



Why Compulsory Voting Can Enhance Democracy

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Even though more than half of all citizens in the world are currently able to exercise the right to elect their leaders, many of them choose not to vote. This article considers the role of compulsory voting in order to enhance the democratic values of political participation and equality. Raising turnout considerably, it is an effective instrument to motivate citizens to express their voice in public life, thereby ensuring that their concerns will be heeded. Opponents of compulsory voting, however, argue that it is undesirable because it violates the value of personal liberty and drags uninterested citizens to the polls. This article tries to rebut these arguments and challenge their underlying concept of democracy. As compulsory voting sends the message that every vote matters, it is able to restore rather than harm democracy and its values.

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Introduction

Currently more than six out of ten people are living in an electoral democracy.¹ However, although continuously more citizens are able to elect their leaders, not all of them grab the opportunity to do so. Worldwide average voter turnout has dropped from 73% in the mid-1980s to 64% in the mid-1990s (IDEA, 2002, 76).² Many of the important democracies, such as Canada, France, Japan, Spain and the UK, recently reached their lowest turnouts ever. While there is considerable debate about the degree to which turnout is declining (Keaney and Rogers, 2006, 9–10; Teixeira, 1992; Wattenberg, 2002), the aim of this article is rather to show that low turnout levels *per se* are problematic for democratic regimes. It investigates whether compulsory voting is able to provide a partial solution to these problems. After analyzing the arguments in favor of and against compulsory voting, I try to sum up the debate and reach a conclusive stand on the issues at hand.



Situating the Debate

To show that low turnout is among the most serious threats democracies face today, I want to argue that it affects basic democratic values. The most fundamental premise of democratic thinking holds that those affected by a decision should be able to participate in the process which brings it about. To ensure that public policy is about the public – as it ought to be – one has to give the public a say in it. As Dahl argues, all members of a democracy ‘must have equal and effective opportunities for making their views known to the other members as to what the policy should be’ (Dahl, 1998, 37).

As direct participation is practically impossible in large societies, one has to resort to some type of representation and insist that policy decisions should be made by a publicly elected government. This makes an election the pre-eminent occasion to participate in public life. As voting is the most important form of political participation (IDEA, 2004, 23), turnout is often used as a ‘measure of citizen participation’ (Verba *et al.*, 1978, 8). When casting their votes, people express their opinions and preferences of the politicians, policies and politics of their country, region or town. In line with Dahl, one can argue that all citizens must have equal and effective opportunities for making their views known as to who should govern the country. In fact, this is why every defender of democracy considers universal suffrage to be a necessary requirement for any democratic regime.

However, if one truly values this hard-won right to vote, one cannot remain neutral if only half of the potential voters actually exercise it. Departing from Dahl, I want to argue that universal suffrage (having the opportunity to vote) ought to be extended to universal participation (making use of the opportunity to vote). Indeed, ‘where few take part in decisions there is little democracy; the more participation there is in decisions, the more democracy there is’ (Verba and Nie, 1972, 1). To stress the importance of effective participation, I want to show how important democratic values are affected if electoral participation is low.

The more citizens abstain, the less representative the electoral result becomes. This problem is aggravated by the fact that ‘low voter turnout means unequal and socio-economically biased turnout’ (Lijphart, 1997, 2). As Keaney and Rogers (2006, 10) aptly summarize, ‘international evidence shows that turnout and inequality are closely linked, and that as turnout falls so it becomes more unequal’. While universal suffrage equalizes the opportunities for participation in elections (every citizen has exactly one vote), inequalities between privileged and less privileged citizens persist in the way citizens exercise such opportunities (Lijphart, 1998, 1–2; Verba, Nie and Kim, 1978, 1–6). This forms a problem because governments normally respond to the opinions expressed by citizens in elections: ‘if you don’t vote, you don’t count’



(Burnham, 1987, 99). This assumption has been empirically confirmed. In their cross-country comparison, Mueller and Stratmann (2003, 2151) found that political participation has a positive impact on income equality. The more citizens abstain, the greater income inequality will become. The logic behind this is clear enough. As turnout declines, less privileged citizens tend to abstain more than others. As a result, they will have less representatives looking after their concerns and will therefore exert less influence on policy decisions. As low turnout means unequal influence, it violates the value of political equality, which lies at the heart of any notion of democracy. I thus want to argue that a purely formal equality of opportunity has to be extended to a more substantial equality of participation and influence.

