically speculative and morally questionable.

Refuting the empirical claims

This thesis went to great lengths to prove that the empirical evidence proponents of compulsory voting use in their defence of CV and/or high turnout has some serious holes. I do not wish to repeat here what has already been covered in the pages above, so I will only briefly summarise the most controversial claims.

Firstly, it is a matter of fact that voter turnout is lower than in the past decades but that does not mean that high turnout has disappeared. It may not be as frequent as some theorists would like, but it must be stressed that there are many more factors other than apathy which influence whether voters come to the ballot or not – socioeconomic factors, institutional and political-cultural ones. The resulting turnout is a mixture of the interplay between these variables. In any case, low voter turnout may be strongly connected to the fact that the electorate is becoming more discerning about when and where will it vote. Indeed, there are many factors which have an impact on turnout, all of which cannot be simply fixed by making voting compulsory; high turnout does not miraculously cure all problems as CV masks rather than fixes them.

Secondly, to support the thesis that high turnout is good, proponents of compulsion demonstrate the ill effects low turnout has, namely unequal representation. Detailed empirical scrutiny, some of which is actually penned by advocates of compulsory voting, reveals that such fears are misplaced: I have shown that low turnout does not change electoral outcomes

otherwise generated by high participation, and thus there is not any effect on representation as the left does not suffer from low turnout.

Thirdly, proponents of compulsion state their case in such a way that their arguments give off the impression that CV is a unified system which helps 17% of the world's democracies to maintain high turnout. Nothing could be further from the truth. Indeed, it is important to keep in mind that not all CV systems are the same: there are significant differences amongst individual countries. High turnout is only associated with a strictly enforced regime backed by penalties, which is currently restricted to only four states: Australia, Belgium, Cyprus and Luxembourg. Indeed, it does not follow automatically that a country practicing compulsory voting will have high participation rates, and sometimes states with voluntary voting are better at achieving high participation than some CV countries. To be sure, this discussion leads us to the claim that CV, if it ensures high turnout, can create positive spillover effects. Such an assertion is blatantly false – citizens are not more knowledgeable, interested and loyal to the system in a CV country, neither do states with compulsion help voters with the best of institutional arrangements and, finally, the political parties are also no better than in a voluntary voting system. Though there have been many claims made about the benefits of CV, empirical evidence suggests that, if not always pure speculation, the benefits compulsion has are either exaggerated or inconclusive.

Throughout this thesis, I have demonstrated that the only thing proponents of compulsory voting can safely claim on the empirical field is the fact that CV raises turnout. Nothing more. However, their somewhat speculative reasoning and partially wishful thinking leads them to present empirical data, supporting the claim for compulsion, which is, as we saw, highly contestable. The benefits lauded by the proponents of compulsion upon close scrutiny simply do not hold, and, thus, the whole case for CV and high turnout is cast into doubt.

In this light, it is important to realise that proponents of compulsion base their arguments on a system (widely varying from one country to another) which has fundamentally remained the same for a number of years. Indeed, Farrow (1998: 41) calls compulsory voting a 'relic' and an 'Australian anachronism' that could hardly be institutionalised, if we were to consider Australia as a voluntary voting country, in the 21st century and that was established only because of specific circumstances but remained because of the political inertia and the parties' unwillingness to shift the burden on turnout to them, rather than the electors. To be sure, I do not claim that compulsory voting is not congruent with a democratic system nor propose that it should be abolished around the globe

immediately though I believe that it is an inevitable development. The reasons are obvious: currently are only four countries with serious administration (CV is embedded in the system for various political, historical and social reasons) and that the last system of compulsory voting was established in the 1960s in Egypt (which is nowhere near a democratic country by current standards). Furthermore, any debate about the introduction of compulsion in democracies with a voluntary voting system results in a very heated debate and strong critical reactions to such proposals. CV is thus rather out-dated and something of an oddity amongst established democracies; in my eyes, it is a static system which has not experienced any real progress in the years of its existence – it is a dying-out branch of democratic practice: this happened in 1970 in the Netherlands and more recently in Italy or Austria.

