

Government *of* the People:
A Case for Compulsory Voting

by

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I. Introduction

“It is rather for us to be here dedicated to the great task remaining before us—that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion—that we here highly resolve that these dead shall not have died in vain—that this nation, under God, shall have a new birth of freedom—and that government of the people, by the people, for the people, shall not perish from the earth.”

--Abraham Lincoln, Gettysburg Address

“Government by the people” applies today as any citizens who meet certain age requirements can run for office. “Government of the people” appears to apply as well, as citizens have the right to vote for those who they put in office.¹ Given government “of the people” and “by the people,” “government for the people” would then follow, as elected officials are meant to represent the views of those who elected them. When the Founders wrote the Constitution, they demonstrated their belief in the power of “by” and “of” to ensure “for.” They chose a presidential system with a bicameral legislature, half of which was directly elected by the people. They wished to be free from the unilateral force of the king and establish involvement of the American people in creation of the policies that drive American life through representatives—the embodiment of “by.”² “Of” and “by” the people were instrumental to avoid the observed transgressions of the monarch. It was instrumental to obtaining “for.”

¹ With some exclusion for felons and other issues often determined on the state level.

² This wish can be seen clearly in process of creating the Constitution where the founders explicitly did not create a king and limited the powers of the executive—making it the second branch of government behind the legislature.

To achieve the goal of an executive that comes from the ranks of the people and does not serve in the role of a monarch while preserving freedom from tyranny of the majority, the founders established the Electoral College. The Constitution vested certain kingly powers in the executive, limited the voting public and created institutions that separated the masses from the direct election of the executive and senators. The “democratic” system that was created by the Constitution was not truly or fully democratic. “Of the people” had not, at least in 1787, come to full fruition.

Over the course of American history the political system has democratized through two major pathways. First, the number of people who have the right to vote expanded from propertied white males to essentially all citizens over the age of 18 (with a few minimal exceptions) with the 26th amendment to the Constitution. Second, institutional structures have expanded to allow greater involvement by the people who vote with those who they elect. This can be seen with the direct election of senators, open party primaries allowed for greater public involvement in selecting presidential candidates, and the changes to the Electoral College that tie votes in the Electoral College to the popular vote within individual states.

Despite the theoretical expansion of democracy, the practical application of this expansion has not been realized, as voter turnout has remained relatively low.³ Not only is turnout low, but approval ratings of elected members of the government are consistently low, reinforcing the paradoxical appearance that even as legal suffrage has expanded, a

³ “Participation in Elections for President and U.S. Representatives, 1930-2010” *infoplease.com*, accessed November 8 2012.
<http://www.infoplease.com/ipa/A0763629.html>.

government “of the people” has not really come to pass. President Obama’s approval rating is currently between 42 and 53 percent even after his recent electoral victory and Congress’s approval rating is between 11 and 19 percent according to polls done over the past year.⁴ These numbers are not anomalies either. Presidential approval ratings have often dropped into the low 40s over the course of a presidential term and Congressional approval ratings hit a new all-time low of 10% in August of last year and have dropping over the past few decades.⁵ Between 52 and 55 percent of the nation also believes that we are currently on the wrong track, which actually represents an improvement from a high of over 76% in October 2011.⁶

These numbers tell an important story. Not only is government not being constituted fully “of the people,” there is common sentiment our government is also not for the people.

Stepping away from the numbers, then, a pattern emerges: voter turnout is low, meaning that the government is of the people if you consider the “people” only to be made up of those who vote. Government is “for the people” only if we assume that politicians remain responsive to those who do not participate in the political system. Studies have shown, though, that

⁴ “President Obama Job Approval,” *RealClearPolitics*, accessed April 10, 2013. http://www.realclearpolitics.com/epolls/other/president_obama_job_approval-1044.html and “Congressional Job Approval,” *RealClearPolitics*, accessed April 10, 2013. http://www.realclearpolitics.com/epolls/other/congressional_job_approval-903.html.

⁵ “Congress Approval ties All-Time Low at 10%” *Gallup Politics*, accessed November 8, 2012. <http://www.gallup.com/poll/156662/congress-approval-ties-time-low.aspx>.

⁶ “Direction of Country” *Real Clear Politics*, accessed December 7, 2012. http://www.realclearpolitics.com/epolls/other/direction_of_country-902.html.

those who do not vote are not evenly spread throughout the population. Non-voters are younger, less educated, poorer and are more likely to identify as independents (as opposed to members of the two main political parties) than consistent voters.⁷ Thus, there is an even deeper divergence from the ideal of “government of the people” than these superficial turnout numbers tell. Within these differences between non-voters and voters, the main one that I will explore in this thesis is socio-economic class and how their lack of representation within “of the people” leads to a lack of results in “for the people.” I will demonstrate that within our current government, elected through low-turnout elections, the members of the lowest socio-economic classes turn out the least, have different views and party preferences from those who vote, are not represented by the policies that representatives put in place and do not benefit from the policies that do get passed.

American politicians are faced with a particularly partisan voting base, one that does not necessarily accurately reflect the full range of preference orderings in the American populace. They have increasingly resorted to “going public”—making popular appeals to the American people—as a means of obtaining support and legitimacy for their actions.⁸ And they have done so not to hear from the people, but to flatter and appear similar to them. Presidential candidates are using increasingly simplistic, “anti-intellectual” rhetoric to appear similar to, and, thus, more likely to represent the views of

⁷ Sean Matsler, “Compulsory Voting in America,” 76 S. Cal. L. Rev. 953, (2003), 4.

⁸ Samuel Kernell, *Going Public: New Strategies for Presidential Leadership* (Washington, D.C.: CQ Press, 2007), 11.

the median voter in order to gain the support of these voters.⁹ Voter turnout is low, but politicians are using popular appeals to establish legitimacy for their actions. They are elected with a plurality, but speak as if for a majority.¹⁰ As William Galston argues, the political system is as polarized as it has been since the 1890s. “Only the people who are most strongly motivated to vote, usually by anger or discontent or antipathy show up, and the people in the middle tend to show up less,” according to Galston.¹¹ This only serves to drive the politicians further to the extremes—the remaining voting base, which also happens to be more wealthy members of society.¹² The cycle self-perpetuates. People feel disillusioned with politics, do not vote, do not have their views represented in government, and continue to be upset, while politicians increasingly make popular appeals to energize their voting bases—a plurality of the public that is disproportionately drawn from the more partisan members of higher socio-economic class.¹³ This cycle, then results in policies drawn from a perceived legitimacy from only a plurality of the people, though they are justified in the language of majority sanction.¹⁴ There is, thus, a failure of the “Basic Legitimation Demand” that states,

“Those who claim political authority over a group must have *something* to say about the basis of that authority, and about the question of why the authority

⁹ Elvin Lim, *The Anti-Intellectual Presidency: The Decline of Presidential Rhetoric From George Washington to George W. Bush* (Oxford: Oxford University Press, 2008).

¹⁰ Further, one must again note that this plurality is a biased one to, as was previously mentioned, more educated, richer, more partisan members of society.

¹¹ William A. Galston, Interviewed by Robert Siegel. *NPR: All Things Considered*. June 1, 2010.

¹² William A Galston, “Economic Growth and Institutional Innovation: Outlines of a Reform Agenda,” *Brookings Institute*, Policy Brief 172, June 2010.

¹³ *Ibid.*

¹⁴ Galston, Interview by Robert Siegel.

is being used to constrain in some ways and not in others. Moreover, there is a sense in which they must have something to say *to each person* whom they constrain. If not, there will be people whom they are treating merely as enemies in the midst of their citizens.”¹⁵

This thesis will show that this Basic Legitimation Demand is not only not satisfied in contemporary America, but it is not satisfied in a systemic way that is biased against a certain sphere of the population—namely those in the lower economic classes.

Chapters two and three will look critically at the statistical realities of voting and the representation of interests by elected politicians. In chapter two, I show that there is a significant difference in policy preference as well as party preference between voters and non-voters. Compulsory voting would provide an electoral mechanism for the expression of these differences. To do this, chapter two will begin by addressing in greater depth the low levels of turnout within the United States as well as the high levels of inequality that characterize who is and is not a part of the electorate. I further examine the fact that the United States has one of the lowest levels of turnout of any developed democracy as well as one of the highest levels of inequality—levels that are even worse than would be predicted based on its low turnout. To establish the significance of this difference, the remainder of the second chapter will examine the differences of opinion between voters and non-voters and then the differences in party preference that correspond with these differences in policy preference.

