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Debating Compulsory Voting: Electoral Reform as a Conflict of Political Concepts

Anthoula Malkopoulou

Introduction

Many contemporary theorists find evidence of deficiencies in modern democracy in the declining number of citizens who show up at polls. Low voter turnout has sparked extensive discussions on the imperfections of the system, and an anxious search is underway for new institutional or other measures to change this current form of political alienation. The so-called democratic deficit of representative institutions has led many politicians and scholars to support the introduction of obligatory participation in elections.

In the late 1990s, the debate on compulsory, obligatory or mandatory voting¹ came back again, after almost a century of silence.² Sarah Birch lists three main categories of normative arguments that have developed in support of or against compulsory voting in recent years: (1) individual rights vs. duties, (2) collective rationality and democratic legitimacy, (3) effects on public engagement and political outcomes.³ The first set starts from a dispute around the legal nature of the vote and extends to a philosophical debate on political 'liberty'. The second group of arguments deals with the central democratic principles of 'majority rule' and 'legitimacy'. The third category is mainly linked to 'citizenship', 'integration' and 'participation', and reflects on the image and role of the individual voter. A fourth issue can be added:

the connection between obligatory voting and 'equality'. These are the principal ideas underlying the political-ideological conflict on compulsory voting.

At the core of each of these categories lie certain concepts whose content and relevance are challenged from opposing viewpoints. Fundamental political ideas, such as liberty and equality, are interpreted differently by the two sides and lead to the construction of opposing arguments. These considerations are complemented by the pragmatic stakes that politicians have in opposing or supporting electoral reforms generally, including the reform of compulsory voting. However, this is a subject that deserves to be discussed separately in another research paper. My main concern in this article is to find the link between arguments for and against compulsory voting and the different conceptualisations of relevant political ideas.

I argue that those who sympathise with proposals for compulsory voting are neo-republican thinkers, while the opponents come from a liberal-elitist tradition. The former are influenced by the protective theory of liberal democracy, whose core aim is to save citizens from their governors and from each other.⁴ Regular elections and the right to vote offer citizens a way to *protect* their interests from arbitrary acts of the state, while universal and equal suffrage *prevents* domination from other citizens. This justification of compulsory voting as a way of protecting citizens from the dangers they may cause if left to their own devices comes from the same school of democratic thought that led to the introduction of universal suffrage.

The opponents of compulsory voting come from a different intellectual tradition, one founded on a more elitist or radical image of democracy. Suffrage and universality have indeed been a permanent target of critique by a great many political scientists after WWII. Hence, in the following, I will show how compulsory participation is seen as either a pro-democratic or an anti-democratic reform according to which school the author belongs to.

The liberal-elitist critique of *universal participation*

If the first half of the twentieth century was marked by the rise of compulsory voting, the issue became a subject of intensive critique in the second half after WWII. Since high-turnout elections in Germany

had yielded totalitarian regimes, while lower turnouts in the United States and the United Kingdom preserved democratic governments, it was concluded that mass participation as such could have disastrous effects.⁵ As a consequence, underplaying the importance of universal participation on the one hand and emphasising elite responsibility on the other became a general intellectual trend. Thus, conservative anti-egalitarian ideas from the past were making a spectacular comeback. Post-war theorists echoed, *mutatis mutandis*, arguments against universal suffrage from the eighteenth and nineteenth centuries (Barnave, Guizot et al.); yet now they did not refer to a *de jure* restriction of voting rights, but to the undesirability of a *de facto* realisation of universal electoral participation.

American conservative thought played a leading role in this respect. For example, James Burnham conceived of elections as a practice through which ruling elites seek to justify and legitimise their rule.⁶ The electorate only had to accept or reject parliamentary candidates, rather than make decisions on political issues. In fact, most of the time the electorate was being manipulated by these elites with regard to their choices. "One does not learn how to vote by voting", but one should know how to vote before arriving at the point of casting a ballot.⁷ Universal suffrage was only a mechanism that enabled those to get ahead who were most adept at using it. In this sense, voting was neither a constitutive act of political representation, nor a learning experience for the voter.

