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Compulsory voting: a useful target for anti-state action?

Opponents of the state are faced with a daunting task. Not only is state power formidable, but it is pervasive. As a result, though, there are a multitude of ways to try to oppose it.

One attractive approach is to confront state power as directly exercised in various types of compulsion. Compulsory taxation and compulsory education affect the greatest number of people for the longest periods of time, and they indeed have been the target of campaigns. Also high on the list is compulsory military service, against which there have been mighty struggles, mainly by those opposed to war in general or particular wars, but also by some who reject the legitimacy of the state and its right to conscript.

It is not widely known that some Western states exercise another compulsion: compulsory voting. It is standard practice in Australia and Belgium, and was in the Netherlands until 1970.

At first glance, compulsory voting is a curious concept. It requires citizens to participate in the so-called democratic process. Rather than allowing governments to be elected with the support of a minority of potential voters, it enforces something closer to a true 'majority rule' situation. The irony is that the goal of electoral participation is promoted by authoritarian means.

Looking a bit deeper, voting is a means not only to select rulers – usually from a limited set of offerings – but also a means to legitimise the system of rulers and ruled. If people participate in choosing their rulers, on whatever limited terms, this is a powerful tool to show they support them. Psychology is involved too. People who vote are more likely to support the formal political process.

This is a key reason why states with voluntary voting spend so much effort trying to convince people to vote. (There are other reasons, too, of course, including the competition between political parties.) A small turnout suggests that the government has limited legitimacy. This applies both for national and international consumption. Elections under military dictatorship and bureaucratic socialist systems would hardly be worth the effort if not for the rhetorical value of high voter turnout and electoral success.

Compulsory voting, then, serves as a means to increase legitimacy

for the state. But like all compulsions, it is a double-edged sword. Opposition to compulsion can serve as a rallying point for opponents of state power. Anti-tax and anti-conscription campaigns are potent challenges to the state. What then are the prospects of a campaign against compulsory voting?

The question I want to address here is why compulsory voting in Australia is so readily accepted. Why has there been so very little organised resistance to it? The wider interest here is in assessing what sorts of campaigns to challenge state power are likely to mobilise widespread support. If there are some techniques by which governments can defuse obvious libertarian objections to the exercise of state power to enforce voting, this may provide insights useful for deciding on and promoting campaigns on other issues.

As a case study, I use the system of compulsory voting in Australia. The insights from the Australian experience should apply elsewhere. The Australian culture and political system are generally similar to those in other English-speaking countries. The difference in voting systems are not obviously correlated with other systematic differences in social structures.

Although some commentators have portrayed Australians as acquiescent to government impositions, there is evidence contrary to this. There were, for example, well organised anti-conscription movements during World War One and the Vietnam War. The plan by the federal government a few years ago to introduce a national identity card was defeated by a large, spontaneous opposition uniting both left and right wing forces. Government compulsion is neither automatically accepted nor automatically rejected in Australia.

I begin by outlining the introduction of compulsory voting in Australia in the first half of this century, and then turn to the practical details of voting. Next, I describe the attitudes and action of some contemporary anarchist groups. Finally, I comment on the implications of this evidence for the development of campaigns against state power.

The introduction of compulsory voting in Australia

Australia was a pioneer in the introduction of modern voting practices. In a burst of electoral reform in the 1850s, a number of measures were implemented in some or all of the colonies of New South Wales, Victoria and South Australia, including the secret ballot, an elected upper house, three-year parliaments, male suffrage, and equal-population electoral districts. Nothing much happened until the 1890s when, over the following two decades, these innovations were extended to the other colonies and further measures implemented: the abolition of voting in more than

one electorate, payment for members of parliament, and the vote for women.

Australia only became a separate country from Great Britain in 1901. The six colonies of New South Wales, Victoria, South Australia, Queensland, Western Australia and Tasmania became states. Like the United States, Australia has a federal structure with a Commonwealth or federal government as well as the six state governments, plus two territories.

