

# COMPULSORY VOTING AND SYMBOLIC REPRESENTATION

Published in 2021, *Public Affairs Quarterly* Vol. 35, No. 2, pp. 140-159

Stanislas Victor Richard

A prominent defence of compulsory voting is based on the negative effects of a low turnout on democracy, which leads to an unequal representation of the most vulnerable citizens of our societies, since they are the least likely to vote voluntarily. This paper shows that this justification relies on the truth of an added premise – that voting is a proxy for use of political influence and power. However, the inclusion of this premise weakens the entire argument, which regains consistency only through the adoption of a narrow understanding of what representation is.

## Introduction

Compulsory voting is often defended as a solution to the low turnout and high abstention rates that have become ubiquitous in many contemporary democracies. The positive consequences of high turnouts, and in particular a more equal representation of citizens that translates into more inclusive policies would warrant compulsory voting laws according to their advocates. Voluntary voting, on the other hand, is relevantly correlated

with high levels of abstention, which undermine democratic representation. Thus, we should make voting compulsory and force abstentionists to vote.

I take this one to be the most convincing and strongest arguments for compulsory voting, for it is based on a concern for marginalised citizens and seeks to fix a deficit in the representation of their voice. By most marginalised citizens I mean the poorest, most precarious segments of the electorate that are the most silent in mainstream politics. They are indeed the most likely to abstain in regimes of voluntary voting. Forcing them to vote means political entrepreneurs will have a greater incentive to listen to them and take their interests into account.

My aim in this paper is to criticise the inference that argument is based on, by showing it equivocates on what its goals are. I will indeed argue that the consistency of the argument varies with the account of representation that it implies. If compulsory voting might ensure the ‘substantive representation’ of already marginalised citizens, it does so at the cost of ‘symbolic representation’, that is the feeling that every citizen has of actually being represented by the person she votes for. In other words, and depending on how representation is understood, some effects of compulsory voting are inconsistent with the professed concern for the marginalised citizens that justifies it.

To be clear, the literature on compulsory voting is vast and I do not pretend to present any knock-down argument against it.<sup>1</sup> What I will discuss is but one of its possible justifications based on its supposed benefits. Some other ones might exist that may not be vulnerable to the objections I will advance here. What I hope to achieve is to clarify the way this measure is being argued and to give proper normative weight to an abstentionist’s point of view that is generally absent from the literature on the topic.

My critique of the argument for compulsory voting outlined above is different from voting libertarians' objection, who see forcing people to vote as yet another case of statist coercion<sup>2</sup> and those who see it as incompatible with certain democratic ideals.<sup>3</sup> I do not think compulsory voting is coercive,<sup>4</sup> and I fully accept the premises shared by its advocates – I agree that low turnout has undesirable consequences. What I contest is the claim that compulsory voting is best defended with a concern for the representation of the worse off given its paternalistic outlook. This outlook is not controversial – its advocates acknowledge it – and I shall not criticise it, what I will criticise in it is that it remains coherent with the argument only through the equivocation of what it means to be represented.

First, I am going to canvass the particular justification for compulsory voting that interests me: the way it corrects the biases of low turnout by boosting political participation, which would supposedly be beneficial for the most disadvantaged citizens. I will show that the argument assumes a hidden premise: that compulsory voting laws do indeed achieve better representation. In the second part, I show that the explicit inclusion of this premise renders the argument for compulsory voting incoherent with its stated concern for the most marginalised citizens since it relies exclusively on the representation of their objective interests. Forcing a citizen to vote when she does not see the point creates the risk that she will vote for a party she considers as failing to represent her, which I argue contradicts the reasons she is forced to vote in the first place, regardless of the consequences of compulsory voting for her supposed substantial interests.<sup>5</sup> The third part concludes.

## I. Compulsory voting and the problem of abstention

In this part, I outline the version of the argument for compulsory voting laws that I will discuss. I will show that it relies on a *substantive* account of representation.

### 1. *The problem of low turnout*

What if citizens do not vote? That low turnout has bad consequences is the core of the argument for compulsory voting that I will discuss here.<sup>6</sup> High levels of abstention create a class-based inequality in political influence and power.<sup>7</sup> *Low turnout* is indeed *unequal turnout* since uneducated, poorer and marginalized people are less likely to vote. Non-voters simply are not represented – their voices are inaudible in the political sphere and political entrepreneurs have little incentive to take them into account, especially against the claim of the – often more privileged – citizens who do vote. Thus, when abstention is widespread, political entrepreneurs have a higher incentive to propose more centrist policies favourable to the middle and higher classes, which puts off already marginalised voters from voting even more. On the other hand, high turnout is an accurate predictor of the mobilisation of the lower classes.<sup>8</sup> Essentially, since voting as a right preserves all other rights,<sup>9</sup> high rates of abstention and low turnouts undermine the equal shares of liberty that is an essential part of liberal democracy.<sup>10</sup>

Since low turnout and high rates of abstentions, with all their bad consequences, are a consequence of voluntary voting, then the solution is to make voting compulsory. Compulsory voting indeed mechanically increases turnout.<sup>11</sup> When all the segments of the electorate are brought to the polls, it creates an incentive for political entrepreneurs to court all the voters, which increases the chances each voter has an equal voice and share

of political influence. In that sense, it is this equal representation that is valuable. Since a high turnout is a sufficient condition for equal representation and since compulsory voting is a sufficient condition for a high turn out, then it follows that compulsory voting is required for equal representation.

Against this sort of argument, the most straightforward strategy for an abstentionist, or a critic of compulsory voting, is to claim a *right not to vote*. The argument does not have to go as far as claiming that voting is no more important on Election Day than any other activity,<sup>12</sup> but just to appeal to a right not to use one's right to vote.<sup>13</sup> This is an intuitively appealing idea, which opposes compulsory voting based on a conception of freedom as non-interference. If Jane decides not to vote, this is her private decision, and the State should not interfere.

