

Facilitating a Moral Compromise in Plural Liberal Democracies:

**Why a Policy of Compulsory Attendance During Elections Is
Justifiable**

Master Thesis



Universiteit Leiden

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June 8, 2012
18.100 Words

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A Thesis Presented to
Faculty of Social and Behavioral Sciences
Leiden University

In Fulfillment of
Master of Science Program in Political Philosophy

Supervisor: Drs. Paul Nieuwenburg
Second Reader: Drs. Hans Oversloot
June 8, 2012
Leiden

“Fight for liberty! In the 17th Chapter of St. Luke it is written: ‘the Kingdom of God is within man’—not one man nor a group of men, but in all men! In you! You, the people have the power—the power to create machines. The power to create happiness! You, the people, have the power to make this life free and beautiful, to make this life a wonderful adventure. Then, in the name of democracy, let us use that power! Let us all unite!”

Charlie Chaplin in the movie “The Great Dictator” (1940)

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Part I

Introduction

1. Introduction: Why Democracy Is Vital

In the same year that Pim Fortyyn took the Netherlands by storm with his populist approach towards politics and changed the Dutch political landscape forever, Holsteyn and Mudde (2001) completed a book entitled *Democracy in Decline?* They asked several scholars with ties to the Netherlands to write on varying topics regarding the status of Dutch democracy: is it in decline? An interesting contribution in this book is from Herman van Gunsteren. He believes that the quality of democracy is declining in the Western world because the business of politics is becoming more and more isolated from the public sphere. He argues this isolation is due to three developments. First, technocratic efficiency considerations are replacing political deliberation. Second, citizens are increasingly apathetic towards politics. Third, politicians are increasingly ashamed of their jobs, more than ever before (Van Gunsteren, 2001: 31). These developments pose a real threat to democracy, which is at risk of becoming irrelevant, and crumbling down (Van Gunsteren, 2001:31). When people live together, there will always be conflict and there will always be politics to harness it. Politics is an inherent societal feature and will always be a part of the human experience. When politics is reduced to the shadows it will not stop to exist, van Gunsteren argues, it only becomes less accountable (Van Gunsteren, 2001: 31).

Democracy is not something that is given, and contrary to politics it can perish. We need democracy as a safeguard against the tyrannical use of political power, without democracy itself becoming a tyrannical tool for the majority to oppress minorities. If we truly believe in the liberal principles of free and moral equal citizens, one cannot tolerate a decay of liberal democracy. We live in times where overwhelming wealth and freedom have rendered democratic participation unimportant in the eyes of many citizens. But we also live in times where moral conflicts still continue, often in new forms due to several factors such as globalization, digitalization and the growing ethnic diversity of our societies. We need politics more than ever. We need democracy more than ever. Above all, we need citizens to understand what it means to live in a plural liberal democracy. But we live in times where the democratic experience of citizens in the Western world has decreased

steadily, and where toleration and respect towards the freedoms of others is waning.

In this thesis, I emphasize the need for deliberation in the public sphere in order to settle moral conflicts and reach compromise among citizens. We need a society that fosters political participation among its citizens and also a sense of civic responsibility. Politically active and politically aware citizens that deliberate in the public sphere are necessary to keep liberal democracies healthy.

One way to foster political participation is by introducing a policy of compulsory attendance during elections. Not only does that help legitimize governmental policies, it also facilitates a form of active and responsible citizenship that is crucial in keeping liberal democracies healthy. My main goal in this thesis is to justify a policy of compulsory attendance.

Specifically, I offer two arguments in favor of compulsory attendance. The first argument argues that liberal principles mandate it. This is in sharp contrast to how most liberal theorists view compulsory attendance; they normally criticize it sharply precisely because it supposedly fails to accord with liberal principles. But I argue that, in fact, liberal principles mandate compulsory voting for sustaining a flourishing and just liberal democracy.

The second argument I offer is an endorsement of Lijphart's argument that modern democracies suffer from undemocratic tendencies that can be partly fixed by a policy of compulsory attendance.

Part II

The First Defense of Compulsory Attendance: The Need for Political Participation in Light of Pluralism

2.1 *Liberal democracy*

The predominant political form states take in the Western world is that of a liberal democracy. Erroneously it is often stated that what separates free political regimes from unfree ones is the presence of democracy. This statement is only partly correct, depending on how democracy is understood. In its essence “democracy” is about *popular sovereignty*. This is the idea that laws should be made by those to whom they apply (Post, 2005: 24). The reign of popular sovereignty is hardly sufficient, however, to make a society free. The idea that democracy assures a free political regime arises because the concept of “democracy” in the Western world is usually understood much broadly than in its bare procedural terms. Democracy in our society is also a term associated with substantive ideas and values about freedom and equality (Post, 2005: 23). It is much more than an instrumental process to reach a majority. In order to avoid confusion, I from here on understand liberal democracy as referring to a system based on both popular sovereignty and liberal values.

Liberal political philosophy refers to an extensive set of philosophical doctrines that, although they sometimes conflict, are at their core all premised to some extent on the notion that individuals ought to be autonomous and that they are morally equal. At the institutional level, this notion translates into the idea that citizens should be guaranteed a basic set of liberal rights that are to be protected by the state. Which specific rights this set should contain is a highly contested matter, but all liberal democrats acknowledge that there is such a basic set of rights and that these should be respected regardless of what the circumstances are.

All liberal democracies protect a basic set of rights, though they differ with respect to what rights are included. To make this abstract idea more concrete one can think of the famous “Universal Declaration of Human Rights”, which all western liberal democracies have signed. In this declaration, states vow to protect, for example, “the right to freedom of religion, the right to a fair trial when charged with a crime, the right not to be tortured, the right to engage in political activity” and a right to education (Nickel, 2010).

Such rights are usually protected by a body of law under which the citizens of a political regime reside. The two basic ideas, as contained in “The Universal Declaration of Human Rights” are that all individuals are morally equal and

autonomous moral beings. So every individual, in theory, has equal claims on these rights that protect their freedom. These rights also hold that individuals have rightful claims on important tools that allow them to effectively act upon that freedom, like the right to an education. Effectively acting upon one's right to freedom is more concerned with what has been labeled individual autonomy. The right to an education does not immediately increase one's freedom in a negative sense, but hands individuals a tool with which they can develop themselves and thus increases their autonomy.

The latter half of the term "liberal democracy" implies that its citizens collectively come to shared decisions about a wide range of subjects concerning governmental policies and the laws to be made. This decision-making process in Western liberal democracies usually takes the form of parliamentary representation. Although democracy and liberalism are two different philosophical doctrines, in Western popular culture they are hardly separated when discussed. "Democracy" in the Western world is usually understood as more than popular sovereignty alone. That is, it is understood as more than a mere process to reach majority decisions. In the Western world "Democracy" became a theory also grounded upon substantive ideas and values about freedom and equality (Post, 2005: 23).

Though democracy and liberalism are closely associated in the mind of the public, they are separate philosophical doctrines. Theoretically, the former does not imply the latter and vice versa. Nevertheless, the close association between ideas of popular sovereignty and liberal rights is hardly entirely philosophically unwarranted. If one takes the liberal values of autonomy and moral equality serious, democracy is a natural next step. Moreover, as we will see later on, democracy is also an instrument to preserve basic liberal values.

There is, however, a tension between liberalism and democracy. What if democratically a collective body under one law decides to scrap the liberal rights of certain minorities? When democracy is explained solely in an instrumental way, a polity could be democratic, though illiberal. Vice versa, a society can be liberal but undemocratic. In its core the ideal of a liberal democracy holds that a society ought to respect the rights of individuals, and together come to shared decisions through a democratic process. In some cases there will be a tension between majority decisions

and the liberal rights of individuals. When it comes to crucial basic rights such as the right not to be tortured and the right to a fair trial, these rights are to be respected but for perhaps extraordinary circumstances. In many other cases there will remain a tension between upholding liberal values and coming to collective decisions. Much of this arises because people do not have the same convictions. Liberal democracies inherently are bound to be pluralistic.

So although democracy and liberalism are closely connected, there is also a tension between these doctrines that perhaps cannot be resolved, but rather should be embedded properly. In the remainder of *Part II*, I elaborate on what I believe is the best structure for embedding this conflict. Although I come back to the topic of liberal freedom later on, I have to make some preliminary remarks on the subject of autonomy and freedom, in order to introduce the problem of pluralism.

2.2 *Liberalism and the freedom to pursue one's own moral convictions*

Liberals espouse a wide variety of sometimes conflicting doctrines. But what binds all of them together is a commitment to the value of liberty (Gaus and Courtland, 2011). Liberals differ widely in their interpretation of the concept of liberty and its origins, but none of them dispute that liberty is the basic value to be respected. Even *political* liberals, who try to create a framework for political compromise without trying to make any substantive claims about values, have trouble defending their doctrine as a merely neutral one between different values. They have a hard time to rid their political doctrine from a deeper commitment to the value of liberty (Gaus and Courtland, 2011). The scope to which individuals ought to be free is subject of fierce debate. But all liberals accept that, at least to some extent, individuals ought to be free to pursue their own conceptions of the good. That basic position leads to all sorts of practical and theoretical problems. I am here concerned with the issue of pluralism and how to accommodate a society where people differ in their moral beliefs.