In addition to this elitist intellectual trend, from the 1940s through the 1960s, the West had engaged in a militant condemnation of the totalitarian practices behind the Iron Curtain. Amidst the reality of the Cold War, reaffirming liberal values and democratic freedoms was more than a defence of political ideology. It had essentially become a matter of existence to define the traits that distinguished the free West from the oppressive East, with the former constructing its identity in opposition to the latter. In this context, any form of restraint was viewed with suspicion *a priori*, the more so when it took place within a system of unfree and unfair one-party elections, like those in Communist states.

It was feared that compulsory voting could serve as a device for legitimising undemocratic or poorly performing leaders in the absence of any better alternatives. W.H. Morris-Jones warned that a legal obligation to vote could be used by authoritarian governments

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as a tool to 'correct' deviant political behaviour. Insistent in his denunciations of the Soviet reality, Morris-Jones claimed that the arguments about "a Duty to Vote belong properly to the totalitarian camp and are out of place in the vocabulary of liberal democracy".⁸ The latter should simply accept "that people are free to interest themselves, or disinterest themselves, as they please in politics".⁹ Hence, voter apathy was seen as a political virtue, an essential reminder that politics must be limited, non-fanatical and allow for a variety of human expression.

In fact, low civic engagement in politics was seen as a sign of a healthy democracy.¹⁰ In addition, it was regarded as natural for the many to be ignorant and self-interested, which was why government should be left to the professional politicians. Low civic engagement reflected a state of good governance and general satisfaction with public policies. Conversely, excessive participation in elections was a sign of crisis. Citizens were only driven to participate in greater numbers if they felt that their interests were threatened by governmental decisions. From this point of view, fluctuating levels of political participation worked as a reliable indicator of government performance.

Participation and consent may be useful and desirable, but only as aids to a complete and adequate debate. [...] If a symphony is scored for fifty instruments, there is little to be gained by trebling the number; massed bands are neither here nor there so far as the quality of the music is concerned. In a similar way, heavy polls are largely irrelevant to the healthy conduct of political business.¹¹

Furthermore, it had long been questioned whether it was desirable to include the votes of citizens who were not voluntarily interested in elections. Henry Abraham thought that

without compulsion a very desirable sifting of the electorate takes place, since only those who have a genuine interest and knowledge of public affairs usually take the time and trouble to go to the polls.¹²

Similarly, it was argued that obligatory participation would produce a lot of ill-considered or protest votes that would bolster populist parties. It was believed that whenever voter mobilisation was in the rise,

populist or demagogical leaders were at work trying to control the masses. Indeed, even today, this has been a central argument for abolishing obligatory voting in Belgium.

All in all, the idea that not everyone's voice is necessary for the quality of decision-making reflects a central premise of the liberal-elitist view of compulsory voting. In general, although these views were generated in the Cold War context, they do establish a link between earlier elitist thinking about democracy and later enemies of compulsory voting, especially from the camp of political sociology.

Thus, as Richard Katz notes, compulsory voting is oppressive not only in countries where elections are corrupt, but also in advanced democracies, where legal and other barriers prevent new candidates from running. "When voting is compulsory, there is no way to tell a coerced choice among evils from a voluntarily expressed positive preference."¹³

The factors that inhibit voters from participation in elections are not always indifference and a lack of interest, but "a paucity of choices or a lack of evident connection between electoral choice and policy change".¹⁴ Low levels of turnout are thus seen by many empirical scholars as a registry of popular disaffection; non-participation is a means by which voters may protest against narrow electoral choices or express their disaffection with the party system in place.