Political participation is also crucial for guaranteeing the legitimacy of a democratic regime. The more citizens abstain, the more the elected bodies lose their accountability. To illustrate the problem one can refer to elections where only a minority of the electorate determines the electoral result. In elections to the European Parliament, for example, average turnout has declined systematically from 63% of all registered voters in 1979 to a record low of 45.6% in 2004 (EP, 2004). As more than half of the electorate abstains in 18 of the 25 member states, one can hardly speak of popular or majority will (Watson and Tami, 2001). As democracy cannot imply that laws are enacted by legislators representing a minority of eligible voters, one has to conclude that high turnout levels are necessary for any democracy claiming legitimacy.

I admit that this analysis of democracy is a purely procedural one and neglects fundamental aspects like the need for a publicly agreed on constitution which protects individual rights from the tyranny of the majority. It is only within such an institutional framework that democratic politics can function properly. With respect to elections, however, I think it is best to trust each citizen to vote according to his opinions or preferences. This forms a pragmatic way to guarantee that politics reflects the concerns of the population.³ My defense of the democratic need for high turnout is thus purely instrumental: in general, the more citizens actually express their needs, the better the regime will be able to take them into account.

As a result of its link with crucial democratic values, I consider voter turnout to be an adequate measure of the condition of electoral democracies.⁴ As low turnout levels show that modern-day democracies are facing serious problems, I now want to focus on what seems to be the most straightforward solution: compulsory voting. If citizens are obliged to show up at polling stations, they are more likely to do so, since abstainers will be sanctioned. It must be made clear that the term 'compulsory voting' is actually a misnomer, since 'the secret ballot guarantees that the right not to vote remains intact' (Lijphart, 1998, 10). As citizens are obliged only to register their attendance at the polling station, 'compulsory turnout' (Keaney and Rogers, 2006, 26) is more accurate.⁵



I nevertheless continue to use the more generally accepted term ‘compulsory voting’.

It is not easy to record exactly which countries currently have compulsory voting laws because of a lack of uniformity in the way countries formulate, implement and enforce such laws (IDEA, 2002, 106). Nevertheless, there is a broad consensus that the following countries currently practice some kind of compulsory voting: Argentina, Australia, Belgium, Bolivia, Brazil, Chile, Cyprus, Ecuador, Egypt (compulsory only for men), Greece, Luxembourg, Nauru, Singapore, Thailand and Uruguay. The following countries have such laws, but do not strictly enforce them: Costa Rica, Dominican Republic, Fiji, Honduras, Italy, Liechtenstein, Mexico, Paraguay, Peru and Turkey. This brings the total to 25 countries, inhabited by more than 700 million people. The fact that one out of five citizens in an electoral democracy is compelled to show up shows that compulsory voting is not as rare as its opponents often suggest.⁶

Analyzing the Debate

Although this seems immediately plausible, I want to show that introducing compulsory voting does indeed raise turnout. I only give a brief overview of empirical findings, since I mainly want to focus on the normative arguments why compulsory voting is desirable. For more in-depth empirical analyses, I refer to a number of other studies, which all conclude that compulsory voting effectively raises turnout. A first method is to compare turnout levels in countries where voting is compulsory with those where it is not. Such *cross-country comparisons* show that average turnout in the first is about 10 to 15 percentage points higher than the second (Blais and Dobrzynska, 1998, 246–247; IDEA, 2004, 26; Jackman, 2001, 16315; Lijphart, 1998, 8). The only two member states that have compulsory voting in the European Union had turnout levels of about 90% in the 2004 European Parliament election, which sharply contrasts with the average of 45.6%. There is wide consensus among researchers that the most important institutional factor in explaining turnout levels is compulsory voting.

This method, however, encounters the problem that the potential impact of compulsory voting may coincide with that of other turnout-increasing factors such as ‘automatic registration, proportional representation, infrequent elections, weekend voting, concurrent elections’ (Lijphart, 1998, 8). While the studies mentioned above rely on statistics to single out the effect of compulsory voting, they cannot establish causal connections (Hirczy, 1994, 65; Jackman, 2001, 16316; Keaney and Rogers, 2006, 28). A second method therefore, looks at a country that has introduced or abolished compulsory voting at some moment in time. Making sure all circumstances remain the



