

ARTICLE

Compulsory Voting: A Defence

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Abstract

Turnout is in decline in established democracies around the world. Where, in the mid-1800s, 70–80 percent of eligible voters regularly participated in US Presidential elections, turnout has averaged just 53.7 percent since 1972. Average turnout in general elections in the UK has fallen from 76.6 percent during the period 1945–92, to 64.7 percent since 1997. Average turnout in Canadian federal elections has fallen from 74.5 percent during the period 1940–79, to 62.5 percent since 2000. For most democrats, these numbers are a cause for alarm. Compulsory voting is amongst the most effective means of raising turnout. However, compulsory voting is also controversial. Most of us think that coercion may only be employed against the citizenry if it is backed by a justification of the right kind. Opponents of compulsory voting charge that no such justification is available. This article resists this line of argument in two ways. First, I offer an argument from free-riding which, though gestured towards by others, and widely criticized, has yet to be defended in any depth. Second, I consider a range of objections to compulsory voting as such, arguing that none succeeds.

Keywords turnout; compulsory voting; democracy; elections; free-riding

Turnout is in decline in established democracies worldwide (Blais and Rubenson 2013). Where, in the mid-1800s, 70–80 percent of eligible voters regularly participated in US Presidential elections, turnout has averaged just 53.7 percent since 1972. Average turnout in general elections in the UK has fallen from 76.6 percent during the period 1945–92, to 64.7 percent since 1997. And average turnout in Canadian federal elections has fallen from 74.5 percent during the period 1940–79, to 62.5 percent since 2000. For most democrats, these trends are cause for alarm. Lower turnout is associated with a range of ills, including increased inequality (Mueller and Stratmann 2003), and corruption (Birch 2009b, 132–3). Compulsory voting is amongst the most effective means by which this decline might be arrested. When effectively enforced, compulsory voting increases turnout by 12–13 percent on average, and sometimes far more (Birch 2009b, ch. 5). Australia, for example, introduced compulsory voting in 1924, and saw average turnout rise from 64.2 percent of registered voters to around 95 percent (Jackman 2001, 16316).

Compulsory voting, however, is controversial. Its opponents claim (1) that compulsory voting is coercive, (2) that coercion is morally wrong unless backed by some compelling justification and (3) that no such justification is available for compulsory voting. This article offers a two-part response to (3). First, I offer an argument from *free-riding* which, though gestured towards by others (e.g. Engelen 2007, 30–1; Lijphart 1997, 11; Wertheimer 1975), has yet to receive sophisticated exposition and defence. Second, I argue that typical objections to compulsory voting rely upon unsupported empirical claims, mischaracterizations of compulsory voting, or implausible normative commitments. States, I conclude, may permissibly compel the vast majority of citizens to vote.

It is crucial to get clear immediately over the model of compulsory voting I wish to defend. Most importantly, I do not favour systems in which citizens are subject to coercible requirements

to cast a valid ballot.¹ Enforcing such requirements would require some mechanism to check that citizens had voted correctly, undermining the secret ballot.² Instead, I favour systems in which (as is typical in the real world) citizens are required to either cast an absentee ballot, or attend a polling station on election day. Citizens, as such, remain free to abstain under compulsory voting. They can simply leave once their attendance has been registered, or submit a spoiled ballot.

I also favour regimes in which penalties for abstention are light, but effectively enforced. In Australia, for instance, abstention is (initially) punishable by a fine of \$20 (Hill 2014, 115). Severe punishments are both disproportionate, and probably unnecessary. While evidence indicates that effective enforcement is necessary for compulsory voting to impact turnout, most effective regimes do not impose heavy penalties for abstention (Birch 2009b, 8–11, 89–95).

Further, I wish to defend compulsory voting only in the context of referenda and elections in reasonably just, established liberal democracies.³ Any justification for a policy of compulsory voting presupposes that the state implementing that policy has the general, legitimate authority to subject its citizens to appropriate coercion. States who routinely subject large numbers of citizens to serious injustices (such as states that violate human rights on a large scale) are not plausibly legitimate in this sense. I therefore restrict the scope of my argument to reasonably just states – states who do not generally inflict such injustices upon their citizens.⁴ I restrict the argument to established, liberal democracies because other contexts, though equally important, give rise to a range of complicating considerations. In some developing nations, for example, citizens who choose to vote are subject to threats of serious harm, a consideration which obviously militates against compulsory voting.

Finally, I will assume that elections are well-structured in the following three ways. First, there must be no excessive barriers to accessing the franchise. Citizens must not, for instance, be required to produce forms of identification they are unlikely to possess in order to vote. Second, voting must be low-cost.⁵ Citizens must not, for instance, be required to queue for many hours or travel great distances to vote. Third, elections must be genuine, insofar as they must not be subject to undue manipulation. Compulsory voting would obviously be morally perverse were voting unreasonably difficult, excessively costly or irrelevant to political outcomes.

These clarifications in hand, we can proceed to the arguments. Though it has received very limited positive defence, the free-riding argument has been the subject of extensive criticism. My strategy, then, will be somewhat defensive. I begin by outlining an intuitively appealing, initially plausible version of the argument, together with the key considerations upon which it is reliant. The second section then refines the argument in dialogue with the most important objections raised in the literature. For reasons that will become clear, the free-riding argument depends upon the claim that compulsory voting does not entail unacceptable moral costs. The third section, then, responds to a range of arguments purporting to show that compulsory voting entails such costs. A brief conclusion follows.

Abstention as free-riding

Free-riding consists in the consumption of collectively produced public goods without making appropriate contribution to the system by which those goods are produced. Public goods are those

¹Though, I will occasionally refer to compelling citizens to vote for expository convenience.

²Some countries – e.g. Australia – do technically require citizens to cast a valid ballot, though these requirements are generally not enforced (Pringle 2012).

³I am indebted to Hill (2014, 114–15) in the following two paragraphs.

⁴Even reasonably just states sometimes subject small minorities of citizens to severe injustices, and therefore lack the authority to subject such persons to coercion. No part of the argument which follows is intended to apply to such persons. If such persons are compelled to vote, they are treated unjustly. Sadly, as we shall go on to discuss in the following section, it is at least possible (though, surely, very rare) that injustices sufficiently severe to undermine the state's authority to coerce the worse-off may arise in virtue of unequal rates of political participation between different social groups, something compulsory voting does much to address.

⁵Individuals do not have duties not to free-ride where the costs of contributing exceed the value of the benefits received (Cullity 1995, 15–22). It is also important for the argument to follow, then, that voting be low-cost.

which exhibit jointness in supply and jointness in consumption (Cullity 2008, 9). A good exhibits jointness in supply if supplying the good to one member of a group means supplying it to all members of that group. Providing clean air to some citizens in a particular area, for example, entails providing clean air to all citizens in that area. A good exhibits jointness in consumption where one group member's consumption of that good does not undermine others' consumption of that good. Buses with plenty of empty seats, for example, exhibit jointness in consumption. My travelling on the bus does not diminish the benefits others derive from bus travel.