In this sense, the obligation to vote not only fails to address political alienation, but removes a valuable tool for knowing when things go wrong:¹⁵

It targets a symptom rather than the causes of disengagement from the political system. There is an obvious risk that once it has raised turnout, political elites will cease to worry about the lack of connection between themselves and the electorate.¹⁶

So, for democratic elitists, keeping turnout levels high and voter interest alive is a challenge that parties and politicians constantly need to measure up to. Mandatory voting would do away with this challenge in an artificial manner and perhaps eventually lead to arbitrary decision-making.

The radical-participatory critique of *electoral* participation

Contrary to democratic elitism, advocates of democratic participation have, of course, praised the importance of any kind of popular input into political decision-making. However, electoral participation has not been on the top of their agenda. In fact, disillusionment with elections lies at the centre of their alternative propositions, which often aim at circumventing rather than complementing elections.

In the 1970s, Carole Pateman wanted to educate the public in democracy by democratising non-governmental structures of real life. Her rationale was that "the experience of participation in some way leaves the individual better psychologically equipped to undertake further participation in the future."¹⁷ Participation in the workplace or in industry creates a sense of 'political efficacy'; it fosters a democratic character and develops the individual's capacity to participate in governmental structures. Hence, according to the participatory school of thought, democratic education may take place at home or at work – in any case, not through obligatory attendance at a polling station.

Electoral participation alone fails to address the needs of modern politics, according to Benjamin Barber as well. He thinks that requiring minimum political participation in the existing representative system would only legitimise the reality of passive citizenship, voter apathy and cynicism.¹⁸ Resolving the problem will come by creating more participatory forms of government. Instead of simply delegating the political will to representatives, as the liberal-elitists would have it, he prefers direct schemes of political engagement, such as national referenda, elections by lot, neighbourhood assemblies and universal national service. These will not replace the system of parliamentary representation altogether, but enrich it with opportunities for public discussions and other participatory channels. Yet, in order to emphasise the importance of direct engagement, Barber, too, sometimes plays down the importance of voting in national elections.

Theorists of participatory democracy are thus traditionally less favourably disposed towards political representation. Their ideas for rectifying the current state of democracy are less channelled towards improving electoral participation, than towards inventing new, multiple schemes of political engagement.¹⁹ For them, participation cannot be reduced to periodically selecting members to decision-making bodies, which as a choice is excessively indirect and superficial. On the

contrary, public engagement is conceived as presupposing a variety of opportunities for citizens to make binding decisions themselves. As a side-effect, this radical expansion of democratic participation tends to draw attention away from elections and voter mobilisation.

To sum up, the assumption that the exercise of the right to vote is a constitutional condition of a democratic society has very often been contested. In the aftermath of fascism and its destructive effects in undermining the value of democratic legitimacy, attention has shifted from the role of voters to the responsibility of political leaders. Accordingly, a liberal-elitist legacy has emerged that offers justifications for abstention and portrays citizens as ignorant and self-interested. This critique of voting has been coupled to arguments from the side of radical participatory theory. For them, popular participation is real and effective, primarily as an everyday activity and not as a standard and ritualistic formality applied at infrequent intervals. What is more, political anarchists continue to view elections as an insidious tranquilizer that serves to co-opt the revolutionary spirit of the people. Though unacknowledged, these schools of thought constitute the original pool of objections that have been raised against compulsory voting.

Political liberty

Critics of compulsory voting have concentrated much of their argumentation on the assumption that obligatory voting violates an inalienable right to abstention, and thereby, the fundamental value of individual liberty. On the other hand, advocates of the system stress the idea that a moral civic duty may be grounds for a legal obligation. To my mind, the disagreement results from the fact that the two sides employ different concepts of 'liberty' and '(voting) rights'. The content of these ideas with regard to the debate on compulsory voting is then developed in opposite directions.