same, such *within-country comparisons* are better suited to singling out its effect. Although the available data is limited, it leaves no room for doubt: wherever it is introduced, compulsory voting raises turnout.⁷ Completely analogously, the data show that turnout always drops when such laws are abolished.⁸ Moreover, turnout levels continue to drop in such countries. This suggests that compulsory voting helps solidify some kind of habit or social norm that erodes only gradually in time. Even when such laws are not actively enforced, they engender compliance.⁹ Here, as well as in countries where enforcement is not very strict, sanctions are mainly a symbolic reminder that voting is compulsory: ‘compulsory voting can (...) be very effective in raising turnout – in spite of low penalties that are imposed for failing to vote (usually similar to a parking violation), in spite of the lax enforcement (usually much less stringent than parking rules are enforced), and in spite of the secret ballot, which means that an actual vote cannot be compelled in the first place’ (Lijphart, 1998, 2). When citizens are no longer compelled to vote, the social norm and civic sense of duty to vote gradually vanish. This results in declining turnout levels, manifesting themselves first among the youngest citizens, who did not yet internalize the norm to vote (Franklin *et al.*, 2004, 121–122). The fact that young people abstain more than others and that average turnout is declining indicates that the legal obligation, the social norm and the civic sense of duty to vote coexist and reinforce each other (Keaney and Rogers, 2006, 18–20).

As institutional and electoral reforms are not only easier to achieve but also much more important in explaining turnout than changes in the characters of individual citizens (Franklin *et al.*, 2004, 118; Keaney and Rogers, 2006, 21), compulsory voting turns out to be an effective way of avoiding low turnout. Nevertheless, there remain quite a few critics, whom I will address in what follows. In the normative debate on the desirability of compulsory voting, I distinguish between principled arguments referring to crucial values and liberties and consequentialist arguments referring to the effects compulsory voting has on citizens and politicians. Although these considerations are strongly interwoven, I want to hold on to this distinction to the extent possible.

Principled arguments concerning turnout

The debate between proponents and opponents is often quite fierce, leaving the impression there is no middle ground on which both can agree. I, however, think a common starting point can be found in the contention that low turnout levels provide a reason to worry. This immediately leads to the most important argument in favor of compulsory voting. Voluntary voting lowers turnout, which damages democracy by violating the values of inclusive participation and political equality. Compulsory voting is a cost-effective means of



safeguarding or restoring these values (Powell, 1986, 17–18). Raising turnout, compulsory voting minimizes socioeconomic inequalities in electoral participation (Jackman, 2001, 16316; Lijphart, 1998, 3–9). This way it ensures that the needs of all citizens, including the less privileged ones, are taken into account. Compulsory voting thus serves the democratic values of political representativeness, legitimacy and accountability (Hill, 2002b, 82; Verba, Nie and Kim, 1978, 8).

Some opponents of compulsory voting, however, contend that higher turnout levels are not necessarily a good thing. Compelling citizens to participate, even when they have no opinion or do not want to express it, only results in a higher number of protest votes (Keaney and Rogers, 2006, 30). The legitimacy of the democratic process is not enhanced if citizens cast their votes only because they have to. This argument is forceful in pointing out the possibility that their vote does not reflect their true preference (which is to stay at home) or opinion (which they often lack). If citizens freely decide to participate, their vote will be more authentic.

To assess this argument one can analyze to what extent compulsory voting coincides with invalid, blank and other protest votes. The data show that the number of votes that do not count (invalid and blank ballots) drops about 2% when countries abolish compulsory voting.¹⁰ The amount of ‘lost’ votes is thus substantially smaller than the amount of votes ‘gained’ by compulsory voting.

However, the problem lies in interpreting the group of protest votes that do count. Citizens who would not vote if they were not obliged to might vote at random. This phenomenon of ‘donkey voting’ – after the game in which a blindfolded child ‘pins the tail on the donkey’ – is not to be neglected. The problem is that the exact number of such votes is hard to measure. Additionally, they also occur in voluntary voting systems (Orr, 2002, 575). While pleading for more research in this respect, I want to refer to the options of leaving the ballot blank or spoiling it as an expression of one’s protest. In my view, these have to be made more attractive, for example by adding a box with ‘none of the above’ or providing space for personal comments (Hill, 2002a, 11; Keaney and Rogers, 2006, 31–32; Orr, 2002, 578). This way of collecting protest votes would partly remedy the failure of current compulsory voting systems to differentiate between politically, anti-politically and apolitically motivated protest voters. As protest votes are as valuable as other votes in a democracy, one should give them more electoral weight than they currently have.¹¹