The parliamentary system is like Britain's. The key sources of power are the federal and state houses of representatives, elected from single-member electorates built around specific local geographic areas. Any party or group of parties with a majority in a house can form a government, with the consent of the Governor-General, a representative of the English Queen, and usually treated as an honorary position. The ruling party or coalition selects its leader who becomes Prime Minister (federal government) or Premier (state government), and the members of the Cabinet, from among the members of parliament. There are also senates (except in the state of Queensland), elected from larger, multi-member electorates.

Throughout Australia's history, the electoral system has been manipulated in various ways, usually by the current government in order to promote its prospects of remaining in power. For example, women's suffrage was introduced by conservative politicians, initially in South Australia in 1896. Conservative parties were worried about the radical politics in the bush, with its miners and shearers, compared to the cities. There were demands for a redistribution of the legislature according to population, which would give more votes to the bush. Since women were thought to be more conservative politically, women's suffrage would enfranchise many conservative voters and counteract the effect of the redistribution. (True, there were principled supporters of women's suffrage and there was a women's movement, but political pragmatism or opportunism played such a large role in Australia that it is fair to speak of the vote being 'given' to women, rather than it being 'won' as in Britain or the United States.)¹

Compulsory voting was another innovation in which electoral manipulations played a central role.² There are quite a number of arguments

1. Jebby Phillips, 'How the vote was won', *Women and Politics Conference 1975* (Canberra: Australian Government Publishing Service, 1977, pp.81-93).

2. Useful sources on compulsory voting in Australia include: Clive Bean, 'Electoral law, electoral behaviour and electoral outcomes: Australia and New Zealand compared', *Journal of Commonwealth and Comparative Politics*, volume 24, March 1986, pp.57-73; Murray Goot, 'Electoral systems', in Don Aitkin (ed.), *Surveys of Australian Political*

raised for and against compulsory voting. In its favour, among other reasons, it is said that democratic government requires formal endorsement from a majority of all electors, that voting is a civic duty like paying taxes, and that without it voting turnout would be too low. The main arguments against compulsion are that it violates the liberty of the citizen and that it does not guarantee a wise vote.

Compulsory voting requires, as a prerequisite, registration of all electors on electoral rolls. This was introduced in Australia federally in 1911, justified on the grounds that it made the task of the electoral officers easier. Compulsory registration was not a heated issue. At the time, much more parliamentary debate was devoted to the question of Saturday elections and the opportunity for postal voting. In each case, perceived party advantage was a central factor in the decision-making.

Universal registration lays the basis for compulsory voting, but there is no automatic progression from one to the other. Most European countries today have automatic registration (from census records and the like). The Australian system of compulsory registration, with the onus on the citizen to enrol, is rare, as is compulsory voting.

The state government of Queensland was the first to introduce compulsory voting. This was done in 1914 by the Ministerialist Party, in the expectation that it would help them in the upcoming election. Their assumption was that they had more apathetic supporters, who would be brought to the polls by compulsion, than did the Australian Labor Party. Although expediency was the motivation for this initial introduction of compulsory voting, the measure was justified on the grounds that voting was a duty rather than a privilege: the idea of "compulsory democracy" was supported in some quarters.

In the event, Labor won the 1915 Queensland election. This created greater interest in compulsory voting in the Labor Party.

In 1915, the federal government desultorily considered compulsory voting, but decided to adopt it only for referenda. In the following decades, the Commonwealth and other state governments each adopted compulsory voting. Often the trigger was a low turnout at an election. The Commonwealth passed its law in 1924; South Australia was the last state government to follow suit, in 1942.