There is a link between different schools of democratic thought on the one hand and the different conceptualisations of 'liberty' on the other. Those who oppose the reform come from a tradition that understands democratic liberty as the negative concept of freedom from coercion.²⁰ As a result, making the act of voting mandatory is a straightforward violation of personal liberty. In particular, it is deemed to be a

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violation of freedom of conscience and the freedom to publicly manifest one's views, as was argued before the European Court of Human Rights.²¹ The principle of free elections, they say, requires that no threat of sanction or legal coercion should impose limitations on these civil liberties. Voters should always have the chance to renounce any or all candidates in an election without being prosecuted for such an act.

Indeed, opponents insist that the duty to vote infringes on an inalienable and inviolable 'right *not* to vote'. In the words of Anabelle Lever, "the right to abstain, or to refrain from political self-identification and participation is an important one, symbolically and practically."²² Voters should have the freedom to decline an official invitation to vote simply on the basis of negative feelings about elections:

Reasonable people can disagree about the value of political participation relative to other forms of social participation and support, and even those who value political participation may disagree about the value of voting, compared to other forms of political activity.²³

These views are clearly congruent with the participatory critique that elections are a substandard form of political engagement. They also relate to the libertarian critique of all civic obligations as violations of personal freedom. For both reasons, citizens should have the right to abstain. The view that the state imposes an obligation to vote in order to protect citizens from damaging their own interests makes obligatory voting appear to be merely a form of state paternalism.

Yet, this argument is diminished by the observation that, in pragmatic terms, the only action required by the law is to attend the polls; there is no limitation as to the content of the voter's choice.

The term 'compulsory voting' is a misnomer. It is only registration and attendance at a polling place (entailing having one's name marked off the roll, collecting the ballot papers and putting them in the ballot box) that is compulsory. The Australian Electoral Commission (AEC) may not seek to compel people to mark their ballot paper therefore it is the opportunity to participate rather than the voting participation itself that is actively sought by the state.²⁴

In other words, voters may cast a blank or spoiled ballot, which is essentially an equivalent of abstention. Especially the option of casting a blank ballot, in combination with the secrecy guaranteed by the vot-

ing booth, ensure that the basic electoral rule of free, i.e. un-coerced, suffrage is observed and that the voter is provided with a wide option of voting possibilities. Consequently, as confirmed by a decision of the European Court of Human Rights, neither freedom of electoral choice nor personal autonomy is threatened by a legal obligation to attend the polls.²⁵

Furthermore, Justine Lacroix argues that an obligation to vote in general does not contradict the logic of individual liberty.²⁶ To her, political participation is a constitutional condition of liberty; the latter may, in fact, be strengthened rather than weakened by an enforced obligation to participate. She explains that even classical liberal thinkers, who traditionally defend individual autonomy, place more value on the type of positive liberty that is developed through political participation, as opposed to negative liberty, i.e. the absence of interference from any external source of power.²⁷

This interpretation derives from an alternative conception of positive liberty: to be free, one must be subject to one's own will. Self-government is a prerequisite for freedom; hence, the enforcement of a mechanism that ensures self-government is not a violation, but an affirmation of liberty. Moreover, since no causality exists between democracy and negative liberty, she believes that the latter is basically an exaggerated version of liberty, applicable only in the free state of nature or in a lawless society. In other words, the only type of liberty that compulsory voting does violate is a natural or libertarian conception of freedom understood as a complete absence of laws.²⁸ In fact, the actual violation of the positive type of individual liberty that exists in democratic states occurs when someone avoids the responsibility that comes with voting, which is a way of free-riding against citizens who do vote.