Another strategy is to vote in favor of an extremist alternative. In Belgian Flanders, where voting is compulsory, about a quarter of valid votes currently go to the extreme right-wing party. Opponents of compulsory voting often think it would be a good thing if such protest votes were not cast at all. Voluntary voting would safeguard democracy from anti-democratic opinions



and preferences (Jackman, 1987, 418). First, one can question whether compulsory voting is to blame. Right-wing extremism is on the rise in countries with voluntary voting as well. Second, it is important to exclude strategic and party political considerations from a normative debate on the desirability of compulsory voting, even though they play an important part in political discussions on introducing or abolishing it (MacKerras and McAllister, 1999, 232). Third, one can turn this argument against voluntary voting, where the smaller number of protest votes reduces the visibility of civic displeasure, but does not remove the displeasure itself. While compulsory voting may fail to completely address the underlying problems of voter apathy, alienation and discontentment, it ensures that these problems are noticed and identified in time. Later on, I will go deeper into this issue. Fourth, in line with my emphasis on inclusive participation in a democracy, I want to argue that one has to take every vote at face value. Citizens must be allowed to vote according to their extreme sympathies, since they all belong to the people having to choose those who are to govern them. Doing away with some votes as worthless puts one on the slippery slope to totalitarianism.

In this respect, I want to argue against the elitist alternative of opponents of compulsory voting (Watson and Tami, 2001). Voluntary voting would ensure that only those citizens who take their vote seriously go through the trouble of expressing it. This line of reasoning is potentially dangerous, because it implies deciding beforehand which votes are worthy and which are not. In my view, this is to be firmly opposed, because the purpose of democratic elections is not to reflect only the well-considered views of involved citizens, but the views of all citizens. We do not value democracy because it is the most efficient form of government but because it is based on the principle that no vote is less worthy. As every citizen is a subject of his government, democracy is everybody's business.

Principled arguments concerning the legitimacy of compulsory voting

Most opponents of compulsory voting argue that it is principally illegitimate and undemocratic, because 'freedom of choice in a democracy must include the freedom not to choose' (Sear and Strickland, 2003, 8). This libertarian argument holds that compulsory voting infringes on individual freedom, something all proponents of democracy (should) value highly. The fact that it enhances participation, equality and representativeness does not justify the implied violation of liberty (Lijphart, 1998, 10). The argument basically boils down to the claim that a government should not compel its citizens to do something they do not freely want to do.

A first way of countering this is to show that absolute freedom of choice is in fact illusory. The fact that less educated citizens abstain systematically more



than others reveals that they encounter greater obstacles, preventing them from participating. As someone's knowledge of and interest in politics is influenced by structural factors such as his received education, his decision whether or not to vote cannot be wholly ascribed to 'freedom of choice', which can therefore not be used to justify freedom of participation through voluntary voting.

Second, there is nothing inherently undemocratic about compelling citizens to do something, which not all of them want to do voluntarily. Any democratic regime can legitimately enforce laws, even if these are not agreed upon by all of its subjects. Indeed, no democracy can or should be expected to completely free its citizens from obligations and duties. Also, according to the European Commission for Human Rights and contrary to what opponents often claim, compulsory voting does not violate any human right (Vanmaercke, 1993, 73).

Third, it is not voting that is compulsory, but attendance at the polling station. As shown above, the secrecy of the ballot guarantees that citizens always have the possibility of leaving their ballots blank or spoiling them (Keaney and Rogers, 2006, 30). This forms an institutional answer to so-called 'conscientious objectors' and to those who are and want to remain indifferent.¹² However, opponents of compulsory voting are not so easily fobbed off and claim that no government may oblige its citizens to attend elections. This argument functions as some kind of rock-bottom: I oppose compulsory voting because it infringes on my freedom by which I may well prefer to stay at home.

One can doubt whether the resistance of opponents who prefer to stay at home is really based on libertarian conscientious objections. Against those who abstain because of pragmatic considerations, one can argue that attending the polling station every two or three years is not too much to ask, especially compared to governmental obligations such as compulsory education and tax duties, which are much more time-consuming (Keaney and Rogers, 2006, 7, 30, 35). Given the importance of democracy, I believe a government has every right and reason to demand this much from its citizens.

Abstention is a form of free-riding behavior: although there are benefits if everybody votes, the individual abstainer gives in to the incentive to abstain. However, this is not universalizable: if everybody reasons this way, nobody will participate and the democratic system will lose its legitimacy and ultimately disappear. Compelling citizens to participate makes voting more rational for the individual, thereby preventing free-riding and securing the valuable existence of the democratic state. This is true for several other duties, all of which contribute to upholding the three branches of a modern state. Citizens have to pay taxes to preserve the continuity of the state as a whole, including the executive power. They have to respect the law and serve in juries to preserve the continuity of the judicial power. Analogously, they have to participate in elections to preserve the continuity of the legislative power. To avoid the



totalitarian tendency of solving all free-rider problems by means of state compulsion, I have emphasized the importance of democracy and its values.