Chapter three will turn from the voters to the representatives that they elect into office. It will examine how accurately the representatives actually

¹⁵ Bernard Williams in William Galston, “Realism in political theory,” *European Journal of Political Theory* 9.4 (2010), 389.

represent the ideas and opinions expressed by the voters. I will show that representatives do not respond to the ideas of the lowest economic classes. In fact, their responsiveness is particularly notable with regard to viewpoints held by people above the 90th percentile of income but negligible for those in at least the 50th percentile and below. I will also show that not only do the richest members of society shape the policies that are passed, but also that these policies, once passed, disproportionately benefit the richest members of society.¹⁶ The combination of the failure of representation and the failure of voting are linked, but are linked in such a way that small, organic increases in voter turnout (or even large, one-time changes in turnout) are unlikely to affect how accurately representatives represent their constituents. What is necessary to do this is predictable, universalized turnout to counteract the class differences in other forms of political action, which lead to this failure of representativeness.

Chapters four and five will turn the discussion to how the patterns explicated in chapters two and three emerged throughout the course of American political development and the two emergent, conflicting theories of representation that compulsory voting reconciles. Chapter four will look at the development of the popular appeal to power and these two contrasting concepts of representation—trustee representatives and descriptive representation. I will show how the increasing size of the United States and the movement of the country from a republic to a more democratic existence make the reconciliation of these two theories of representation impossible

¹⁶ Not only are the policies that are passed important, but the ones that are not discussed or passed will be shown to have relevance as well.

under the current system. The US has reached a point where it has a much greater number of citizens per representative than other developed democracies. Candidates for office use the language of the Anti-Federalist theory of descriptive representation—the language of a more liberal democratic system—to try to actively mirror an increasingly large and heterogeneous population. This attempt to provide a mirror is impossible, though, given the relatively small number of representatives in comparison to the large number of interests present in the United States.¹⁷

In chapter five I address compulsory voting head on, as a solution to our broken system of representation. Liberalism proffers the self-congratulatory theory that politicians are supposed to be able to serve as “unencumbered” politicians, leaving their biases behind them. This, in essence, is a form of a sleight of hand by the liberals to create a federal government under the auspices of a liberal theory that is theoretically strongly opposed to such an institution’s existence. It does this by taking the republican idea of virtuous representation and twisting it to its own ends where the language of descriptive representation is used in campaigns to elect a politician for whom sheer numbers of constituents make trusteeship the only viable option to govern “for the people.” Given the evidence showing the impossibility of this form of representation, compulsory voting gives a way around this liberal representative paradox. It ensures that, with all parties voting, politicians will be forced to run on a platform that is

¹⁷ It is telling that the Anti-Federalists intended this system of representation to function within small, individual state-centered communities, with opposition to any form of federal government at all.

acceptable to the entire electorate, rather than just a voting segment of it.¹⁸

Compulsory voting will restore some of the republican virtue that the founders hoped to engender when they created Congress and particularly prevented democracy through indirect election of both the president and senators and no elections for members of the judiciary.

I will also address in this some of the major critiques of compulsory voting and how the evidence at hand responds to claims of paternalism, lack of effectiveness in achieving the stated goals of compulsory voting and a lack of difference of opinion between voters and non-voters. I show that, in the end, compulsory voting makes up for the fact that the lowest socio-economic classes can, in practical reality, never be elected to national office and therefore never be represented in “by.”¹⁹ With the expanding role of the federal government, “of the people” becomes necessary to prevent the socio-economic elites from removing the possibility of government “for” all members of society and particularly members of the lowest socio-economic classes and compulsory voting is the only mechanism through which “of the people” can truly be achieved.

This thesis is not a partisan proposal for more representatives of a specific party in office or more redistributive policies. If those outcomes do result, that is simply because that was the will of the people. If, on the other

¹⁸ The whole, of course, meaning that politicians must earn the support of enough to win election. This entails active support of each policy by some constituents and, for the policies they do not actively support, no active distaste for the other policies on the party platform

¹⁹ That is to say, observing the rising cost of elections combined with the observable increases in the net worth of nationally elected officials, it seems like a practical impossibility for a person of low socio-economic class to win a national election.

hand, outcomes skew in another direction, unforeseen here, that is just as acceptable. The ultimate value added is in the representation of a group that has been systematically excluded from the political sphere and whose voice can only begin to measure up to that of the most economically advantaged when it is represented in its entirety and predictably so within the electorate.

II. Unequal Voters

“The flaw in the [organized interest] heaven is that the heavenly chorus sings with a strong upper-class accent”

-E.E. Schattschneider

The political system within the United States is rife with inequality. Donations to candidates, volunteers on campaigns, personal interactions with office seekers and holders and turnout for elections are all skewed (some more heavily than others) towards the higher socio-economic classes. Not only is the participation skewed, but once in office, the actions of the politicians reflect those differences in contact, donations and turnout as there has been shown to be no correlation between the votes of elected officials and the opinions of the lowest level of wage earners within the United States.²⁰ In this chapter, I examine, in greater depth, the realities of those inequalities, how they have affected the American political system and how a system of compulsory voting would remedy the problems.

With the Constitution of 1787, the United States split the atom of sovereignty, granting some powers to the different branches of federal government, some to the states and state governments, some to the people to elect their representatives, and leaving some in the Constitution itself.²¹

Government is an instrument to pursue the collective good; one whose composition and direction is determined, in the United States, by the voters.

²⁰ Larry Bartels, *Unequal Democracy: The Political Economy of the New Gilded Age* (New York: Princeton University Press, 2008), 280.

²¹ It is worth noting that the people have a more direct mechanism for expressing voice through voting in and out members of government than they did at the founding with the expansion of voting rights and changes to the Electoral College and the change to the direct election of Senators.

This chapter will focus, then, on voting, or, more accurately, turnout.

Turnout is more accurate here because we have no true measure of who votes with the private ballot. Someone can turn out to the polling place and cast a spoiled ballot if they so choose, meaning the most that can be determined is who has turned out at the polls on election day.

The Voting Gap

The first step in establishing the voting gap is showing how far from universal turnout the United States currently is. Turnout for the 2012 presidential election was approximately 58.2% of the voting eligible population, where voting eligible population is defined as the voting age population minus those who are ineligible due to things such as felony convictions.²² This is down from the 61.6% of voting eligible population that cast ballots for the president in 2008.²³ The 61.6% number is the highest since 1964 and down from a high of 81.8% in 1876.²⁴ Compared to other developed democracies, this voting rate is relatively anemic. For the sake of comparison, England saw 65.5% turnout for their 2010 general election, which is one of their lowest turnout rates in the last 40 years. Turnout in other European

²² Michael McDonald, "US Election Project: 2012 General Election Turnout Rates," accessed April 9, 2013, http://elections.gmu.edu/Turnout_2012G.html.

²³ Michael McDonald, "US Election Project: 2008 General Election Turnout Rates," accessed April 9, 2013, http://elections.gmu.edu/Turnout_2008G.html.

