COMPULSORY VOTING:
What it is and How it works.

BY
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THE history of the nineteenth century is to a large extent the story of the conflict between the democratic movement, which demands a popular vote, and the old "legitimist" system, of which Metternich was the most devoted protagonist. In England, it is true, the divine right of kings had already been discredited for a long span of time; but its place had been quickly taken by a belief in the divine right of things as they are, a doctrine which offered almost as much resistance to the progress of political democracy as did the more openly avowed monarchical autocracy of Germany, Austria, Italy, Russia, Spain, and (to a lesser degree) France. Almost everywhere in Europe the cry was for a popular franchise; and, broadly speaking, by the end of the century the demand had been fulfilled in the Western countries, though the right to vote was not always accompanied by the grant of a parliamentary executive order to make the vote effective.

The problem of the twentieth century has shown itself to be that of persuading the peoples to make use of the right for which they clamoured: to get them not only to vote in a responsible manner, but to get them even to vote at all. In Great Britain we have recently emerged from a period of great excitement* in which the question of dominant interest was to discover how 14,186,438 citizens cast their votes; and in the heat of that excitement we almost overlooked the no less significant fact that 5,007,316 men and women did not make any use whatever of their right to vote. That is, rather more than one person out of every four on the register abstained from voting. Yet, with the possible exception of the Swiss, there is no nation so highly educated politically as the people of this country; and a 74 per cent. poll is relatively a high one, being 1 per cent. less than that of the General Election held in November, 1922.

There is no material available with which to give an exact analysis of the reasons which caused these four and a-half million persons to abstain from voting at the general election. We know that some of them were deterred by sickness, others by their occupation, absence abroad, ignorance, apathy, anger at party strategy, general disgust with politics or a disbelief in their efficacy, and in some cases by a dislike of all the candidates available. But it is not possible to make a quantitative statement showing the number of

* The General Election of December, 1923.
abstentions due to each of these causes, and all we can do is to compare the percentages of abstention in the various classes of constituencies.

The highest figure was in the London boroughs, where over 40 per cent. of the electorate abstained; then come the English and Scotch counties and the Scotch burghs, all with an average abstention of about 28 per cent.; then the English and Welsh Boroughs with only 20 per cent., both of these classes having a poll of approximately 80 per cent.

The problem presented by abstention from voting is much more acute in many places abroad, and several countries have adopted the expedient of compelling the elector to vote under pain of a legal penalty if he abjests without good cause. Before discussing the merits of the principle, it will be well to examine a few examples of its application.

The earliest experiments are to be found in Switzerland, the home of democratic inventions. The idea appears first in the eighteenth century, and seems to have evolved out of the remembrance of an ancient custom by which members of the Landsgemeinde of Schwyz were required to wear their swords at the Assembly meetings; for apparently in olden times if a member did not put in an appearance, or turned up without his sword, he was subsequently refused admittance to the free dinner given on these occasions to the citizens of the Canton. However this may have been, a system of compulsory voting was progressively introduced into one after another of several of the Swiss Cantons. In St. Gall, for example, it was laid down in 1835 that absence without sufficient excuse from the District Assembly Elections should be punished by a fine of 5 florins, and absence from the Communal Elections by a fine of 2 florins. The law was re-enacted in 1867 and 1890, and a series of excuses which were to be regarded as legally valid was solemnly enumerated. Similar laws are in existence in the Cantons of Argovie, Thurgovie, Shaffhouse, and Uri. The average percentage of voters for the Federal Elections in these Cantons varies from 76 to 84, which does not seem remarkably high in view of the system adopted; but it is a higher percentage than in any of the Cantons where "free" voting exists.

It is obvious that in order to be effective as a method of inducing a refractory electorate to go to the polling station, the infliction of the penalty for abstention without good cause must be rigidly and universally applied. The fact, therefore, that in Spain, where a system of compulsory voting nominally exists, over 40 per cent. of the electorate frequently abstain from voting in Madrid, and as much as 80 per cent. in some of the country districts, indicates inter alia that the law is in this respect a dead letter. In Argentine, where one would hardly expect to find the energetic administration of a compulsory voting system, the results are much more promising. A provision making voting obligatory was introduced a few years ago, together with other reforms securing secrecy and an honest count, by President Rogelio Saenz Pena; and at the first Federal
Election held under the new law in 1912 the percentage of voters rose from a very low figure to 84 per cent. in the capital and nearly 60 in the provinces, while in 1916 the average for the whole country was 63 per cent. It may be added that the introduction of secrecy and honesty in the counting of the votes were novelties which greatly assisted the improved result.