People in liberal democracies hold different moral convictions. They are allowed to make up their own minds about what the good life is and may act upon it

within the boundaries of the law. A person develops his own vision of the good, but is highly influenced by a wide range of factors such as societal norms, religion, parents, education, friends, and political orientation. To have a vision of the good is inherently human and people will most likely always differ in their convictions about what the good life consists of. In fact, the freedom to have and act upon one's own vision of the good also fosters pluralism. So liberalism is not only a way to deal with pluralism, it is also a facilitator of that pluralism. Liberal democratic societies are, therefore, inherently pluralistic. When one looks at modern liberal democratic societies the broad diversity of comprehensive moral doctrines citizens adhere to is evident (Mason, 2011). One need only to look at the society in which one lives to conclude that assumptions about the good life differ widely. Citizens under one body of law will have contrary moral commitments due to disparate adherence to diverging religious convictions, political doctrines, conceptions of what gives value to life, and so on (Wenar, 2008). These comprehensive doctrines tend to be at odds with each other for there are differing assumptions regarding what is right and wrong. Such conflicts might not even be entirely epistemic. Rawls, for example, believes that these conflicts will not be entirely resolved even if all citizens are rational beings (Rawls 1996: 59). Liberalism, therefore, starts with the recognition that latent or manifested conflict due to diverging moral convictions are an enduring feature of modern societies and constitute an inherent problem for political institutions in general (Bohman, 1995: 253). There where people live together in freedom there will be conflict on the nature of the right and the good. Moral debates are inherent to the human condition.

Liberals all believe that, at least to some extent, individuals should be free to act in accordance with their own differing moral convictions. That presents a problem for liberal democracy because collective decisions have to be made. Citizens can only live under *one* body of law and therefore moral conflicts somehow have to be accommodated. We need answers on the following types of questions: Should there be a national church? Should we allow abortion, gay marriage or stem cell research? Which economic policy should we adopt (Wenar, 2008)? We have to answer such questions despite the fact that moral convictions among citizens are so disparate. So how should liberal democracy deal with this problem? Sole majority rule is not sufficient. In liberal democracies the freedom to live in accordance with one's own

moral convictions is not something that ought to be easily restricted by mere majority rule.

2.3 *Political liberalism's solution*

Political liberals have tried to offer a solution to this existence of pluralism in liberal democratic societies. They stress that the diversity of comprehensive doctrines is not a mere historical feature. It is a permanent and inherent feature of the public culture of democracy (Rawls, 1996: 36). It is not unreasonable for individuals to adhere to different comprehensive doctrines, as long as these meet certain standards of reasonableness (Rawls, 1996: 60). That is, even reasonable individuals can come to different moral conclusions. Reasonable pluralism, in other words, is a basic fact of free societies even with reasonable individuals.

Nevertheless, in liberal societies there is a need to live under one law. Political power will be exercised and political liberals believe that this power can only be exercised if it is legitimate. The exercise of political power is only legitimate when it is founded in law. The law, however, can only be legitimate when all reasonable citizens, with reasonable conceptions of the good can reasonably be expected to endorse it. But that creates legitimacy difficulties in pluralistic societies where people have different moral convictions (Wenar, 2008). The task political liberals have set for themselves is to create a basic political arrangement that grounds the legitimate enforcement of political power by constructing it in such a way that reasonable citizens can accept the exercise of political power even when it is not in line with their own moral convictions. So, for instance, when a specific economic policy would be enforced that is contrary to the moral belief of a reasonable individual, she would still accept its enforcement, political liberals argue, if it is the product of a fair and reasonable process. To achieve legitimacy for the exercise of power, political liberals try to develop a basic framework that is freestanding from any particular comprehensive doctrine (Larmore, 1999: 600).

The key to the political liberal project is that it is catered to reasonable citizens. To start, reasonable citizens will and must share the desire to live in a mutually beneficial society with fellow citizens under a rule of law that other

reasonable citizens can and will accept. They, in other words, want to live under a law that is *legitimate*. They do not want to impose their own comprehensive doctrines on others who hold different views, because they accept that fellow reasonable citizens can come to different conclusions about what constitutes the good life. Reasonable citizens accept that, when it comes to deep issues such as the meaning of life, even people of good will are bound to disagree (Wenar, 2008). The framework political liberals propagate, therefore, ought to be stripped from attachment to any specific moral doctrine and it is a procedural ideal (Larmore, 1990: 358). Their framework is based, in other words, on a *political* conception of justice rather than a deeper commitment to a specific understanding of what gives value to life (Waldron, 2004, 91). It does not mean that the principles of this political conception are themselves by definition not moral, but they should be as minimally connected to moral claims as possible. This way all reasonable individuals in a political association can share these basic political principles (Larmore, 1999: 600).

A government that acts on the basis of a particular doctrine fails to respect individuals as free persons that are capable of following their own life plans based on their own reasonable moral convictions. After a century of bloody wars between men with diverging comprehensive doctrines, John Locke wrote the following words, which characterize the core commitment of political liberals:

If a Roman Catholic believes that to be really the body of Christ which another man calls bread, he does no injury thereby to his neighbour. If a Jew do not believe the New Testament to be the Word of God, he does not thereby alter anything in men's civil rights. If a heathen doubts of both Testaments, he is not therefore to be punished as a pernicious citizen. The power of the magistrate and the estates of the people may be equally secure whether any man believes these things or not. I readily grant that these opinions are false and absurd. But the business of laws is not to provide for the truth of opinions, but for the safety and security of the commonwealth and of every particular man's goods and person (Locke, 1689).

Political liberals believe that political principles which ground the foundation of state action should be neutral¹ between controversial ideas of the good (Larmore,

¹ One has to be careful to use the term neutral. Because the enforcement of political power is neutral in the way that it ought not to be connected to a specific moral doctrine, but this does

1990: 341). In other words, states must act neutrally with respect to reasonable doctrines about the good. It must act on principles that are minimally connected to moral values.

Political liberals generally place notions of the right as prior to notions of the good. But, political liberal rights are also instrumentally valuable. Those values and virtues that support the workings of the principles of right, such as toleration, mutual respect and a sense of civic responsibility, can be instrumentally justified for they are necessary to upholding a societal structure that protects freedom, moral equality and peace. As long as these virtues accommodate a *just* society they can be propagated and endorsed by governments. The issue that then arises is how far one can stretch this instrumental justification for incorporating particular values into the basic political liberal framework. Can a government demand that its citizens undergo a course in civic virtue because virtuous citizens are necessary to protect the political liberal framework? Or can this form of training only be justified if one abandons political liberal argumentation and moves to a form of liberal perfectionism?

2.4 *Public reason*

We have already established that political liberals believe that citizens ought to be reasonable. They must share the desire to live in a mutually beneficial society guided by rules that are acceptable to all. Political power therefore must be exercised legitimately, and the law that guides the application of political power must be neutral rather than being attached to any particular comprehensive doctrine. Reasonable citizens hold that the enforcement of the law must be acceptable to all. In order to secure this, however, citizens must justify their political decisions in a way that upholds the principles of neutrality. Wenar summarizes this form of public reason as follows:

not hold that it is neutral in the consequences it has on individuals. A specific policy could be neutral in the political liberal sense, but could affect individual A differently than individual B.

Citizens engaged in certain political activities have a duty of civility to be able to justify their decisions on fundamental political issues by reference only to public values and public standards (Wenar, 2008).

So when citizens are contemplating on who to give their vote to for public office, or when citizens are actually exercising political power, they must contemplate their decisions by abiding to standards of public reason. They must, in other words, appeal to public values that all reasonable citizens can accept. They cannot appeal to particular comprehensive doctrines, which other reasonable citizens might not share. For example, when discussing a fundamental moral issue like abortion, reasonable citizens cannot endorse the argument that abortion is against God's will. They must restrict themselves to public reasoning.

2.5 *The case of abortion*

The liberal political mission raises an important question: can political principles of justice be neutral between conflicting conceptions of the good and can citizens exercise public reasoning in fundamental moral cases? Sandel (2005) argues that this is not possible. Let us take the case of abortion. Political liberals argue that political principles that guide state action demand governments to be neutral between reasonable conceptions of the good. It also asks citizens to endorse public reasoning. Let's assume that a moderate form of Christianity is such a reasonable comprehensive doctrine. A large group of Christians argue that aborting a fetus is murder for it kills a human being and therefore abortion should be forbidden. On the other hand there is a group that stresses the argument of choice: "It is my body and I should decide whether to abort or not". A government should act neutrally between these conceptions and citizens should only discuss this issue in neutral terms. But there is a problem here: no matter what laws are created, one of the two groups will be disadvantaged by them.

With regards to this discussion, political liberals would argue that the state should not choose one moral doctrine over another. Abortion is a moral debate in which the state cannot favor one moral argument over another. Women should thus be

free to make their own decisions. If a Christian wishes not to abort, then she must have the freedom not to abort; if a secular individual wishes to abort, then she also must have the freedom to abort. This way the state does not favor one moral argument over the other.

But, as Sandel argues, this is not a valid way to settle the issue. If it is the case that the moral status of a fetus is equal to that of a child, then abortion is the same as child murder and no political liberal would argue that the government should allow mothers to kill their own children (Sandel, 2010: 296). The moral status of a fetus is not a matter of empirical fact. Sandel argues, in other words, that even political liberals cannot be neutral in these moral conflicts. It is also not possible for citizens to endorse neutral arguments. Ultimately the status of the fetus should be discussed and this is inherently a moral discussion, which will always be connected to comprehensive doctrines. The debate of the right to abort cannot, that is, be settled in a neutral way without appeal to moral or religious doctrines (Sandel, 2005: 226 and R.P. George, 1996: 2495). This means that there is no political liberal solution to this problem.

But does Sandel here not misinterpret the position of political liberals? For them legitimacy is of primary importance. Political power can only be legitimately exercised if all citizens could be reasonably expected to accept it. The democratic process can make the exercise of political power legitimate, but only when citizens restrict themselves to public reasoning. This holds that they can only address fundamental moral questions by referring to public values and public standards. Public values are derived from and are based on those principles that constitute the political principles of justice which each reasonable citizen can be reasonably expected to adhere to. Public standards are also based on those principles of inquiry that each reasonable citizen can be expected to adhere to (Wenar, 2008). If there was consensus in society on what exactly we categorize as human life, then Sandel fails to make the argument. But just looking at modern Western societies, the dispute over the moral status of a fetus is evident (Warren, 1973). Trying to solve this matter by looking at empirical facts is impossible. The question is what we as a society believe that life is. That is a moral question, not a pure empirical one.