I will not explore this objection here. It has been already advanced and discussed<sup>14</sup> and the most compelling arguments that defend abstention do not use this strategy.<sup>15</sup> I will take for granted the general counter-objections to such a right. One states that the right to vote is not a negative one, like freedom of speech, which protects its holder's freedom understood as non-interference and is rather understood as protecting the positive freedom that grounds the status of the citizen.<sup>16</sup> Another one, more liberal, considers that even individual freedom can accommodate compulsory voting through a simple utilitarian calculus – it is a minor infringement that is far outweighed by its benefits.<sup>17</sup>

The argument for compulsory voting based on its beneficial effects on the worst-off can thus be summarised as follows – call it 'compulsory democracy':

- P1) There is no right not to vote
- P2) In a democracy, representation ought to be equal
- P3) Voluntary voting produces an unequal representation

Therefore (conclusion): Voting should be enforced, ergo citizens who would rather abstain should be coerced to vote

‘Compulsory democracy’ is the argument for compulsory voting that this essay seeks to discuss. To repeat: It is not the only existing argument for compulsory voting that has been developed and discussed in the literature, but given its professed concern for marginalised citizens, I take it to be the strongest and most interesting.

P1 casts aside libertarian objections based on the coercive character of compulsory voting laws. The combination of P2 and P3 makes the entire argument one that criticises voluntary voting. P2 is the normative keystone of the argument. The representation must be equal in a democracy worth its name. P3 allows the conclusion (compulsory voting is justified) to follow from P2 (a democracy worthy of its name, that is one where representation is equal, needs compulsory voting). Since compulsory voting is justified by appealing to the social biases of low turnouts, P3 must be read as “low turnout de facto disenfranchises marginalised citizens” or a variation thereof, that conveys the idea that these citizens are harmed by inequality in their political representation.<sup>18</sup>

I already set aside possible arguments against P1. P2 and P3, on the other hand, are generally the targets of voting libertarians. My critique takes another route. In the rest of this part, I will show that for the argument to work, it is necessary to render explicit a hidden assumption or premise that I will place between P2 and P3: that compulsory voting does indeed produce better, that is more equal, representation. The inclusion of this premise, as I will show now, forces the argument to render explicit what is meant by ‘representation’. The point the rest of this paper will make is that the way this hidden premise is understood changes the entire argument.

## 2. *Why do people vote?*

To understand this premise, we first need to understand why people vote and what representation is. Most citizens are simply too busy to deal directly with politics, since unlike the citizens of the slavery-based Athenian democracy, most of them need to work to live, and one could assume, this is especially true for the worst-off citizens of our societies. Casting a ballot to elect representatives is, therefore, an effective way to keep some influence while ‘outsourcing’ the administration of the community to political entrepreneurs who will figure out the details the citizens cannot or do not want to tackle themselves.<sup>19</sup>

The argument as I outlined conceives of voting solely as something that allows the equal representation of some objective interests, that is an account of representation that Hanna Pitkin called *substantive*.<sup>20</sup> And indeed, advocates of compulsory voting often mention its policy consequences, which are *prima facie* favourable to the worst-off, as evidence that it improves their substantive representation. Lisa Hill, for example, cites policy results from countries that implemented compulsory voting, where there seems to be a strong correlation between forcing people to vote and reduced inequality and better state-based redistribution and welfare.<sup>21</sup> Note that this is only a contingent justification for compulsory voting since the people who are presumably better represented now could have voted for other policies. These positive results could have also been achieved through means other than compulsory voting. For instance, if there is indeed evidence that compulsory voting and high turnout, in general, have a positive influence on income distribution as indicated by the Gini coefficient,<sup>22</sup> most countries that make the top of the world bank GINI index have not instituted compulsory voting at all.<sup>23</sup>

In any case, the representation of substantive interests that ‘compulsory democracy’ implies is only one measure of what representation is. The term has other meanings and one that is especially relevant to the problem of abstention and low turnout is how the individual citizen understands and justifies her vote. This ‘making sense of the vote’, corresponds to what Pitkin calls ‘symbolic’ representation.<sup>24</sup> Symbolic representation works ‘on the mind of the people who are to accept it’ and whose crucial test is existential: ‘Is the representative *believed in?*’.<sup>25</sup>

This symbolic value of the ballot can be understood through the examination of the different individual rationales that motivate voluntary voting. First, a voter could cast a ballot to express her position on a particular topic.<sup>26</sup> By voting for the main opposition party, for instance, she manifests either her displeasure with the current ruling government or her support for a policy advocated by the opposition party (or both). On this account, a ballot is a sort of proxy that allows the voter to express a personal preference in the democratic market of ideas. The second account of voting, perhaps more intuitively appealing, considers simply that voting has instrumental value to the voter,<sup>27</sup> who indeed casts a ballot as a means to favour a policy that is instrumental in a certain sense, either to satisfy self-interested preferences<sup>28</sup> or a particular vision of social utility or sense of greater good.<sup>29</sup> Hence, a citizen votes for a particular party in the hope that it will implement through its program what she considers to be the necessary measures for a good society. There are other examples, for instance, citizens can also vote to give the strongest possible mandate to the political entrepreneur of their choice.<sup>30</sup>

These two accounts of the act of voting show that its value is highly subjective and depend on the fact that the voter will, in Pitkin’s words, ‘believe in’ her representative.



This belief, however, relies on particular conditions that are external to the citizen and their internal motivations but that will be appraised by the citizens in their decision to vote.

These conditions are the predictability of the behaviour of political entrepreneurs and the ideological diversity of the views they advocate. For example, the rationale for voting in an expressive manner is dependent on the ideological diversity of the candidates running for office, which must be diverse enough to allow the voter's choice to carry meaning and to resonate by contrast. Voting for the Flat-Earth Vegan Party (FEVP)<sup>31</sup> expresses a preference for Flat-Earth Veganism only if Round-Earth Carnivores are also running, both advocating policies that are visible and opposed. Voting for the Flat-Earth Vegans would, therefore, mean either to support their policies or to reject Round-Earth Carnivorism. This rejection would either be motivated by a previous disappointment with or a preference for another political choice that happens to be absent from the election, and which is, however, closer to Flat-Earth Veganism than Round-earth Carnivorism – something generally coined 'voting for the lesser evil'.