²⁴ Participation in Elections for President and U.S. Representatives, 1930-2010" *infoplease.com*, accessed March 13, 2013. <http://www.infoplease.com/ipa/A0763629.html>.

countries such as Denmark, Iceland and Sweden regularly exceeds 80%.²⁵ Turnout in Australia, one of the countries with enforced compulsory voting has seen turnout remain above 94% in every election since it was 91% in 1925. Other countries with compulsory voting such as Belgium and Luxembourg have seen similar results.²⁶

Not only is there a substantial portion of the American populace that does not vote, the non-voters are disproportionately members of lower socio-economic classes. While voting is not the most stratified by class of any political activity—that honor belongs to campaign donations and, to a slightly lesser extent, affiliation with political organizations—there is a significant difference in voter turnout between upper and lower classes, as measured by the “index of electoral inequality,” which considers education and income levels. This is shown in figure 2.1.²⁷

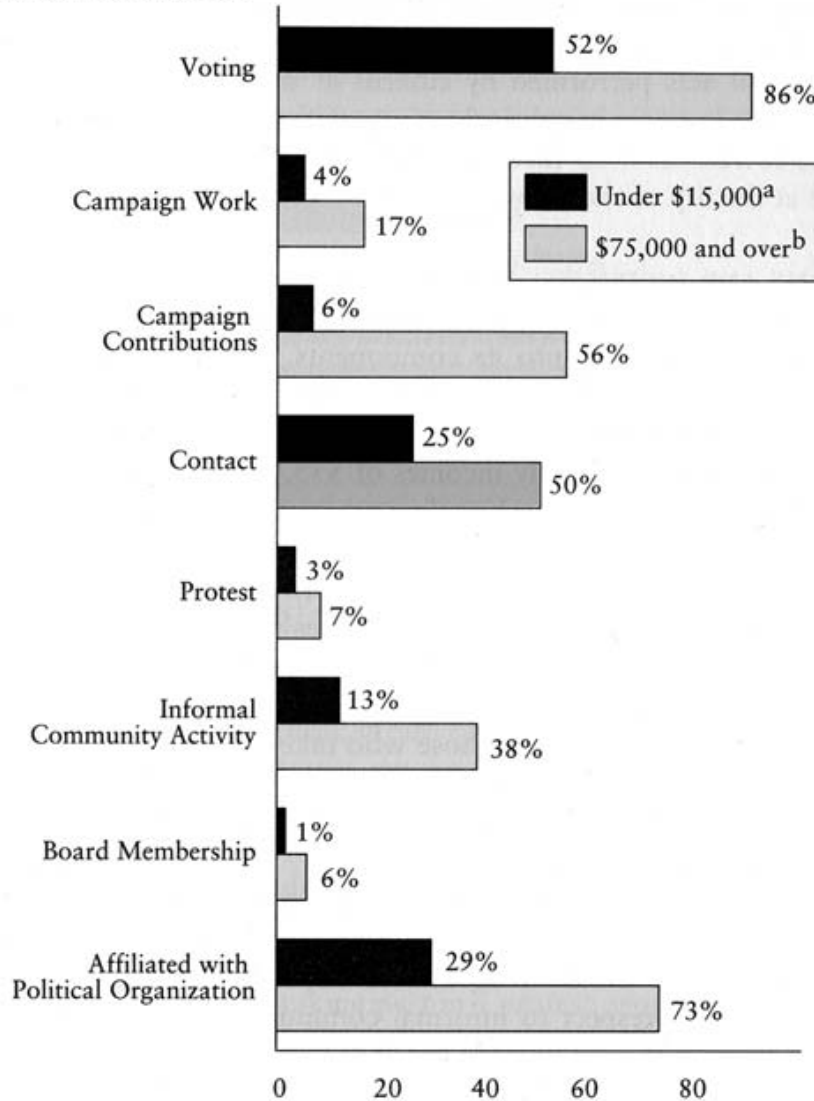
²⁵ Armin Schäfer, “Republican Liberty and Compulsory Voting” (discussion paper, Max Planck Institute for the Study of Societies, Cologne, 2011), 2.

²⁶ “General Election Turnout 1945-2010” *UK Political Info*, accessed December 7, 2012. <http://www.ukpolitical.info/Turnout45.htm> and “Voter Democracy, governance and citizenship: voter turnout,” *Australian Bureau of Statistics*, last modified January 9, 2013, accessed April 9, 2013. [http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1370.0~2010~Chapter~Voter%20turnout%20\(4.6.7.1\)](http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/1370.0~2010~Chapter~Voter%20turnout%20(4.6.7.1)) and Schäfer, 2.

²⁷ While slightly dated (the data for the survey was gathered in 1990), more recent studies have confirmed that, if anything, voting and other forms of political participation have become more stratified.

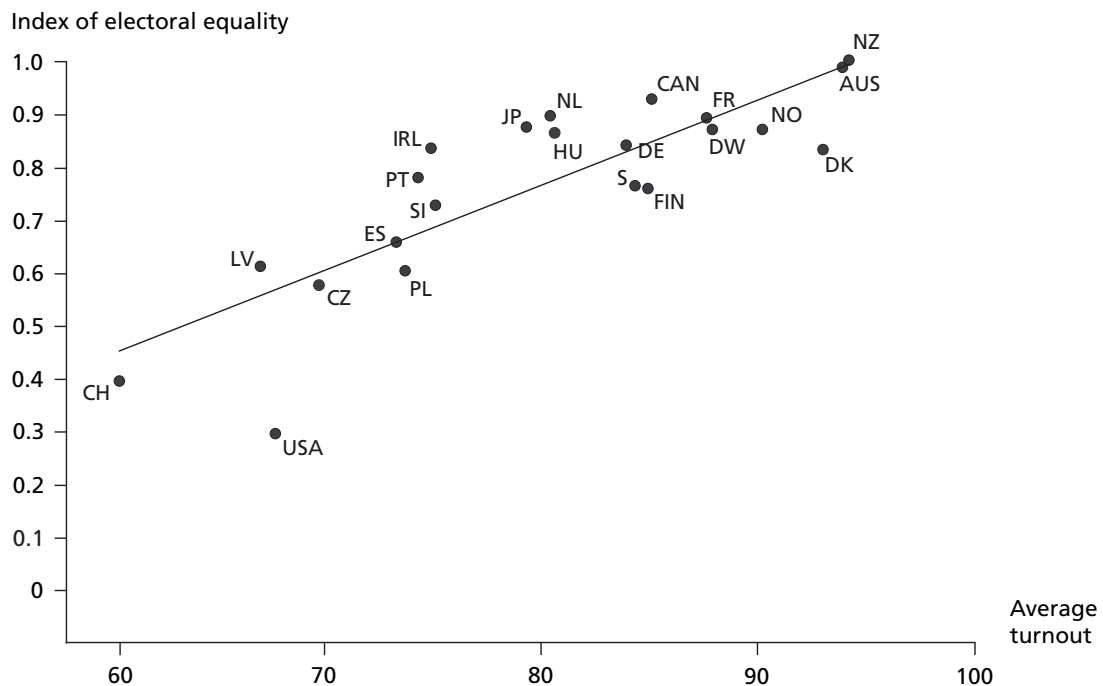
Figure 2.1: Percentage Active in Various Activities: High and Low Income Groups²⁸

a. N = 483 weighted cases.
 b. N = 224 weighted cases.



²⁸ 1990 Citizen Participation Study in Sidney Verba, Kay Lehman Scholzman and Henry E. Brady, *Voice and Equality: Civic Voluntarism in American Politics* (Cambridge: Harvard University Press, 1995) figure 7.2, 190.

Figure 2.2: “Turnout and electoral equality between social classes”²⁹



$r=0.84$, $p=0.000$, $N=22$.

The “index of electoral equality” measures how much people with low income and low education differ in their likelihood to vote from people with high income and high education. High values mean that the probabilities are almost the same, low values indicate large differences. Technically, it is the ratio of the predicted probabilities of both groups, which are calculated from logistic regressions run separately for each country, controlling for age, gender, and employment status.

Source: ISSP (2006).

Furthermore, when compared to other countries, not only is the proportion of voters lower in the United States, it is more stratified. Lijphart (1997) noted that the lower the turnout, the wider the gap between the socio-economic classes.³⁰ Figure 2.2 demonstrates this stratified difference and the fact that the US exhibits a turnout pattern that is particularly stratified by class. The levels of stratification are greater than would be

²⁹ Schäfer, 9.

³⁰ Arend Lijphart “Unequal Participation: Democracy’s Unresolved Dilemma” *American Political Science Review* 91.1 (1996):1-4.

expected based on the linear regression model that considers the levels of inequality of income and education that are observed in 22 other liberal democracies. It is also worth noting that Australia, a country with compulsory voting is one of the top two countries in terms of both turnout and electoral equality. Voting remains high in Australia even though fines for not voting that are rarely enforced and there is almost no enforcement of the compulsory registration at age 18, which leaves about 20% of the population unregistered to vote.³¹

The Influence Gap

The voting gap would not be nearly as significant if there were no significant differences between the opinions of voters and non-voters. This becomes particularly problematic if the poor represent a large plurality of non-voters and the rich represent a large plurality of voters. Certainly, this condition could be mitigated by a lack of expressed difference in party preference between groups of non-voters and voters such that universal turnout would not have a meaningful effect on electoral outcomes. Given observable party differences, significance of the voting gap would be lessened if elected politicians responded equally to the desires of all groups whether or not they vote. If politicians, even given these party differences respond unequally to the desires of their electorate, a final mitigating factor could be a

³¹ Eric Weiner "You Must Vote. It's the Law. Australia Requires citizens to vote. Should the U.S.?" *Slate*, published October 29, 2004, accessed April 9, 2013.
http://www.slate.com/articles/news_and_politics/the_best_policy/2004/10/you_must_vote_its_the_law.html

lack of evidence of tangible differences in benefits received by the different socio-economic groups.