Free-riding is objectionable because, and where, it is *unfair*. The unfairness in question consists in persons affording themselves a kind of objectionable privilege: arrogating certain preferential advantages to themselves, while depending upon others declining to do so (Cullity 1995, 22–32). Fare-evaders on public transport, for example, afford themselves the privilege of free travel, while depending upon others' failure to exercise that same privilege. The benefits of public transport would not exist at all if no one paid the fare. Free-riding, moreover, can be unfair even where it has no non-trivial impact upon others' interests. Suppose Eloise fare-evades on a public bus with plenty of empty seats. Eloise surely treats her fellow passengers unfairly, though her actions have no non-trivial impact upon their interests. They, after all, would be no better off had she paid her fare to the conductor. Nor do her actions plausibly affect the wider community. A bus fare is much too small an amount to make any difference to the government's capacity to intervene upon citizens' wellbeing, for instance.

The central claim of this article is that non-voters unfairly free-ride upon voters.⁶ Demonstrating this requires us to show that voting produces some public good, the benefits of which are enjoyed by non-voters who fail to make appropriate contribution to its production.

Existing statements of the free-riding argument are almost never explicit about what this public good is supposed to be. Wertheimer (1975, 279–82) is an important exception. He claims that *competitive elections* are a public good, and that '[n]on-voters [...] free-ride upon voters' maintenance of the electoral system'. This argument is too coarse-grained. It may well be that non-voters benefit in some sense from voters' efforts to maintain the electoral system. However, for non-voters to count as free-riders, they must surely benefit from others' efforts all-things-considered. John's failure to contribute to some system which confers a \$50 benefit upon him while imposing costs of \$500 surely does not amount to unfair free-riding. And, as Hill (2014, 192) points out, many non-voters are plausibly left worse off by others' political activity. The over-participation of some groups relative to others plausibly causes politicians to over-allocate resources to the former, and under-allocate resources to the latter. For many non-voters who belong to groups which under-participate, the costs of others' participation will plausibly outweigh the benefits, undermining such persons' duties.

To which public good, then, ought we appeal? Given the above concerns, the most obvious alternative might perhaps be the *just advancement of interests, overall*. Unfortunately, this is a non-starter. No real-world democracy ever produces the just advancement of interests, overall. Injustices of some kind are to be found in all societies. Non-voters cannot free-ride upon the production of goods which are not actually being produced. Moreover, as just noted, political participation by some groups can lead governments to unjustly over-allocate resources to those groups, at others' expense. Such groups' participation fails to produce the just advancement of interests, overall. Rather, it produces the unjust advancement of some groups' interests over others. We can hardly see non-voting members of these injustice-promoting groups, then, as free-riding upon the production of the just advancement of interests, overall.⁷

I suggest, instead, that we appeal to the claim that political participation by members of particular social groups produces *governmental responsiveness to the legitimate interests of those*

⁶For expository convenience, I will speak throughout this section of a duty of fairness to vote. In the following section I will weaken this position slightly. My considered view is, roughly, that individuals have duties to either vote *or* make some equivalent contribution to the political process.

⁷I am indebted, here, to an anonymous reviewer.

groups. That is to say, voting by members of particular social groups produces a disposition on the part of elected officials to protect and promote the legitimate interests of that group in policymaking, in an attempt to win their electoral support.⁸

This good is crucially important from a moral point of view. By legitimate interests, I simply mean interests that individuals have claims that the political community protect and promote (autonomy, dignity, security, for example).⁹ It plainly matters, morally, that such claims be satisfied. The satisfaction of those claims frequently depends upon government action, itself a product of governments' political incentives to respond to the legitimate interests of the various social groups to which individuals belong. It is also, in the relevant sense, a public good, insofar as it exhibits both jointness in supply and jointness in consumption. The benefits of responsiveness to the legitimate interests of particular social groups accrue to both voting and non-voting members of those groups. One group member's enjoyment of the benefits of responsiveness to that group's interests does not undermine others' enjoyment of those benefits. Non-voters, thus, free-ride upon voters who belong to the same social group(s) as themselves, enjoying the benefits of responsiveness while failing to contribute, by voting, to its production. Appealing to responsiveness to the legitimate interests of particular social groups also avoids the problem faced by Wertheimer's account. The costs of others' political participation *overall* may well outweigh the benefits for many non-voters. That, however, is perfectly consistent with non-voters benefiting, all-things-considered, from political participation by members of the social group(s) to which they belong.¹⁰ Such non-voters would plausibly be even worse off, were it not for the fact that participation by co-members of the social group(s) to which they belong causes governments to be responsive to their legitimate interests to at least some degree.

This approach also enjoys strong empirical support. There is a substantial body of evidence suggesting that political participation by particular social groups gives politicians incentives to allocate resources to those groups, to wit, to protect and promote their interests (including, much of the time, their legitimate interests). To select just a few examples, Aidt and Dallal (2008) show that the enfranchisement of women in Western Europe between 1869 and 1960 brought about increased spending (0.6–1.2 percent of GDP in the short term, with more substantial long-term increases) on social services upon which women were more likely to be reliant. Abou-Chadi and Orłowski (2015) show that the abolition of property and income requirements on the franchise in Western Europe between 1880 and 1938, under certain conditions, resulted in increased spending on social services and public goods upon which the worse-off were more likely to be reliant. Husted and Kenny (1997, 56–7, 76) show that the abolition of poll taxes and literacy tests in the Old South between 1956 and 1968 brought about enormous increases in African American participation and, subsequently, substantially increased spending on welfare programmes upon which African Americans were more likely to be reliant. Martin (2003, 116–23), finally, demonstrates that counties in the US with higher rates of participation, on average, receive substantially more federal grant expenditure per capita than counties with lower rates of participation, even controlling for factors like unemployment, crime rates and electoral competitiveness.

⁸By social groups, I mean groups of persons with at least some non-trivial common interests. Each of us belongs to many such groups – racial, socio-economic, geographic, etc.

⁹There are, of course, competing accounts of what these individuals' interests might be. I take no stand on which is correct. My account only depends individuals having legitimate interests of *some* sort.

¹⁰An anonymous reviewer has suggested that the fact that such persons are worse-off all-things-considered in virtue of others' political participation might undermine the duty of fairness to which I have appealed. However, the fact that one's interests have been set back by some agent does not generally cancel out duties of fairness owed to other agents, even if the benefits in virtue of which such duties arise are smaller than the losses one has suffered. Suppose Bob has stolen \$1,000 from Amy. Suppose also that Amy has benefited \$500 from Clyde's production of some public good, such that she has a duty of fairness to contribute to Clyde's efforts. Amy has a complaint against Bob. But that does not undermine the basis of Amy's duty to Clyde: the fact that she has benefited substantially from Clyde's efforts. If Bob's actions had left Amy destitute, such that contributing would be unacceptably costly, *that* would weigh against her being required to discharge her duty to Clyde. Such considerations do not arise, here. My argument's application is limited to cases where voting is not excessively costly.