The introduction of compulsory voting was not accompanied by very much heated debate, compared to other issues. Debates in parliaments were not especially spirited. In the federal Parliament's debate in 1924,

Science (Sydney: Allen and Unwin, 1985), pp. 179-264; Neil Gow, 'The introduction of compulsory voting in the Australian Commonwealth,' *Politics*, volume 6, November 1971, pp. 201-210; Colin A. Hughes, 'Compulsory voting', in Colin A. Hughes (ed.), *Readings in Australian Government* (St Lucia: University of Queensland Press, 1968), pp. 225-239.

neither major party bothered to adopt a policy. The whole issue was not treated very seriously.

As I mentioned before, compulsory voting was only one innovation at the time. Another was preferential voting: every voter was required to rank all candidates standing for a position with a sequence of numbers, from 1 to 2 or 1 to 100 depending on the number of candidates. In counting the votes, if no candidate had a majority of first-preference votes, then the candidate with the least first preference votes was eliminated and the second preference votes for these ballots allocated to the other candidates. This system allows the two conservative parties to "exchange preferences" (that is, encourage voters for their party to give second preference to the other one) and prevent the Labor Party being elected with a minority of the votes in a plurality or "first-past-the-post" system such as found in Britain and the United States. (Since 1984, Australian senate ballots have allowed voters to either allocate preferences themselves or to select a party; in the latter case, preferences are then allocated in a fixed manner decided in advance by the party.)

Since compulsory voting was introduced, there has been no serious attempt by any political party to return to voluntary voting. Compulsion removes from parties one of their onerous tasks: getting out the vote. With voluntary voting, parties must compete in this task at the risk of losing due to a larger turnout organised by opponents. Party memberships in Australia are lower than in comparable countries; the laborious task of getting out the vote is done for them by the compulsory voting law.

The standard studies of the introduction of compulsory voting in Australia give no indication that there was any significant popular concern about the measure. True, there were and are critics of compulsion, but these have mainly been individual protests. The main point to be drawn from history is that compulsory voting was an issue mainly of party politics, not of principle. The hope that compulsion would increase the ruling party's vote and the virtual elimination of efforts to get out the vote seem to have been the primary motivations.

The pragmatics of compulsion

Compulsion sounds unpleasant, but Australian compulsory voting is not nearly as repressive as it may sound. This probably explains why it has been so widely supported and tolerated.

The first point is that compulsory voting has increased the vote considerably, probably by between 10 and 20 percent. Turnout in Australian elections is regularly over 90 percent of registered voters. Prior to compulsory voting the figure was often less than 70 percent.

Even with compulsion, Australian turnout figures are not exceptionally high by international standards. Some European countries with voluntary voting have turnouts as high as 90 percent. The United States, with a turnout of perhaps 50 percent for federal elections, has one of the lowest figures. Part of the explanation here is registration. Automatic registration, common in Europe, ensures that it is easy to vote, whether compulsory or not. Voluntary registration, sometimes with various obstacles (especially for stigmatised groups), inevitably reduces voting.

In Australia, it is relatively easy to avoid the compulsory registration. In moving to a new address in a different electoral district, for example, it is simple to fail to register, by neglect or by choice, in the new district. Few of the officials looking after the rolls vigilantly seek out the unregistered.

Even for those on the rolls, the penalties for not voting are slight. Many of those not voting are never followed up at all. Of those asked to explain their failure to vote, a sensible-sounding excuse, such as sickness or sudden business outside the district, often is sufficient to satisfy the electoral officials. Only a small fraction of non-voters are ever fined for breaking the law, and even in this case the cost is small, such as \$20.

The law on compulsory voting works mainly by voluntary compliance rather than fear of the penalties. The weak and sporadic enforcement of the letter of the law, and the small penalties involved, are not enough to stop those who conscientiously refuse to vote. On the other hand, the expectation of voting is what counts for most people, aided by the avoidance of possible annoying enquiries about not voting. This expectation of voting can also occur without legal backing, as in New Zealand where the turnout is often above 90 percent.

Contrary to what might be expected, opinion polls have shown that Australians who oppose compulsory voting are more likely to be apathetic about politics. They oppose compulsion because they do not want to bother to vote. Apparently, only a minority have a principled opposition to compulsion or to representative democracy.