The static nature of the system of compulsion, I believe, also has ramifications vis-à-vis the distortion-effect on empirical data. When most people vote, this does not give us any real feedback to the political environment in the country, other than whether the votes swing to the left or to the right; it is impossible to gauge the satisfaction/dissatisfaction with politics or the electoral system, its responsiveness to the citizens, various societal factors, etc. Furthermore, how is one to know that a political campaign is effective and responsive, how important are the political issues at stake when everyone votes? To be sure, by maintaining an edifice of high turnout, everything seems in perfect order, whereas that need not be the case and the country in question may be going through a crisis of its own.

This is probably where incentive voting (discussed in Part III) might be argued to cut the middle ground: it can be seen as a response to the static nature of compulsion and the overtly laissez-faire attitude of a voluntary voting system. However, I remain sceptical to this claim. Firstly, incentive voting has been practiced on an official basis only once and with questionable results, more likely it was the initiative of individuals and/or political parties. When one further takes into account the role of money in politics, it becomes evident that such measures may negatively affect each other and irreparably the whole political system – and here I am not only referring to money being handed to political parties, but finances being used as something which is closely reminiscent of bribing voters. In this instance incentives are even more damaging than CV: whereas voting is required by law in a system of compulsion, the present state of incentives has no clear and definite rules and therefore is open to possible abuse. Furthermore, incentive voting takes away all the importance and symbolism an election has – another part of democracy becomes commercialised and abused. Connected to this is the fact that whereas compulsory voting with the penalties and the stressing of the citizen's duty underlines the importance of an election, incentive voting would

only make casting a poll look like a matter of how to maximise one's profit. In part, the introduction of incentives can be seen as an attempt to modernise the concept of CV. Again, as with compulsory voting, though this seems as an impressive achievement, the latent dangers are present and quite real.

Refuting the normative claims

All arguments for compulsory voting ultimately lead to the moral assertion that voting is a citizen's duty, not merely his right. This claim actually works with two arguments: high participation is good because it increases the legitimacy of democracy and thus people who do not vote are selfish free-riders who take advantage of the democratic electoral system. In the eyes of CV proponents, a democracy is dependent on the active participation of its citizens in the decision-making process. By not voting my actions are actually undermining the democratic system (regardless whether I do this with or without intention) which should be in the interest of all citizens to maintain. Indeed, CV advocates maintain that voting vis-à-vis other obligations imposed on people by law is a very negligible duty – the claims made by proponents of compulsory voting may be seen as arguments from a minimalist viewpoint: active and wide engagement in the life of the community is necessary for the health and legitimacy of a democratic system but to make any other demands on citizens other than the occasional duty to vote would be unreasonable. It seems that the supporters of CV would envisage the participation of citizens in other areas of the community, not only voting, but are willing to 'settle' for the bare minimum which the state can reasonably demand from its citizens. However, even such a bare minimum raises important questions vis-à-vis personal freedom, legitimacy and morality (I have examined these claims in points four and five in the discussion against compulsion).

As to personal freedom, CV supporters agree that there is some infringement but claim that it is only a minor one – compulsion is, according to them, just like any other law (indeed maybe less restrictive) and because the right to vote remains intact, there is no real problem. To be sure, I demonstrated that this is not so. First of all, the penalties associated with CV can be quite severe and lead to imprisonment or disenfranchisement, hardly something which could be considered as an adequate punishment for not voting. More than anything such practice actually has an authoritative tinge to it. Furthermore, the right to vote does not remain intact because, in the end, it is voting that is required, not one's presence at the polling booth. I have shown that Australia actually requires voting and though quite lenient in letting people 'off the hook' for religious beliefs, it adamantly fights against political dissent. To be sure, I

maintain that the right not to vote is as important as the right to vote in the democratic system, because of its connections to the concept of legitimacy.