It is also worth emphasizing an important aspect of this approach. The public good to which my argument appeals is responsiveness to social groups' *legitimate* interests, rather than responsiveness to their interests *simpliciter*. Individuals do not have duties of fairness to contribute to the production of benefits to which they are not entitled, and to which others have legitimate claims. Call these *unjust benefits*. Suppose that some gang steals cash from my neighbour's safe. To apologize for any disturbance, they leave \$500 on my doorstep. We should hardly wish to conclude that I have duties of fairness to contribute to the gang's operations. Rather, I should return the \$500 to my neighbour, whereupon I will no longer be a beneficiary of the gang's activities (Pasternak 2016). Social groups (especially privileged groups) often have interests in perpetuating injustices. The wealthy, for example, have interests in perpetuating inegalitarian distributions of social advantage. Such injustices, moreover, are often produced and sustained by governments' responsiveness to the interests of those groups. Responsiveness to interests *simpliciter*, then, is an unjust benefit in the case of many social groups to which individuals do not have duties of fairness to contribute. Appealing only to responsiveness to groups' *legitimate* interests – those interests which individuals have claims that the political community protect and promote – avoids this difficulty.

This, of course, does nothing to diminish the fact that political participation by certain groups *really does* promote injustice, however the free-riding argument is framed. Does that fact somehow tell against a duty of fairness to vote on the part of members of such groups?

There are two ways in which this concern might be spelled out. First, it might be argued that the injustice promoted by certain social groups' political participation undermines the considerations upon which the purported duty of fairness is premised. This objection fails. Participation by group X might promote injustice towards group Y. It might even diminish governmental responsiveness to Y's legitimate interests. But that in no way alters the facts upon which the duty is premised: voters from X produce responsiveness to X's legitimate interests. Non-voting members of X fail to contribute to its production.

One might argue, instead, that such injustices generate duties on the part of members of injustice-promoting groups not to vote which outweigh the duty of fairness to vote. The simplest version of this objection would claim that, since the collective voting of group X promotes injustice, each member of X promotes injustice by voting. Each member of X, therefore, has a duty to abstain outweighing any duty of fairness to vote. This is unsatisfactory, however. In general, the claim that any individual member of some group is promoting injustice by ϕ ing does not follow automatically from the claim that that group's collective ϕ ing promotes injustice. The amount of injustice the group's collective ϕ ing causes may be unaffected by any individual's decision as to whether to ϕ .¹¹ What's needed is some more sophisticated explanation as to why individuals have duties not to vote in virtue of the injustice promoted by their group's collective voting.

Three kinds of explanation are standardly appealed to in such cases. First, individuals' participation in some collectively harmful activity sometimes makes that activity *worse*; that is to say, causes some additional actual harm. Individual voters qua individuals, however, do not cause actual harm. No voter is ever decisive over the outcome of any real-world election (Brennan and Lomasky 1993, ch. 4). Nor do individual voters make any non-trivial difference to politicians' decisions as to how social resources are to be allocated between the various social groups. Incentives to attract support from a voting bloc of 10,242 persons in an electorate of 200,000 are no more or less powerful than incentives to attract support from a voting bloc of 10,243. Second, participation is sometimes wrong in virtue of its expected disvalue. Yet individual decisions to vote do not typically have any non-trivial expected disvalue, given the miniscule chances of individuals being decisive, the centripetal tendencies of electoral competition and the pervasive uncertainty of electoral choices

¹¹This is to say that the matter may be overdetermined. Climate change, for example, occurs in virtue of humanity's collective greenhouse emissions. The severity of climate change, however, is almost certainly unaffected by any single individual's emissions.

(Brennan and Lomasky 2000, 65–74).¹² Finally, participation can sometimes amount to free-riding. Voters, on this view, would be free-riding upon non-voters. This gets things backwards. Free-riding implies the receipt of benefits. But, as we have argued, it is non-voters who are benefited by voters in virtue of their producing the good of governmental responsiveness, not the other way around. It is obscure, then, what the basis of this countervailing duty might be.

Moreover, even if there were such a duty, its force would be substantially undermined under compulsory voting, rendering it much less likely to outweigh the duty of fairness to vote. This is because compulsory voting undermines one of the central causal mechanisms by which such injustices are produced. This is the central claim of proponents of the *egalitarian* argument for compulsory voting (Birch 2009a, 23–4; Engelen 2007, 25; Hill 2014, ch. 6; Lijphart 1997). It is well-accepted that voluntary voting, where large numbers of individuals abstain, leads to socio-economic bias in turnout. Disadvantaged social groups substantially under-participate, relative to other groups (Hill 2014, 132). This, proponents of the egalitarian argument claim, contributes to elite bias in policymaking – to the unjust over-allocation of resources to more privileged social groups. Compelling citizens to vote substantially mitigates socio-economic bias in turnout (Singh 2015). We should expect compulsory voting, then, to partially mitigate elite bias in policymaking, leading to more egalitarian, less unjust outcomes.

A growing body of empirical evidence lends support to these claims. In a cross-national study of forty-one democracies in 1991, O’Toole and Stroble (1995) found that compulsory voting is associated with higher levels of government spending on services upon which the worse-off are more typically reliant. In a cross-national study of ninety-one countries over the period 1960–2000, Chong and Olivera (2008) show that compulsory voting – when effectively enforced – leads to Gini coefficients 3.7 points lower on average. Birch (2009b, 131) found similar results in cross-national analyses of Western Europe and Latin America. In a study of direct referenda in Swiss cantons over the period 1908–70, Bechtel, Hangartner, and Schmid (2016, 764) found that the vote share for redistributive policy measures was 11 percent higher on average in cantons that enforced compulsory voting. Carey and Horiuchi (2017, 125–35) found that Venezuela’s abolition of compulsory voting in 1993 sharply depressed turnout (from 80 percent in 1988 to 54 percent in 1993), and led to increased Gini coefficients. Finally, Fowler (2013, 173–7) found that the introduction of compulsory voting in Australia in 1924 led to increased federal spending on pensions, a policy more strongly favoured by working-class voters at that time.¹³ In my view, then, we can safely set this concern aside.¹⁴

¹²See also the concerns raised in Umbers (Forthcoming).

¹³Brennan (2014, 39–42) attempts to explain these results away by appeal to a common cause: countries with egalitarian political cultures are likely to support reducing inequality *and* compulsory voting. Brennan offers no evidence in support of this claim. Moreover, several of these studies – Bechtel, Hangartner, and Schmid (2016), Carey and Horiuchi (2017), and Fowler (2013) – are single-country studies, suggesting that compulsory voting has an equalizing effect even within particular countries and political cultures.