This chapter deals with the first two questions—whether voters and non-voters have differing opinions on issues within the political realm and whether those differences in opinion translate to differential party preference between voters and non-voters. The chapter 3 addresses the latter two questions of whether elected officials are responsive to the views of the entire citizenry and whether all groups benefit equally from the policies that are put into place.

Preference Differences Between Voters and Non-Voters

Significant Opinion Differences Between Voters and Non-Voters

While acknowledging the existence of studies that show that there are no noticeable differences in preferences between voters and non-voters, there are flaws that can be found with these studies and there are other studies that find significant differences as well. Larry Bartels, for example demonstrates a statistically significant difference in opinions of the differing taxation levels of high- and low-income groups when comparing across those income groups.³² While this is not directly tied to turnout, putting these findings into the framework that was established previously, of a higher turnout among members of the upper class, a correlation can be drawn. Bartels later expands

³² Bartels, 142-43.

this taxation example to a series of other roll call votes taken by Senators broken down across income groups.

Schäfer (2011) and Lijphart (1997) both provide cases for why much of the survey data that is collected that “proves” the lack of differentiation in opinion between voters and non-voters is flawed. Schäfer points out the possibility of false reporting—“it is not clear whether those who identify themselves as non-voters represent actual abstainers.”³³ This problem of false reporting is held up by the study of Leighley and Nagler (1992) that analyzed socio-economic class bias in turnout. Their study shows a drop in false reporting between the 1960s and 1980s, though levels were still over 38% within more affluent members of society in the 1988 election.³⁴ The study does imply, though, that more members of higher socio-economic class are more likely to report voting when they have not. This has particular implications for pre-election surveys as well. Those who are more likely to falsely report voting are also more likely to predict that they will vote, meaning the electorate appears even more skewed towards members of higher socio-economic classes than it actually is when politicians look at survey data of “likely voters.” This allows the weight of the opinions of those in higher socio-economic classes more weight from turnout expectations than would be expected based on the already unequal turnout between members of higher and lower socio-economic classes.

³³ Schäfer, 10.

³⁴ Jan E. Leighley and Jonathan Nagler, “Socioeconomic Class Bias in Turnout, 1964-1988: The Voters Remain the Same” *American Political Science Review* 86.3 (1992): 732.

Lijphart takes the ideas raised by Schäfer (2011) and Leighley and Nagler (1992) even a step further. He states that, “non-voters who are asked their opinions on policy and preferences in surveys are typically citizens who have not been politically mobilized, and who, in terms of social class, have not developed class consciousness.”³⁵ The consequence of this is that Lijphart believes, “it is highly likely that, if they were mobilized to vote, their votes would be quite different from their responses in opinion polls.”³⁶ There is an implication in Lijphart’s argument that the act of becoming a voter will lead to increased organization and increased knowledge of political issues among the previously non-voting populace.

Selb and Lachat (2010) offer a refutation of the idea of voting leading to increased knowledge and engagement leading to more informed decision making. They examine the case of Belgium and its system of compulsory voting. Instead of surveying non-voters, they survey voters to see who would likely abstain in a system of voluntary voting. Their findings are that the opinions of likely abstainers are spread randomly across the political spectrum, and the likely abstainers are generally less politically interested and informed about the major differences in party platforms between the major parties.³⁷ These likely abstainers see policy formation as resulting from, “negotiations among the elite, rather than the election outcome itself.”³⁸ The perception of the existence of elite negotiation that circumvents electoral

³⁵ Lijphart, 4.

³⁶ Lijphart, 4.

³⁷ Peter Selb and Romain Lachat “The More, the Better? Counterfactual Evidence on the Effect of Compulsory Voting on the Consistency of Party Choice” *European Journal of Political Research* 48 (2010): 26.

³⁸ *Ibid.*, 26-27.

outcomes exists due to the low levels of accountability by individual parties due to large governing coalitions and the decentralization of power in Belgium.³⁹

While conversations happen between the elites, there has been an established system of compulsory voting in Belgium such that the parties may have been forced to consensus on certain key economic issues, allowing the debate to spread to areas where electoral representation is not as skewed as it is for socio-economic class. Thus, the key effects that would be visible from any change in turnout may have already occurred, shifting the debate within Belgian government to more closely align with the preferences of the median citizen when the median voter became the median citizen following the implementation of compulsory voting.

While the Belgian case lends a flawed argument supporting the concept of a lack of difference in preferences between voters and non-voters, Martin Gilens (2004) uses an American example to demonstrate that these differences do, in fact exist across the different socio-economic classes, though the differences are only significant on certain issues. Gilens (2004) establishes difference preference sets between members of high and low socio-economic classes, particularly on economic issues.⁴⁰ Given that the severity of the class divide in turnout for American elections, it is likely safe to assume that these differences could be translated to the voter / non-voter divide as far as those in higher socio-economic classes are better represented among voters and those

³⁹ Ibid.

⁴⁰ Martin Gilens, "Inequality and Democratic Responsiveness: Who Gets What They Want from Government" (working paper, Politics Department, Princeton University, August 2004), 15.

in lower socio-economic classes are better represented among non-voters. Based on the arguments made by Gilens, it appears possible that studies looking for significant differences in preferences between voters and non-voters either targeted issues with strong national agreement within classes, such as certain social issues or allowed the significant differences on certain issues to be outweighed by general agreement on other aspects of party platforms. This outcome is highly probable as Gilens finds that the rich and poor disagree by less than 10 percentage points on 60% of the policy items he examined, which ranged from social to economic issues.⁴¹

The work of Verba, Schlozman and Brady (2012) takes the findings of Gilens a step further. Not only do members of lower socio-economic classes have differences in policy preferences from members of higher socio-economic class, they assign different weights to their preferences, even on policy positions where the members of the different socio-economic classes agree. Verba, Schlozman and Brady show a greater preference on the part of the “less advantaged” for action on economic issues and issues of “basic human need.”⁴² This is in opposition to the “less disadvantaged,” who may have expressed a similar policy preference, but not take that as their primary concern when choosing a candidate or platform to support.⁴³ They posit that, “because the disadvantaged were so inactive, public officials actually heard *less* about these matters from the disadvantaged activists than from the more

⁴¹ Ibid., 15.

⁴² Kay Lehman Schlozman, Sidney Verba, Henry E. Brady, *The Unheavenly Chorus: Unequal Political Voice and the Broken Promise of American Democracy*, (Princeton, NJ: Princeton University Press, 2012), 125-135.

⁴³ This would then expand as well to candidates once in office, the issues that are of lower salience are the ones on which politicians are less likely to expend political capital.

advantaged activists,” where the more advantaged are less likely to push strongly for policy change.⁴⁴ Thus, when aggregated across all issues, a study could conceivably find a lack of difference of opinion where targeted differences in certain areas of policy do, in fact, exist.

Differences in Party Preference

A claim that arises from the discussion of Selb and Lachat in the previous section is that not only are there no significant differences in preference, but that there are no significant differences in party preference between non-voters and voters. In fact, Selb and Lachat contend that in their case study of Belgian election in 1995, voters who would not have voted had they not been compelled to do so actually voted for parties that did not fit their preferences. Their model operated under the assumption that, for these elections, “the linkage between individual preferences and choices [would have] been as strong among compelled voters as among the voluntary ones.”⁴⁵ Their findings showed that small, far-right parties would have received a greater proportion of the vote, though not a substantial enough margin to shift the balance of power.⁴⁶

Given, though, that the United States is effectively a two-party system, the effects of smaller parties being crowded out from winning seats in a system of proportional representation such as Belgium is not applicable. The point about minimal differences in expressed party preference through

⁴⁴ Schlozman, Verba and Brady, 125-135.

⁴⁵ Selb and Lachat, 25.