However, voting in that fashion is possible if and only if the differences between the running parties are significant enough. For example, suppose that for certain reasons, the FEVP decides to adopt a Round-Earth agenda. Maybe it wishes to attract a new segment of the electorate, or maybe the economic conjecture is not favourable to classic Flat-Earth policies. Thus, an old-school Flat-Earth Vegan might not see the difference between her party that has adopted a Round-Earth agenda over time and the Round-Earth Carnivores that are running as well. Voting in an expressive way makes no sense for her

since the two opponents are too similar on a relevant political issue, even if the FEVP tries to keep its original electorate by marketing based on its heritage.<sup>32</sup>

The same goes for any form of instrumental incentive. Voting in an instrumental way presupposes that the running parties not only have differentiated enough programs, as with the expressive account, but also that they will follow these programs. The incentive to vote instrumentally becomes weaker if either of these two conditions is perceived as not being fulfilled, in the sense that the value of an instrumental vote might become so low that someone who votes instrumentally would not be ready to bear the individual cost of casting a ballot. A vote motivated instrumentally assumes that it will participate in the creation of a certain social and political reality – changing or preserving of the status quo. If this social change does not happen, because political parties systematically fail to keep their promises or because governments are for structural reasons powerless, then it is not worth voting in an instrumental way. The old school Flat-Earth Vegan might, for example, fail to see any instrumental reason to vote for her party that was previously elected on radically Vegan slogans, but which applied moderate Vegetarian policies after victory.<sup>33</sup> Whether voting makes sense to the individual voter, and whether representatives are believed in, will depend on circumstances outside of the voter's decision making.

### 3. *Why do people not vote?*

Now, as far as the argument 'compulsory democracy' is concerned, whether that type of symbolic representation is achieved is irrelevant, since it justifies compulsory voting only because it achieves *substantive representation* of the voters' objective interests. But that is paradoxical, for as I will now show, the chief cause of abstention is a deficit of symbolic

representation. The two rationales outlined seem no longer justified in the eyes of the individual voter. It is indeed because of this deficit that compulsory voting is needed – it uses the threat of a legal sanction as a way to motivate the voter.

Suppose for instance with Justine Lacroix that voting preserves an equal share of liberty and autonomy for every citizen, autonomy and liberty that are preserved by voting.<sup>34</sup> High rates of abstention put that equality in danger because non-voting undermines the equal value of everyone's shares of political freedom. Fair enough. But that argument ignores the fact that the individual voter might not see the point of exercising her share of political power in the first place, given that the two conditions of predictability and diversity are not fulfilled. Take again the example of the two already mentioned political parties – Flat-earth Vegans and Round-Earth Carnivores – with a correspondingly divided electorate. Flat-earth Vegans vote to express their attachment to Flat-earth Vegan ideals or to bring about what they believe is a correct policy or both; and so, do the Round-Earth Carnivores. Now suppose as I mentioned already, that for some reasons the FEVP adopt a Round-earth agenda to win the elections (becoming Round-Earth Vegans), since, for Round Earth Carnivores, Round Earth policies are more important than simple Carnivorism, and thus, the FEVP gains the majority. It no longer makes sense for uncompromising Flat-Earth Vegans to vote for their former favourite party. Voting ceases to be 'worth it'. The lack of a 'Flat-Earth alternative' means that they literally cannot stand up for what they perceive as their interests as convinced Flat-Earthists. The ideological impoverishment of the political arena makes them lose access to the political sphere – disenfranchises them in other words – because no one represents

them anymore. Does it still make sense for them to vote in the sense defined by Lacroix, voluntarily or under legal threat? The answer seems to be negative in both cases.

To take another example – suppose we agree with Lisa Hill’s more general argument that voting is an obligation we owe to our fellow citizens. To quote her directly, I agree with her that *we* have no business trying to get people to vote for parties which are most likely to protect their interests, we do have some obligation to ensure that they at least have the chance to choose for themselves which party or candidate will meet this condition’.<sup>35</sup> But what if no candidate meets this condition in the eye of the average voter, or of any voter who is statistically representative of the relevant segment of the electorate? We certainly do not have an obligation to make sure that people vote for representatives they subjectively feel are not representing them.

Take one last example. Suppose that in the Republic of Syldavia, every five years, there are general elections. The citizenry is called to the polling stations to cast ballots and participate in a grand moment of democracy, Syldavian politicians praise the citizen’s holy duty to participate in public affairs and pundits already make predictions about which tribune will incarnate the sacred voice of the people. However, Syldavia appears to follow a tradition most uncanny. After every election, the ballot boxes are ceremoniously set on fire without being opened, and the winners are either selected according to a politically irrelevant characteristic – they are the smartest, the richest, and the sexiest – and/or following an undemocratic selection process – all candidates fight to the death in an arena and the winners are the last ones standing. Should Syldavian citizens vote to preserve the equal political representation of their substantive interests? It seems not. They might want to ensure equal political representation in a different way that is more instrumentally

decisive, but it would be absurd to say that equal representation, imposes on them a potentially enforceable obligation or duty to vote, since voting will have no other effect on democracy than anything else they might do instead. Conversely, they may vote for other reasons, for instance, upholding the tradition is important for the community and creates an essential sense of common destiny and purpose.

Most abstentionists do not vote because they feel dissatisfied with the supply of political options they have to choose from. They feel like they are living in the Republic of Syldavia and that voting is without purpose. The best evidence for this is to check the reason why people abstain from voting. One obvious reason is that some costs related to voting might outweigh such rationales. Voting may be costly and inconvenient to the individual citizen – in the United States, where about 90% of citizens believe in a duty to vote, 53% of abstentionists fail to vote because the cost of voting was too high due to a contingent inconvenience,<sup>36</sup> although the idea that voting is a costly act has been contested.<sup>37</sup>

But this is relevant only in an indirect way. Among those who did not vote, we need to take into consideration those whose underrepresentation creates serious consequences for democracy, that is those we can assume are the most marginalised members of our societies. Take the example of the younger generations – young people are the most typical example of voters who abstain on a large scale while at the same time declaring being interested in politics in most surveys, for example in the United Kingdom (Henn and Foard, 2012). Case in point for one of the conditions I identified – the “predictability” one – the lack of trust towards politicians is, to a different extent, a component of durable non-voting behaviour both in Norway and the United States.<sup>38</sup> To take one last example,

high politicization was correlated with high levels of abstention among Soviet immigrants in the United States during the 1980s.<sup>39</sup> I would like to highlight that I almost did not have to do any research to find this relation between political anger or cynicism and abstention because the best source of scholarly evidence for this correlation is the literature defending compulsory voting.<sup>40</sup> A significant share of abstentionists, therefore, refrain from voting because they sense that it is not ‘worth it’, that is they feel that they are not symbolically represented. Compulsory voting is here a way to replace the rationales that would in normal circumstance motivate a voluntary vote and corrects the voters’ short-term incentive structure through a legal threat.<sup>41</sup> The measure appears to fix the effect of high abstention, but it remains an open question as to whether it fixes its underlying causes.