However, most theorists reject this positive reading of liberty for its essentialist and radical Rousseauian overtones. Indeed, neo-republican theorists like Quentin Skinner and Philip Pettit argue that there is a third -quasi-negative- type of liberty. In Pettit's terms, this equals an absence of domination. Whereas the classic negative concept of freedom as non-interference requires the absence of *any* interference, freedom as non-domination is identified with the absence of *arbitrary* interference. In this context, freedom is compromised by the mere existence of a potentially dominating power, even if this power does not actually bend the will of subjects to its own will.²⁹ The domination of non-voting citizens by voting citizens through their choice of gov-

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ernment and subsequent policies is such an example of non-liberty. Legal guarantees against this kind of domination are a *desideratum* for neo-republicans, because they make it possible to live freely. Pettit's theory reconciles negative liberty with participation and, in fact, makes inclusiveness a fundamental and possible legal requirement in the design of representative institutions.³⁰

Heather Lardy also denies that the act of voting carries a positive, i.e. developmental, value or creates possibilities for self-transformation.³¹ She also accepts that traditional civil liberties (free speech, freedom of assembly etc.) are founded on the negative liberty of non-interference from the authorities into individual choice and action.³² But suffrage has still a different judicial history and conceptual justification than do civil liberties. The freedom to vote does not imply a passive possession of the franchise. Its main purpose is to promote popular participation in political life and, as such, to develop an active political culture. Therefore, she agrees, a legal requirement to participate in elections is perfectly consistent with Pettit's concept of freedom as non-domination.

The right to vote represents a freedom which cannot be diminished by being compelled because any exercise of the right, however it is initiated, contributes to the practice of freedom as non-domination. By voting, a person registers her status as a political equal, a full member of the democratic community. She does this even if she votes reluctantly or apathetically, or because compelled to do so by law. On this account, non-voting brings with it a serious risk of domination by those classes which do vote regularly, and by the governors whom they elect. To prevent this, voting may be compelled consistently with the idea of liberty as non-domination, and, therefore, with the idea of the right to vote.³³

In sum, many of those who sympathise with obligatory voting are influenced by the neo-republican or protective idea of liberal democracy.³⁴ The main line of thought is to protect the ruled from their rulers and from each other. Regular elections and the right to vote help citizens safeguard their interests from arbitrary acts of the state, while *effective* universal and equal suffrage prevents certain segments of the population from being dominated. Indeed, the issue of obligation comes in precisely when there is a discrepancy between the theory of voting rights and the practice of their actual exercise.

Equitable political chances and social justice

Non-voting is widely believed to violate political equality in practice, as those citizens who abstain are not being equally involved in the representative process. This leads to an overrepresentation and concentration of power in the hands of voting individuals, which subsequently reproduces a scheme of political, social and economic domination. In Lardy's words,

the liberty which the right to vote protects is concerned essentially with guaranteeing the formally equal democratic standing of all electors.³⁵

Through abstention, non-voters lose an equal chance of being represented in government, whereas active voters receive a disproportionate share of the electoral results.

The claim that mandatory voting guarantees political equality has permeated not only normative discussions, but also empirical scholarship. Indeed, several studies have shown that low turnout is biased against citizens of lower education, income and age.³⁶ Citizens from disadvantaged groups, including those belonging to ethnic, linguistic or religious minorities, have stronger tendencies to abstain from elections. For example, two studies conducted in Belgium in the nineties showed that abolishing compulsory voting would lead indeed to an overrepresentation of citizens of higher age, social status and formal education.³⁷ Social inequality is thereby reproduced in the domain of political rights.

These turnout inequalities do not only affect constitutional rights, they are also reflected in the electoral results and, subsequently, in public policies.³⁸

The state is not simply obliging voters with an expressive opportunity to blow off steam; it is also inviting them to engage in activity which materially affects their lives and economic interests.³⁹

Voluntary voting produces unequal political influence and misrepresentation in favour of the voting population, which comes presumably from the higher socio-economic strata. Through this voting bloc's choice of parties and the consequential adoption of policies favourable to the bloc, the political inequalities are fed back into the eco-

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conomic sphere. This leads to a vicious circle of economic and political inequalities that are alternately transformed into one another.