¹⁴Some have argued that the free-riding and egalitarian arguments are inconsistent, such that proponents of one cannot appeal to the other. According to Brennan, the free-riding argument depends upon the claim that voters confer benefits upon non-voters, whereas the egalitarian argument depends upon the claim that voters harm non-voters by causing governments to over-allocate resources to the former at the latter’s expense (Brennan 2014, 74). This mischaracterizes both arguments. The egalitarian argument relies upon the claim that members of groups that under-participate are harmed by the relative over-participation of *other* groups. My version of the free-riding argument depends upon the claim that non-voters are benefited by members of *their own* group(s) who choose to vote. These claims are obviously consistent. According to Lever, the free-riding argument depends upon the claim that non-voters self-interestedly exploit voters, whereas the egalitarian argument depends upon the claim that non-voters fail to act in their self-interest, and must be compelled to do so (Lever 2009, 69; Lever 2010, 913). This conflates two distinct issues: whether non-voters act in a self-interested manner *as individuals*, and whether non-voters’ *collective* abstention promotes their interests. The free-riding argument relies upon an affirmative answer to the former, but is neutral with respect to the latter. The egalitarian argument relies upon a negative answer to the latter, but is neutral with respect to the former. These claims, again, are consistent. Individual voters know that they can neither decide political outcomes, nor probabilify them to any non-trivial degree. It is therefore typically in each individual voter’s interests to abstain, even if *collective* abstention by the group(s) to which they belong is worse for them, overall.

We need only make a final clarification before stating the initial version of the argument. It is widely accepted that free-riders act unfairly only where they have the capacity to contribute. The severely disabled, for example, often consume public goods (public healthcare, for example) without contributing to their production. That, however, is surely not unfair. Some persons fail to vote out of a lack of capacity (though the vast majority do not). The free-riding argument cannot justify compelling such persons to vote. And, indeed, any reasonable regime of compulsory voting ought to make exceptions for such persons. It is for this reason that the argument, below, refers only to compelling ‘sufficiently capable persons’ to vote. Here, then, is the initial statement of the free-riding argument.

- (F1) It is unfair for sufficiently capable persons to benefit from voting by members of the social group(s) to which they belong without contributing, by voting, to the political process by which those benefits are produced.
- (F2) It is permissible for the state to subject persons to compulsion where doing so would substantially prevent such unfairness.
- (F3) Compelling sufficiently capable persons who benefit from voting by members of the social group(s) to which they belong to vote would deter abstention, substantially preventing such unfairness.
- (FC) Therefore, it is permissible for the state to compel sufficiently capable persons who benefit from voting by members of the social group(s) to which they belong to vote.

We have now laid out the central considerations upon which the free-riding argument depends. In the following section, we shall revise numerous aspects of the argument in dialogue with objections. Before doing so, however, we must address a final outstanding issue. Notice that a duty of fairness to vote of the kind for which I have argued, above, cannot be unconditional. Citizens have such duties only if they belong to at least one social group whose legitimate interests are advanced by its members’ political participation. Given that each of us belongs to many social groups – ethnic, socio-economic, geographic and so on – virtually *all* citizens will have such duties. However, it is at least possible that some will not. If no one from any of the groups to which Juliette belongs chooses to vote, for example, the considerations to which I have appealed obviously cannot support a duty of fairness for her to vote.

Is this a problem? Not a serious one. Such persons will be very few in number and might, perhaps, be legitimately compelled to vote on other grounds – by appeal to the egalitarian argument, for instance. If not, such persons might reasonably be exempted from the requirements of compulsory voting. The state might, for example, allow persons to appeal penalties for abstention where they reasonably believe that others’ political participation does not advance the legitimate interests of any of the social groups to which they belong. No institutional regime is perfect. It is possible that some citizens may unjustly be compelled to vote under such arrangements. That injustice, however, is overwhelmingly likely to be outweighed, all-things-considered, by the good compulsory voting is likely to promote.

Refining the free-riding argument

Two principal lines of objection have been raised against the free-riding argument. First, that duties not to free-ride are not enforceable – that is, that F2 is false. Second, that abstention is not unfair – that is, that F1 is false. Let us consider each in turn.

Is the duty enforceable?

Jason Brennan (2014, 76) holds that the free-riding argument fails because duties of fairness generally are not coercively enforceable. That is much too strong. Few would deny that fare-

evaders and tax-evaders act unfairly, and that the state may justifiably punish such persons in virtue of the unfairness of their conduct. That said, it is true that not *all* duties of fairness are coercively enforceable. Suppose Edith and Fran live in the same block of flats. Each owns a cat that is severely allergic to a patch of weeds that has sprung up on the nature strip in front of the block. Edith spends several hours one morning digging out the weeds. Unfortunately, however, the weeds will grow back in two months' time. Fran, intuitively, would have a duty of fairness to Edith to dig the weeds out once they reappear, given that she has benefited from Edith's doing so the first time around. However, it would obviously be inappropriate for the state to force Fran to dig out the weeds. This raises the question: are duties of fairness to *vote* enforceable?

We can make progress, here, by considering what distinguishes our two paradigm cases: Fran, whose duty cannot be enforced, and fare-evaders, whose duties can be enforced. The most obvious difference is that the enforcement of Fran's duty to Edith would carry unacceptable moral costs. Any plausible enforcement mechanism would be highly intrusive. Moreover, individuals' relationships (plausibly) will generally go better if they are required to resolve minor disputes of this kind interpersonally. Such considerations obviously do not arise when compelling citizens to pay their fare on public transport. This suggests that duties of fairness may only be enforced where doing so would not entail unacceptable moral costs. Compulsory voting does not plausibly jeopardize our privacy or interpersonal relationships. Opponents of compulsory voting, however, have claimed that compulsory voting does entail a range of other costs. I argue in the following section that none of these claims are plausible.

In the meantime, however, the question of costs does not settle the matter. Brennan (2014, 77) does allow that duties of fairness may be enforced if, and only if, individuals *consent* to the benefits in virtue of which the duty arises. This suggests an important disanalogy between non-voters and fare-evaders. Fare-evaders consent to the benefits of public transport. Non-voters, however, do not generally consent to the benefits of others' political participation. Brennan does not explain why this is so. The most obvious approach, however, would draw upon Simmons' (1979, 79–100) well-known critique of consent-based accounts of political authority. Genuine voluntary consent, Simmons claims, requires *reasonable alternatives*. If Elizabeth 'agrees' to give her purse to a gunman who threatens to kill her if she does not, she cannot be said to have *consented* to give her money away, given the unacceptability of the alternative. Similarly, citizens cannot generally be said to have given consent to the benefits the state provides, given that the only way they can avoid receiving those benefits is by the unreasonably costly act of emigration. One might, similarly, hold that non-voters do not consent to the benefits of others' political participation since, presumably, emigration is also the only way in which one can avoid receiving those benefits.