‘Compulsory democracy’ needs therefore to be more specific about what type of representation it implies. To clarify this, we need to render explicit the ‘hidden premise’ asserting that compulsory voting does ensure equal representation, which the argument understands as *equal substantive representation*. Consider the following amended version:

- P1     There is no right not to vote
  - P2     In a democracy, representation ought to be equal
  - P3     Voluntary voting produces an unequal representation
  - P3’    Compulsory voting does ensure equal representation
- Therefore (conclusion): Voting should be enforced, ergo citizens who would rather abstain should be coerced to vote

I have now clarified what I take to be the strongest argument for compulsory voting. As I will show in the rest of the paper, the consistency of the argument relies on P3’ focusing on substantive rather than symbolic representation. Changing the meaning of the

hidden premise to the latter makes the argument inconsistent and at odds with the concern it expresses for the most marginalised citizens.

## II. Is ‘Compulsory democracy’ a consistent argument?

In this part, I will show that interpreting this hidden premise P3’ as involving symbolic representation, that is as having its truth condition in the subjective judgement held by the individual voter, weakens the argument significantly. There is a contradiction between professing concern for the representation of the worse off and then ignoring whether the worse off feel represented, even if on some measure their interests are better served. The obvious way the argument so understood may keep its coherence is by showing that compulsory voting improves symbolic representation as well, or at least that it does not have any detrimental effects on it. To show this, advocates of compulsory voting could point out two strategies it leaves available to the dissatisfied voter. These two strategies, ‘voting for the lesser evil’ or casting blank ballots, could both operate as exit doors for those who do not feel ‘symbolically’ represented while still leading to the positive effects compulsory voting has on the representation of their interests. As I will show, however, neither of them is convincing.

### *4. The ‘lesser evil’ strategy*

Perhaps the worries coming from unpredictability and diversity are exaggerated. ‘Voting out’ unaccountable political entrepreneurs to sanction unpredictable behaviour is precisely what we have elections for. On this matter, there exist two understandings of elections. The first is the liberal one, that sees voting as a way of sanctioning bad leaders, the second is the populist one, that sees voting as a way to identify the will of the majority

and to carry it out.<sup>42</sup> This objection is assuming the liberal conception. The old school Flat Earth Vegan could indeed have just left politics altogether and abstained at the next elections. By forcing her to vote we increase the chance that she will vote for another party than the FEVP, even if it would not be her primary choice in another situation. Note however that this is a different justification for compulsory voting than the one I am discussing in this essay. ‘Compulsory democracy’ assumes a populist understanding of the vote. Voting should be compulsory because it will ensure a more equal representation of every citizen and will improve how the will of the majority is identified and enacted by political entrepreneurs. A liberal understanding of the elections might support an argument for compulsory voting, but it is not the one I am addressing here.

Still, even on populist grounds, it seems obvious that a voter can at least find someone she can (be forced to) vote for in the myriad of parties that are running for office. A voter need not narrow her focus to the two parties which have enough high chances to win to make her choice. If the leading parties are not to her satisfaction, the dissatisfied voter could still vote for a minority party she ‘believes in’. The possibility of such a strategy outsources the problem of symbolic representation to the individual voter while allowing the large-scale improvement on her substantive representation predicted by ‘compulsory democracy’.

This objection asks a valid question to the abstentionist. Indeed, if Flat-Earth Vegans and Round-Earth Carnivores are too close ideologically, why not vote for, say, the Square-Earth Frugivores Party (SEFP)? This is, in fact, a reformulation of premise P2 which goes something like this: ‘it is enough for equal representation that a citizen vote for anyone close enough to his or her preferences. Such a lesser evil vote should be



enforced because of the positive consequences of high turnout, etc. ...'. This objection takes into account second-order voters' preferences. Maybe the old-school Flat Earth Vegan prefers SEFP to the RECP, even if her most favourite choice is not present?

But what if the abstentionist – here the old-school Flat Earth Vegan, potentially – does not want to? What if she does not support Square-Earth Frugivores and that she refuses to apply the strategy of the lesser evil in the sense that she does not rank the election of the SEFP higher than the victory of the RECP (she is indifferent between them in other words)? She is a genuine supporter of Flat-Earth policies, but there is simply no party that represents this ideology in the current election. For her, voting in that way is not 'worth it'.

If we force her to vote anyway, then whoever she will vote for will not be a representative she 'believes in', leading to an even greater deficit of symbolic representation than the one that led her to abstain in the first place. If someone who sees no reason to vote votes anyway – for example, to avoid a fine – she will send a distorted message and vote for someone she does not support even when following her second-order preferences. 'Lesser evil strategy' ballots do not allow voters to send the message they want, because such ballots are impossible to distinguish from sincere ones. How indeed to distinguish between those who voted for a small extremist party out of pure discontent and those who genuinely adhered to it? There is still a high risk that this party will claim that protestor votes are in fact 'votes of adhesion', effectively misinterpreting the voice of its voters. What meant to make the voters' voice heard disenfranchises them even more. In other terms, forcing someone to vote for a party that one does not genuinely support contradicts the reasons for and defeats the purpose of forcing people to vote in

the first place even if in the long run there is a sense in which one's interests will find themselves better served.