⁴⁶ Ibid.

turnout, though, still merits discussion. Not only is there a significant difference numerically, but that the difference has a potential for practical significance within the context of election strategy and candidate nomination as well. Citrin et al. (2003) examine the results of Senate elections in the US from 1994 through 1998 to assess partisan differences between voters and non-voters. Their basic findings are shown in figure 2.3 where the positive direction is increased support for the Democratic Party, the negative direction is support for the Republican Party and the bars that are shaded grey are statistically significant results.

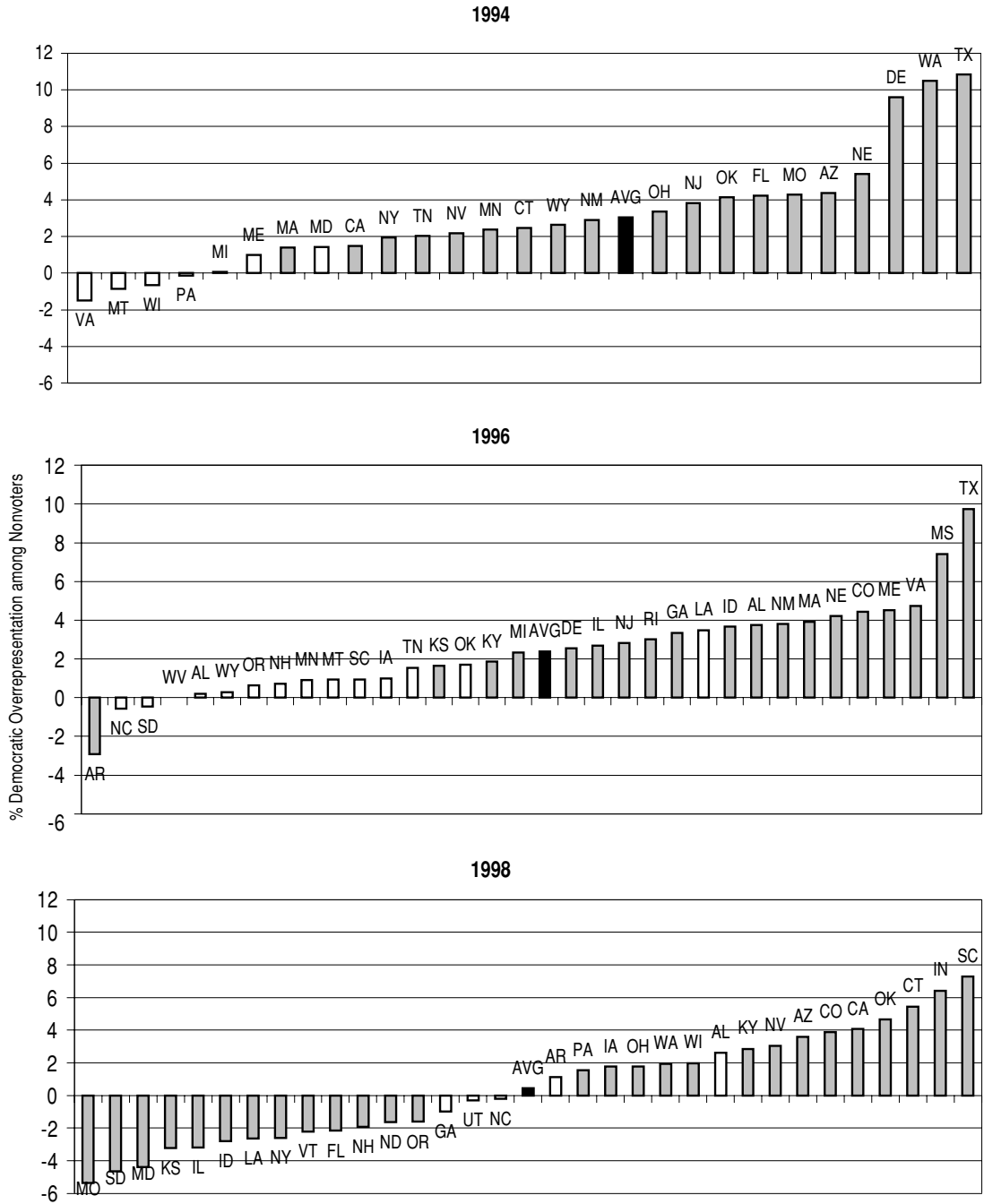
Demonstrated within these results is support for the idea that there are differences between voters and non-voters in terms of party preference between elections, and that the differences were in a relatively consistent direction, as 67 of the 91 races that were examined demonstrated a non-voting group that would have voted more for Democratic candidates than the voters.⁴⁷ Furthermore, nonvoters were, on average, 1.9% more Democratic than voters and the difference was at least 2.5% in 38 of the 91 races that the study examined.⁴⁸ While there are observable differences between the elections, the study attributes these differences to changes in campaign strategy and the success of targeted get out the vote efforts in specific races.⁴⁹

⁴⁷ Jack Citrin, Eric Schickler, and John Sides, "What if Everyone Voted? Simulating the Impact of Increased Turnout in Senate Elections" *American Journal of Political Science* 47.1 (2003): 81.

⁴⁸ Ibid.

⁴⁹ Ibid., 81-82.

Figure 2.3: Difference Between Estimated Vote Preference of Voters and Non-Voters⁵⁰



Note: Gray bars signify that the difference between voters and nonvoters is significant at $p < .05$.

⁵⁰ Ibid.

Citrin's study takes the data one step further, looking at the total turnout percentage and the percentage of votes that would have been received by the Democratic candidate if turnout were equalized across all income groups.⁵¹ Simply equalizing the voter percentages between income groups has the effect of raising turnout by an average of 12.2% across the three election years.⁵² The study achieved this result by raising the turnout levels of the other four income quintiles to the level of the quintile with the highest turnout. This highest turnout quintile was the highest economic quintile in 78 of the 91 cases and the second highest in 12 of the remaining 13 cases.⁵³ Citrin et al. then note the difference in partisan preference for non-voters in the case of equal turnout across income groups, which averaged approximately 1.5% in the direction of the Democratic candidate.⁵⁴

The findings in this study mirror the results found by Bartels for the preferences of voters. Bartels found that, "from 1976 through 2004, however, a strong and fairly consistent income gradient was evident in the presidential voting behavior of white Americans."⁵⁵ In the 1976 US presidential election, there was a 14-percentage point gap between the highest and lowest income groups in terms of support for the Democratic candidate. This gap began a pattern that continued through the end of the period Bartels studied in 2004, when John Kerry received 11% more support from the low income white

⁵¹ This is more relevant to this paper than the numbers for turnout of all registered voters as the class bias that applies to turnout also applies to registration. Equal distribution across all income quintiles is the closest analogue to what the results would be given 100% turnout of voting age population.

⁵² Citrin, Schickler, and Sides, 89.

⁵³ *Ibid.*, 85.

⁵⁴ *Ibid.*

⁵⁵ Bartels, 72.

voters than from the highest income voters.⁵⁶ While in the 1956 and 1960 presidential elections there was only a small bias of the rich towards the Republican Party and the poor towards the Democratic Party, this has since changed. “[The rich are] more than twice as likely as those in the bottom income quintile to identify as Republicans in 1992 and 1992.”⁵⁷ Not only is income a strong predictor of party affiliation, McCarty, Poole and Rosenthal (2006) show that it has become more important to the point that, “the income effect is now stronger in the South than in the North and stronger among white ‘born-again’ or evangelicals than among other whites.”⁵⁸ The fact that the effectiveness of income as a predictor for party affiliation has grown even in the face of, “sub-groups of the population that are frequently treated as homogeneous voting blocs based on racial conservatism or moral values,” strengthens the case for the importance of income as a measure of electoral inequality.⁵⁹

The injection into the system of the non-voters would increase the strength of the patterns already observed among voters—stronger support for the Democratic Party by voters in lower socioeconomic classes. The support of the Democratic Party would be amplified, as members of lower socioeconomic classes disproportionately constitute the body of non-voters.

Furthermore, this finding by Bartels runs counter to the claim that a number

⁵⁶ Bartels, 73.

⁵⁷ Larry M. Bartels, Hugh Hechlo, Rodney E Hero, and Lawrence R. Jacobs “Inequality and American Governance,” in *Inequality and American Democracy: What We Know and What We Need to Learn* ed. Lawrence R. Jacobs and Theda Skocpol (New York, NY: Russel Sage Foundation, 2005), 95.