It is important to examine more thoroughly the phenomenon of abstention. According to a first interpretation, abstainers are giving a powerful signal of protest that they consider none of the candidates worthy of their vote or that they do not want to be a part of the electoral process that gives the government an artificially created democratic facade. A second interpretation states that the reverse is true: abstainers tacitly consent to the regime and do not take the trouble to vote, because they think all is well the way it is (Jackman, 1987, 418). This interpretation, however, has been empirically refuted by the finding that abstainers are generally more discontent with the regime than voters (Wattenberg, 1998, 43). A third interpretation states that abstainers tacitly consent to the opinion of those who do vote. This plurality of interpretations shows that abstaining is a bad strategy to express one's opinion in public life or to send a message to the politicians.

Abstainers stay at home for different reasons. As 'silence is at best ambiguous' (Hill, 2002b, 85), actively casting a protest vote in a system with compulsory voting is easier to interpret. Such votes are a clear sign that politics is getting out of touch with the public. While low turnout indicates that there is something wrong with democracy, it cannot pinpoint what the exact problem is, lumping together those who are discontent about, uninterested in and unable to participate in politics. By motivating people to express their voice, compulsory voting involves those most likely to become alienated from politics. This way, politicians have to listen to their voices, which would otherwise never be heard.

Consequentialist arguments concerning the effects on citizens

Some opponents argue that compulsory voting has no effect on citizens whatsoever. It is a superficial solution to a complex problem that addresses only the symptom (low turnout) without doing something about the root causes (political ignorance, apathy and alienation). It may even make things worse, because it impedes the search for an appropriate solution or 'because people forced to participate will react against the perceived source of oppression' (IDEA, 2004, 106). Dragging citizens to the polling station against their will therefore only widens the gap between citizens and politics.

Although these are serious problems, they are not necessarily related to compulsory voting. The current decline of turnout in voluntary voting countries suggests that the gap is widening there too. The reproach that compulsory voting is only a superficial solution can be applied to its abolition as well. This too is nothing more than a change in the electoral rules, which will not suffice to do the job. Additionally, certain groups will abstain in large



numbers, decreasing their political influence and further alienating them from politics. They will tend to perceive the government as unresponsive and get trapped in a downward and self-fulfilling spiral of acquiescence, isolation and political apathy (Hill, 2002b, 85). It is thus voluntary voting which is likely to widen the gap between (certain groups of) citizens and politics. In addition, proponents of compulsory voting argue that it may have positive effects. Having to vote anyway, citizens might well want to know what the vote is about and what the alternatives are. In this respect, compulsory voting can be said to provide incentives for politically alienated citizens to become more informed about and engaged in politics. However, even if it does not succeed in reducing political apathy, compulsory voting has the advantage of making this problem more visible and easier to interpret.

Consequentialist arguments concerning the effects on politicians

Opponents of compulsory voting refer to the increased tendency of politicians, being assured of lots of votes, to rest on their laurels. This is very unlikely, since the extra votes will not automatically favor them (Hooghe and Pelleriaux, 1998, 423). It is also argued that voluntary voting provides an incentive for politicians to bridge the gap with their citizens, because they have to persuade as many citizens as possible to vote for them. While politicians in voluntary voting systems do indeed have an incentive to mobilize abstainers, one should keep in mind that politicians aim to maximize their share in the total amount of votes rather than their absolute number of votes.

Proponents of compulsory voting argue that it motivates politicians ‘to make the system voter friendly’ (MacKerras and McAllister, 1999, 223). This means that voting procedures will be facilitated: ‘wherever voting is compulsory it is reasonable to expect the state to make voting a relatively painless experience (...) in order to ensure a high rate of compliance’ (Hill, 2002a, 2). This includes all kinds of measures that minimize the effort needed to vote, resulting in even higher turnout levels (Hill, 2002b, 90–91; Jackman, 2001, 16317; Keaney and Rogers, 2006, 21–25; Verba, Nie and Kim, 1978, 288). Compulsory voting and other turnout-increasing measures thus function in a mutually reinforcing way. More importantly, voter-friendliness must be understood as a raised responsiveness of the government to its citizens’ needs. As you only count if you vote, you should do so in order to make sure the government looks after your concerns. Compulsory voting thus ‘encourages incumbent governments to protect everybody’s interests’ (Hill, 2002b, 88).