Obviously 'lesser evil strategy' ballots also exist in regimes of voluntary voting, since voters have second-order preferences in both cases. However, it is precisely the voluntariness of the vote and thus the possibility of abstaining that allows such ballots to convey these preferences. Suppose Square-Earth Frugivores got a supplementary X amounts of votes during the last elections, which added to their Y number of voters that represents its electoral base – and suppose this represents a twofold improvement compared to the previous suffrage. The best way to be sure this X number of voters genuinely supports Square-Earth and Frugivore policies as first or second ordered preference is to maintain the possibility for the voters as a whole to abstain if they are dissatisfied with the options on the ballot. If abstention is a possibility, then it is safe to assume that Square-Earth (or frugivore, or both) policies gained in popularity, even if most voters meant by that '*I do not like Square-Earth policies but I still prefer voting for them as a lesser evil rather than abstaining*'. If, however, compulsory voting laws are in place, what meaning can a vote for the SEFP possibly have? There is a risk that SEFP will claim an electoral legitimacy it does not have and misrepresent its voters, thus decreasing symbolic representation.

Now, maybe this risk occurs only at the margins, and maybe it is a price that is worth paying to achieve the policy outcomes of a high turnout. But it is not true that the most marginalised will be better represented through compulsory voting. Symbolic representation might still be in deficit, and that was the problem that triggered abstention in the first place.

### 5. The 'blank ballot'- 'NOA' strategy

The second strategy and its effects are more obvious. I have been assuming until now that compulsory voting laws require one to vote for *someone*. But this is of course completely incorrect. Advocates of compulsory voting just want people to vote 'tout court'. If they are dissatisfied with the set of candidates, they may still vote 'blank', or tick the 'none of the above' (hereafter 'NOA') box. Compulsory voting is a misnomer, for it should be called 'compulsory turn out'. Since compulsory voting makes space for dissatisfaction with all the proposed candidates, then the voter who would not want to have her voice misinterpreted could simply vote NOA. Thus, the inclusion of NOA votes strengthens the 'compulsory democracy' argument. NOA allows one to have it both ways. Compulsory voting improves substantive representation, while also allowing voters who feel that it 'is not worth it' and who do not 'believe in' their representatives to cast an NOA ballot to express their dissatisfaction.

A first counter-objection is that NOA would not change much for someone who already sees voting as not being 'worth it' and does not change much to an already existing deficit in symbolic representation. Take again the example above with the election where there are two parties, the Flat Earth Vegan Party (FEVP) and the Round-Earth Carnivore Party (RECP) and assume that both parties represent policy agendas favourable to the interests of two distinct social categories (the same reasoning applies with a multi-party system). Suppose we can thus divide the electorate roughly as follows:

|           |
|-----------|
| FEVP: 40% |
| RECP: 40% |

Abstention: 20%

Now suppose that, as above, the FEVP adopts a Round-Earth agenda to gather some votes from the RECP and is successful in this strategy. It gains a lot of votes from the RECP, but people dissatisfied with this ideological change inflate the number of undetermined voters:

FEVP: 50%

RECP: 20%

Abstention: 30% (in which 10%  
are old school Flat-Earth  
Vegans)

Concerned with the rising number of abstentionists and convinced by Lisa Hill's arguments in her papers about compulsory voting, the FEVP government makes voting compulsory but leaves open the possibility of voting for 'none of the above' (NOA). After the next elections, here the results are:

FEVP: 50%

RECP: 20%

NOA: 29%

Die-hard abstentionists who  
prefer to pay a fine: 1%

What is the difference between this and the previous situation? For the dissatisfied voter, the twenty-nine per cent that chose NOA the score looks like this:

Round-Earth policies I oppose:

70%

NOA: 29%

Die-hard abstentionists who

prefer to pay a fine: 1%

One could reply that NOA voters are now present in the political scene, and this is what matters. Now political entrepreneurs have a bigger incentive to court the voters that have voted ‘none of the above’. This strongly incentivises them to supply policy proposals that will represent the interests or the will of the NOA voters, since compulsory voting has suppressed the cost of mobilising them. Compulsory voting creates a dynamic that in the long term will correct the supply of candidates present on the ballot. This will improve not only substantive but symbolic representation as well.

This objection relies on the assumption that an NOA ballot carries a greater expressive charge than an abstention. But this is dubious for the same reason that led me to reject the ‘lesser evil’ strategy – the possibility to using such a strategy has no bearing on whether anyone there will *feel* represented, especially given that compulsory voting increases the number of random and flippantly casted votes.<sup>43</sup> To illustrate this problem, take an example mentioned by Lisa Hill.<sup>44</sup> Suppose a voter spoils her ballot by writing ‘voting is the opiate of the masses’; how do we know what she means by this? Is she

dissatisfied with the political options? Does she believe that the real power is in the hand of banks or space lizards, or banks controlled by space lizards, or the other way around? If she votes for a party that promises to restore the absolute monarchy, then indeed we can safely infer that she does not like democracy and that she wishes a monarchist party to exist. But if she casts a blank vote or a ballot with ‘all politicians are crooks’ written on it; how can we know?

But, assuming that an NOA ballot has sufficient expressive value, and assuming that political entrepreneurs will court the voters who have taken that option, whether the NOA option corrects symbolic representation is a claim which can be empirically verified. Contrary to policy consequences that may be used to measure the substantive representation of interests, there are fewer empirical studies on how compulsory voting impacts voters’ satisfaction and feeling of being represented. Most of the available evidence, however, seems to point out that compulsory voting has not improved symbolic representation, which is all that is needed to disprove the positive long term effects the measure may have on this issue.

Several examples may be worth discussing. For instance, when Chile abandoned compulsory voting in 2012, the turnout dropped significantly, showing that satisfaction with the options available on the ballot was not enough to incentivise voting and that despite compulsory voting, many voters still felt it was not ‘worth it’. In the five Latin American countries that do not enforce compulsory rules for their senior citizens – Argentina, Bolivia, Brazil, Peru and Ecuador, rates of participation drop significantly among those who passed the relevant age threshold.<sup>45</sup> Likewise, compulsory voting has increased the dissatisfaction – measured on willingness to abstain – of Australian

disaffected voters with current party politics.<sup>46</sup> The sudden absence of coercion might modify the incentive structure of citizens in the wrong way – the disappearance of coercion has raised the cost of voting as opposed to abstaining. But it may also show that compulsory voting has failed to create a political option that would have motivated these particular citizens to go to the polls on their own following the individual incentives discussed in the first part of this essay. This might point to a perceived representation deficit among citizens having lived under a regime of compulsory voting. The inability of compulsory voting to create voting habits among the citizens has also been mentioned as a reason for decreases in turnout after its overturn in Switzerland.<sup>47</sup> Although to be fair, an alternative explanation might have been that the abolition of compulsory voting laws has been interpreted by citizens as a signal that voting does not matter.<sup>48</sup> On the other hand, it should be noted, Chile is an example where the repelling of compulsory voting laws has not been correlated with a decreased turnout in these elections where the ideological and political competition was fierce, showing that we can modify the incentive structures of citizens without using coercion and reinforcing the two conditions of ideological diversity and predictability.<sup>49</sup>