Politicians are less inclined to respond to the needs of citizens who do not show up at the polls. As a consequence, they are less likely to take into account the interests of abstaining citizens during the legislative process. The result is returning political inequalities and social injustice, to which obligatory voting may be able to put an end. In fact, an empirical study claims that the enforcement of voting has, in some cases, improved income distribution.⁴⁰ As a result, mandatory voting can produce a more equal influence on policy outputs and thus involve voters more effectively and equally in political representation. Of course,

full participation does not guarantee an equitable outcome (which is in part dependent on the electoral system), but it may be seen as a necessary condition of such an outcome.⁴¹

Equitable treatment of individuals relies on “protection against political outcomes that would place one’s prospects in serious jeopardy.”⁴² Such a reassurance that each citizen has equal power over political outcomes is a necessary condition for a procedural type of political equality that reconciles the plurality of substantive interests with the idea of political fairness. This may consist not merely of formal insertion of equal citizens in the political structure, but also of public recognition of each person’s equal status.⁴³ Obligatory voting secures equal suffrage in formal terms, by making participation effective, and in symbolic terms, by expressing the equal value of persons in the political system.

Indeed, the purpose of compulsory voting is not to receive everyone’s vote, but to maximize equality of political opportunity.⁴⁴

Attendance at a polling booth provides an opportunity for participation that transcends the simple act of casting a formal vote and well beyond that which is afforded by abstention.⁴⁵

Protecting the citizens’ opportunities to participate equally in public affairs is a minimal requirement of a democratic state. Thus, by obliging voters to attend the polls,

the state operates a kind of elaborate affirmative action system in order to ensure that everyone, regardless of contingent status, and obstacles experienced, is enabled to deploy this capacity.⁴⁶

In this sense, the central logic behind making voting obligatory is part of the general policy aim of establishing practices to prevent exclusion from political participation.

Political literacy and public engagement

It is possible to claim that obligatory voting also protects citizens from the political effects of abstention. Regardless of principled opinions on electoral participation, it remains a pragmatic fact that the message of abstention is not always clear. It may signal political protest towards a specific policy, a reaction to the available choice of parties, a sign of tacit consent or general indifference.⁴⁷ What is more, recently it has been suggested that abstention results mainly from lack of trust in political institutions, rather than dissatisfaction with an incumbent government.⁴⁸ And because the political will of abstainers remains basically unknown, it is often used by parties according to the interpretation that suits them best. Therefore, obligatory voting arguably protects individuals from a partisan exploitation of their abstention. For example, Lisa Hill notes:

Abstention only gives you abstention and an ambiguous silence. Attendance at a booth gives you a far greater range of options than abstention, among them: a formal vote; a donkey vote; a blank vote; a protest vote; a punishment vote; a reward vote; even a vote that helps to give an independent Senator a disproportionate amount of power in the Senate and so on.⁴⁹

Conversely, legally obligatory voting has been defended as an excellent tool for political education. It establishes voting as a social norm and helps individuals internalise it as such, which was previously realised through tighter social connectedness that produced and controlled that norm.⁵⁰ The obligation to attend the polls actually may motivate more voters to cast a valid ballot: "the horse which would be led to the water would actually drink".⁵¹ In other words, it has been

claimed that the number of uninterested normally abstaining voters would not automatically translate into blank or spoil ballots.

The basic hypothesis of this argument is that a voter who is forced to vote will actually try to get more informed about politics and thereby become more actively engaged compared to someone who does not have to vote.⁵² Those in the first group will develop more awareness of political matters and gather information to decide which parties or candidates may best represent their own interests; as a result, they will most likely make an informed decision at the ballot box. Indeed, it has been observed that compulsory voting laws increase media consumption⁵³ and the frequency of political discussions through which citizens acquire knowledge of politics and an interest for further public engagement.⁵⁴ By discussing political matters, citizens learn about political events, hear alternative opinions and become exposed to different political ideas. All such activities expand their political sophistication and education. Because gathering information is time-consuming and involves a great deal of cognitive effort, uninterested individuals would, under normal circumstances, neglect to do it.⁵⁵ Hence, obligatory turnout may increase both the incentives to vote and political literacy as such.