Another escape route for dissatisfaction is the informal vote. Strictly speaking, compulsory voting is a misnomer: the elector is only required to cast a ballot, but it does not have to be a valid vote. What is called an "informal" vote in Australia is any ballot that is not properly marked, such as a blank ballot or one in which the numbering of preferences is not correct or complete.

The informal vote is usually a few percent of the ballots cast. The greatest source of informal votes is probably mistakes, especially in senate tickets where there are typically dozens of candidates. But con-

scious informal votes are one avenue for venting displeasure with all candidates or with voting generally.

It was commonly thought that compulsion would lead to a significant increase in the informal vote, as more indifferent or reluctant electors were brought to the polling booth. In reality, compulsion had little effect on the size of the informal vote. This suggests that most electors, once enticed to the polling booth by whatever means, choose to express their preferences.

Another response by some voters is what is called the "donkey vote", in which the voter simply numbers the candidates in the order in which they appear on the ballot paper. The candidate listed at the top gains an extra advantage which often amounts to several percent and can make the difference in a close election. The donkey vote is usually made by an uninterested voter, and is one response to the compulsion involved.

Preferential voting itself makes it easy to express discontent with the major parties. A first preference vote for a minor party is a standard way of expressing discontent. (The voter nevertheless must, to cast a formal vote, include a preference for one major party over another somewhere down the ballot.) Preferential voting allows a greater proportion of voters to be catered for, reducing the dissatisfaction that might otherwise occur with compulsion.

Protest can also be expressed by write-ins. This has been most effective in opposition to the building of dams in south-west Tasmania. "No dams" was written on perhaps a third of ballots in a Tasmanian referendum about hydroelectric options (which did not list no dams as a choice), and it has also been used in other elections. Messages written on the ballot are not officially counted; nor do they automatically invalidate the vote cast.

In practice, therefore, compulsory voting in Australia is not nearly as regimented as it sounds. It is easy to escape registration, the penalties for not voting are slight and infrequently imposed, and there are further options of informal and donkey voting. Finally, preferential voting is a convenient way to vent dissatisfaction with the major parties.

Opposition to compulsory voting

The main interest in compulsory voting by historians and political scientists has been on its impact on voting patterns. There are studies assessing the impact on voter turnout, the advantages to different political parties, and the effect on the informal vote. There is relatively little said about the opposition to (or, indeed, the support for) compulsion. I think this is because the issue in fact has caused little public controversy. In the

major histories of Australia, compulsory voting rates hardly more than a footnote.

Opinion polls show that about one-third of people oppose compulsion, a substantial minority. There are occasional articles in newspapers attacking the practice, such as one by prominent historian Geoffrey Blainey just before the 1990 federal election. But few of those who voice opposition feel strongly enough about it to try to develop a campaign of resistance.

There are, however, some principled resisters to voting. In Canberra, the national capital, Ian Warden's refusal to vote became known through his regular column in the *Canberra Times*.

John Zube, an anarchist, sometimes failed to vote and was sent a standard letter demanding an explanation or payment of a fine. He sent electoral officials a list of numerous sayings against voting. Seemingly as a result, in some cases the fines were dropped.

Robert Burrowes, a nonviolent activist, refused to vote on several occasions in the early 1980s because he opposes any system based on rulers. He refused to pay the resulting fines and, as a result, on two occasions spent a few hours in jail. Burrowes aimed to build a vote refusal support group but this did not happen at the time.

No doubt there are a large number of fascinating stories of individual resistance to compulsory voting. So far, though, they have not posed any substantial threat to the practice.

Most Australian anarchist groups have not paid special attention to compulsory voting.³ In Sydney, Australia's largest city with one-fifth of the country's population, there has been little anarchist action against voting. This is mainly because the relatively small anarchist groups have had their hands full in other activities, including running bookshops and holding conferences. Compulsory voting has simply not been a high priority.