Also, it is my firm belief that there is no such phenomenon as an undisputed moral consensus in society. People will always disagree, because they occupy different places in our society with different histories and different frameworks

through which they perceive the world (Schumpeter, 1979: 292). A common consensus over all subjects and moral issues in a free society is thus impossible due to the very nature of human existence. And eventually, every issue in a democratic society can be traced back to diverging moral commitments. Of course there are topics in societies on which there is consensus. Sacrificing children to please a god is widely considered as a bad thing in our society. But this does not mean there will never be any disagreement about its moral acceptability.² There will always be a political agenda with moral issues on it. So, even if there is consensus on a subject at some point, this consensus is only likely to be temporary. There is no such thing as a permanently settled debate over moral issues, because our grandchildren, who will live in a different time and context than us, may come to different conclusions. The primary focus should, thus, not be on settling contemporary issues, but rather on the structure by which the accommodation of moral debates is facilitated and where all issues might possibly be debated, even if such issues are considered taboo in our time.

Settling conflicts over issues like abortion, same-sex marriage and stem cell research cannot be done in a merely political liberal way. This does not mean there is no merit to the task that political liberals have set for themselves (namely, to find a way in which a society can construct a framework in which people with different moral convictions can live in freedom and peace). Individuals with reasonable comprehensive conceptions about the good should, to a large extent, be free to act in accordance with their own moral convictions. A state and its citizens that accept this have the obligation to respect that all citizens with a reasonable comprehensive doctrine should be free to follow their own life paths. However, disregarding moral debates is impossible and not a wise thing to do. Citizens must respect a societal structure that is acceptable to all reasonable citizens. But this societal structure should accommodate and even foster moral debates among its citizens. How can this be done?

Schumpeter's solution to the lack of a *volonté générale* is to leave the business of politics to the elites and to limit the influence of the masses. The only job the people have is to select their representatives. Their voice should be made of secondary importance to those who actually have to make the decisions (Schumpeter,

² Later in this thesis I will touch upon the issue of fundamentalism

1979: 311). His solution for conflicting opinions in society, in other words, is less democracy rather than more.

I propose another alternative. Instead of limiting the role of citizens, we should try to increase it while facilitating a realization that, in order to achieve a just and tolerant society, they should act in accordance with a conception of a common space. A state, therefore, needs to facilitate two basic structures. First, it must provide a flourishing public sphere where citizens can and should actively engage in debating moral issues. Second, it must stimulate citizens to be active in this public sphere.

2.6 The importance of the public sphere

After centuries of bloody wars over religious matters, a bloody war in North America over the issue of slavery and many other waves of cruel bloodshed over moral conflicts, one can only appreciate the political liberal quest for a peaceful society. But we have arrived at a fundamental problem in liberal democracies. People have different moral convictions that cannot be settled independently of deeper moral commitments, but citizens still have to live under one body of law. One way of reaching a political resolution is to agree upon fair procedures to settle moral matters. In the case of abortion a democratic procedure could be a solution, but a democratic procedure alone is hardly sufficient. Both sides cannot be reasonably satisfied with the justice of a policy or law just because the procedure was a reasonably fair one. Both sides connect the full moral legitimacy of the societal framework to a proper resolution of the abortion issue (R.P. George, 1996: 2475). Such moral issues run so deep, that mere democracy is not enough for the issue touches upon fundamental problems between liberal rights—in the case of abortion the right to free choice or the right to live—and democracy. There has to be another way in which a society can accommodate the resolution of these types of fundamental conflicts.

I believe the quest of the political liberals is an honorable one. They accept the fact of pluralism in Western democratic societies and search for a solution to the problems this brings with it. The framework they propose as a solution, however, is

inadequate. Despite this, however, they do give an insightful theory that offers a guideline as to where to look for an adequate solution. When people with different comprehensive doctrines are to live together in a democratic society, political liberals say, citizens have to adopt a certain role. They have to understand that it is in their interest to create a societal framework that is acceptable to other citizens. So in the face of moral conflict, citizens have to reason together to reach decisions that are mutually acceptable (R.P. Geroge, 1996: 2503). Citizens, therefore, owe one another a justification when they impose a law upon others.

As we have seen, it is not evident that this can always be done in a neutral way. So instead of leaving out moral argumentation, it should be included and embraced. Bohman argues that in the face of deep moral conflict the primary goal should be to foster an ongoing public consensus. A genuine *moral compromise* is necessary. The only way to reach such a compromise is to allow a plural form of public reasoning that allows moral argumentation (Bohman, 1995: 263). A moral compromise is something different than an ordinary compromise. The latter entails some form of a tradeoff purely between people with diverging interests. Moral compromise, instead, is much harder because it touches upon the very core of people's convictions about the meaning of life, the universe and everything which cannot be explained in terms of pure interest. Both types of compromise ask people to make concessions, but how is that possible in the case of deeply held moral convictions?

A concession on a moral belief is usually regarded as a loss of individual purity. Some would even argue that a compromise on a moral belief is so devastating that it destroys the true identity of an individual. Reasonable citizens understand the need for freedom, peace and security in order to follow their conceptions of the good. Although they have deeply held convictions, in for instance the abortion case, they at least have the intention to uphold a just basic structure of society. This does not mean they are automatically willing to make a compromise on specific issues, but they are at least willing to debate their stances in order to reach a settlement that is reasonable. In plural liberal democracies there is no room for fundamentalism, but again, this does not mean that even reasonable citizens are able to come to a compromise on all issues.

³ This is a problem that cannot be solved, but what we can do is to try to accommodate this problem. Thus, what we could do is sustain a framework that makes it more likely that moral compromise is possible.

A high level of participation is an important element in such a framework. When people debate their moral differences, it does not guarantee that they will reach a compromise on specific policies. But when citizens are able to understand the way in which opposed groups or individuals reach their moral standpoints while trying to uphold the liberties of others, they are more likely to come to a compromise on how to deal with specific moral conflicts. When both camps recognize the need to come to a shared understanding and publicly debate their moral differences, the likelihood of a possible agreement increases. Respecting the moral convictions of others does not mean we should ignore them by trying to create a neutral framework, which has a predisposition towards secular and liberal doctrines. It means instead that we should truly respect them by letting them into the debate. Rather than suppress moral conflicts, they should be facilitated in order to create genuine mutual respect.

Hence, we need a vibrant public sphere where individuals act as respectful and tolerant citizens, as virtuous citizens so to speak. A vibrant public sphere where citizens act virtuously towards their fellows and do not exclude any reasonable doctrine in advance, excludes as a ground for wielding political power sheer claims of authority and majority (R.P. George, 1996: 2504). Contrary to Schumpeter, the lack of consensus among citizens does not ask for less commitment towards politics, it asks for more.

Political liberals are right when they stress the importance of a structure that is acceptable to all. The need for mutual respect and tolerance in creating a framework that respects the freedoms of fellow citizens is evident. But we cannot do that without citizens acting civilly in a vibrant public sphere and without respecting the endorsement of moral argumentation. The government has the task of educating its citizens and facilitating such a vibrant public sphere. This does not guarantee that all conflicts will be resolved, but it is the best response to dealing with deep moral conflicts. For citizens living under one body of law a democratic procedure alone is not enough. Although minority views are to be protected and taken into account in

³ There is big grey area between fundamentalists and reasonable citizens with deeply held convictions who are willing to compromise for the sake of peace, security and freedom.

contemplating laws and policies, a society inhabited by citizens with the understanding of these dynamics offers a more adequate protection.

To summarize, reasonable citizens will believe that the law must be acceptable to all. They will accept that their society and its political framework must respect a wide range of liberal rights for individuals. They will accept democracy as a mechanism to come to shared decisions, but they will also acknowledge that there can be tension between a liberal set of rights and democratic procedure. To ease the tension between these two doctrines, we need a vibrant public sphere where individuals come together and debate moral conflicts, and can potentially come to a shared understanding in mutual respect.

Complete consensus through deliberation is utopian. We will not reach a real consensus in society on all moral matters and maybe not even in any moral matter at all. Also, not all individuals will have the communicative capacities to engage in public debate. But I believe that a vibrant public sphere can and will increase the likelihood of forming a wide consensus.

Gutman and Thompson argue that in order to let a deliberative polity succeed, citizens need to have basic civic knowledge and skills like, knowledge about political systems, world history and economics. They also should have communication skills, a certain ability of critical thinking and must at least know how to read and write. It is the task of governments to equip citizens with these tools, they argue (Gutmann and Thompson, 2004: 35). A common misconception is that heteronomous people do not have the autonomous capacities necessary to deliberate in the public sphere. It turns out that they do have those capacities and that they regularly engage in public dialogue (Swaine, 2009, 189). Swaine provides empirical evidence that heteronomous people, with the exception of pure fundamentalists, are capable of being bound by mutual respect towards other citizens. They are also capable of providing accessible reasons for their standpoints in a moral debate (Swaine, 2009). Complete autonomy is, thus, not a decisive factor in the workings of a healthy public debate.

2.7 *The Ideal of (Political) Participation*

It is evident that (political) participation⁴ is of great value in a vibrant public sphere. But as Guttmann and Thompson contend, there are differences in how political participation could be understood. Civic republicans advocate a political doctrine in which political participation is primary. Citizens are expected to gather in assemblies, to participate in making collective decisions, and even to fill public offices by lot. Deliberative democrats, however, leave more room for representative government and value political participation in less stringent institutional terms than civic republicans (Guttmann and Thompson, 2000: 177). I want to abstain from choosing sides between competing theories of political participation. Instead, I shall elaborate on what level and what kind of participation is required if we take a commitment to a vibrant public sphere seriously. I begin from the following starting point which I have defended above:

To create moral compromise and uphold basic liberties of citizens we need a vibrant public sphere and for citizens to realize that they ought to act as good citizens. This means that citizens should understand that they have a responsibility towards each other and must uphold a political and societal framework that all reasonable citizens can accept. They have to seek a public moral compromise through participation and deliberation in the public sphere.