Compulsory voting has been in force in many other countries or provincial districts during the past half century. It was made part of the law in Bulgaria in 1882; it was passed by the Austrian Empire as a measure upon which the provincial diets might exert "local option," and which had been adopted by some half-dozen of them before the war; it has long existed in a peculiar form in New Zealand; and it was introduced into Baden and Bavaria in 1881. In Bavaria a novel method of penalizing the abstainer under certain circumstances was invented. It was laid down that a minimum poll of two-thirds of the total electorate was required; and if this was not obtained the voters who had failed to vote were charged with the expense of a fresh election. The latest converts to the system are Czecho-Slovakia and Holland. Compulsory voting formed part of the important Dutch Electoral Reform Law of 1917; and the negligent or recalcitrant citizen who fails to vote is now brought before the burgomaster, and may be subjected to the heavy fine of three florins for the first offence and ten florins for each subsequent offence.

In Czecho-Slovakia compulsory voting became part of the constitutional system of the country from the beginning of its existence as a separate State. It applies to both municipal and general elections, and the penalties range from fines of 20 to 500 Czech crowns, or imprisonment up to a period of one month. It is understood that the number of abstentions has hitherto been so large that it has been impracticable if not impossible to enforce the law rigorously. At the last municipal election held in Prague, for example, according to an unofficial but reliable estimate, about 50,000 persons (out of 424,680) did not vote; and the Courts could not possibly deal with such an enormous mass of offenders.

The country where compulsory voting has been most fully enforced is, however, Belgium. After a discussion lasting some years, le vote obligatoire was introduced into the Constitution in 1893. Up to that date the polling had been notoriously low throughout the country. At Brussels in 1861 there was an abstention of over 90 per cent.; at Mons in 1871 out of 1600 electors only some 200 voted; and in the same year it was reported to the Senate that out of 13,000 Communal electors less than one quarter had gone to the poll. In the provincial elections the abstentions averaged 49 per cent. in 1880, 46 per cent. in 1890, and 52 per cent. in 1892; while in the national elections the abstentions were 26 per cent. in 1870, 30 per cent. in 1884, and 16 per cent. in 1892. Then came compulsory voting, introduced partly to counteract the widespread practice of bribing unsympathetic electors to refrain from voting—"l'argument ordinaire" being the sum of 5 francs paid for this purpose "avec ou sans multiplicateur."
Under the system introduced in Belgium the penalties for failing
to vote without good excuse were laid down on the following scale.
For the first omission, a reprimand, or a fine of from one to three
francs. For a second omission within six years, a fine of from three to
twenty-five francs. For a third omission within ten years, the same
penalty, accompanied by the exhibition of the offender’s name on a
placard for a month outside the Town Hall. For a fourth omis-
sion within fifteen years the same penalties are exacted, but in
addition—and this is of considerable value as a deterrent in Belgium—
the name of the elector is removed from the register for ten years,
during which time he may receive from the State no promotion,
distinction or nomination to any office connected with the central
or local governments. As a protection against undue severity,
it is expressly laid down that there is to be no imprisonment for
those who cannot pay the fine, nor is the sentence to be inscribed
in the police records as an offence, although the case is tried by the
Justice of the Peace, from whom there is no appeal.

The results have been remarkably successful. In 1894, at the
elections for the popular chamber, the abstentions were only 5.4
per cent. of the electorate, 7.5 per cent. in 1896, 5.3 per cent. in
1898, and 5.9 per cent. in 1900, and this despite a great widening
of the franchise. In fact, the proportion of voters to non-voters is
normally higher in Belgium than in any country in Europe, perhaps
even than anywhere else in the world, and this result must be
attributed to a large extent to the system of compulsory voting.
For the Senate. Elections the abstentions are usually a little greater,
because the property qualifications are heavy, and tend to prevent
Socialist candidates from standing; and this leads to their supporters
refusing to vote in a certain number of cases. But even then the
proportion has practically never exceeded 6 per cent. in normal
times.