⁵⁸ Nolan McCarty, Keith T. Poole and Howard Rosenthal, *Polarized America: The Dance of Ideology and Unequal Riches* (Cambridge, MA: MIT Press, 2006), 12.

⁵⁹ *Ibid.*

of studies have made that the Democratic Party has been losing relative support from the lower classes.⁶⁰

Citrin et al., while acknowledging the difference that does exist between non-voters and voters would question its practical significance, as their study demonstrated that only one race would have had a different outcome given full turnout or equal turnout across income groups.⁶¹ This statement comes soon after a claim that the state of Washington saw a large decrease in the Democratic advantage among non-voters following a large-scale get out the vote campaign.⁶² While mandating turnout would have the effect of negating the effects of get out the vote campaigns on turnout, there is an underlying factor that must be considered: resource allocation.⁶³ Given changes of even a few percentage points, races can go from being “toss-ups” to relatively safe seats and a movement across the board of 1.5% in the direction of one party would change the tenor of campaign messaging and general campaign strategy leading up to the election in many of those races, potentially creating different outcomes on election day. Therein lies the flaw in retroactively changing percentages based on voter opinion following the election.

Changes in the identity and party persuasion of the electorate in either direction—Democrat or Republican—could lead to a vastly different race, and even the potential for nomination of a different candidate or modification

⁶⁰ Bartels, 75.

⁶¹ Citrin, Schickler, and Sides, 86.

⁶² *Ibid.*, 82.

⁶³ It would negate get out the vote campaigns turnout effects. Campaigns would likely still run similar election day campaigns to influence voters who are undecided, though the focus would be different than the current campaigns that focus on committed partisans.

of a party platform, particularly if too many seats begin switching parties. The fact that there is a noticeable difference in party preference between voters and non-voters make such changes more probable as even if retroactive studies do not find changes to results, changes in the voting population could lead to changes in resource allocation and electoral strategy before the election. The consequences of this, though, will be addressed in greater depth in subsequent chapters. This chapter established potential for differences in policy preference regardless of party. It then showed the noticeable difference in party preference between voters and non-voters, meaning that there is an electorally significant direction to the differences in policy preference between the voters and non-voters. What this would allow compulsory voting to do is to take out the guesswork of who will turnout on Election Day. This would then allow a change from a movement of dedicated partisan, turnout centered get out the vote movement to an undecided centered, get the vote campaign as turnout is no longer a concern. The fact that differences in opinion and party preference exist makes the third qualification of whether the parties actively respond to all citizens equally even more relevant.

III. The “Representatives”

“...a key characteristic of democracy is the continuing responsiveness of the government to the preferences of its citizens, considered as political equals.”
--Robert Dahl *Polyarchy*⁶⁴

Chapter two addressed the inequity in who votes, and the differences in preferences between voters and non-voters, which are particularly evident in the differences that were noted in party preference between the two groups. These differences in preferences, though, would lose some practical importance if representatives legislated with equal weight given to the interests of voters and non-voters alike, particularly noting the differences in socio-economic class between those two groups. The first section of this chapter will address this issue and show that politicians ignore the opinions of those who are not in the highest socio-economic class when making policy decisions.

The second section will address what happens if politicians fail to give equal weight to the opinions of all citizens. The practical effects of elected officials’ bias towards the preferences of a certain group can be limited if there are no observable biases in the effects of the policies that are passed. The absence of biased results could stem from a lack of knowledge among voters regarding the policies most beneficial to them, leading voters to express preference for something that is not in their best interest. I will show that this is not the case; rather, the enacted policies disproportionately benefit members of higher socio-economic classes.

⁶⁴ Robert A. Dahl, *Polyarchy: Participation and Opposition* (Chelsea, Michigan: BookCrafters, Inc., 1971), 1.

The final portion of this chapter will tie the findings regarding representative behavior and its effects back to the story of turnout from the preceding chapter. This analysis will account for the massive class divide that exists in electoral turnout and demonstrate why universal turnout through a system of compulsory voting would provide a partial remedy to these issues.

Representative Responsiveness

Over the span of about thirty years, between the mid-1960s and 1990s, survey responses on perceived accountability of government have worsened substantially. In this time, “the proportion of Americans who felt that ‘the government is run by a few big interests looking out only for themselves’ more than doubled to reach 76%, while the number who believed that ‘public officials don’t care about what people think’ grew from 36% to 66%.”⁶⁵ Low- and middle-income respondents agreed with the statement that, “public officials don’t much care what people like me think” around 60% of the time. The percentage for high-income respondents, though, was closer to 35%.⁶⁶ These opinions are grounded in reality, as a policy change that is favored by well over 75% of the population still has only a 50% chance of being enacted, according to a recent study by Martin Gilens.⁶⁷

⁶⁵ Lawrence R. Jacobs and Theda Skocpol, “American Democracy in an Era of Rising Inequality” in *Inequality and American Democracy*, 5.

⁶⁶ Martin Gilens, “Affluence and Influence: Economic Inequality and Political Power in America” Princeton University Department of Politics, accessed April 9, 2013. <http://www.ash.harvard.edu/extension/ash/docs/gilens.pdf>

⁶⁷ Ibid.

Figure 3.1: Predicted Probability of Policy Change

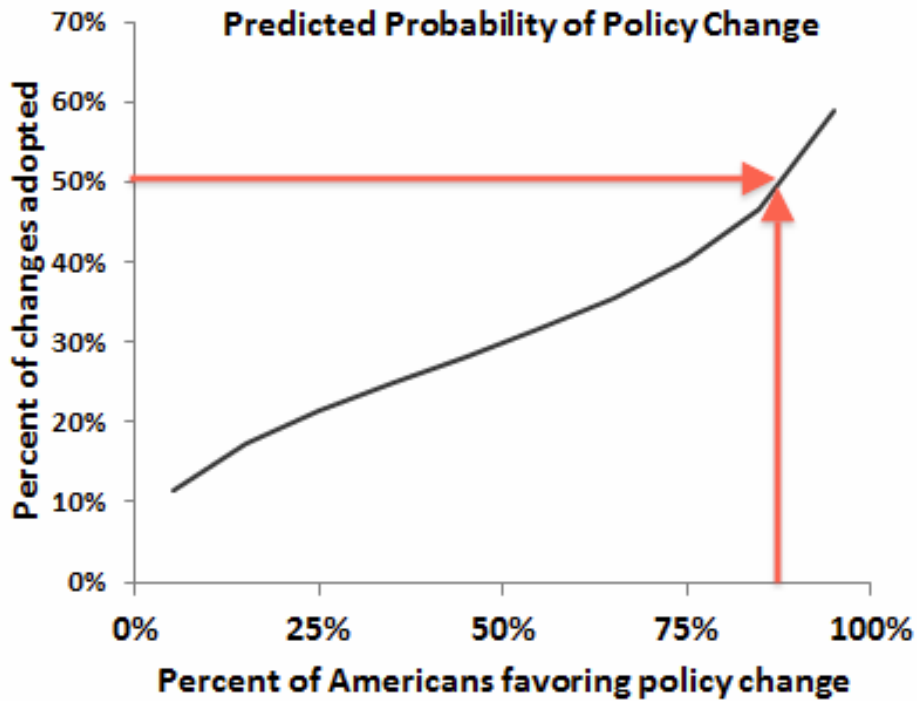


Figure 3.1 shows the relationship between the percentages of the American population that support a given policy change and the likelihood that the change will be adopted (arrows at the 50% chance of changes adopted and corresponding percentage of the populace in favor of the change were added).⁶⁸

Delving further into the data shows that, while Congress is not particularly responsive to the views of American citizens at large, there is a subset of the citizenry to which it is particularly responsive. When the data is split into income groups and then further culled to find the policy questions

⁶⁸ Martin Gilens, "Economic Inequality and Political Power (Part 1 of 3)" *The Monkey Cage*, published August 13, 2012, accessed April 9, 2013. <http://themonkeycage.org/blog/2012/08/13/economic-inequality-and-political-power-part-1/>

where there are significant differences in opinions between the groups, large differences in the levels responsiveness of politicians to different socio-economic groups are evident. Jacobs and Skocpol (2005) find that, “wealthier constituents from the top of the income distribution appear to have had almost three times more influence on their senators’ votes than those near the bottom.”⁶⁹ This influence was actually greater on the “most salient bills,” which include, “legislation on the minimum wage, civil rights, government spending, and abortion,” bills that have disproportionate impact on members of lower socio-economic classes.⁷⁰

Larry Bartels (2008) took this even a step further. He found, in his analysis of the 101st, 102nd and 103rd Congresses that, “whether we consider the three Congresses separately or together, the statistical results are quite consistent in suggesting that the opinions of constituents in the bottom third of the income distribution were utterly irrelevant.”⁷¹ In fact, Bartels found a negative correlation between the views of his “low income” group and Congressional roll call votes, in the three Congresses that he studied. The absolute value of this negative correlation, though was small enough to be within the range of error for which zero would be a plausible level of responsiveness.⁷² This slight negative or, in a few cases slight positive, correlation between the views of the lowest income group and Congressional

⁶⁹ Jacobs and Skocpol, “American Democracy in an Era of Rising Inequality,” 14.