But one may insist that even if NOA votes are difficult to interpret, compulsory voting still suppresses mobilisation costs, and through trial and error, political entrepreneurs may attempt to convert these NOA votes into nominal ones since they already are present to grab in the political sphere. Even if NOA votes do not increase the symbolic representation of the worse off (if they do not necessarily lead to the creation of parties that voters feel represent them in other terms) they still incentives political entrepreneurs to take the interests of the worse off into account. Here again, the argument

assumes that the worse off voters have objective interests that compulsory voting serves, regardless of how they feel about it. There is however one thing that such a better substantive representation will not do, it is to make the worse off symbolically better represented, thus passing ‘the crucial test of political representation [that] will be the existential one: is the representative believed in? And the basis of such belief will seem irrational and affective because no rational justification of it is possible’.<sup>50</sup>

### III. Symbolic representation and paternalism

‘Compulsory democracy’ appears to be an attractive justification for compulsory voting because it is based on the concern that the low turnout induced by voluntary voting disenfranchises marginalised citizens by making their substantive interests disappear from the political sphere. Forcing them to vote would make their political voice heard again.

But the argument is paradoxical – on one hand, it deplors that this voice is not present, but on the other hand, it ignores that abstention is precisely the way that voice expresses its discontent. In other words, even if compulsory voting improves substantive representation as evidenced by its policy outcomes, it does not solve the problem that *caused* abstention in the first place – an increasing amount of people cease to see the point of democratic politics due to a deficit in symbolic representation.

This may explain the existing evidence on how compulsory voting increases voters’ dissatisfaction with democracy, raising resentment about it among those already the least likely to vote voluntarily.<sup>51</sup> This problem was already anticipated by one of the earliest proponents of compulsory voting, William Robson, who warned against the measure being perceived as “an act of petty tyranny”, causing “widespread irritation”.<sup>52</sup>



Perhaps an increase in dissatisfaction with democracy and individual feelings of political frustration can be an acceptable price given the positive effects of high turnout in terms of policy outcome. ‘Compulsory democracy’ can be acknowledged as trading off symbolic for substantive representation. But this trade-off is at odds with the professed concern for the representation of the most marginalised citizens that supports it on some significant measure.

To take the reasoning from the start. Why do we want compulsory voting? We want compulsory voting because we want high turnout. The question boils down to why we want high turnout. We want high turnout because it leads to more equal representation. I have argued that the success of that justification depends on what we understand by that. If we understand representation as substantive – that is as the catering to objective interests, then it does succeed. But the voters’ dissatisfaction that seems to follow compulsory voting laws and its incapacity to tackle symbolic representation does not fit with its professed concern for marginalised citizens. The literature on compulsory voting, in general, seems unable to take the abstentionist’s subjectivity seriously and implies a close-ended conception of what the citizens’ interests are, as well as a limited understanding of what representation is.

*Tel Aviv University, Safra Center for Ethics*

## NOTES

I thank Janos Kis and Brian Milstein for helpful advices on earlier drafts of this paper, as well as audiences in Budapest and Hamburg for their comments and questions. I am also grateful to David Boonin for his editorial comments on an earlier accepted version.

1. The wealth of literature on this topic, which must also be combined with more empirical work conducted on subjects like the nature of representation and political accountability will make this paper look like a catalogue of argument on either side of the debate presented side by side with their respective objection, with the general structure balancing like a pendulum. I am afraid this is what it takes to make an original point in such an old debate.
2. Brennan and Hill. *Compulsory Voting: For and Against*.
3. Lever, "Compulsory Voting: A Critical Perspective." For further critiques along these lines, see Saunders, "Increasing Turnout: A Compelling Case?"; Saunders, "The Democratic Turnout 'Problem'"; Saunders, "A Further Defence of the Right Not to Vote."
4. This means I cannot limit myself to show that a system of compulsory voting delivers the same outcome than one where voting is discretionary and let the non-coercive character of the latter do the work like for example Jason Brennan does in Brennan and Hill, *Compulsory Voting: For and Against*.
5. This is not to say that certain parties represent the objective interests of the marginalised citizens who otherwise abstain. This is to say that if compulsory voting has a corrective effect on the political supply put to the ballot (as it will be argued later), it may also lead to people choosing an option – a party, a particular political entrepreneur – that they feel will not represent their subjective interests.
6. Note that some disagree that low turnout is bad at all, see for instance Saunders, "Increasing Turnout: A Compelling Case?". I do think that low turnout is a problem for the reasons that will be mentioned in this essay. But so much the better if I am wrong, the argument I will be presenting in this paper would be even stronger if low turnout is not such a serious issue.
7. Engelen, "Why Compulsory Voting Can Enhance Democracy"; Lijphart, "Unequal Participation: Democracy's Unresolved Dilemma"; Keaney and Rogers, "A Citizen's Duty, Voter Inequality and the Case for Compulsory Turnout"; Hill, "Low Voter Turnout in the United States: Is Compulsory Voting a Viable Solution?"; Hill, "Republican Democracy and Compulsory Voting."
8. Kenworthy and Pontusson, "Rising Inequality and the Politics of Redistribution."