This brings me to the second area – legitimacy – where I remain sceptical about the arguments proponents of compulsion. First of all, there is the question of the relation of legitimacy to high turnout. Advocates of compulsory voting are adamant about high turnout. To them it means a better, more legitimate and healthier democratic system. By the same token, they see low turnout as something evil, because it strikes at the very heart of democracy, particularly the concepts of equality, representation, and legitimacy. To be sure, I agree with the thesis that high turnout is more desirable than low turnout. However, I do not believe that high turnout achieved by coercion, as is the case with compulsory voting, is something to be preferred to genuine, albeit lower, turnout and secondly, I do not think that exceptionally high turnout is something good for the democratic system and can, in fact, under certain circumstances even be harmful. It is undeniably true that high participation is something which is valued in a democratic society but too many voters may take its toll on the quality of political life. And there are other outstanding issues connected to the concept of legitimacy that CV supporters tend to overlook. Proponents of compulsory voting make an error when they equate participation in elections with the legitimacy of the democratic system. To be sure, there is an evident link between high participation and higher legitimacy of an elected government but the claim that because of falling participation the whole legitimacy of the democratic system itself is at risk, is nonsense. To me, this sounds as an exaggeration and a false amplification of the question of declining voter turnout. Low voter turnout is not bad in itself. The fact that a government is elected not with a large number of voters might tell us something about the executive and the electorate but does not directly relate to the whole democratic system. Let us not forget, that even if there is an above average turnout this does not necessarily mean that the government will have the support of the majority of those who voted, most likely the ‘majority’ would have voted against the government for various other parties. Another example may be that a party wins by a slight majority of, say, one or two percent – who is than to say, that this party has more legitimacy to form a cabinet than their rivals who came in a close second? In absolute numbers this is surely true, but relatively speaking the legitimacy of such a government could be weaker than if it were elected by fewer voters but clearly won the election. But putting these speculations aside, the amount of legitimacy bestowed by voters on a government is not in most cases (which are normally not extreme examples) directly connected with the legitimacy of the democratic system as such. By not going out to vote, I may make a statement about the

running candidates, credence of the political parties or about my political knowledge and capability to make informed decisions, however, I do not cast into doubt free and fair elections as a democratic principle which I wish to uphold and by the same token the democratic system as such. Secondly, it is interesting to read so many claims made by proponents of compulsion about the legitimacy of the system without giving any serious thought to the legitimacy of coerced voting itself. Properly understood, compulsory voting is not voting per se, but participation. However, as this thesis has demonstrated, even under such a system most people choose to vote rather than wasting time coming to the polling booth just to cast a blank ballot and in the end the purpose of a CV regime is voting, not just having people turn out. But how legitimate is such a vote? How can there be talk of legitimacy if some people are made by circumstance to vote? How valuable a decision is from a person who is uninformed and uninterested in politics? And how does this reflect not only on the winning party but on the whole system of compulsion itself? In focusing on making democracy more legitimate and healthier, CV advocates actually neglect the implications of compulsion itself to the concept of legitimacy. Although proponents of compulsion argue that every vote cast is valuable, I remain sceptical about this claim. CV forces people who are displeased with politics or otherwise do not have any interests in voting to come to the polling booth. As a result there can be quite a number of ill-cast votes (protest, random) which have no true political value and can hardly be considered as an example of valuable decision-making. Such a claim does not necessarily mean that under a voluntary voting system there are more knowledgeable votes cast; to make such an assertion would be unreasonable. However, as opposed to an electoral system based on CV, voluntary voting enables those who do not wish to participate or are truly uninterested or without any knowledge to opt out and not vote. Although not many people can really be deemed knowledgeable enough to make a qualified decision, a voluntary voting system guarantees that those citizens who vote are those who, though not necessarily having profound knowledge about political matters, are at least somewhat informed and interested in doing what they are doing. On the other hand, compulsion in effect forces people without any motivation to attend, because coming up with excuses and trying to present one's case to the authorities why he did not vote may be more time and energy-consuming than fulfilling one's duty and handing in ballot without giving any special thought to the choice being made (indeed, it may be just a random donkey vote). Such examples seem to make politics dependent on how one looks, rather than what one thinks – consider the situation when a citizen who under a voluntary voting system would not have voted does not cast a random vote but makes a decision: most probably he would vote on