⁷⁰ Ibid.

⁷¹ Bartels, 260.

⁷² Ibid.

roll call votes was consistent across all of the votes that Bartels studied from economic to social issues.⁷³

Bartels's findings were consistent with those of Gilens, who primarily focused on the economic issues where there were the most noticeable differences in opinion between the income groups. Gilens found that the lack of responsiveness was not limited to the lowest income levels. In fact, when examining the likelihood that a proposed policy change would be implemented, he found that, "[it] rises from 8% to 51% as support among high-income respondents increases, but rises only from 24% to 31% as attitudes among median income respondents shift from strong opposition to strong support."⁷⁴ This means that a policy with the support of the most wealthy members of society is 6 times more likely to pass than a policy with the strong dissent of that group whereas the difference is only 1.3 times for middle-income Americans.⁷⁵

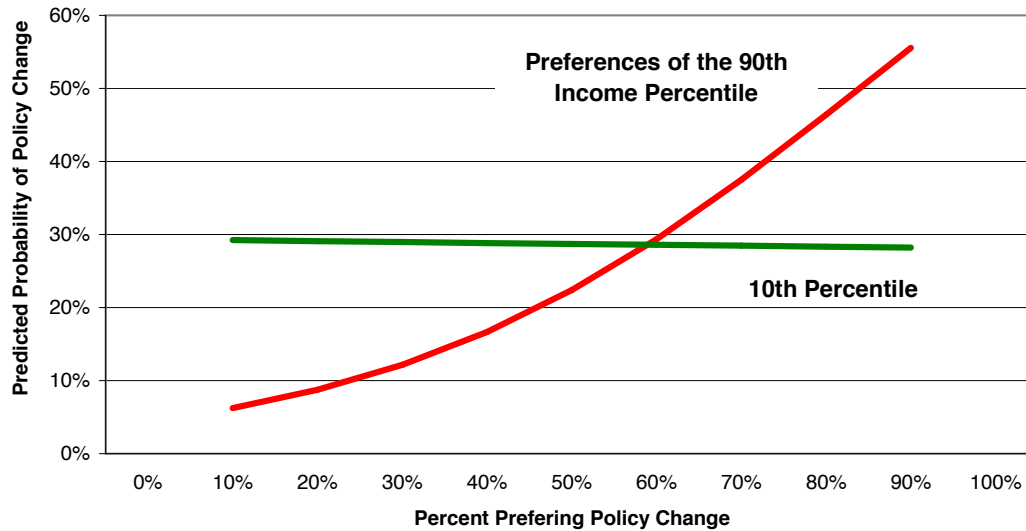
The percentages provided by Gilens's study represent only the policies where there is the noticeable difference in opinion between the rich and the poor, as the policies with no differences in opinion between the two groups would afford each the same chances of the policy changing—in accordance with the graph shown in figure 3.1. Figure 3.2 and 3.3 demonstrate the differences in Congressional responsiveness between the most affluent citizens—taken at the 90th percentile—the median citizens, and the poor citizens—taken at the 10th percentile.

⁷³ Ibid., 260-282.

⁷⁴ Gilens, "Inequality and Democratic Responsiveness," 16.

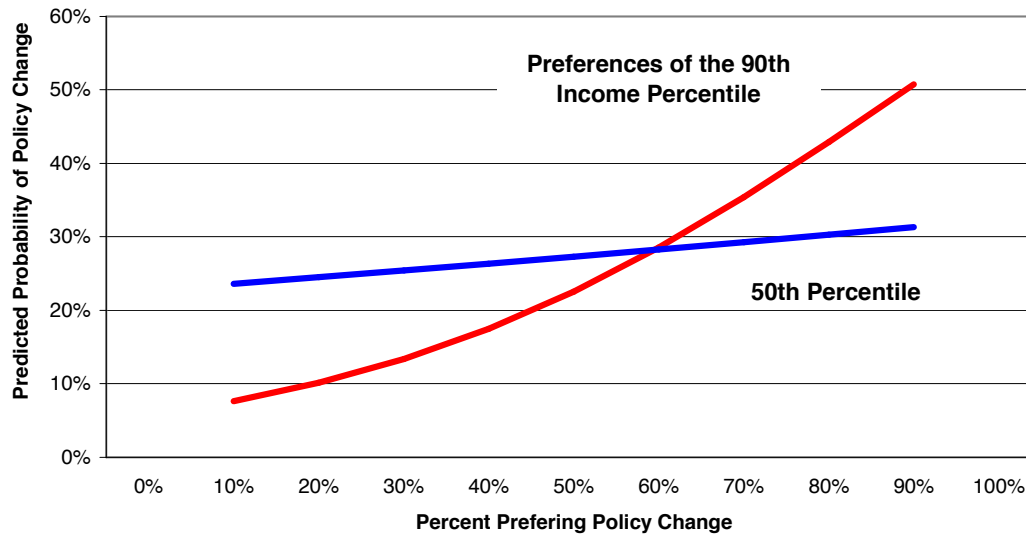
⁷⁵ Ibid.

Figure 3.2: Policy Questions on which respondents at the 10th and 90th income percentiles disagree⁷⁶



Includes the 300 questions for which preferences among respondents at the 10th and 90th income percentiles differ by at least 10 percentage points.

Figure 3.3: Policy Questions on which respondents in the 50th and 90th percentiles disagree⁷⁷



Includes the 369 questions for which preferences among respondents at the 50th and 90th income percentiles differ by at least 5 percentage points.

⁷⁶ Ibid., 39.

⁷⁷ Ibid., 40.

These charts show how income can influence what is the subject even of political debate. Issues that are favored by the wealthy are likely to get changed relative to those favored by the middle- and low-income citizens. Thus, it is not only the actual votes that are cast, it is the bills that are left off the table due to lack of interest in changing policy on the part of Congress that hold equal if not greater importance.

Bartels et al. (2005) give this phenomenon a name—the nondecision problem.⁷⁸ This problem is, “the power over important decisions that were not made. Power in repose, so to speak, can exercise its less empirically verifiable influence over what is not on the policy agenda, what options are off the bargaining table, and so on.”⁷⁹ The authors find that this nondecision problem is one that manifested itself particularly in regards to issues pertaining to economic inequality. They give the example of, “growing economic inequality since the mid-1970s appears to have been associated temporally with lessened, not greater, attention in policy debates to the principle of progressivity in federal income taxation.”⁸⁰ The timeline, in this case, is important given smaller income gaps that were present in the years following World War II.⁸¹

The evidence here points to a largely divided level of responsiveness among legislators—they are responsive to citizens of higher socio-economic class and not citizens of lower socio-economic class. The calls by E.E. Schattschneider in the 1950s for a “responsible party government” that