9. Hill, “Does Compulsory Voting Violate a Right Not to Vote?”
10. Lacroix, “A Liberal Defence of Compulsory Voting.”
11. Panagopoulos, “The Calculus of Voting in Compulsory Voting Systems.”
12. Lomasky and Brennan, “Is There a Duty to Vote?”
13. Which is distinct from a right not to care about politics. One can consider that there is a duty to care about politics without necessarily advocating compulsory voting – see for example Tsoi, “You Ought to Know Better: The Morality of Political Engagement.”.
14. Saunders, “A Further Defence of the Right Not to Vote.”
15. Hanna, “An Argument for Voting Abstention.”
16. Lardy, “Is There a Right Not to Vote?”
17. Lijphart, “Unequal Participation: Democracy’s Unresolved Dilemma.”
18. Note that it can also be read as “low turnout undermines the rule of law”, or “low turnout undermines the separation of powers”, but these are arguments I will not tackle in this essay. As I wrote, there might be other reasons to support compulsory voting that the ones I am discussing in this paper.
19. Christiano, *The Rule of the Many*.
20. Pitkin, *The Concept of Representation*, chap. 10.
21. Brennan and Hill, *Compulsory Voting: For and Against*, chap. 6. One objection against ‘compulsory for democracy’ is that voters, and especially the poorest ones, sometimes vote against their substantive interests out of ignorance. In fact, very few people are ‘enlightened selfish’ in the sense that most people rather vote for what they (falsely) conceive as the common good – see Caplan, *The Myth of the Rational Voter*; Brennan, *Against Democracy*, chap. 4. This counts as an objection against voting in general however, not its compulsory version only, and would thus require rejecting what I have accepted here for the sake of the argument (that voting is valuable to serve one’s interest and that high turnout is something good). Applying this objection against compulsory voting has already been made however, usually in combination with voting libertarianism (the idea that voting is not more important than anything you could do otherwise) so I will restate this case here Brennan and Hill, *Compulsory Voting: For and Against*.
22. Chong and Olivera, “On Compulsory Voting and Income Inequality in a Cross-Section of Countries.” Others have found similar results by difference measures Barnes, “Does Median Voter Income Matter? The Effects of Inequality and Turnout on Government Spending.”. For

- a complete review of ‘this consequentialist argument for turn out, see Brennan and Hill, *Compulsory Voting: For and Against*, chap. 6.
23. In 2018, none of the top five most egalitarian countries in the world had compulsory voting laws “GINI Index - World Bank Estimate.”
  24. Pitkin, *The Concept of Representation*, chap. 5.
  25. Pitkin, *The Concept of Representation*, 101–2.
  26. Lomasky and Brennan, *Democracy and Decision: The Pure Theory of Electoral Preference*.
  27. Goldman, “Why Citizens Should Vote: A Causal Responsibility Approach.”
  28. Downs, *An Economic Theory of Democracy*.
  29. Feddersen, Gailmard, and Sandroni, “Moral Bias in Large Elections: Theory and Experimental Evidence.”
  30. Guerrero, “The Paradox of Voting and the Ethics of Political Representation.”
  31. This promising political ideology is inspired by an article by Paul E. Meehl Meehl, “The Selfish Voter Paradox and the Thrown-Away Vote Argument.”
  32. The issue here is not whether there is a credible party representing the objective interest of the old-school Flat-Earth Vegan voter. The issue is whether he will feel represented by any of the parties, political entrepreneurs, or options available. This is separated from whether the supply of political offer is objectively diversified – for the aforementioned voter, it may simply not be diversified enough. A justification of high turnout and compulsory voting must take this possibility into account.
  33. An objection here could be that it is implausible to expect perfect predictability in the complex social systems like contemporary political societies. Obviously, perfect predictability is impossible to expect but it seems plausible to consider that the incentive to vote for the citizen comes partly from a reasonable suspicion that their favoured party will follow the line it set for itself.
  34. Lacroix, “A Liberal Defence of Compulsory Voting.”
  35. Hill, “On the Reasonableness of Compelling Citizens to ‘Vote’: The Australian Case,” 94.
  36. Elliott, “Aid for Our Purposes: Mandatory Voting as Precommitment and Nudge.”
  37. Maskivker, *The Duty to Vote*. One could ask why the best way to increase the incentive to vote is to increase the cost of non-voting instead a decreasing the price of voting? Most of the inconveniences mentioned by Elliott could be solves by other means – for example e-voting, that would decrease the cost of voting or an increase of the number of polling stations.
  38. Pettersen, “Comparing Non-Voters in the USA and Norway : Permanence versus Transience.”

39. Karklins, “Soviet Elections Revisited: Voter Abstention in Noncompetitive Voting.”
40. Brennan and Hill, *Compulsory Voting: For and Against*, 146–47; Hill, “On the Reasonableness of Compelling Citizens to ‘Vote’: The Australian Case.”
41. Elliott, “Aid for Our Purposes: Mandatory Voting as Precommitment and Nudge.”
42. Riker, *Liberalism Against Populism*.
43. Jakee and Sun, “Is Compulsory Voting More Democratic?”
44. Hill, “On the Reasonableness of Compelling Citizens to ‘Vote’: The Australian Case,” 86.
45. Singh, “Compulsory Voting and Dissatisfaction with Democracy.”
46. Bélanger, “Antipartyism and Third-Party Vote Choice a Comparison of Canada, Britain, and Australia.”
47. Bechtel, Hangartner, and Schmid, “Compulsory Voting, Habit Formation, and Political Participation.”
48. Funk, “Is There an Expressive Function of Law? An Empirical Analysis of Voting Laws with Symbolic Fines.”
49. Contreras, Joignant, and Morales, “The Return of Censitary Suffrage? The Effects of Automatic Voter Registration and Voluntary Voting in Chile.”
50. Pitkin, *The Concept of Representation*, 102.
51. Singh, “Compulsory Voting and Dissatisfaction with Democracy.”
52. Robson, “Compulsory Voting,” 576.

## REFERENCES

- Barnes, Lucy. “Does Median Voter Income Matter? The Effects of Inequality and Turnout on Government Spending.” *Political Studies* 61, no. 1 (2013): 82–100.
- Bechtel, Michael, Dominik Hangartner, and Lukas Schmid. “Compulsory Voting, Habit Formation, and Political Participation.” *Review of Economics and Statistics* 100, no. 3 (2018): 467–76. <https://dataverse.harvard.edu/dataset.xhtml?persistentId=doi:10.7910/>
- Bélanger, Éric. “Antipartyism and Third-Party Vote Choice a Comparison of Canada, Britain, and Australia.” *Comparative Political Studies* 37, no. 9 (November 2004): 1054–78.
- Brennan, Jason. *Against Democracy*. Princeton and Oxford: Princeton University Press, 2016.