personal preference and sympathies rather than political beliefs. Furthermore, evidence seems to suggest that compulsory voting and the resulting high turnout it generates has an effect on the radicalisation of the political scene. Tangible data points to the fact that high voter turnout engenders the rise of strongly polarised political parties which end up being represented in parliament paradoxically because of CV: by making people turn out more marginal views (even those contrary and in some way hostile to Western liberal democracy), which under voluntary voting would not stand a chance, can actually be present in the legislative chamber. By focusing on high participation proponents of compulsion could unknowingly be undermining the democratic system in another fashion. Compulsory voting is sometimes said to be acceptable in newly emerging democracies but again, I do not agree with such a statement because I do not see its necessity. The citizens in emerging democracies are most likely to be very keen on their newly acquired right to vote and thus will show up in large numbers. In the parliamentary elections in 2001 in East Timor an impressive 91.3% of electors showed up without being obliged to vote. The introduction of CV would not have any real effect in this case.

Though high participation on its own is surely desirable but forcing it just for the sake of high turnout is a different matter altogether, especially whilst non-voting brings with it the stigma of free-riding. And this brings me to the moral dimension of the argument. The question is, whether such high numbers are worth the price. Proponents of compulsory voting would not hesitate in their answer. However, I am convinced that they are deeply mistaken, for two reasons. Firstly, before making sweeping statements about the immorality of people who do not vote it is necessary to realise that there may be many reasons for non-voting. As I have already stated, I do not agree with non-voting out of pure laziness, i.e. without a reasonable cause; but on the other hand I believe that no one should be coerced into casting a ballot. What do we owe a democracy? Is it only our vote? I do not think so. I have argued that there are other different possible ways to be engaged in the life of a society which necessarily do not have to translate themselves into voting. After all, voting is just one way to be active and thus to call a person, who does not vote but brings substantial benefits to a community by his activities, an immoral free-rider means to be blind to other forms of participation. This situation with lower turnout may actually be indicative of larger changes within the democratic system and trying to keep participation high just because it was like that forty years ago and just because some people think it is healthy for a democracy should not be the reason for institutionalising CV. As I have pointed out, it seems that compulsory voting is more of a tradition than the best way forward; after all, would not there be many more states

with compulsory voting institutionalised in their legal systems, rather than a diminishing number? Such a change need not be bad. There has been a substantial growth of the civil society together with the widening of rights that an individual enjoys. High participation numbers, at least in every election, are most probably a thing of the past; citizens will turn out in high numbers and prove their sympathies for democracy by coming to the polling booth when something important is at stake. However, their absence at the polls does not necessarily mean disengagement in other areas: it does not take much to find proof that citizens are interested in what is happening around them – numerous civil societies, NGOs, the amount of petitions is just the tip of the iceberg. Secondly, CV advocates cannot prove that there is a public good that non-voters can actually free-ride on. In my examination whether voting itself can be considered such a good, I have argued that this is a highly controversial claim. The right to vote, in this respect, is an unproblematic and universally accepted concept which is necessary for the survival of democracy both from an individualist and collectivist position. However, there is certainly no consensus on whether voting is a duty – indeed, CV is an idiosyncrasy confined to several countries rather than a universal principle. And thus it follows that if one cannot actually assert that active participation expressed by voting is a public good, non-voters cannot be free-riders and thus cannot be immoral. To be sure, proponents of compulsion are in a difficult position as I believe it is up to them to demonstrate that CV is something which is of an urgent interest to society. At the present this does not seem to be the case as the empirical evidence for the benefits of CV is non-existent and in states with voluntary voting there seems to be more hostility than enthusiasm about the possible introduction of compulsory voting. Compulsion lacks in Key's (1963: 29) term a permissive consensus, i.e. 'widespread public agreement on a question [that] permits the government to act without fear of powerful popular dissent' and the public is willing to defer to elites and experts to make decisions on their behalf. Though Key's permissive consensus was constrained to international affairs, this does not weaken the argument that the case for CV lacks the urgency and consensus needed to create such an institution in states that have no history of compulsion. In addition, it must be remembered that voting is a political right and, as all political liberties, is necessarily constructed in the negative sense. These first order rights give citizens the possibility (not the necessity) to do something – vote, run for an office, freely express themselves, etc. They are rights, not duties per se. Voting is thus primarily a negative right, not a positive one as proponents of compulsory voting seem to think. If we start thinking of voting on the grounds that it is something which must be done, which is a citizens duty, the ramifications of this approach become clear as we might start to enforce