Democratic legitimacy

Both advocates and opponents of compulsory voting argue that their views are a guarantee of democratic legitimacy. Both sides are valid insofar as each considers 'legitimacy' to refer to the outcome of their own principles. Thus, for the supporters of electoral obligation, full and effective political participation is the foundation for democratic legitimacy, whereas for the opponents, democratic legitimacy must include the freedom to abstain.

In the first category, Lisa Hill notes, "the more completely the preferences of the majority are registered, the more democratic the system will be".⁵⁶ Indeed, the value of mandatory voting is that it creates an inclusive electoral democracy, where the voices of the most reserved groups in society are also heard. Under such a scheme, all citizens are guaranteed the opportunity to communicate their concerns to prospective representatives. In addition, the latter are forced by the new circumstances to address the needs of the entire electorate and base

their decisions on the democratic criterion of collective rationality. Conversely,

when a government's mandate is informed by incomplete information about the wishes of the electorate, the legitimacy of its decisions may be in doubt'.⁵⁷

Compulsory voting thus becomes a necessary ingredient not only for inclusive representation, but also for deliberative democratic legitimacy.

Yet, for opponents of mandatory voting, voluntary political participation, or the right to abstain, is more important for the democratic credentials of a political system. Socio-economic disparities in turnout are not significant at all as long as a formal equality of political rights is established in the constitution.⁵⁸ Political fairness and representativeness cannot be restored through a system of full participation alone, as other institutional factors such as proportionality, electoral thresholds, etc. play a role too. In addition, full participation does not guarantee an accurate reflection of community preferences because of the resulting increase in the number of random votes.⁵⁹ In any case, democratic legitimacy is not a consequence of electoral inclusion, but derives from the freedom from any constraint, including the obligation to vote. In other words, a political system can be democratic only when it guarantees that citizens may choose among a variety of participation paths, even if this means the option of not participating at all.

Concluding note

The choice between obligatory or voluntary electoral participation is riddled with a conceptual complexity that has triggered much political and philosophical controversy in recent years. The electoral advantages and disadvantages of the political actors involved in the parliamentary debates have played an important role on the abolition or introduction of such a system. In particular, parties have taken into account the problem of voter mobilisation and the need to counter rising right-wing extremism.⁶⁰ These political discussions soon led to a more academic engagement with normative questions around electoral reform.

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Supporters of compulsory voting criticise the structural outcomes of today's voting systems, with regard to the voting blocs that they produce, as arbitrary and elitist. They argue that massive abstention not only produces a sketchy snapshot of the popular will, but it also reproduces social inequalities in the political field. It compromises political equality in practice and as such contributes to the domination of certain segments of the population by others. In this context, coming out in favour of compulsory voting means defending effective political equality, social justice, democratic legitimacy, representativeness and non-domination. Much more than a technical contrivance, compulsory voting can be regarded as a fundamental republican cause, or a clarion call for more democracy.

For the other side, the diametrically opposed alternative of voluntary electoral participation is what is crucial for the democratic quality of a political system, since other forms of public engagement are regarded as being of equal or greater value than voting. A legal obligation to vote violates freedom of conscience, the right of abstention, and freedom from state interference in individuals' lives in general. In fact, the protection of these principles is an essential guarantee of democratic legitimacy. These scholars draw on post-war intellectual streams that saw diminished value in voting as such. They tend to assume that not all voters possess the requisite political literacy or knowledge to choose good candidates or the parties that best represent their interests. Hence, abstention of a part of the electorate (i.e. 'voter apathy') is actually a sign of a healthy democracy. For these reasons, opposing compulsory voting is seen as a fight for voluntarism and individual freedom.