Concerning its effects on the political debate, opponents argue that compulsory voting tends to include less-interested citizens, which trivializes politics. They fear that if political participation becomes too widespread, demagoguery and populism are not far away. Voluntary voting would raise the



level of debate by motivating politicians to use rational arguments in order to persuade potential voters to show up (Jackman, 2001, 16317). In such systems, however, politicians often spend huge amounts of time, effort and money in order to convince citizens to vote for them, without focusing on important political themes. There too, citizens are often persuaded by sound-bites, good looks and spectacular campaigns, rather than by rational argumentation.

Bringing these arguments together, one can assert that the influence of sectional politics will be greater in democracies with voluntary voting (Huks, 2002, 66). As turnout decreases, pressure groups have more influence on the electoral result, making it less representative of the electorate as a whole. Compulsory voting can avoid these perverse effects and restore the democratic process in which all citizens ought to have a say.

Consequentialist arguments concerning the costs of compulsory voting

Analyzing the debate, I have tried to focus on normative issues, neglecting any practical problems surrounding the design, implementation and enforcement of compulsory voting laws. Some opponents argue that these problems are insurmountable. Suffice to say, there is a raft of countries where compulsory voting has been successfully implemented without forcing large expenses on their governments. However, this does not imply that one should neglect such practical issues: 'for a compulsory voting regime to be both effective, in terms of assuring high turnout, and appropriate, insofar as it is not used as a mechanism to forge consent or tyrannise political adversaries, a number of conditions need to be met' (Hill, 2002a, 3). Among these are universal suffrage, free and competitive elections and voter-friendly registration and election procedures. Additionally, I readily admit that there are other justifiable institutional measures to increase turnout, like making electoral systems more proportional and elections more competitive and decisive (Blais and Dobrzynska, 1998, 244–252; Franklin *et al.*, 2004, 142–143; Keaney and Rogers, 2006, 32). Compulsory voting is but one of several, mutually compatible ways to enhance democracy.

Framing and Concluding the Debate

The debate on compulsory voting arises from different conceptions of democracy, with both parties appealing to democracy and its values. Understanding turnout as a measure of political participation, I have argued that low turnout provides a reason for worrying. Because compulsory voting raises turnout considerably, it is able to enhance the democratic values of political participation, representativeness and equality. The notion of democracy implied in this view is well-founded in the practices and theories



of democracy: 'democracy is universally understood as a form of government involving 'rule by the people', which has essentially been its meaning since the term and practice were introduced' (Dahl, 2001, 3405). In this respect, I have argued that compulsory voting sends a powerful signal to the people that each and every vote matters and thus motivates citizens to participate in the democratic system, thereby ensuring that the concerns of every citizen, including the least well-off, are heeded at the political level.¹³

Libertarian opponents of compulsory voting emphasize that 'in a free society everyone has the right *not* to vote if they so choose' (IDEA, 2004, 23). I have argued that compulsory voting does not violate anyone's liberties, since it allows for a whole range of alternatives and does not entail an all too onerous burden. One can further undermine this objection by making explicit and challenging its underlying conception of freedom and democracy. According to libertarians, the legal-political system ought to protect individual liberties from outside interference. In their view, compulsory voting is an unallowable intrusion into the private sphere of the sovereign individual, his natural rights and inalienable liberties.

However, the idea that every citizen has an absolute freedom of choice amounts to a strange notion of democracy, because it assumes that only unanimous decisions can be democratic. In contrast, it is widely held to be an advantage of democratic decision-making procedures 'that they can settle matters despite disagreement. Hence, it is hard to see how any political decision-making method can respect everyone's liberty' (Christiano, 2001, 3415). Such libertarian views on man, society and state are highly problematic, because they tend to consider almost every government intervention as an illegitimate demand on its citizens. Allowing citizens to freely choose to exercise their rights, no strings attached, makes political decision-making practically impossible.