I want to stress that I am concerned with an *ideal* of participation. I am not stating that every citizen *must* participate in the public sphere. I am merely stating that an ideal society is structured in such a way that it facilitates the political participation of its citizens. The display of apathy when it comes to participation in society will always be a challenge. But there are ways in which we can combat apathy. A far more complicated issue is when citizens have moral convictions that run counter to participation. What to do if participation is fundamentally at odds with the moral convictions of certain citizens? I elaborate on this question in *Part III* in the case of compulsory attendance during elections.

⁴ For now I will use the term participation, but later I will narrow the concept of participation down to political participation.

It is now time to make my notion of participation in the public sphere more concrete. What do I understand with participation in the public sphere? Is there a difference between participation and *political* participation, and how is that difference related to democratic procedure?

First of all, participation is an active involvement in the public sphere by citizens. It is instrumental to upholding a public sphere that facilitates moral compromise among citizens. That does not mean that participation is necessarily political, but ultimately it indirectly serves a political goal. It turns out that the psychological side-effects of participation in society benefit the forming of a public sphere.⁵ Each act in society that helps to facilitate moral compromise in the public sphere is a form of participation. But I want to make a rough distinction between two forms of participation in the public sphere: political and social, the latter also being indirectly political even if individuals are not aware of it. .

Both forms, directly or indirectly, serve a political goal. Political participation includes behaviors such as voting, debating in a public forum, writing a letter to a representative, and so on. Social participation is more connected to those behaviors that are deliberately taken to bind citizens together, apart from a direct political action like becoming a member of a political party. A parent that is involved in a school board might serve as an example of social participation. This does not serve a direct political goal. Nevertheless, social participation is very important to fostering mutual respect and tolerance through deliberation and communication among citizens. It also directly influences political participation as will become clear in *Section 2.8*. As such, it is indispensable to the process of finding political moral compromises in the public sphere.

The distinction between political and social participation should not be seen as very sharp, and there is a substantially-sized gray area. For example, when Christian churches and mosques organize a structural dialogue between them on a broad range of issues, is that a form of social or political participation? That is a tough question, but not one I need to answer here. Instead, I am merely interested here in participation

⁵ In part 2.8 of this paper it will become clear that political and social participation cross-influences each other and that it increases future involvement in both spheres. It also facilitates a societal norm, which positively influences participatory behavior of others.

that clearly single out pure political participation that serves a direct political goal.

Citizens can participate politically in various ways. They can engage in political action like protesting to defend certain political principals. They can also try to get involved in politics themselves by seeking public office. A more common way for citizens to influence laws and policies is by voting. By voting they have some direct control over certain offices, such as one or more legislative bodies, and also some indirect control over other public offices for which citizens are appointed by elected officials. A very direct approach to involving citizens in collective decisions is holding referendums.

As discussed above, a mere democratic procedure is not enough to accommodate moral disputes. We need a true moral compromise, but to reach that there needs to be a public debate among citizens. Genuine political participation demands more than mere voting. But as we will see in *Part 2.8*, voting increases overall participation and thus also facilitates the forming of a moral compromise.

In an ideal world voting in popular elections or referenda would be preceded by adequate deliberation and citizens would contemplate their vote thoroughly. In practice, however, citizens can vote regardless of knowledge or commitment towards the public sphere. Elections in our modern societies for many citizens are reduced to a mere popularity contest. And although referendums are supposed to be used to settle difficult conflicts among citizens, empirical studies show that they are often corrupted by sentiments of voters that are freestanding from the actual referendum itself. The judgments of voters are highly affected by a wide range of considerations that lie far beyond the actual proposition on the ballot (Hague and Harrop, 2007: 199).

To achieve a sufficient qualitative level of political participation, a multitude of strategies is necessary in which also social participation, for reasons stated above, must not be ignored. Voting is still the most important form of political participation (B. van Engelen, 2007:23), but it requires skilled understanding and commitment towards a free and peaceful society. Voting is more than just showing up at the election box and selecting an option on the ballot. If we are truly committed to a free, fair and peaceful society with a vibrant public sphere, then we must somehow facilitate individuals in contemplating their votes by discussing it with their fellow

citizens in the public sphere, short of making contemplation a formal requirement.⁶ Hence, we must increase political and social involvement.

2.8 *The Truths and Myths of Participation in Public Deliberation*

Quality deliberation is thought to have a number of positive democratic outcomes, one of which is the facilitation of moral compromise. Delli Carpine, Cook and Jacobs have tried to evaluate the empirical research that reflect on the accuracy of these presumptions. Although they did not explicitly research the forming of a moral compromise, their findings do offer us a detailed view on the effects of participation in the deliberative public sphere. One hypothesis they test is whether people who participate in public deliberation set aside their win-lose approach and come to recognize the interdependence of their fates. These presumptions also hold that their decisions will become more informed and deliberation is said to enhance empathy and reciprocity between citizens (Delli Carpini, Cook and Jacobs, 2004: 320).

Carpini, Cook and Jacobs start with the observation that the research into many of these supposed connections is scarce, but that there is enough research to draw some rough conclusions. They mostly focus on the American situation, but the underlying dynamics can also be applied in the European case. They find that talking about public issues is fairly widespread practice among the American public. Although ideally participation should be higher, research does show that people, and especially people of a younger age, are willing and able to discuss public matters. There is also evidence that supports the view that discussion allows members of groups to demonstrate and evaluate the willingness of cooperation. This gives them the tools to distinguish a common interest. It has been shown that group consensus leads up to actual cooperative behavior, which then creates more discussion and more consensus (Delli Carpini, Cook and Jacobs, 2004: 324).

However, they warn us for the influence of communication among individuals as opposed to that of groups. In-group communication can override communication

⁶ In part III I will argue that true moral equality holds that every vote is equal, even if it is not contemplated thoroughly.

between groups, leading to less cooperative behavior. The context in which the communication takes place is thus very important for determining a successful cooperation in a society. What is a hopeful finding is that citizens who do participate in deliberation have a strong sense that the outcome is fair and legitimate, even if they substantively disagree with it (Deli Carpini, Cook, Jacobs, 2004: 327). This research provides an indication that the forming of a moral compromise is facilitated by participation. People who participate are more likely to see a common interest and are more likely to view outcomes as legitimate even if they disagree with them. This view has to be nuanced though. Experimental research shows that under suboptimal circumstances, deliberation can be potentially pernicious. When people have the feeling that the influence of their voice is highly unequal compared to other individuals, this can potentially endanger cooperation between individuals.

2.9 The problem of Apathy and A Possible Tool to Combat It

Political apathy is disastrous for the formation of a moral compromise. Of course, not every citizen has to participate in the public realm in order to reach some form of a moral compromise. But, it should be the goal that at least a significant majority is minimally engaged in the formation of the state's laws and policies, and minimally active in the public sphere in order to uphold basic democratic values. Apathy towards these activities is growing in Western liberal democracies and this is a grave potential danger. If we want to sustain a vibrant public sphere with engaged citizens, the growing apathy towards politics, the public sphere and also towards fellow citizens should be addressed. In order to combat apathy, we want citizens to participate on two levels. First, they should be engaged in the formal process of policy formation. Second, they should be engaged in the public debate for the reasons stated above.

Most scholars on democracy have a rather narrow understanding of participation as merely instrumental behavior to secure personal interest (Dagger, 1997: 133). Citizens should only participate when they think they can affect policy outcomes to advance their own interest. Democracy then becomes just an aggregation

of individual interests, a view that is normally called the economic view of democracy. Participation can, according to this view, not be forced.

This is a too simple a characterization of participation both in practice and as a normative ideal. One can, for instance, argue that democracy is more than the instrumental participation of citizens. Some argue that democracy demands widespread participation because it promotes the development of civic and human capacities of individuals. The latter is a more substantive program which allows for pressuring the participation of individuals. It is, therefore, vulnerable to liberal critique because it offers difficulties of justifying the breaching of individual freedom due to its substantive claims.

I believe both of these views are partly right, but both miss the fundamental importance of political participation. The primary value of participation is that it fosters basic democratic values in a citizen, which is profitable to one's fellow citizens. The *promotion* or *pressuring* of participatory behavior in a citizen can be *instrumentally* justified, because it promotes the liberty and equality of their fellow citizens. Of course there are instrumental benefits for the citizens themselves, but the personal interest to citizens in participating should be explained in terms of sustaining a society which is just and peaceful overall and from which they themselves also benefit. Only in a just and peaceful society are the liberties of individuals protected properly. This requires a moral compromise among citizens that can only be achieved by citizens who are committed to a strong and vibrant public sphere. So I am not promoting participation on the basis that it develops citizens into good human beings. Rather, I promote it as an instrumental tool for securing the fundamental interests of all citizens.

The reason why I stress that political participation fosters the freedoms of fellow citizens is because, as I elaborate upon later, the justification for forcing citizens to participate for the sake of their own interests is insufficient. Pressuring them to participate in order to foster the liberties of others, however, does offer a legitimate justification to force them to engage in some forms of participation, including attendance at elections.

Compulsory attendance during elections has various positive effects on political participation. It fosters participation in elections. It creates a societal norm

which influences people's attitudes towards political participation. It creates awareness for the responsibilities citizens have when it comes to their role in the societal sphere. It increases their political efficacy. It raises turnout during elections and it protects certain basic democratic values like effective equal opportunity. All these features foster a political structure which facilitates a moral compromise.

2.10 Psychological effects of compulsory attendance: combating apathy

Apathy, as illustrated above, is one of the main problems of liberal democracies (Dagger, 2007: 133). And if we want to uphold an active public sphere where moral compromise is facilitated, citizens need to be engaged. There is empirical evidence that suggests that compulsory attendance stimulates political participation and participation in other social activities as well.