Whether obligatory voting is seen as a normative condition that will enhance or weaken the quality of democracy, its normative arguments, as those of every amendment of an electoral system, are situated in a specific political-ideological context. My point has not been to argue for the truth or falsity of either claim, but to show that the two sets of arguments are based on conflicting political views and conceptual definitions. Those who understand the concept of democracy as bound primarily to negative liberty are in principle against compulsory voting. Those who think that democracy is premised above all on political equality are in favour. A reconciliation of the two views is possible only if we want to see the political debate on democratic values reduced to a single monolithic and dominant 'democratic' ideology.

NOTES

1. The terms are assumed to have equivalent meaning, yet 'compulsory' connotes the use of force, while 'mandatory' has a milder tone. Thus, even the choice of terms betrays a bias, deliberate or not, towards the reform. 'Obligatory', on the other hand, comes directly from the standard French expression '*vote obligatoire*' and refers to that political and cultural context.
2. In fact, since the introduction of the law in a number of countries in the 1920s, there has been very little mention and certainly no significant debate throughout most of the twentieth century.
3. Birch 2009, 40–58.
4. Held 2006, 70.
5. Massicotte et al. 2004, 33.
6. Burnham 1943, 236–237.
7. Sartori 1962, 10–11.
8. Morris-Jones 1954, 25.
9. Cited *ibid.*, 36–37.
10. Lipset 1959, Chapter 6.
11. Morris-Jones 1954, 35.
12. Abraham 1955, cited in Birch 2009, 51.
13. Katz 1997, 244.
14. Franklin 1999, 206.
15. Ballinger 2006, 22.
16. Baston and Ritchie 2004, 35.
17. Pateman 1970, 45.
18. Barber 1984, 219.
19. Dalton 2008.
20. Berlin 1969.
21. *X v. Austria*, ECHR 1972 .
22. Lever 2009, 67.
23. *Ibid.*
24. Hill 2002, 82–83.
25. *X v. Austria*, ECHR 1972.
26. Lacroix 2007.
27. Lacroix 2008, 95–102.
28. *Ibid.*, 104.
29. Pettit 1997, 88.
30. Pettit 1997, 191; see also Skinner 1998; Lardy 2004; Engelen 2007, 34; Birch 2009, 47.
31. Lardy 2004, 311–312.
32. *Ibid.*, 310.
33. *Ibid.*, 314.
34. Held 2006, 70.
35. Lardy 2004, 312.
36. Lijphart 1997, 1–2.
37. De Winter & Ackaert 1998; Hooghe & Pelleriaux 1998.
38. Lijphart 1997, 4.
39. Hill 2002, 92.
40. Chong 2005; Hill 2000.
41. Birch 2009, 47.

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42. Beitz 1989, 14.
43. Ibid., 92.
44. Hill 2002, 91.
45. Ibid., 83.
46. Ibid., 91.
47. Ibid., 85–87; Engelen 2007, 31.
48. Cox 2003; Grönlund & Setälä 2007.
49. Hill 2002, 93.
50. Hasen 1996, 2164–2179.
51. Morris-Jones 1954, 32.
52. Lijphart 1997, 10; Matsler 2003, 955.
53. Loewen et al. 2008. The authors, nevertheless, reach the opposite conclusion: political information is not enhanced by compulsory voting. In particular, they claim that if compulsory voting makes any difference on political information at all, it is as a second-order effect and not as a direct consequence of the fear of penalties for non-voting. For example, voters may gather more information on candidates because they are driven by a more participatory political culture in general or by systematic state initiatives to educate voters, which may be the result of having a system of obligatory voting in place.
54. Milazzo 2008.
55. Ibid. 6.
56. Hill 2006, 82.
57. Ibid.
58. Lever 2010.
59. Rovensky 2008, 111–120; Jakee and Sun 2006.
60. These arguments were raised for example in the late 1990s Belgian debate, see A.Malkopoulou, “Democracy’s Duty: The History, Debates and Politics of Compulsory Voting”, PhD Dissertation, University of Jyväskylä 2011.

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