Republican democrats have argued that it is thanks to rather than despite of the legal-political order that people can co-exist freely without the continuous threat of being dominated by other people. This allows them to bring together the values of participation and freedom without claiming that one of them takes precedence over the other: 'as individual liberty consists in exemption from legal control, so political liberty consists in participation in legal control' (MacKerras and McAllister, 1999, 222). Instead of taking a stance in the debate between republicans and liberals, I just want to stress the underlying republican thought that democratic rights are not completely optional, but always attached to corresponding duties.¹⁴

In this respect, compulsory voting enables governments to enforce the civic duty to be concerned about the public good. It motivates citizens to at least take the trouble to choose whom to give a mandate to look after that public good on a more daily basis. As democracy essentially



means ‘government by the people’s consent’, it cannot survive without the people renewing its consent from time to time. Compulsory voting thus complements the right to vote with a civic duty and legal obligation to exercise this right (Hill, 2002b, 83).

Starting from the idea that each and every vote is important in a democracy, I have analyzed compulsory voting as providing an incentive for citizens to exercise their hard-won right to vote, which is too precious not to use. As it forms an acceptable means of raising political participation, I see no reason not to debate its introduction to all intents and purposes.

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Notes

- 1 No less than 117 of all 192 countries are now recognized as having free and fair elections (Freedomhouse, 2006, 7–12). Their populations add up to about 3.4 billion or half of the total world population (USCB, 2006).
- 2 All empirical data on voter turnout, unless mentioned otherwise, refer to national parliamentary elections and are freely available at the website of the International Institute for Democracy and Electoral Assistance (IDEA): <http://www.idea.int/vt/index.cfm>. Voter turnout is the number of eligible citizens who cast a vote, expressed here as a share of the estimated population at voting age. Expressing it as a share of actually registered voters overestimates turnout because not all eligible citizens are registered. Wherever it is possible and unless mentioned otherwise, I use the voting age population measure because it is ‘the only acceptable measure for comparing turnout levels in different countries’ (Lijphart, 1998, 4).
- 3 Nevertheless, it expresses a more principled thought that is perhaps best formulated by John Stuart Mill, who argues that the person himself is ‘most interested in his own well-being, the interest which any other person, except in cases of strong personal attachment, can have in it, is trifling, compared with that which he himself has; the interest which society has in him individually (except as to his conduct to others) is fractional, and altogether indirect: while, with respect to his own feelings and circumstances, the most ordinary man or woman has means of knowledge immeasurably surpassing those that can be possessed by any one else. (...). Considerations to aid his judgment, exhortations to strengthen his will, may be offered to him, even obtruded on him, by others; but he, himself, is the final judge’ (Mill, 2003, 148–149).
- 4 One could argue that it is not low turnout that offends basic democratic values like political equality, but rather the fact that societies are marked by large social and economic inequalities. In what follows, I will go deeper into the question whether low turnout itself poses a problem or merely signals the existence of an underlying crisis.
- 5 This immediately suggests that compulsory voting is only desirable when the ballot is secret. If this is not the case, totalitarianism is indeed lurking. In Iraqi presidential elections in 2002, for example, 99.96% of all eligible citizens went voting, all of them in favor of Saddam (BBC, 2002). Besides manipulating the figures, the government also intimidated citizens so that their vote no longer was free and secret.
- 6 Some sources leave out some of these countries, probably for the reasons mentioned above (IDEA, 2002, 109; IDEA, 2004, 25–31; IPU, 2004). Some sources also mention Gabon, Guatemala and Panama. Countries that have abolished compulsory voting laws at some moment in time are Austria, France, the Netherlands, the Philippines, Switzerland and Venezuela. I have included Italy in the list, although it regards voting only as a ‘civic duty’ (article 48.2 of Italy’s Constitution) and has not sanctioned abstainers since 1993 (IDEA, 2004, 27–28).
- 7 In Belgium (1893), turnout rose from 84% in 1892 to 94.6% in 1894 (Vanmaercke, 1993, 65). In Chile (1962) it went from 32.1% in 1961 to 50.0% in 1965. In Costa Rica (1959) it increased from 49.6% in 1958 to 71.5% in 1962. In Thailand (1997) it went from 65.0% in 1996 to 70.1% in 2000. In Uruguay (1970) turnout rose from 66.9% in 1966 to 88.2% in 1971. Another way of doing within-country comparisons is by means of surveys in which citizens that have to attend elections are asked whether they would vote if they no longer had to. Although this method tends to overestimate turnout in voluntary voting (would-be abstainers are more likely not to respond at all), results show that abolishing compulsory voting would probably lead to a decline of about 30% in countries like Australia (Jackman, 2001, 16316) and Belgium (Hooghe and Pelleriaux, 1998, 420–421). A country that is particularly suited to assess the impact of compulsory voting is Austria (Hirczy, 1994, 71–74). While every Austrian citizen had to attend presidential elections until 1980, this was only the case for four provinces in 1986. As everything



else remained the same, the evolution in turnout levels can be attributed exclusively to compulsory voting. Before 1986, turnout nowhere deviated much from the average of 95.2% of registered citizens. It rose from 91.6% in 1980 to almost 95% in 1986 in regions retaining compulsory voting and dropped to 85% in regions abolishing it. This provides further support that compulsory voting is an effective way of preventing voters from no longer participating in elections.