In order to show the positive effects of compulsory voting, we first need to know why people vote. Rational choice theorists have a great deal of difficulty explaining why people vote, as any particular vote practically has no influence (Blais, 2000: 137). A better alternative to understanding voting is to see it as an expressive behavior that comes from deeper commitments individuals have, rather than a behavior that has the goal to influence private electoral payoffs (Yakee and Sun: 2006: 65). This alternative view allows us to look at voting from a broader perspective, because it includes psychological theories and variables in explaining human behavior. It starts from the assumption that citizens vote for reasons other than pure instrumental individual benefits. They vote because they want to participate in the public sphere, show support for their own ideal and fulfill their civic duty. But when we look at which people show up at the election booth in states that do not have compulsory attendance, there is a high positive relation between voting and income, education and age (Steijn, Leighly and Owens, 2005: 3). What is the reason for that? How come that the elderly, wealthy and highly educated are more likely to vote?

There is no consensus in the literature as to why this is the case, but there is an indication of why some people are more likely to make the effort. Acts of previous

voting are a high indicator for future voting behavior (Steijn et al, 2005: 3). Voting is a habit, in particular a habit that is passed on by friends and family. It seems that individuals who reside in environments of a high social economic status are more instilled with participatory norms, in contrast to individuals with a lower social-economic.

One plus side of compulsory voting, even if it is not enforced, is that it reminds all citizens that they have a duty to vote. It upholds participatory norms for everyone. That signal does not have the same motivational power to participate as when your direct environment upholds a participatory norm, but it does help to develop a voting habit. Even if a government publicly announces that it will abstain from enforcing its compliance laws, the law would still be a signal of a participatory norm. Research indicates that states which have a clear and consistent history of not prosecuting voters under compulsory voting laws have a higher turnout than states which do not have such laws (B. Engelen, 2007: 27). Upholding a social norm by law thus has psychological effects. But to make the argument for compulsory voting stronger, I have to show that turning up at the election booth and upholding a social norm for the duty to vote has a psychological effect that combats political apathy more generally and fosters participation in a broader sense.

Another important psychological variable in predicting political participation is feelings of political efficacy: the stronger feelings of political efficacy, the more likely a citizen is to participate. Research provides evidence that voting enhances a person's feelings of political efficacy and that this has a spillover effects to other forms of participation (Finkel, 1985: 906). This means that forced participation in voting can have a snowball effect. Once an individual is politically active, she is more likely to deliberate with fellow citizens and actively participate in other civic affairs (Delli Carpini, Cook and Jacobs, 2004: 320).

Some authors are not fully convinced about the effects of compulsory voting on participation. Hangarther and his colleagues acknowledge that internalized norms are big factors that guide more socially effective outcomes, but that the effect of policy makers on inducing such internalized norms is still under researched. They researched a case of compulsory voting in the municipality of Vaud Switzerland, and were unable to find strong evidence of a lasting internalization of a participatory norm (Hangarther et al 2012: 20).

The extent of influence of a compulsory voting law is inevitably related to how well the norm is being propagated. If compulsory legislation is highlighted during campaign time, for example, it might be much more effective on inculcating the importance of participation on citizens. More research is thus certainly necessary in this field. But governments who apply compulsory voting policies do set a societal norm of participation. If compulsory voting is accompanied with additional structural measures that could increase broader political participation, like civic education, I am hopeful that governments in a longer period of time can realize effective internalization of civic engagement norms. These norms are not integrated in a society over night, but demand structural policies over a long period of time.

By mandating political participation, compulsory attendance facilitates a form of participation in the public sphere. Citizens are influenced by the projected participatory norm, they develop voting and participation habits and feelings of political efficacy that has spillover effects in other forms of societal participation. Compulsory voting is, of course, not a complete solution for the problem of political apathy. Additional policies have to be developed and implemented in order to combat this phenomenon. But compulsory attendance is one obvious way of combating apathy and, as will be demonstrated in *Part III*, the most effective way of raising the level of political participation.

2.11 The liberal critique of forcing political participation

The most principled attack on forcing political participation like compulsory attendance is a liberal one, namely, that individuals should not be forced without prior consent. Is forcing attendance with voting inconsistent with liberal principles? Liberalism is a very broad doctrine which harbors many interpretations on what freedom is (J. Waldron, 1987: 131). In the beginning of this thesis (Section 2.1 and 2.2), I mentioned that, although liberals dispute each other on the conception and moral source of their doctrines, they all, one way or another, value individual liberty in some way. The burden of proof is, thus, on those who want to restrict individual liberty. Infringement of individual freedom should be justified.

I acknowledge that forcing citizens to show up at the election booth is an infringement on individual liberty. But I believe it is a justified infringement: compulsory attendance fosters political, which in turn facilitates moral compromise. And the forming of a moral compromise is the best way to sustain a free and peaceful society.

Let us start with a specific interpretation of individual freedom which offers the highest hurdle in justifying compulsory attendance: negative liberty. Berlin famously coined the term in the late fifties and describes it as follows:

I am normally said to be free to the degree to which no man or body of men interferes with my activity. Political liberty in this sense is simply the area within which a man can act unobstructed by others. If I am prevented by others from doing what I could otherwise do, I am to that degree unfree; and if this area is contracted by other men beyond a certain minimum, I can be described as being coerced, or, as it may be, enslaved (Berlin, 1958).

According to the negative idea of freedom, if an individual is restricted in performing activities he otherwise would have done, the restrictions should be justified. Simmons argues such a justification can only be grounded in individual consent. He argues that men are moral individual beings which mean that they are and should be responsible for their actions. Restrictions on individual actions can, therefore, only be legitimate if the individual has previously consented to them.

Simmons's position is rooted in Locke's who argued that individuals are free and independent creatures who should not be placed under the will of kings. All humans are equal and free by nature, so nobody can be placed under the political will of others (Locke, 2009). Thus we can only be restricted by duties and obligations we willfully incur.

But this cannot be the complete story on justified restrictions. I may not just do whatever I like. I cannot just indulge myself in raping, murdering and stealing. There are actions I am not allowed to do, or even actions I must perform when confronted with situations that necessitate an action from individuals. One can think of saving the life of another human being, when there are no big costs or risks involved to that individual.

Indeed, most liberals believe there are some natural duties and obligations that a citizen must perform. Simmons understands these as consisting of a natural duty not

to harm other individuals and a duty to help them if necessary (Simmons, 1987: 276). One can think, for example, of a prohibition to drive on the left side of the road—at least in a country where people drive on the right—because it can endanger the well-being of others. Even those individuals, who live under a bad government, Simmons states, do not have the moral right to disregard such rules. Natural duties are translated into a set of governmental rules and are to be respected as such. This is strengthened by the fact that we have a natural duty of justice, which means we have to support virtuous institutions that foster general justice (Simmons, 1987: 177). So even if governments are bad, but the rules and institutions that force individuals to live up to their natural duties are just, we have a natural duty to act in accordance with those governmental rules that are the formulation of our natural duties. But other than those natural duties, individuals do not have specific duties which they can be forced to act upon. Simmons concludes that no political regime in the modern world is legitimate for they all force its citizens to incur obligations beyond their natural duties.

So according to Simmons' line of thought, if an individual does not explicitly consent to a specific duty that is not a natural duty, she does not have an obligation to act upon it. Political participation is not a natural duty, and an individual can therefore not be obligated to do it. For Simmons a legal obligation to participate would be illegitimate. Although he believes citizens have an obligation to adhere to natural duties that foster basic justice, additional obligations like political participation should be previously consented to:

Citizens generally have no special political bonds which require that they obey and support the governments of their countries of residence. Most citizens have neither political obligations nor "particularized" political duties (Simmons, 1979: 192).

Annabelle Lever explains why those who advocate a negative conception of liberty reject the idea of compulsory attendance: it is at odds with the natural freedom of an individual. She first contends that we have a right to vote because we have a fundamental interest in political participation when it comes to our own freedom. There are two reasons why individuals have an interest in participation. First, it offers self-protection against bad governments. Second, we have an interest in developing

our capacities as citizens who can act in accordance with the common good. These two fundamental interests in political participation are of primary importance to the freedom of individuals and that is why liberal defenders of the principle of negative freedom want to protect them. But, says Lever, protecting a right of participation is something different than forcing its exercise.

Lever argues that the position of the negative liberal may be wrong, and that there can be some kind of a *special* duty to exercise the right to vote because of the benefit to other citizens. I believe even Simmons could agree with the existence of a *special* duty to vote if it could be demonstrated that voting would somehow benefit others. But a moral duty is not immediately a natural duty. Coercing natural duties is justifiable, for it protects fundamental freedoms of others; but coercing a *special* duty cannot be justified in the same terms. A natural duty seems to be a set of obligations I owe to all other individuals in the world. They are universal duties I owe due to the very nature of humanity (Jeske, 2008). *Special* obligations, however, are moral duties I owe to people of a specific group. In this case that group consists of fellow citizens. I could owe them special duties, if these duties benefit them. But coercing me to do such an action without me consenting to it would lack any justification.

In the face of bad government people have a fundamental interest in voting. That much is clear. But if individuals choose not to vote, even if it is in their interest, can a government then force these citizens? Both Simmons and Lever suggest that this is not possible. Citizens do not have a duty to pursue their own interests even if it is a vital one (Lever, 2007: 16). But still, even if people would have a duty to follow their self-interest, Lever argues, it could not be demonstrated that voting itself would enhance this self-interest.

Imagine a politician whose election would greatly further my personal interests. Imagine that I have a duty to follow my interests. Does the government then have a justifiable ground to force me to vote? Millions of people go to the election booth with national elections in liberal democracies. My vote will not make a difference whatsoever according to rational choice theorists. If my interest is bringing the politician into office, then my interest is in the outcome of the election. And my influence in the outcome is practically nil (T. J. Feddersen, 2004: 99). Hence, I have no interest in voting.