However, I reject the idea that duties of fairness are enforceable only where individuals have given consent. Suppose Jack has recently been in an accident. The 'meals on wheels' service operated by his local council is his only means of getting food. Residents do not need to opt in to the service. Meals are sent automatically to residents known to be unwell. The council charges \$10 a week for the service, which Jack can easily afford. Non-payment is punishable by a fine of \$20. Jack takes the meals but refuses to pay. Jack has no reasonable alternative to accepting the meals. He would starve, otherwise. He does not, therefore, strictly consent. Fining Jack, however, seems totally unproblematic. Intuitively, his *willing acceptance* of the benefits of the service is sufficient to render him liable to proportionate coercion if he refuses to pay.¹⁵

The intuitive core of willing acceptance seems well captured by the following: for a beneficiary to have accepted some benefit willingly, they must not have (a) attempted to reject that benefit,

¹⁵Rawls (1964) gestures towards a similar view in defence of a duty to obey the law.

or (b) disgorged that benefit, or (c) disgorged something of equivalent value, or (d) preferred that the benefit not be conferred upon them.

I think that the vast majority of non-voters can be said to willingly accept the benefits of voting by members of the social group(s) to which they belong. Citizens routinely accept the benefits of government-provided public goods, insofar as they rely upon those goods (public order, roads, transfer payments, and the like) in daily life. The rate at which governments provide those goods to different social groups is a function of governments' political incentives. These, in turn, are partially a function of the rate at which different social groups participate in the political process. In accepting the benefits of government-provided public goods, then, non-voters accept – that is, fail to reject – the benefits of political participation by members of the group(s) to which they belong. Very few non-voters take steps to either disgorge these benefits, or objects of equivalent value. And it would be simply bizarre if non-voters preferred *en masse* that these benefits were not conferred upon them at all. Very few, presumably, would prefer to belong to social groups to whom governments were less responsive.¹⁶

In the absence of some further argument, then, I conclude that duties of fairness to vote are coercively enforceable. This discussion, however, has proven fruitful. It points to several revisions that need to be made to the argument. We must replace F2, F3 and FC with F2*, F3* and FC*, and add F4, as follows.

- (F2*) Where persons have duties of fairness in virtue of their willing acceptance of benefits, it is permissible for the state to subject those persons to compulsion where doing so would substantially prevent those persons from violating those duties of fairness, provided there are no unacceptable moral costs associated with doing so.
- (F3*) Compelling sufficiently capable persons who willingly accept the benefits of voting by members of the social group(s) to which they belong to vote would substantially prevent such persons from violating their duties of fairness.
- (F4) There are no unacceptable moral costs associated with compelling sufficiently capable persons who willingly accept the benefits of voting by members of the social group(s) to which they belong to vote.
- (FC*) Therefore, it is permissible for the state to compel sufficiently capable persons who willingly accept the benefits of voting by members of the social group(s) to which they belong to vote.

This narrows the scope of the argument. Some citizens – radical anarchists, perhaps – do not willingly accept the benefits of others' political participation. The free-riding argument, as stated, cannot justify compelling such persons to vote.¹⁷ This need not worry us. For the reasons outlined above, such persons are few and far between. They might potentially be permissibly compelled to vote by appeal to egalitarian considerations. And, if not, such persons might simply be exempted from the requirement to vote.¹⁸

¹⁶Outcomes for groups to whom governments are under-responsive – e.g. Native Americans (see US Commission on Civil Rights 2003) – are often much worse than those of other citizens.

¹⁷I regard the willing acceptance of the benefits of public goods as a sufficient condition for duties of fairness to be enforceable, not a necessary condition. It is therefore possible that anarchists and the like may have enforceable duties of fairness to vote, for other reasons. Consideration of this possibility, however, would take us too far afield, here.

¹⁸An anonymous reviewer has suggested that introducing exemptions for persons who hold radical views of this kind might cause a greater number of persons to adopt such views as a means of avoiding the requirement to vote. This risk, however, seems very minimal. Any plausible regime for affording persons such exemptions would require citizens to show evidence of their adhering to the relevant ideology. Gathering and presenting such evidence is likely to be costly in time and effort (to say nothing of the costs of actually *adhering* to such views). These costs are likely to outweigh the relatively low cost of voting.

Is abstention unfair?

A more foundational line of objection challenges the claim that abstention is unfair. Three arguments have been advanced to this end.

First, Geoffrey Brennan and Loren Lomasky (2000, 75–9) and Christopher Wellman (2005, 59–60) have argued that abstention is not unfair because it does not impose costs upon others. On the contrary, abstention *benefits* citizens who choose to vote. Brennan and Lomasky point out that shrinking the total number of voters increases each voter's probability of decisiveness and, in turn, the expected value of voting. Wellman argues, similarly, that shrinking the total number of voters increases the amount of influence each voter can be said to exercise over the outcome. This objection can be quickly dismissed. Both versions implicitly presuppose that unfair free-riding necessarily involves imposing costs upon others (or, at least, failing to benefit others). Yet, as pointed out earlier, free-riding does not necessarily involve the imposition of costs upon, or failures to benefit, others. An individual's decision to fare-evade, for example, generally has no non-trivial impact upon anyone else's interests. Nevertheless, it is obviously unfair.¹⁹

Second, Jason Brennan (2014, 75–82) appeals to Robert Nozick's (1974, 90–6) argument against the claim that the receipt of benefits is sufficient to ground duties to contribute to the system by which they are produced. If Anthony's neighbours set up a public-address system that plays music he occasionally enjoys, for example, he is surely not thereby obliged to take on costs to help maintain the system. The mere fact that non-voters benefit from others' participation, then, does not show that such persons have duties to vote.

All Nozick's argument shows, however, is that persons who benefit from public goods do not *necessarily* have duties to contribute to the production of those goods. It does not show that beneficiaries *never* have such duties. Jack's acceptance of the benefits of the meals on wheels service, above, clearly gives rise to a duty to contribute. Similar cases abound. If one's neighbours were digging a well to provide safe drinking water to the street where none was otherwise available, or else eliminating wild animals that threaten human life, for example, there is a strong intuition that fairness would require one to contribute to those efforts.

As Cullity (2008, 13–14) and Klosko (1987, 246–53), among others, point out, what appears to make the intuitive difference in these cases is the significance of the benefits in question. The ability to listen to music chosen by one's neighbours is trivial.²⁰ Food, water and personal safety are decidedly non-trivial. Nor, importantly, are the benefits of others' political participation trivial. Consider the evidence above linking participation rates to the provision of important goods like social services and welfare. Responding to this criticism, then, simply requires us to make a slight modification to the argument, substituting F1 for F1*, as follows.

(F1*) It is unfair for sufficiently capable persons to benefit non-trivially from voting by members of the social group(s) to which they belong without contributing, by voting, to the political process by which those benefits are produced.

Finally, Jason Brennan (2014, 79–82) also argues that taking the free-riding argument seriously leads to an unacceptable proliferation of moral duties. He begins by distinguishing two views of the moral requirement not to free-ride (Brennan 2014, 79).