The following table gives the figures, wherever available, for the
elections for the complete renewal of both Chambers up to 1920:—

**House of Representatives.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Electors on Register</th>
<th>Number of Votes Possible</th>
<th>Number of Votes Cast</th>
<th>Percentage of Abstention</th>
</tr>
</thead>
<tbody>
<tr>
<td>1894</td>
<td>1,454,891</td>
<td>2,085,605</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>1900</td>
<td>1,472,953</td>
<td>2,269,414</td>
<td>2,135,036</td>
<td>6</td>
</tr>
<tr>
<td>1912</td>
<td>1,745,666</td>
<td>2,814,089</td>
<td>2,084,998</td>
<td>5</td>
</tr>
<tr>
<td>1919</td>
<td>2,102,710</td>
<td>1,860,890</td>
<td></td>
<td>11.5</td>
</tr>
</tbody>
</table>

**Senate.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Electors on Register</th>
<th>Number of Votes Possible</th>
<th>Number of Votes Cast</th>
<th>Percentage of Abstention</th>
</tr>
</thead>
<tbody>
<tr>
<td>1894</td>
<td>1,148,433</td>
<td>1,856,838</td>
<td></td>
<td>6</td>
</tr>
<tr>
<td>1900</td>
<td>1,243,505</td>
<td>2,020,987</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1912</td>
<td>1,485,994</td>
<td>2,416,980</td>
<td></td>
<td>4</td>
</tr>
</tbody>
</table>
It is interesting to note the relatively small number of cases in which the machinery of the law has actually had to be used, as is shown by the following examples:

**Prosecutions for Abstention from Voting. Central Parliament Elections.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Acquitted</th>
<th>Reprimands</th>
<th>Fines</th>
</tr>
</thead>
<tbody>
<tr>
<td>1899 to 1909</td>
<td>3,710</td>
<td>3,575</td>
<td>4,624</td>
</tr>
<tr>
<td>1910</td>
<td>313</td>
<td>326</td>
<td>428</td>
</tr>
<tr>
<td>1911</td>
<td>17</td>
<td>26</td>
<td>10</td>
</tr>
<tr>
<td>1912</td>
<td>755</td>
<td>709</td>
<td>737</td>
</tr>
</tbody>
</table>

**Provincial Elections.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Acquitted</th>
<th>Reprimands</th>
<th>Fines</th>
</tr>
</thead>
<tbody>
<tr>
<td>1899 to 1909</td>
<td>1,199</td>
<td>2,557</td>
<td>2,806</td>
</tr>
<tr>
<td>1910</td>
<td>0</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>1911</td>
<td>19</td>
<td>9</td>
<td>19</td>
</tr>
<tr>
<td>1912</td>
<td>339</td>
<td>415</td>
<td>498</td>
</tr>
</tbody>
</table>

**Commune Elections.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Acquitted</th>
<th>Reprimands</th>
<th>Fines</th>
</tr>
</thead>
<tbody>
<tr>
<td>1899 to 1909</td>
<td>2,833</td>
<td>2,365</td>
<td>2,764</td>
</tr>
<tr>
<td>1910</td>
<td>25</td>
<td>33</td>
<td>22</td>
</tr>
<tr>
<td>1911</td>
<td>916</td>
<td>125</td>
<td>206</td>
</tr>
<tr>
<td>1912</td>
<td>294</td>
<td>311</td>
<td>236</td>
</tr>
</tbody>
</table>

**Total Convictions.**

<table>
<thead>
<tr>
<th>Year</th>
<th>Acquitted</th>
<th>Reprimands</th>
<th>Fines</th>
</tr>
</thead>
<tbody>
<tr>
<td>1899 to 1909</td>
<td>...</td>
<td>...</td>
<td>18,691</td>
</tr>
<tr>
<td>1910</td>
<td>...</td>
<td>...</td>
<td>827</td>
</tr>
<tr>
<td>1911</td>
<td>...</td>
<td>...</td>
<td>395</td>
</tr>
<tr>
<td>1912</td>
<td>...</td>
<td>...</td>
<td>2,906</td>
</tr>
</tbody>
</table>

It may be observed that in 1912 there was a complete renewal of both the House of Representatives and the Senate in the Central Government Elections; and the occurrence of these two events in a single year undoubtedly accounts for the increase in the number of convictions in that year, for the percentage of abstentions was very low in both cases, as can be seen from the previous table. The electoral system in Belgium provides for a series of elections partially renewing the two Chambers, as well as for complete general elections: thus, half the legislative body was renewed in 1902, another half in 1906, and so on.