But even if I would have a direct influence on which candidate is going to be

elected for office, then the government would still lack any justification for forcing me to vote. Imagine the following fictional scenario. Mister Ford Prefect, a super human being born in the region of Betelgeus, can read the minds of all people in the world. He knows what everybody is going to vote in a specific national presidential election. To his surprise the vote is going to be precisely equal between two candidates. Candidate A wants to forbid the use of super powers because ordinary citizens are losing their jobs to these super human beings. They do better work for less money. Candidate B does not want to forbid the use of super powers, because he believes these super beings should have the freedom to use them. Mister Ford Prefect really likes his superpowers and would be miserable without them. He thus has a fundamental interest in this election and he holds the decisive vote. Can the government in this case then force him to go to the election booth?

Lever would argue that the government cannot. It would be paternalistic to force him to vote in order to defend his own interests. Even if we think paternalism is justified in matters of life and death, decisions made in democratic regimes are not of that sort (A. Lever, 2009: 19). In liberal democratic elections we do not face the potential loss of fundamental interest that are matters of life and death. Those risks are legitimate and are created via the exercise of the rights of others. In the superpower example, the risk that there will be severe restrictions upon the exercise of the superpowers of Mister Ford Prefect is legitimate. In the face of thousands of workless people the claim on restricting the use of superpowers is legitimate.⁷ So all the risks that individuals face by the election of a new group of politicians in public office, are created via the legitimate and reasonable exercise of the rights of our fellow citizens. Compulsory attendance is not justifiable because it illegitimately forces people to act upon their own interest. So individuals should have a legal right, but not an obligation to vote, liberal critics say. Laws that force citizens to vote are therefore illegitimate.

It is now clear what the main objection against mandatory voting is. People cannot be forced to live up to obligations that are not consented to voluntarily, except for those that arise out of natural duties. People have a right to vote because, in the face of a government that does not respect the freedoms of legal subjects, they have a fundamental interest in replacing it. But the exercise of this right cannot be enforced, for it would be paternalistic and at odds with individual freedom.

⁷ Simmons would not agree. He believes that actual modern liberal democratic regimes lack any justification at all, but I will discuss Simmons on the next page.

I believe this reasoning is flawed. The primary benefit of forcing attendance is not because it fosters people's own interests so much, as that it is an effective way of protecting the fundamental liberties of *fellow citizens*. Even if one believes the very hard-line notion of negative liberty of Berlin and the consent theory of Simmons, there are instrumental justifications for forcing citizens to at least show up at the election booth. As we saw in *Part 2.3*, policies that foster values and virtues that support the principles of a peaceful, free and just society can be enforced by governments. Let me demonstrate.

In the face of clashing moral convictions, neutrality is often impossible. In the case of abortion a decision has to be made. A liberal cannot say: "Well, just let individuals decide for themselves". If a fetus is a human being, it would be murder and that is at odds with our natural duty. Moral dilemmas like these have to be accommodated, even if one thinks forcing individuals without consent is illegitimate. I believe the solution is a moral compromise.

As defended in this thesis, sustaining a just society with fair procedures and a framework that facilitates the forming of moral compromise is beneficial to all. One thus has an interest in sustaining such frameworks, but not solely for selfish reasons. Mainly one has a duty to uphold such a system for the benefit of others. I believe a just society is a society that fosters moral compromise among its citizens. In order to achieve such moral compromise people should be involved in the public realm, for example, by voting. But one can still hold that the democratic project is itself at odds with liberal freedom. Simmons thinks that a posteriori liberal democratic states lack the justification necessary to restrict the freedoms of individuals. Simmons would not tolerate a form of compulsory voting.

Rawls, however, interprets natural duties more broadly than Simmons does. He makes a distinction between obligations and natural duties which Simmons later criticized. Rawls believed, along with Simmons, that *obligations* could only arise out of a voluntary act of an individual. Natural *duties*, however, arise independently of voluntary acts.

From the standpoint of justice as fairness, a fundamental natural duty is the duty of justice. This duty requires us to support and to comply with just institutions that exist and apply to us. Everyone has a natural duty to do his part in the existing scheme. Each is bound to these institutions independent of his voluntary acts (J. Rawls, 1971: 115).

Rawls' natural duty of justice allows more forms of individual obligations towards just institutions than Simmons'. For philosophical anarchists like Simmons there can be natural duties, but forcing the exercise of natural duties by political authority which itself is not consented to is problematic. Rawls gives us a relatively wider range of possible obligations that come from natural duties, which can be forced without the consent of individuals. We have a natural duty not be cruel; a duty not to harm other individuals; a duty to help one another; a duty to comply with just institutions; and a duty of mutual respect (Rawls, 1971). Political participation is crucial for the workings of a just liberal democracy. A policy of compulsory voting fosters such participation.

So would Rawls argue that there is an obligation to participate politically by voting for example? Blais says Rawls nowhere explicitly elaborated on this issue and in his absence it is difficult to assess to what extent he thinks citizens are obligated to participate (Blais, 2010: 2). But as we will see in the next part of this thesis, Lijphart argued that voluntary voting, as enacted today, gravely corrupts the fundamentals of democracy itself. I believe Rawls would not refute the idea of compulsory attendance at the voting booth, if it could be shown that it saves democratic regimes from skewed and unequal turnout.

Part III
**Compulsory Voting: Lijphart's Defense of Compulsory
Attendance and Some Concerns**

3.1 The second argument for compulsory attendance

I believe that compulsory voting is not at odds with liberal principles, depending on which conception of individual liberty one holds and which structures and facilitators one believes are necessary to protect that freedom. Furthermore, there are a multitude of justifications for compulsory voting available. One important one among these, as I have indicated, is that it can be justified instrumentally because it fosters political participation. And political participation is needed in order to facilitate a moral compromise among citizens, which is a prerequisite for a free and democratic society for all. But to make the case for compulsory voting stronger I shall also defend it by endorsing one important other argument as well that has been made by Lijphart, namely, that compulsory voting is to be considered as an effective and necessary practical solution for fundamental problems in liberal democracies.

Lijphart has made a powerful argument in favor of compulsory attendance, and it is somewhat connected to the first instrumental justification. He believes compulsory attendance policies uphold one of the most important values of a liberal democracy, namely moral equality between citizens. There are three kinds of objections that can be raised from a liberal perspective that I did not discuss in *Part II*. First, there are practical objections that the policy of compulsory voting has a bulk of unwanted effects concerning its application. Second, there are more normative objections that stress that the effects of compulsory voting policies make elections and government illegitimate because citizens do not cast *sincere* votes. Third, the argument is made that compulsory voting does not solve the underlying problems of apathy and therefore does not justify the breach of individual freedom. I believe all objections can be dealt with, even from a liberal perspective.

3.2 *Lijphart's argument in favor of Compulsory Attendance*

Before I elaborate on the pros and cons of compulsory attendance, I first want to define what it entails. In the literature, the debate is usually dubbed as the issue of compulsory voting. But that name, I believe, is misleading.⁸ In this thesis I have referred to compulsory attendance to avoid misconception.

Any analysis of this issue cannot avoid what some have called the key paper that sparked the contemporary debate over compulsory attendance, namely Arendt Lijphart's paper from 1997 called "Unequal Participation" (Lever, 2010: 898). It is the strongest argument available for defending compulsory voting.⁹ Lijphart combined convincing empirical evidence with an argument for equal participation, which has since formed the basis of the debate over compulsory voting. If there is one argument that is put forth by defenders of compulsory voting, it is Lijphart's argument that compulsory voting facilitates moral equality. It is by far the strongest, yet highly contested, justification for compulsory voting policies.

Lijphart (1997) starts with an empirical observation. Empirical research unequivocally shows that voter turnout in liberal democracies is not only low, but is also hugely unequal (Lijphart, 1997: 3). Several empirical studies show strong evidence that there is a great discrepancy between the democratic ideal of equal participation and the actual voting behavior of individuals in western liberal democracies. Voter turnout shows a strong positive connection to socio-economic status. The higher a citizen is on the social ladder, the more likely she is to cast a vote. Second, socio-economic status is strongly correlated to the left-right dimension. The higher a citizen is on the social ladder, the more likely she is to cast a vote on a right of center party. Furthermore, governmental policies that are implemented show a direct connection to the level of voter turnout. This means that when turnout is low, governmental policies are more likely to be right of center.

For Lijphart, however, the most shocking evidence about elections is without a doubt the following. In 1995, Pacek and Radcliff wrote an article in which they analyzed all elections between 1950 and 1995 of nineteen industrial liberal democracies. They found that every one percent increase in voter turnout lead to a one-third of a percentage increase in the left's share of the total vote (Pacek and

⁸ This will become clear in the remainder of the paragraph.

⁹ This argument is closely related to the first defense, but offers a different justification.

Radcliff, 1995). Lijphart calls this result extremely damaging for the concept of representative democracy (Lijphart, 1997: 4). De facto, liberal democracies sustain a voting pattern that is at odds with the very concept of what it is to be a liberal democracy. The very core premise of democracy holds that citizens should have *effective* equal opportunities to participate in collective decisions (Dahl, 1998: 38). To have a formal opportunity is something different than to have an effective opportunity. In *Part II* we saw that an environment which upholds a participatory norm and individual political efficacy are explanatory factors in predicting the likelihood of someone casting a vote. If an individual is not exposed to such environmental factors, one could argue that his *effective* opportunity to vote is lacking.

Lijphart suggests that it is of primary importance that liberal democracies fix this highly undemocratic tendency of low and unequal turnout. He is convinced that empirical evidence shows that only one institutional mechanism can guarantee a high turnout: compulsory voting (Lijphart, 1997: 10). And what can be more democratic than when participation through voting is equal among all citizens?

Lijphart acknowledges that compulsory voting will not entirely narrow the discrepancy between the ideal of participation and equal influence in governmental policy. But, he argues, it is the task of liberal democracies to foster a near-universal use of the right to vote if it is live up to the liberal democratic ideal. Compulsory voting is only a partial, but nevertheless important and indispensable solution. I agree with Lijphart that it will not completely solve the underlying problems of apathy, but the psychological effects of voting do offer a quite simple and effective first tool in our battle against apathy and unequal participation.