- (1) If you receive a good of type *P*, then you must provide goods of type *P* back in return.
- (2) If you receive a good of type *P*, then you must provide sufficiently valuable goods of *any* type back in return.

¹⁹We might reinterpret these authors as claiming that the unfairness of abstention is outweighed by benefits to voters. This seems very unpromising. Each citizen's abstention, after all, will have only a trivial impact upon others' chances of decisiveness and/or shares of political influence.

²⁰By trivial, I simply mean that the benefit in question promotes the beneficiary's interests to a very minor degree.

For the free-riding argument to go through, we must be required to reciprocate for the benefits of voting by voting, ourselves. Under (2), citizens would be able to make up for failures to vote in other ways – paying taxes, raising children and so on. Moreover, Brennan (2014, 81) claims, since almost all of us make *some* net positive contribution to society over our lifetimes, non-voters, under (2), would almost never amount to free-riders. The free-riding argument, then, must rely upon (1). (1), however, entails implausible conclusions. Each of us is constantly in receipt of a vast range of goods produced by others, given the division of labour characteristic of modern societies. Under (1), then, citizens would be subject to a plethora of requirements to provide a vast range of goods to a vast range of people. This radically misdescribes our moral situation. We simply are not subject to such duties. We ought, then, to reject (1) in favour of (2). As we have already pointed out, however, (2) undermines the claim that non-voters are free-riders.

Brennan, however, presents us with a false choice. Both (1) and (2) should be rejected. They are both too broad, making unrestricted claims as to what individuals are required to do where they receive goods of any kind. As a conceptual matter, however, free-riding occurs only where individuals benefit in a very particular way – that is, from others' production of *public goods*. As we have just seen, duties to contribute to the production of public goods arise only where we benefit non-trivially from those goods. And our duties not to free-ride do not necessarily require us to provide *goods* to others, but rather to make *appropriate contributions* to systems for the production of public goods from which we benefit. The real choice, then, is between the following.

- (1') If you benefit non-trivially from some public good *P*, then you must make appropriate contribution to the system by which *P* is produced.
- (2') If you benefit non-trivially from some public good *P*, then you must make appropriate contribution to some system by which some public good is produced.

Insofar as the free-riding argument relies upon the claim that citizens who benefit from others' contributions to the political process have duties to contribute to the political process themselves, the free-riding argument must depend upon (1'). Whether we should accept (1') or (2') is a matter of which best captures our intuitions. In this respect, (1') has a clear advantage. We do not generally think that persons who have made even very substantial contributions to some system for the production of public goods are thereby 'off the hook' with respect to others. Georgina's failure to buy a ticket on a public bus seems no more or less unfair if she is an average citizen or a self-made millionaire who employs hundreds of people and pays a great deal in tax. Either way, Georgina benefits from the public transport system, and ought to make appropriate contribution to that system.

Opponents are likely to protest that (1') is vulnerable to its own proliferation objection. Notice, however, that (1') is far narrower than (1). (1') only requires persons to contribute to the production of public goods from which they benefit non-trivially. Many public goods provide us with trivial benefits, only. My neighbour's well-kept garden might be a public good, insofar as anyone can take pleasure in looking at it. But, given the triviality of this benefit, (1') gives rise to no requirement to contribute to its production.²¹ Many of the other goods from which we benefit are not public goods, at all. Most goods traded on the economic market, for example, exhibit neither jointness in consumption, nor jointness in supply.

Of course, there are public goods from which we derive non-trivial benefits – public order, public education, public health, and so on – to which we are obliged to contribute under (1'). I deny,

²¹An anonymous reviewer suggests that, for those with very strong interests in gardens, this benefit might be non-trivial. That may be right. I would make two observations, however. First, it is not at all clear that individuals who *do* derive non-trivial benefits from the garden do not have (probably rather weak) duties to contribute to its upkeep. Second, that even if one disagrees that this particular benefit is trivial, readers will surely agree that there are *many* public goods whose benefits are trivial and to which we have no duties to contribute.

however, that this is problematic. After all, virtually all of us already contribute to very many different public goods simply by paying tax. Producing such goods is amongst the most important functions of the state, given the famously difficult co-ordination problems which attend private efforts to do so (Olson, 1965). Governments, then, act as a ‘middle-man’, collecting contributions via taxation and distributing them to the systems by which those goods are produced. Some significant public goods, of course, are provided by non-government organizations – such as charities and churches. But in these cases, citizens generally contribute in virtue of the fact that such organizations are typically untaxed. Citizens are required to pay higher rates of taxation in virtue of the forgone revenue – effectively subsidizing such operations.

Of course, there are still cases wherein citizens derive non-trivial benefits from public goods produced by others in ways that are in no way state-supported. In such cases, however, the verdict delivered by (1′) seems intuitively correct. We should accept that citizens do, indeed, have duties to contribute to such goods. Georgina simply does seem to have a duty of fairness to pay the bus fare, no matter her contributions in other domains. Alternatively, consider again the case in which one’s neighbours are digging a well to provide safe drinking water. One simply *does* seem to have duties to contribute to their efforts, no matter the magnitude of one’s other contributions.²² (1′), perhaps, requires many of us to contribute more, and in more ways, than we do at present.²³ We should *embrace* that conclusion. Many of us do free-ride upon others. We are rightly criticizable as such.

Brennan’s critique, however, does contain a grain of truth. (1′) requires citizens to make appropriate contributions to systems for the production of public goods from which they benefit. Yet *appropriate* contributions are not necessarily *identical* contributions. In the well-digging case, I would hardly treat my neighbours unfairly if I made the bricks for the top of the well while they dug the hole, for example. In the political case, citizens have duties of fairness to contribute to the political process by which responsiveness to their legitimate interests is produced. But citizens might discharge such duties by means *other* than voting. If Irene fails to vote because she is too busy ferrying dozens of members of her social group who would otherwise have abstained to the polls, for example, she can hardly be accused of free-riding.

This is an important observation. To this point, I have argued for a duty of fairness to vote. As Irene’s case makes clear, however, the unfairness of free-riding can only ground a weaker, disjunctive duty: a duty to vote, or make some equivalent contribution to the political process by which responsiveness to the legitimate interests of the social group(s) to which one belongs is produced.

Is this a problem? Again, not a serious one. To see why, we must distinguish between persons who fail to make voting-equivalent contributions, and persons who do make such contributions. The former group is by far the larger. Relatively few persons engage in political activity aside from voting. The International Social Survey Programme’s 2014 Citizenship study of thirty-four developed and developing nations, for example, found that just 3.8 percent of people overall belong to a political party and actively participate (ISSP 2016, 55). The American National Election Study found that, in 2012, just 12 percent of persons donated to a political campaign, 6 percent attended a political meeting and only 3 percent worked for a party or candidate (American National Election Studies 2012, sn. 6). The free-riding argument unproblematically justifies subjecting the vast majority of persons, then, to the requirements of compulsory voting. After all, if such persons failed to vote, they would fail to discharge even this weaker, disjunctive duty.