The main exception to this pattern is in Melbourne, a city nearly the size of Sydney, where the Libertarian Workers for a Self-Managed Society since 1977 have devoted considerable energy opposing electoral politics.⁴ Their bulletins over the years have featured articles against voting, and during election campaigns they have run anti-electoral campaigns with posters ("Voting: stop it or you'll go blind") and forums.

3. The classical anarchist literature gives little help in choosing or developing campaigns concerning the electoral system, much less compulsory voting. P. Kropotkin, 'Representative government', *The Commonweal*, volume 7, 7 May-9 July 1892, an attack on representative government, has no discussion of alternatives or campaigns. Errico Malatesta, *Vote: What For?* (London: Freedom Press, 1942), is a simple polemic against electoral politics.

4. Libertarian Workers for a Self-Managed Society, P.O. Box 20, Parkville Victoria 3052, Australia.

This group appears to be the only one that has consistently conducted anti-electoral campaigns.

Noticeably, the efforts of the Libertarian Workers for a Self-Managed Society do not focus on the compulsion associated with voting. Removing compulsion would remove only a limited part of what they oppose, namely a system based on rulers, elected or otherwise. They want to abolish government altogether.

By contrast, Drew Hutton, a leading Brisbane anarchist, supports involvement in local elections through a green party. Indeed, the rise of green parties seems to have attracted many people who might otherwise have become more disillusioned with the system of representative democracy.

Aside from the efforts of a few anarchist groups, there appears to have been little organised opposition to compulsory voting in Australia. It is certainly true that party politics has a tight grip on the political imagination. Many members of the Australian Labor Party became intensely disillusioned when, after Labor was elected federally in 1983, the party elite rapidly abandoned long-standing promises and directions. But these disillusioned members could not grasp the possibility of a non-party politics. Instead, many of them joined the new Nuclear Disarmament Party.

This process of creating new parties rather than rejecting electoral politics continues to be popular. Yet few minor parties even so much as elect a single parliamentarian. The alternative to supporting a minor party is seen as working from within one of the major parties. The major bone of contention, for those on the left, has been whether to work through the Labor Party or to apply pressure from the outside through one of the minor parties. The assumption underlying this debate is that 'real politics' means electoral politics. Is it any wonder that compulsory voting is not of central concern?

Conclusion

One implication of this analysis is that the most effective targets for opposing state power are not necessarily the ones that seem obvious. State compulsion seems like an obvious target, but a closer analysis reveals differences between compulsions in different areas. Compulsory taxation is central to state power; compulsory voting is not.

Another example of a compulsion that isn't central to state power is compulsory jury duty. This is at most a very occasional activity, and like compulsory voting it is an enforced participation in decision-making that provides legitimacy to the state, in this case the legal system. Abolishing compulsory jury duty would hardly undermine the state,

and indeed the jury thrives in only a few countries of the world, especially the United States.

Even if there were a major campaign against compulsory voting, the net result would probably just be voluntary voting rather than any real undermining of the state.

There are many other areas, in which overt compulsion is not involved, where campaigns against state power can generate considerable support. One is government surveillance, whether through computer databases or old-fashioned spying. Another is government control over travel, through passports and visas. Yet another is state preparations for mass warfare, whether with conscripts or volunteer armed forces.

The role of government compulsion is undoubtedly important, but there is a danger in becoming focused on the evil of formal, overt compulsion. Some compulsions are much more significant than others, and some are much better campaign targets than others. Concentrating on compulsions should not distract attention from other forms of state power.

This does not mean that campaigns against compulsory voting are a waste of time. Their greatest value comes when they are tied to a critique of electoral politics generally and to arguments for alternative systems.

I believe that critiques and campaigns against representative systems are needed, linked to promotion of alternatives that increase autonomy and participation. In this endeavour, it is not compulsory voting that is the main target, but the system of government of which voting is a key part. The issue of compulsion may provide an extra argument or lever in countries like Australia, but it is not the crux of the matter.

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