The problem with Lijphart's article is that it does not offer us a fully developed idea of compulsory voting. In what form should compulsory voting be implemented and what does compulsory voting really entail? It is evident, I believe, that compulsory voting is not a clear-cut idea. So we first have to develop a concept of compulsory voting in order to defend it.

Lijphart gives us a very important distinction as a baseline from which we can start thinking about how compulsory voting should be applied. He is mainly concerned with the fundamental idea of equal influence in governmental policy. In order to facilitate this he wants to raise turnout levels. Compulsory voting is a tool to increase turnout and although we saw that it has a wide range of possible positive side

effects that foster the democratic ideal of full participation, Lijphart's purpose is not to coerce individuals to cast a valid vote (Lijphart, 1997: 11). He wants to uphold the idea that citizens have a right not to vote, by giving them a blank option on the ballot. Although his underlying commitment is to fix the gap between the democratic ideal and actual political participation, compulsory voting is merely a tool that is instrumentally used to increase turnout levels, without coercing actual participation itself.

Bart Engelen has argued in response to Lijphart's article that the term compulsory voting is misleading. Instead, so he argues, Lijphart's tool for increasing turnout should be called *compulsory attendance*. This captures the basic idea of Lijphart more adequately (B. Engelen, 2009: 218). From now on I shall refer to the idea of compulsory attendance rather than compulsory voting, because I shall defend a policy of compulsion to show up at the election box, rather than a policy of compulsion to actually vote.

In terms of compulsory attendance, Lijphart's argument might be stated as follows. Political participation is crucial to the function of liberal democracies, but it is very unequally distributed among different individuals. It is very important that individuals participate in an equal way for if it is not equal, the wielding of political power can be highly biased and render political regimes morally illegitimate. Since voting is the most important form of political participation, governments should facilitate high *turnout* levels to secure the legitimacy of political regimes. By making attendance compulsory, these turnout levels can be guaranteed. Citizens, however, remain free to abstain from stating a preference on their ballots.

Later on, I shall illustrate a link between compulsory attendance and actual voting. So although voting is not mandatory, I believe raising attendance also raises the casting of actual votes. But, as the liberal critique goes, it also produces votes that are not sincere.

3.3 *Normative Objection: Forced Participation Will Create Unwanted and Insincere Votes Which Make Governments Illegitimate*

Some argue that raising turnout levels is not always a good thing. If citizens are forced to show up at the election booth, it could raise the number of protest votes, so it is argued. When people are genuinely disinterested and don't have a political opinion in politics, they are more likely to cast a donkey vote¹⁰ or an invalid vote (Jackman, 2002). These are practical concerns, but the two underlying concerns are inherently principled ones. The first concern is that, if compulsory voting is enacted, then the outcome does not reflect the true will of the electorate. If voting is anything, it is getting a result that is truly desired. The second concern is that people cannot display a preference if there really is not one. Why should we force an individual to vote if he does not have a reason to place candidate A over candidate B?

The empirical support for these concerns is hard to find (Engelen, 2007: 28). We cannot empirically distinguish between votes that are the product of apathy like donkey votes and truly contemplated votes that reflect considered preferences. Citizens who are obliged to vote might randomly choose a candidate or party, but researching that question properly is hard, if not impossible. More research is needed in order to get the effect of the uninterested vote clearer, but skepticism about the possibility of doing so is not misplaced. Empirical evidence, however, does show that when compulsory voting is abolished in countries where it used to be enacted, the percentage of invalid votes only slightly decreases (Engelen, 2007: 28). This suggests that, when it comes to invalid votes, states with compulsory laws do not significantly perform worse.

There is also another outcome effect that is evident with compulsory attendance. As we saw earlier on, turnout levels are directly correlated with policy outcomes. When turnout is higher, a higher percentage of the votes go to the political left (Lijphart, 1977: 5). Abstention is more common in lower social classes, and those classes are more likely to vote for the left. And this effect, as we elaborated on in the beginning of *Part III*, is not small.

So, compulsory voting does have an effect on the outcomes of elections, but in order to treat the principled concerns we need to know what the relation between

¹⁰ A vote that is casted randomly. Named after the children's game where a fake tail of a donkey is to be pricked at the right place whilst blindfolded.

compulsory voting and the outcome is. The real question is thus if the outcome of elections with compulsory voting laws reflects the political preferences of the people. The empirical research Lijphart presents us, gives no reason to think there is a discrepancy between people's preferences and outcomes (ignoring of course, the intensity of people's preferences). Lower social classes are more likely to vote for the left in states where voting is voluntary. The percentage of people actually voting is lower for people who reside in those social lower classes. Thus it seems to be a question of apathy instead of actual political preferences that is keeping voters from the voting booths. The evidence does not give us a clear cut answer of the precise effect of compulsory voting, but the little research there is does not seem to favor the view that there is a massive discrepancy between preferences and voting behavior (Hill, 2011: 30). More research is needed to get the relation between compulsory voting and election outcomes clear.

Although empirical evidence seems to favor the view that compulsory voting does not distort the outcome of elections, let us assume for the sake of argument that there is a donkey voting effect due to apathy. Is forcing apathetic citizens to vote then problematic for the legitimacy of the outcome? Well, donkey voting does distort the outcome in the sense that the outcome would not represent the true preferences of the people. But it would not endanger the legitimacy of the outcome. Every vote has an equal moral weight and that is also true for the vote that is cast out of apathy. Why should the vote of a driven citizen have more moral weight than the vote of an apathetic citizen?

If a citizen is not interested in voting, which is the most important form of political participation, he or she is lacking in her duty as a citizen. But, an uninterested citizen can also be seen as a failure of democracy. I believe the apathy vote should be seen as a form of protest vote in the sense that the citizen feels disconnected from the democratic polity. Instead of shutting out the apathy vote, we should include it in our system. On a very small scale the apathy vote is not a practical problem for it does not negatively affect the outcome of elections, but there are very good reasons why we should adopt a policy of compulsory attendance. Compulsory attendance will not only help to combat the issue of civil apathy, but the form of compulsory voting I shall

endorse will also shut out the supposed negative effects of apathy¹¹ on the outcome of elections.

Citizens are brought to the election booth. They are obliged to go into the booth, but what they do there is their concern. If they want to waste their vote, then that is their choice. They do not even have to cast a legal vote. And because invalid votes do not count as cast votes, they do not undermine the legitimacy of the outcome. Only when invalid votes are cast on a very broad scale could they pose a problem, but this is not the case in any of the countries which have adopted compulsory voting. Only when citizens would cast a vote randomly on a broad scale it could form a problem, because it would seem citizens state their preferences, while it possibly is not a true preference, a critique would argue.

But there are solutions for this supposed phenomenon of random voting due to apathy. We have to build a very small hurdle in the process of voting. If an individual shows up at the election booth, she has to state her name. This then will be checked and she should receive the following question: “Do you have any interest in voting”? There should be two options. If she says no, she then may leave immediately. But we must adopt a small hurdle for if she answers yes. This can be a waiting process of two minutes or filling in a questionnaire or any other small hurdle. An individual who genuinely is apathetic towards voting will leave immediately. Those who only have the slightest interest in voting will take the hurdle. The trouble of getting to the election booth by far outweighs the passing of that small hurdle. A two minute waiting period or the filling in of a small questionnaire is only a very small effort compared to going to the election booth. If they already have to show up at the election booth, then why not make that extra almost negligible effort?

If one takes the hurdle and still randomly chooses to select a candidate, then we cannot say it is out of pure apathy. There are authors who claim that turning up at an election booth actually increases political interest and fosters the acquisition of political information, as I elaborated on in *Section 2.8* (S. Jackman, 2002). So apathy does not have to be a problem in making *attendance* compulsory, but such compulsory attendance does help combating apathy by increasing civil engagement. Abstention or filling in a blank box on the ballot should always be options. Not only because of the right not to vote, but also to channel protest votes. If a voter truly wants

¹¹ I want to remind the reader that those apathy effects on voting outcomes do not have any clear empirical evidence.

to protest against the system, or protest for any other reason, she should have the option to make this protest clear.

Hill suggests that there are many reasons why people do not turn up during voluntary elections. These non-voters are potentially a source of information. Protest voting is informal. It is either done by not showing up, filling in a blank option on the ballot or by marking the ballot with political slogans and thereby invalidating that vote (Hill, 2002: 86). One very important voice that is now being silenced in both compulsory and voluntary voting is that of protest. Why not try and use that information? Hill promotes the view that ballots should have a protest option. Why not formalize these protest votes? Give voters the opportunity to fill in a protest option and a blank space to give their motivation. Not only will the protester feel heard, it will provide states with valuable information (Hill, 2002: 86).

Another critique skeptics of compulsory voting have is that it increases the probability of extreme voting. Some authors are afraid that forcing attendance may lead individuals who want to protest to vote for extreme alternatives (Engelen, 2007). The underlying question is thus if it is better not to include protest votes. Again, empirical evidence is inconclusive in these matters. But the normative case is easy to refute. Every vote has and should have an equal moral weight. A protest vote is as good as any other vote. As Engelen puts it, “Doing away with some votes as worthless puts one on the slippery slope to totalitarianism” (Engelen, 2007: 28). But even if some would hold that a protest vote is unhealthy for democracies, which of course it is not, then one has to ask what is better: to repress civic displeasure, or to bring it to light and deal with it? Exposing civic displeasure is the beginning of dealing with it. Exposure is, in other words, at least partially a cure. Not wanting to expose civic displeasure implies a rather elitist view on democracy. It, namely, implies that expressing political sentiments is only for those who are willing to put energy into 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 (Engelen, 2007: 29).