- Brennan, Jason, and Lisa Hill. *Compulsory Voting: For and Against*. Cambridge UK: Cambridge University Press, 2013.
- Caplan, Bryan. *The Myth of the Rational Voter*. Princeton, Oxford: Princeton University Press, 2007.
- Chong, Alberto, and Mauricio Olivera. “On Compulsory Voting and Income Inequality in a Cross-Section of Countries.” *Inter-American Development Bank Research Department Working Paper*. New York, 2005.
- Christiano, Thomas. *The Rule of the Many*. Boulder, CO: Westview Press, 1996.
- Contreras, Gonzalo, Alfredo Joignant, and Mauricio Morales. “The Return of Censitary Suffrage? The Effects of Automatic Voter Registration and Voluntary Voting in Chile.” *Democratization* 23, no. 3 (2016): 520–44.
- Downs, Anthony. *An Economic Theory of Democracy*. New York: Harper, 1957.
- Elliott, Kevin J. “Aid for Our Purposes: Mandatory Voting as Precommitment and Nudge.” *The Journal of Politics* 79, no. 2 (2017): 656–69.
- Engelen, Bart. “Why Compulsory Voting Can Enhance Democracy.” *Acta Politica* 42, no. 1 (2007): 23–39.
- Feddersen, Timothy, Sean Gailmard, and Alvaro Sandroni. “Moral Bias in Large Elections : Theory and Experimental Evidence.” *American Political Science Review* 103, no. 2 (2009): 175–92.
- Funk, Patricia. “Is There an Expressive Function of Law? An Empirical Analysis of Voting Laws with Symbolic Fines.” *American Law and Economics Review* 9, no. 1 (March 2007): 135–59.
- World bank. “GINI Index - World Bank Estimate,” 2018. <https://data.worldbank.org/indicator/SI.POV.GINI?locations=US&view=chart>.
- Goldman, Alvin I. “Why Citizens Should Vote: A Causal Responsibility Approach.” *Social Philosophy and Policy*, no. 16 (1999): 201–17.
- Guerrero, Alexander A. “The Paradox of Voting and the Ethics of Political Representation.” *Philosophy & Public Affairs* 38, no. 3 (2010): 272–306.
- Hanna, Nathan. “An Argument for Voting Abstention.” *Public Affairs Quarterly* 23, no. 4 (2009): 275–86.

- Hill, Lisa. "Does Compulsory Voting Violate a Right Not to Vote?" *Australian Journal of Political Science* 50, no. 1 (2015): 61–72.
- . "Low Voter Turnout in the United States: Is Compulsory Voting a Viable Solution?" *Journal of Theoretical Politics* 18, no. 2 (2006): 207–32.
- . "On the Reasonableness of Compelling Citizens to 'Vote': The Australian Case." *Political Studies* 50, no. 1 (2002): 80–101.
- . "Republican Democracy and Compulsory Voting." *Critical Review of International Social and Political Philosophy* 18, no. 6 (2015): 652–60.
- Jakee, Keith, and Guang Zhen Sun. "Is Compulsory Voting More Democratic?" *Public Choice* 129, no. 1–2 (2006): 61–75.
- Karklins, Rasma. "Soviet Elections Revisited: Voter Abstention in Noncompetitive Voting." *The American Political Science Review* 80, no. 2 (1986): 449–70.
- Keaney, Emily, and Ben Rogers. "A Citizen's Duty, Voter Inequality and the Case for Compulsory Turnout." Institute for Public Policy Research, 2006. [https://www.ippr.org/files/images/media/files/publication/2011/05/a\\_citizens\\_duty\\_1504.pdf](https://www.ippr.org/files/images/media/files/publication/2011/05/a_citizens_duty_1504.pdf).
- Kenworthy, Lane, and Jonas Pontusson. "Rising Inequality and the Politics of Redistribution." *Perspectives on Politics* 3, no. 3 (2005): 449–71.
- Lacroix, Justine. "A Liberal Defence of Compulsory Voting." *Politics* 27, no. 3 (2007): 190–95.
- Lardy, Heather. "Is There a Right Not to Vote?" *Oxford Journal of Legal Studies* 24, no. 2 (2004): 303–21.
- Lever, Annabelle. "Compulsory Voting: A Critical Perspective." *British Journal of Political Science* 40, no. 4 (2010): 897–915.
- Lijphart, Arend. "Unequal Participation: Democracy's Unresolved Dilemma." *The American Political Science Review* 91, no. 1 (1997): 1–14.
- Lomasky, Loren E., and Geoffrey Brennan. *Democracy and Decision: The Pure Theory of Electoral Preference*. New York: Cambridge University Press, 1993.
- . "Is There a Duty to Vote?" *Social Philosophy and Policy* 17, no. 1 (2000): 62–86.

- Maskivker, Julia. *The Duty to Vote*. Oxford, UK: Oxford University Press, 2019.
- Meehl, Paul E. "The Selfish Voter Paradox and the Thrown-Away Vote Argument." *The American Political Science Review* 71, no. 1 (1977): 11–30.
- Panagopoulos, Costas. "The Calculus of Voting in Compulsory Voting Systems." *Political Behavior* 30, no. 4 (2008): 455–67.
- Pettersen, Per Arnt. "Comparing Non-Voters in the USA and Norway: Permanence versus Transience." *European Journal of Political Research*, no. 17 (1989): 351–59.
- Pitkin, Hanna. *The Concept of Representation*. Los Angeles: University of California Press, 1967.
- Riker, William. *Liberalism Against Populism*. Long Grove: Waveland Press, 1982.
- Robson, William A. "Compulsory Voting." *Political Science Quarterly* 38, no. 4 (1923): 569–77.
- Saunders, Ben. "A Further Defence of the Right Not to Vote." *Res Publica* 24, no. 1 (2018): 93–108.
- . "Increasing Turnout: A Compelling Case?" *Politics* 30, no. 1 (2010): 70–77.
- . "The Democratic Turnout 'Problem.'" *Political Studies* 60 (2012): 306–20.
- Singh, Shane P. "Compulsory Voting and Dissatisfaction with Democracy." *British Journal of Political Science* 48 (2018): 843–54.
- Tsoi, Siwing. "You Ought to Know Better: The Morality of Political Engagement." *Ethical Theory and Moral Practice* 21, no. 2 (2018): 329–339.