²²One might object by appeal to a counterexample of the following sort. Suppose that, while my neighbours dug the well, I cleared away a large pile of garbage from the street. It hardly seems fair to describe me as a free-rider, though I fail to contribute to the digging of the well. All this shows, however, is that we need to be careful in how we *individuate* public goods. Both my neighbours, and I, can be said to be contributing to the same public good: the liveability of the street.

²³Notice, also, that (2′) would be no less demanding than (1′) – it would merely afford persons greater latitude with the respect to how they can fulfil those duties.

Compelling persons who do make voting-equivalent contributions to vote cannot be justified by appeal to the free-riding argument. Such persons discharge their duties of fairness in other ways. This is hardly a difficulty, however. As we have pointed out, this group of persons is relatively small. Subjecting such persons to the requirements of compulsory voting might be justified on other grounds – such as by appeal to the egalitarian argument. If such justifications fail, exemptions might be introduced for such persons. The state might, for instance, permit persons who fail to vote to appeal any penalty by producing evidence of having made some equivalent contribution (evidence of being active in a political party, for instance). Importantly, however, very few such persons are likely to avail themselves of such exemptions. Persons who engage in political activity of other kinds presumably have strong preferences to engage in political activity *generally*. They are, as such, very likely to elect to vote in spite of such exemptions.

All this notwithstanding, the argument must be modified one last time. F1*, F3*, F4 and FC* must be replaced by F1**, F3**, F4* and FC**, as follows. Since these are the final refinements, I shall now state the argument in full.

- (F1**) It is unfair for sufficiently capable persons to benefit non-trivially from voting by members of the social group(s) to which they belong without either voting, or making some equivalent contribution to the political process by which those benefits are produced.
- (F2*) Where persons have duties of fairness in virtue of their willing acceptance of benefits, it is permissible for the state to subject those persons to compulsion where doing so would substantially prevent those persons from violating those duties of fairness, provided there are no unacceptable moral costs associated with doing so.
- (F3**) Compelling sufficiently capable persons who willingly accept the benefits of voting by members of the social group(s) to which they belong, without making some equivalent contribution to the political process by which those benefits are produced, to vote would substantially prevent such persons from violating their duties of fairness.
- (F4*) There are no unacceptable moral costs associated with compelling sufficiently capable persons who willingly accept the benefits of voting by members of the social group(s) to which they belong, without making some equivalent contribution to the political process by which those benefits are produced, to vote.
- (FC**) Therefore, it is permissible for the state to compel sufficiently capable persons who willingly accept the benefits of voting by members of the social group(s) to which they belong, without making some equivalent contribution to the political process by which those benefits are produced, to vote.

The defence of the argument, however, is still incomplete. F4* asserts that compulsory voting does not entail unacceptable moral costs. However, critics of compulsory voting often object that compulsory voting *does* entail unacceptable costs. A satisfactory defence of the free-riding argument, then, must respond to these claims.

The purported moral costs of compulsory voting

Opponents of compulsory voting have advanced three lines of argument to the effect that compulsory voting entails unacceptable moral costs.²⁴ Let us consider each, in turn.

²⁴For other important responses to these and other objections, see Hill (2014, chs. 7–8).

Lower-quality decisions

The most popular line of argument holds that compelling citizens to vote leads to lower-quality political decisions.²⁵ Empirical evidence suggests that habitual non-voters are generally less informed than citizens who vote regularly (Citrin, Schickler, and Sides 2003). Compulsory voting compels persons who would otherwise be habitual non-voters to participate. The median voter, then, is less informed under compulsory voting. Lower-quality decisions, critics claim, are the inevitable result.

However, the risks of lower-quality decisions under compulsory voting must surely be weighed against the chance of higher-quality decisions. As discussed above, there is substantial evidence that compulsory voting produces higher-quality decisions, at least with respect to equality, by mitigating socioeconomic bias in turnout. On the other hand, empirical evidence that compulsory voting produces lower-quality decisions is thin on the ground. There are, moreover, at least two reasons to doubt whether such evidence is likely to be forthcoming.

First, as Lijphart (1997, 10) suggests, ‘mandatory voting may serve as an incentive to become better informed’, mitigating concerns over voters’ information levels. Some studies (Birch 2009b, 67; Loewen, Milner, and Hicks 2008) find no evidence of such an effect. A number of more recent studies, however, lend support to Lijphart’s conjecture. Shineman (2018), for example, surveyed two groups of around one-hundred voters prior to a San Francisco municipal election. One group was issued with a \$25 gift card, to be activated only if they voted. Post-election surveys showed that the group who stood to lose \$25 by not voting gathered substantially more information than the control. In a cross-national study of thirty-seven countries, Sheppard (2015) found that where compulsory voting is effectively enforced, controlling for other factors, citizens have greater average levels of political knowledge, and there is a smaller knowledge gap between well-educated and under-educated citizens. Carreras (2016) found, in a study of Latin American nations, that compulsory voting increases overall levels of political discussion and attention to political news among the poorly educated. In a cross-national study of twelve European nations, Gordon and Segura (1997, 137–41), and Berggren (2001), found that compulsory voting has a positive effect on citizens’ ability to locate political parties on the ideological spectrum. Finally, in a study comparing Austrian provinces in which voting is compulsory to those in which it is voluntary, Shineman (2012) found that compulsory voting has a significant, positive impact upon citizens’ levels of political knowledge.

Second, even if future research tells against Lijphart’s conjecture, this may not matter. A substantial body of evidence indicates that uninformed voters are often able to emulate better-informed voters by employing informational shortcuts (Lupia and McCubbins 1998). Merely knowing a candidate’s partisan affiliation, race or gender, for example, is often sufficient for relatively uninformed citizens to vote as they would have done had they been better informed. Informational shortcuts are no panacea. They can go wrong in a variety of ways. Still, they do plausibly allow relatively uninformed persons – including those who would otherwise have been habitual non-voters – to vote as though they were well informed in a wide range of cases.

I think, then, that this line of objection can be resisted. The risks of lower-quality decisions appear to be highly speculative while the benefits are demonstrable.

Valuable political effects

A second line of argument holds that optional voting has valuable political effects that would be lost under compulsory voting. Swenson (2007, 540–1) appeals to Downs’ (1957, 119) observation that more extreme supporters of political parties can deter those parties from moving towards the median voter by threatening to abstain. Citizens would be deprived of this ability under

²⁵See, for example, Brennan (2014, ch. 4), Caplan (2006, 156–8) and Ciccone (2002, 348–50).

compulsory voting. However, it is unclear whether this would always be much of a loss. Where the median voter is more reasonable than the extremes, it is surely better if parties move towards that position. Moreover, as pointed out in the introduction, compulsory voting does not deprive citizens of the ability to abstain. Citizens can leave the polling station without voting once their attendance has been registered.