3.4 Practical Objections: Unwanted Effects

Enacting compulsory attendance will have consequences for politicians. If people are obliged to turn up at the election booth, it is reasonable to expect that the actual percentage of people who will vote rises. This was demonstrated in *Part II*. Individuals must already go through the pain of finding the polling station, so why not take the two minutes to cast the vote?

Some worry that politicians will focus on those individuals who are more apathetic towards politics and also less informed, and that this will have negative consequences on political debate (Engelen, 2007: 33). The assumption is that these more apathetic voters are more likely to be attracted to populism and trivial issues like good looks. Compulsory attendance would, therefore, shift the debate from rational argumentation towards what these citizens want, namely amusing campaigns and sound-bites (Engelen, 2007: 33).

I do not deny that enacting compulsory attendance could change the electoral landscape for politicians somewhat. They would have to focus more on citizens that display apathy. But I do not see any normative or practical problems with this. And to be fair, most people who do vote are already quite uninformed and apathetic. It is already the core business of politicians, in other words, to appeal to apathetic voters.

The addition of apathetic voters really does not seem to be of much consequence then. Politicians already have to focus on very large constituencies. Political parties in European democracies already take the form of catch-all parties, whose sole goal it is to collect as many votes as possible (Hague and Harrop, 2007: 234). So, political parties do not have a specific ideological program, but try to find votes wherever they can be found (Hague and Harrop, 2007: 234). A true cynic can even question to what extent parties still reflect sound ideological fundamentals. By making attendance compulsory, politicians are merely pressured to increase the scope of their already broad focus just a little more. We just add one more group to their electorate, namely the extremely apathetic. I have seen no evidence that the political debate of states that enact compulsory attendance are of a lower quality. Belgium, Australia, Peru, Italy and Turkey all have their own democratic problems like any other liberal democratic country, but none of which I am prone to believe are the consequence of compulsory voting. But even if compulsory voting would result in a dramatic decline of the quality of political debate, would that be a problem? As stated

above, every vote has an equal moral weight even if the vote is just recognition for a politician's nice tush.¹²

3.5 Structural Objection: Compulsory Attendance Does Not Solve the Problems It Is Intended for

In the sections above, I discussed the mixed empirical results concerning the psychological effects of compulsory voting and attendance. Where some authors claim there is a significant psychological effect, others nuance this supposed effect. One could argue that, if compulsory voting is justified in terms of fostering political participation and there is no empirical effect on a citizens' psyche concerning political participation, compulsory attendance is not justified.

Dagger argues that compulsory voting will not cure all the problems regarding political participation. Representative government inherently has a problematic relation with its citizens, and compulsory attendance is hardly a beginning in addressing this troubled relation. Nevertheless, says Dagger, it is at least some form of a beginning (Dagger, 1997: 151).

Compulsory voting¹³ and compulsory self-registration are promising ways to make this beginning because they capture, far more effectively than automatic registration or instant direct democracy, the belief that democracy and free government do not fall like rain from the sky (Dagger, 1997: 151).

Compulsory voting alone is not the solution to political apathy and we have to contemplate other policies as well. In the conclusion of the thesis I will suggest some policies that could accompany compulsory voting in battling apathy.

I also want to remind the reader that combatting apathy for the sake of political participation is not the sole justification of compulsory attendance. Although I am explicitly interested in this argument, by far the most powerful justification is

¹² This phenomenon supposedly played a huge role in the Dutch voluntary parliamentary elections of 2002, when Wouter Bos of the Labour Party attracted female votes by simply having a good tush.

¹³ Although Dagger refers to compulsory *voting*, he mentions that citizens are not be forced to cast a valid ballot. So, he also nuances between actual voting and attendance.

that of Lijphart who states that the moral legitimacy of regimes depends on an unbiased turnout.

3.6 *Abstention from attendance and punishment*

Abstention can be divided into two categories, namely abstention on practical grounds and abstention on principled grounds.¹⁴ With regards to the former, I am referring to a broad spectrum of practical reasons why a voter is unable or unwilling to go to the voting booth. This type of practical abstention can be intentional, unintentional or the product of a given fact due to obvious circumstances. Intentional abstention can be a lack of time. There are a lot of business people that work eighty hours a week who cannot find the time to go to the voting booth and thus would rather pay the fine. An unintentional abstention might, for example, be a voter forgetting that it was election day. And abstentions due to objective and obvious reasons are abstentions that are the consequence of a *force majeure*. One can think of an old lady that is not able to go to the polling station due to bad psychological health, or an individual who just lost someone close and cannot find the energy.

All the intentional or unintentional practical reasons for abstaining can be addressed. I will not elaborate on every scenario, but will give some practical options that could be enacted. If government makes attendance a compulsory duty, it should display some flexibility as well. In the case of intentional abstention due to practical considerations, like the example of the busy businessmen, the government could and should contemplate ways of accommodating these citizens. Why should elections be held on one specific day? Why not spread the election out over a week with three optional days to vote? This also would accommodate the unintentional abstainer. In most liberal democracies, there are other ways of accommodating people who are unable to vote. Citizens can mandate other citizens to vote for them. In the case of a true *force majeure*, like a death in the family, citizens can appeal to an eventual

¹⁴ I will not discuss the issue of newcomers in a society. There is broad literature on this subject, but it is not my aim to elaborate on the question to what extent people should speak the language in order to cast a vote.

repercussion for abstention by proving that the circumstances prevented them from showing up.

All these aforementioned accommodations, though, produce a whole other set of practical concerns: exit polls could influence voting choices; the costs of elections would be raised; more volunteers would be needed and a big bureaucracy is needed to facilitate, control and execute all the loose ends and repercussions of a compulsory attendance policy. I believe these problems are not disastrous. Exit polls can be forbidden and additional costs can be incurred. It is just a matter of choice what amount of resources one is willing to sacrifice for all the benefits compulsory attendance produces. But can one really set a price on the value of democracy itself?

But there are alternative ways of voting as well. In most liberal democracies citizens residing abroad can already vote by mail. They will have to register beforehand, but it is relatively straightforward in most democracies. If one can demonstrate the necessity of voting ahead of time, the government can consider accommodating this group. Another option for the future could be e-voting. It speaks for itself that the time and energy that individuals need for using alternative measures should at most be equal to the time and energy needed for regular attendance. This also holds true for mandating others to vote for you.

One could argue that the government should not be very flexible towards intentional abstention. One of the reasons for enacting compulsory voting in the beginning of the 20th century was to force employers to let their staff go to the election booth. In this light, a busy work schedule is not a sufficient argument for abstention. But to what extent the government should accommodate the wishes of citizens concerning compulsory attendance is not my aim in this thesis. There are ways to accommodate citizens without lightening the burden of compulsory attendance. But it all leads up to one question; how much is one willing to pay for democracy?

Principled arguments for abstention are of a different kind. Imagine a citizen X, let's call him Simmons. What if Simmons does not object to forcing the vote (which would be an invalid argument considering voting itself is not compulsory), but instead objects to the political system as a whole? What if he believes he is illegitimately forced to turn up at the election booth? Might he abstain on principled grounds?

First of all, we should be glad that this individual has contemplated his relation towards the state. If he can prove why compulsory attendance goes against the core of his moral conscience, I believe we should give him the chance to make his objections. But, in order to prove his point, we can ask him to write his objections on paper and let him deliver them to a commission who will scrutinize the objections before the elections take place. If there are proper objections, the commission can decide to tolerate Simmons' abstention.

The core question concerning abstention is as follows: if there is no legitimate reason for abstention by a citizen, what then is a legitimate punishment? I believe that abstention should be treated as an act of civil disobedience. How to punish civil disobedience, if at all, deserves a far deeper elaboration than I can offer in this thesis. But, there is a complicating factor. Abstention should be prosecuted, for if not, the policy of compulsory attendance would have only a marginal effect. Although civil disobedience can be justified, in the case of compulsory attendance it cannot be tolerated for it would render the policy itself useless. It is not my task to define the right punishment, but only to point out that the punishment should exceed the effort of going to an election booth for obvious reasons. In most cases a small fine should suffice. Structural abstention without proper objection letters should result in a heavier punishment.¹⁵¹⁶

¹⁵ All liberal democracies hold multiple elections, varying from local to supranational elections and everything in between. I shall not delve into the question to which of these elections a policy of compulsory attendance should be applied. Most liberal democracies do not have a policy of compulsory attendance and therefore could start only with applying it to national elections. When the policy is successful it then might be applied to other elections as well. Collective voters fatigue, however, is something that must be avoided.

¹⁶ The issue of referenda's and compulsory attendance deserves a thesis on its own. Due to limited space I shall not discuss this matter here.

Part IV

Conclusion: The Future Of Liberal Democracy

4. Conclusion

Those who are committed to sustaining a free and democratic society have to find a way to deal with the issue of pluralism. I believe that solution to be a genuine moral compromise. But in order to let a structure that facilitates such a compromise succeed, a high level of participation in the public sphere is necessary. Liberal democracies therefore have to develop schemes to facilitate civil participation. However, apathy is growing in liberal democracies and as a consequence deliberation in, and commitment to, the public sphere is waning. If we do not contemplate and implement strategies to combat this decline of participation in the public sphere the future of liberal democracy runs the risk of becoming hollowed out. I hope to have demonstrated that a policy of compulsory attendance is an effective and justifiable way to increase the level of participation. Implementing compulsory attendance alone, though, is not sufficient to combat these problems. It is a mere beginning in combating apathy, but it is a very simple strategy which I believe does not create problems of justification. But to make compulsory attendance more effective additional measures have to be taken. Policies of civic education and mandatory civic service could be very effective, but are, from a normative perspective, more vulnerable to liberal critique. In this thesis I have defended compulsory voting as a strategy for sustaining free and fair societies. Policies of civic education and mandatory civic service might also be defended from the same line of argumentation, but that was not the goal of this thesis. Upholding a sufficient level of participation could possibly be the biggest challenge for modern liberal democracies in the 21st century.

Part V
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5. References

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