8 In the Netherlands (1971) turnout dropped from 92.1% in 1967 to 77.8% in 1971 (and to a historic low of 70.1% in 1998). In Switzerland (1974), where compulsory voting was only partially abolished, it fell from 53.2% in 1967 to 43.6% in 1975 (and to a historic low of 34.9% in 1999). In the only canton where voting remained compulsory, turnout is up to 20% higher than in the others (IDEA, 2004, 26–29). In the Philippines (from 1972 until 1987) turnout rose from 53.5% in 1967 to 78.6% in 1978 and fell from 78.2 per cent in 1987 to 65.3 in 1992 (and 64.8% in 2001). In Venezuela (from 1958 until 1993) turnout rose from 52.1% in 1947 to 79.7% in 1958 and fell from 72.7% in 1988 to 50.0% in 1993 (and 46.5% in 2000).

9 Although I am eager to admit that the level of enforcement of compulsory voting is an important variable in explaining differences in turnout, I want to stress that turnout in countries with no enforcement is about 6% higher than in countries with no compulsory voting (IDEA, 2002, 110). In Australia and Belgium, only a small fraction of the abstainers pays the fine or is convicted by a judge to pay the required sanction (MacKerras and McAllister, 1999, 224; Vanmaercke, 1993, 66). Even in such countries, 'compulsory voting is a cultural rather than legal phenomenon' (Hill, 2002b, 95).

10 In the Netherlands, this dropped from 2.8% in 1967 to 0.7% in 1971. In Austria, it dropped from 3.0% in 1991 to 1.7% in 1994. In Switzerland, it dropped from 1.3% in 1971 to 1.2% in 1975. I have found no suitable data for the countries not mentioned here.

11 This can be done after the example of almost every Parliament, where members have to cast a vote for or against a bill or register an 'abstention'. As it is neither in favor nor against the bill, such an 'abstention' can best be compared with a blank ballot: one takes the trouble to show up at the poll (or push the button) and actively express one's doubt about the alternatives. These votes, however, have more weight than blank ballots in current compulsory voting systems, since a bill can only be accepted if a majority of all possible votes are in favor of it. Just like Parliamentarians registering an 'abstention' can prevent a bill from passing, one could stipulate that a government has to represent a majority of the expressed votes instead of only the valid ones. Another proposal stipulates that if the category of blank ballots wins, a rerun of the election is necessary.

Conscientious objectors are citizens 'who wish to be excused from voting not because voting is inconvenient or boring but because of politically principled reasons' (Hill, 2002a, 7). I agree with Hill's proposal to exempt them from fines, if they provide plausible and well-argued reasons in the 'please explain' letter they receive after abstaining.

12 It is of course the government's task to point out the diverse ways of obeying the law (Hill, 2002a, 11–12; Keaney and Rogers, 2006, 31–32). The argument that citizens should not be forced to choose can be applied not only to compulsory voting but to every electoral process as such. With voluntary voting as well, abstainers tacitly consent to the result of the election, thereby indirectly contributing to and thus legitimizing the process by which politicians receive their mandate.

13 One might argue that it is a simple fact that an individual vote does not matter, since the chance of it being decisive is negligibly small. In this reasoning, compulsory voting makes each vote even less important, because it increases turnout and further minimizes this probability. However, the argument here refers to an intrinsic value of each vote (and not an instrumental one) as expressing an opinion. Opponents sometimes argue that compulsory voting gives citizens the wrong signal, because it does not treat them as adults capable of making their own choices.



As there are still lots of options available, I do not agree that the government is patronizing its citizens.

- 14 I want to distance myself from an Aristotelian kind of republicanism, in which man is thought of as a political animal whose duty it is to fulfill his essence by participating in political life. Although I have stressed the importance of political participation, I do not consider it a necessary condition for each citizen to lead a good life. As my view does not entail that citizens should devote themselves ‘wholeheartedly to a life of public service’ (Skinner, 1990, 304), it does not rely on a positive notion of freedom, which means that certain ends are to be realized in human life (Pettit, 1997).

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