The average number of convictions worked out at 3 per 1,000 electors between 1902 and 1908, for example; but the number of
cases coming before the Justices of the Peace varies largely according to the month in which the election is held, for during the harvesting season large numbers of Belgian agricultural workers emigrate to neighbouring counties to help gather in the crops, and this naturally increases abstentions.

What are we to think of this method of bringing pressure to bear upon the enfranchised citizen in order to compel him to use his vote? We have seen that systems of compulsory voting have been introduced progressively into many countries of a greatly dissimilar character; and that in the case of a country such as Spain, where the administration is notoriously slack, the effect has been imperceptible, whereas in Belgium, where the machinery of government is fairly efficient, the system has been strikingly successful in reducing the proportion of abstentions. Most remarkable of all is the fact that this result has been achieved with a relatively very small number of judicial actions.

It is true that a citizen, like the horse in the old proverb, can be brought to the polling station but cannot be made to vote; and it is necessary to remember that the abstention figures do not include blanks or spoilt voting papers. The real question, however, is not whether a certain proportion of resentful electors will deliberately spoil their voting papers if they are brought to the polling station by the pressure of a penalty—and this possibility must always remain unless the impractical alternative of abolishing the secret ballot were adopted—but whether it is a desirable principle that a citizen should be punished if he neglects to make use of a political right. On theoretical grounds this resolves itself into the difficult problem of whether the vote which a citizen possesses is indeed a mere right which he may or may not use according to his pleasure, or whether it is a social duty, an obligation to the community the fulfilment of which the state should enforce. It is possible to adhere to the latter point of view as a general conception, and yet realise that in those cases where all the candidates in the field are repugnant to the elector, it would be absurd to call it a social duty to make him vote for any one of them. In these cases, however, the blank ballot-paper might attain a real significance in registering the elector’s dissatisfaction with the available choice before him; but in that event the idea of a successful compulsory voting system fades away, and we see that all we are reasonably justified in enforcing is compulsory attendance at the polling station.

Whether that is or is not a desirable thing to attempt to enforce by means of legal “sanctions” depends entirely upon practical considerations. It is, indeed, in our opinion a great mistake to argue for or against a proposal of this kind on the abstract plane of what is or is not theoretically justified in the life of the State. The whole question should resolve itself into what is practically expedient or the reverse: that is to say, into a weighing of actual advantages against actual disadvantages. If there are reasonable grounds for believing that the threat of a small fine or other penalty would induce a large number of electors in this country who do not ordinarily vote to give the necessary time and attention to the
business of casting their votes to the best of their ability; if such
an attempt to make the apathetic elector vote did not cause wide-
spread irritation and was not regarded as an act of petty tyranny;
if it could be shown that the application of the system might be
as beneficial in Great Britain as a method of political education as it
appears to have been in Belgium, where, according to Professor
Barthélemy, "il y a aujourd'hui unanime sur l'excellence de
l'obligation de vote qui a été un moyen efficace d'éducation politi-
tique": if all these purely practical advantages could be claimed for
the system, then we should certainly favour its adoption in this
country. But without a very full investigation, which has not as
yet been attempted, it is impossible to predict the effect of the
introduction into Great Britain of this continental invention. In
the meantime, the enterprising student of political science may
try to imagine how the votes of the five million abstainers from
the last election would have been cast if they could have been
obtained by such a system as we have described; and how their
distribution might have affected the representation of parties in
the House of Commons. An interesting subject for political
speculation, particularly when we remember that what may be called
the abstentionist party (though it has no relation to prohibition) is at
present the second largest party in the state!

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