Alternatively, Ciccone (2002, 348) argues that optional voting prevents unaffected or indifferent voters, who typically abstain where voting is optional, from distorting political outcomes. Voting by unaffected or indifferent citizens may lead to bad outcomes from the perspective of affected or non-indifferent citizens. Childless persons voting in school board elections, for example, may select candidates harmful to the school system. Moreover, if the number of indifferent or unaffected voters is greater than the number of affected or non-indifferent voters, politicians will have incentives to appeal to the former, at the expense of the latter.

I deny, however, that unaffected or indifferent voters pose such difficulties. Unaffected voters simply do not exist for large-scale political decisions, which typically affect all members of the relevant community in some way. There are perhaps some limited cases where groups who cannot be affected are clearly identifiable (school board elections, perhaps). In those cases, compulsory voting may be inappropriate. It obviously does not follow, however, that compulsory voting is inappropriate across the board.

'Indifferent' voters to whom politicians successfully appeal are, *ex hypothesi*, no longer indifferent. There is presumably nothing problematic about such voters exercising influence over political outcomes. On the other hand, genuinely indifferent voters can be expected to vote randomly, distributing their votes evenly over the options on the agenda, making no difference to the outcome (Goodin 2007, 58–9).

Finally, Blomberg (1995, 1024–5) asserts that optional voting is an efficient means of encouraging qualified individuals to run for office. Widespread abstention (impossible under compulsory voting) implies the existence of a large constituency of voters who might be mobilized by an exceptional candidate. Blomberg, however, offers no evidence in support of this claim, and there are good reasons to be sceptical. Abstention in previous elections is a strong predictor of abstention in future elections (Fowler 2006; Plutzer 2002). Candidates who seek to mobilize large numbers of habitual non-voters can therefore expect to meet with little success. This probably deters most potential candidates from trying. Candidates who *do* successfully mobilize large numbers of habitual non-voters may not be of particularly high quality. And, even if they are, there is no guarantee that they will win. None of these objections, then, is particularly compelling.

The right not to vote

The final line of argument holds that compulsory voting violates the 'right not to vote'. Some (Ciccone 2002, 347–8; Katz 1997, 244) think the right not to vote is logically entailed by the right to vote. That is much too quick. As many (e.g. Hill 2014, 161) have pointed out, rights do not necessarily entail their inverse. A child's right to an education, for example, does not entail a right not to be educated. Proponents of this objection, then, must offer a substantive argument for the right not to vote. Several such arguments have been offered, none of which is convincing.

First, Blomberg (1995, 1019–20, 1022) argues that citizens have a right against being compelled to vote on the grounds that abstention can be *rational*. This proves far too much. Much of the criminal law, after all, functions by deterring citizens from actions – for instance, theft – it might otherwise be rational to perform.

Second, Ciccone (2002, 349–50) argues that citizens have a right against being compelled to vote on the grounds that voting is supererogatory. I have argued at length, above, that voting is *not* supererogatory for the vast majority of citizens, and that the remainder might simply be

exempted from the requirements of compulsory voting (assuming some other justification for subjecting them to such requirements cannot be found).

Third, several theorists have argued that abstention constitutes a valuable expressive opportunity. Proponents of this argument have appealed to two distinct opportunities in this respect: the ability to express dissatisfaction with, or indifference between, the options on the ballot (Cicccone 2002, 347–8; Swenson 2007, 542), and the ability to express dissent from the democratic system as a whole (Blomberg 1995, 1023; Lever 2010, 911; Swenson 2007, 542–3). Let us grant, *arguendo*, that citizens have rights to express attitudes of both kinds, and that abstention is one means of doing so.

It doesn't follow, however, that compulsory voting is rights-violating. This is clearest with respect to the right to express indifference between, or dissatisfaction with, the options on the ballot, by abstaining. Compulsory voting does not deprive citizens of the opportunity to abstain, and therefore does not deprive citizens of such expressive opportunities.

Compulsory voting does, however, compel citizens to attend a polling station. That, it might be argued, is a form of political participation, even if citizens go on to abstain. One might claim, then, that mandatory attendance deprives citizens of the opportunity to express dissent by declining to participate, in this more general sense. However, compulsory voting would leave open many expressive opportunities of equivalent value – posting on Facebook, writing letters to newspaper editors and so on. Indeed, compulsory voting plausibly *amplifies* the expressive power of refusing to attend by converting the act of abstention into a costly signal (under compulsory voting, citizens must pay a fine if they wish to express dissent by refusing to attend).

Finally, it might be argued that compulsory voting violates liberal neutrality.²⁶ Reasonable disagreement abounds over the value of political participation. It might be argued, then, that compelling citizens to vote violates citizens' rights against having reasonably contested conceptions of the good imposed upon them. This, however, misunderstands the requirements of liberal neutrality. Compulsory voting certainly has effects that adherents of certain conceptions of the good will find unwelcome. Yet liberal neutrality is not ultimately concerned with ensuring neutrality in the *effects* of policies. If neutrality requires anything at all, it surely requires religious tolerance, which disadvantages adherents of intolerant religions, for example. Rather, liberal neutrality requires that policies not be *justified* solely by appeal to reasonably contested conceptions of the good (Rawls 1988, 260–5). Proponents of compulsory voting do not typically appeal to such conceptions but, rather, to values all citizens might reasonably be expected to share (e.g. equality, fairness).²⁷ It is hard to see, then, quite how compulsory voting is supposed to be objectionable on this score.

Some more compelling argument showing that compulsory voting is rights-violating might, perhaps, be available. Yet this seems doubtful. Even if there were a plausible argument for a right not to vote, it would still need to be shown that compulsory voting – wherein citizens retain their ability to abstain – would violate that right. More generally, compulsory voting is neither particularly demanding, nor particularly coercive. Elections come around only occasionally, and punishments under defensible regimes of compulsory voting are light. If laws compelling citizens to pay tax or obey the speed limit are not rights-violating, it seems unlikely that compulsory voting is rights-violating either. In the absence of such an argument, we can safely dismiss this final line of objection.

No prominent attempt to demonstrate that compulsory voting would entail unacceptable moral costs succeeds. That is of independent interest. But, more importantly for our purposes, it completes the final step in the defence of the free-riding argument. The free-riding argument, as such, appears to be sound.

²⁶In various places, Lever seems to gesture towards this objection (Lever 2008, 62; Lever 2010, 910–12).

²⁷See Engelen (2009, 220) for a similar response.

Conclusion

I began this article by setting out the problem of declining turnout, and pointing to compulsory voting as being amongst the most effective remedies. Compulsion, however, demands justification. I argued that non-voters, in the vast majority of cases, are free-riding upon members of the social group(s) to which they belong who choose to vote and therefore have coercible duties to vote. Typical objections to the free-riding argument, I argued, ought to prompt us to *refine* the argument, rather than reject it. I also considered a range of prominent objections to compulsory voting as such, each of which purports to show that compulsory voting is unacceptably costly from a moral point of view. These objections, I argued, are uniformly unsuccessful. States, I conclude, may permissibly compel citizens to vote.

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