other, previously negatively construed rights. Take for the example the right to become a member of a political party. In an absurd exaggeration this might also be taken as something which promotes citizen participation in state affairs as much as compulsory voting does. If we can make legislation making voting compulsory (or at least turning up) we might as well make membership in a political party compulsory and penalise those individuals who do not join and brand them as free-riders. Surely, if all people were interested in politics and had a say, the system would be more participatory than a voluntary one. However, the question remains whether such a system would be democratic in the first place.

Final word: can democracy be enforced?

It is important to keep in mind that the freedom of choice is an indispensable element of democracy and sometimes this freedom brings about effects which may not be pleasing to everyone. However, part of what makes a democratic system democratic, is the fact that people are to decide for themselves what is right and what is wrong. Although it might be desirable to have high turnout the citizens must attend elections out of their own free will; it is *their* responsibility, not the governments, to realise that it is in their own interests to cast a vote. Making people drive on the right side of the road is a matter of immediate safety, whereas making them vote is not. People are not in any immediate danger when they choose to stay home and do not cast a vote. It must be in the public's *own* interest to safeguard its democracy. But even though there will be classes in school about the political system, parties will go out of their way to keep people informed about policies and newspapers will write about politics on a daily basis, the greatest contingency will still be the citizen. In the end, it will be up to each and every member of the society to recognise his potential and inner obligation to vote, recognise why a vote is important and that it is an integral part of the democratic process. Democracy is certainly about the freedom to choose but also about personal responsibility and the recognition of this responsibility. In other words, the point is that, as opposed to a totalitarian regime which forces people to participate, in democracy there is choice, free choice. But owing to the very nature of a democracy it is up to the people to participate in politics. If the citizens do not wish to become politically engaged, even minimally, this is their own choice and it would be wrong and futile for the state to force them to vote. Those, who do not vote are not powerless, because they have the power to vote. If they do not use it, it is their loss. They will then have to live with choices made by others on their behalf even though it will be a minority which will rule over the majority. After all, it is

in the power of each of us to protest against such a situation by casting a vote at the next election. Our votes are what we make of them.

So, can democracy be enforced? As one can see, it can. But should it be? I do not think so. Compulsory voting is often presented as a perfect solution in the battle against declining turnout and voter engagement. However, as this thesis has demonstrated, this is not the case. It is a superficial remedy which, by making the numbers 'right', does not actually provide a cure. Its introduction would undeniably increase the number of voters who show up on Election Day, but the overall betterment of democracy is doubtful.

This thesis primarily wanted to warn against the dangers of CV which is an easy to establish quick-fix solution which does not live up to its expectations. Compulsory voting, and incentive voting by that matter, should not form the backbone of any election; rather than coercing citizens to go to vote or bribing them, they should do so on their own accord and because of their own conviction. Realising the importance of elections, or more precisely the ideal of representation, is a necessary step to a better democracy but a step which citizens must make on their own.

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