Vote obligatoire

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DICTIONNAIRE
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Vote obligatoire

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DÉFINITION DE L'ENTRÉE

Refers to laws that make voting a legal obligation or that make it legally obligatory to 'turnout' and to tick one's name off an electoral roll

TERMINOLOGY

Compulsory voting is intimately related to debates about the extent and purpose of voting or what is sometimes referred to as 'electoral participation'. (Lacroix, 2007, Lever, 2010) However, a variety of different practices are referred to as 'compulsory voting', and it can be helpful to distinguish them. The first and most important reference of the term simply refers to laws that make it obligatory to vote in an election, rather than leaving it up to individuals whether or not they will exercise their legal right to vote. However, the term can also be used to refer to something called 'compulsory turnout', which refers to a legal obligation to present oneself at an electoral booth at election time, and to cross one's name off the electoral role. The legal requirement in this case, then, is to manifest one's presence at the voting booth, rather than actually to vote. In both cases, of course, some legal exemptions are allowed from the legal duty either to vote, or to 'turn out'. Moreover, in both cases enforcement of the legal duty varies across countries, and even in the same country at different times, concerning how actively the state pursues those who fail to fulfil their legal duty, or to seek a legal exemption from it, and in the severity of the legal penalties associated with the failure to comply. (Birch, 2009 is a magisterial survey of these differences, covering compulsory voting worldwide, and not just in Western Europe). In effect, some countries which have laws that make voting or turnout compulsory may only have weak penalties for those who fail to comply – such as nominal fines – and these may be never enforced. At the other end of the spectrum, legal penalties can include imprisonment for several months, the loss of the right to vote for a specified

period, the removal of eligibility for jobs in the civil service, including jobs teaching in public schools, and ineligibility to receive public services such as childcare. In short, a variety of different practices can be described as compulsory or mandatory voting, reflecting the different reasons for which the practice has been instituted, and the different moral justifications given for the practice.

DEMOCRACY AND COMPULSORY VOTING

Some democracies, such as Australia, Belgium, Luxembourg, Cyprus and Greece, make voting legally mandatory although there is no necessary connection between democracy and compulsory voting. Indeed, there is considerable controversy over whether or not compulsory voting is consistent with democratic principles. This debate partly reflects uncertainty amongst empirical political scientists about the effects of compulsory voting on political participation, on electoral behaviour, and outcomes, (Ballinger, 2006; Pilet, 2011; Selb and Lachat, 2009) but it also reflects contrasting philosophical positions, both professional and lay, over the moral justification of democratic voting rights, their implications for people's civic duties, and for the role of the state in legally enforcing morality. (Hill, 2002 and 2010; Lacroix, 2007; Lever, 2010; Lijphart, 1997; Wertheimer, 1975) Political scientists, in particular, have been introduced to these debates, in so far as they were not already aware of them, through Arend Lijphart's inaugural Presidential address to the American Political Science Association (APSA), and its subsequent publication in the *American Political Science Review*. However, political controversy itself over the desirability of compulsory voting has made it a subject of political interest in Western Europe since the 1970s, with countries such as the Netherlands, abandoning the practice, whereas others, like the United Kingdom, beginning to debate it more seriously.

LIJPHART'S ARGUMENTS FOR COMPULSORY VOTING

According to Lijphart, democrats should support compulsory voting, and institute it if they do not already have it, in order to combat the twin ills of declining electoral participation and unequal electoral participation. The first refers to the fact that voting at national elections has been declining in established democracies over the past few decades and, in some cases, has dropped precipitously. Unequal electoral participation refers to the fact that there are very considerable differences in voting rates amongst different social groups, even in the same country, based above all on age and education, and as a result, on income, wealth and social status. Moreover, the lower voting rates, Lijphart contended, the greater the differences in the degree of voter participation amongst social groups. Hence, he argued, considerations of equality, as well as of fairness, support compulsory voting, because voting cannot be equal, he believes, if there are no floors to constrain differences in voting rates. Because compulsory voting can be understood as setting a floor beneath which participation cannot sink, and because it is one of the best remedies for both declining and unequal electoral participation, Lijphart believed that concerns for democratic equality support compulsory voting.

Considerations of fairness, Lijphart also believed, show that compulsory voting can be democratic, because democratic elections are a public good, in that everyone gets to benefit from them, whether or not they contribute to them. So, just as compulsion can be necessary to prevent free-riding in the provision of other public goods so here, Lijphart maintained, considerations of fairness could justify coercion in order to stop non-voters from exploiting the efforts and goodwill of voters. Finally, because compulsory voting can refer to compulsory turnout, rather than a legal obligation actually to choose amongst political candidates, Lijphart claimed that voting need not threaten important liberties, such as freedom of conscience.

Although Lijphart's arguments have been very influential, (Keaney and Rogers, 2006), their empirical and normative claims are controversial. Specifically, if people do not vote because they are alienated or dissatisfied with the political choices available to them, rather than because they are lazy or selfish, it is unclear that compulsory voting does more than address the symptoms of contemporary democratic malaise, while misrepresenting its causes. More specifically, some of the beneficial effects which Lijphart attributed to compulsory voting – greater voter interest in politics, reduced negative campaigning and less expensive elections- have turned out to be largely speculative, whereas his assumption that low and unequal turnout harms social democratic parties disproportionately is not supported by what is known about the voting habits and intentions of those who do not usually vote. (Ballinger, 2006; Selb and Lachat, 2009)). Normatively, his arguments have been criticised for ignoring the strategic aspects of democratic ethics, and for confusing the importance of having a right to vote with the importance of actually exercising that right in any particular case. (Lever, 2010). However, whether or not his arguments are

ultimately persuasive, Lijphart showed that it is possible to distinguish democratic arguments for compulsory voting from authoritarian or corporatist arguments for it and, to that extent, renewed interest in the ethics of voting, and in the subtleties and varieties of democratic electoral practice, and their consequences for political behaviour, affiliation and participation.

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