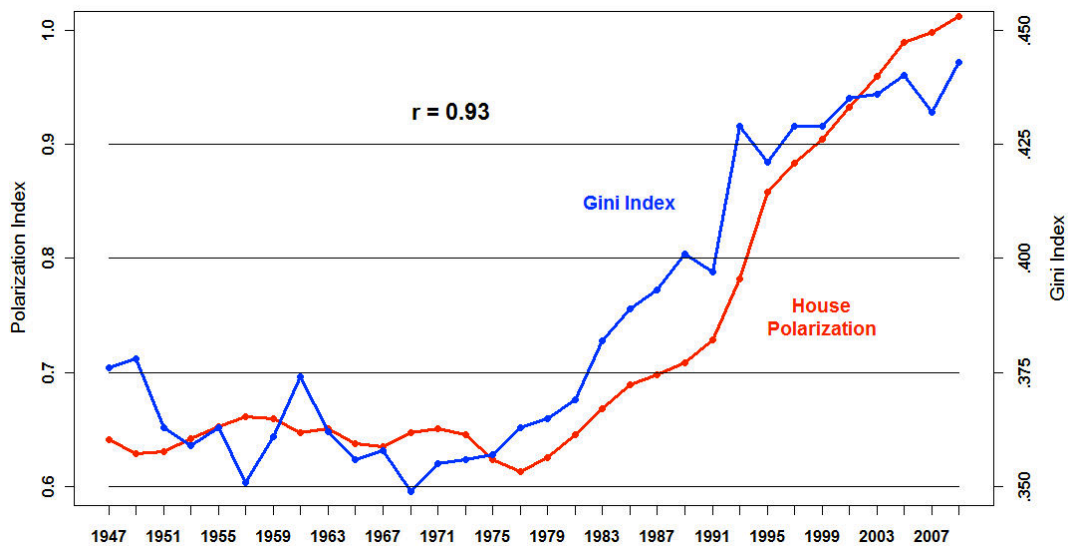
⁷⁸ Bartels, Hecla, Hero, and Jacobs in *Inequality and American Democracy*, 92.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

⁸¹ *Ibid.*, 92.

Figure 3.4: Income Inequality and Political Polarization: 1947-2009⁸²



would, “usher in policy changes favorable to broad publics and the less well off by making it possible for voters to choose between cohesive party teams offering distinct platforms and then be empowered to implement those platforms once elected” seem not to have been heeded.⁸³ In fact, it appears the exact opposite has occurred. Over 55% of National Election Survey respondents over the 2002 and 2004 elections stated that rich people pay less than they should and nearly 45% of respondents feel that poor people pay more than they should. In spite of these popular sentiments, politicians have been slow to make any movement on the tax code, particularly in a manner that will increase the tax burden on the upper class.⁸⁴ McCarty, Poole and Rosenthal (2006) show that increasing political polarization has coincided with greater economic inequality. This finding is shown in figure 3.4. While

⁸² McCarty, Poole and Rosenthal, 6.

⁸³ E.E. Schattschneider in Bartels, Hecl, Hero, and Jacobs “Inequality in American Governance” in *Inequality and American Democracy*, 99.

⁸⁴ Bartels, 140.

the clear distinction between representatives of the two parties has emerged, the act of, “usher[ing] in policy changes favorable to broad publics,” has not become a reality.

Rising income inequality alongside rising partisanship serves as a transition from equality of influence to equality of impact. Citizens of higher socio-economic class have greater say over the policies that are passed, as shown in this section. For this reason, the question becomes do those policies have a disproportionate positive effect on citizens of higher socio-economic class, who happen to represent a disproportionate percentage of voters and disadvantage citizens of lower socio-economic class—those who represent a substantial portion of the non-voting populace.

Equality of Impact

The previous section established that representatives are considerably more responsive to the concerns of the upper socio-economic classes of society; their responses in roll call votes have been shown to have no correlation to the opinions of US citizens in lower socio-economic classes. This lack of responsiveness is not using the knowledge and expertise of the “elites” and “experts” in order create policy that ultimately benefits everyone equally.⁸⁵ In fact, socio-economic elites benefit disproportionately from these

⁸⁵ This being the lowest end of acceptability here, where Rawls makes the claim that any policy that is made should have the most benefit for the least well off.

policies. This benefit is particularly notable when government is under the power of the Republican Party.⁸⁶

It is not just the elites, though, that benefit from the policies and actions of representatives. Voters carry special weight, as they are essential for the maintenance of power by elected officials. Jacobs and Skocpol (2005) observe that, “members of Congress have directed government funds coming into their districts to specific geographic areas that vote at higher rates and provide their greatest support.”⁸⁷ What this serves to accomplish, according to their paper, is to, “[heighten] the reward to the organized at the expense of the citizens who do not vote, contribute or otherwise participate in American politics.”⁸⁸

Explicitly directing funds and government jobs to places with higher turnout may be the most easily visible and explicit mechanism through which the current governmental system disadvantages non-voters. Citizens in lower socio-economic classes, the group that is more representative of non-voters, exhibit the lowest level of economic growth under presidents over all non-election years.⁸⁹ The 20th and 40th percentiles have seen the lowest growth levels during election years.⁹⁰ This difference is not, though, consistent across party lines.

⁸⁶ It is worth noting that the Republican Party is the one that is disproportionately supported by citizens of higher socio-economic classes, as demonstrated in Chapter 2.

⁸⁷ Jacobs and Skocpol, “American Democracy in an Era of Rising Inequality,” 13.

⁸⁸ *Ibid.*

⁸⁹ Bartels, 107.

⁹⁰ *Ibid.*

Under Democratic presidents, the 60th percentile saw the highest income growth rate during election years, with the 20th percentile exhibiting greater growth rates than the 95th percentile. During non-election years, the 20th percentile showed the highest growth rate of the five groups that were studied (20th, 40th, 60th, 80th, 95th), though the five are closely bunched.⁹¹ Under Republican presidents, on the other hand, the 20th percentile demonstrates negative growth rates during non-election years and the lowest positive growth rate of the five income groups during presidential election years. At the same time, the 95th percentile shows the greatest amount of growth during both periods under Republican presidents.⁹² It is worth remembering here that converting current non-voters to voters would increase the percentage of votes obtained by the Democratic Party, which appears consistent with a representation of their economic interests—higher income growth at the lower income levels and higher income growth relative to the highest levels. It is also worth noting that the top wage earners are still large beneficiaries of policies passed under both parties, as their growth rate in non-election years is 1.51 percentage points greater than under Republican presidents. This partisan difference is flipped, though, during election years.

At the times corresponding to the increase in partisanship in Congress and the increasing Gini coefficient shown by McCarty, Poole and Rosenthal (2006), Bartels (2008) finds that cumulative income growth by income percentile has changed drastically from the period ranging from 1947-1974 to the period from 1974-2005. Cumulative income growth has gone from 97.5%,

⁹¹ Ibid.

⁹² Ibid.

100%, 102.9%, 97.6% and 89.1% for the 20th, 40th, 60th, 80th and 95th income percentiles in the first period to 10.3%, 18.6%, 30.8%, 42.9% and 62.9% for those same groups in the second period.⁹³ Furthermore, the incomes of the 99.99th percentile have jumped even more rapidly than those in the remainder of the 95th percentile, showing the accumulation of wealth at the top of the American economic system.⁹⁴

A number of policy decisions can be pointed to as reasons why this gap has increased such as the stagnation of the minimum wage—an increase is has not been generally supported by the more affluent members of society who, as have been shown, have a disproportionate impact on the political system. Another example of a policy decision that has disproportionately benefited the rich is the capital gains tax. In spite of the majority of Americans believing that capital gains should be taxed at the same rate as income, capital gains tax rates have dropped over the past 20 years and remain well below the income tax rate.⁹⁵ Resistance to high capital gains

⁹³ Ibid., 9.

⁹⁴ This is permitted by policies supported disproportionately by the same members of upper socio-economic classes that vote the upper socio-economic class politicians into power. Once in power, these politicians then support policies that allow growth rates at the top to continue far outpacing gains in wealth at all other levels. The dominance of the agenda setting mechanism by these elites allows the status quo in this manner to be perpetuated in a way that universal turnout could bring into question with a much larger number of voters in the lower socio-economic classes that need to be persuaded to vote for the two major parties in order to ensure electoral victory. Chapters 4 and 5 will expand on this in greater depth.

⁹⁵ David Callahan and J. Mijin Cha, “Stacked Deck: How the Dominance of Politics by the Affluent and Business Undermines Economic Mobility in America” (paper, Demos, New York, NY, 2013), 22 and Allison Kopicki, “Poll: Partisan Split Over Tax Policies,” *NYTimes.com*, published January 24, 2012, accessed April 9, 2013.
<http://thecaucus.blogs.nytimes.com/2012/01/24/poll-partisan-split-over-tax-policies/>

taxes has come from many of the top beneficiaries of this lower tax rate, as, “the Center on Budget and Policy Priorities has estimated that in 2012, the top 1 percent of households received 71% of all capital gains.”⁹⁶

Inequality has been rising at the same time as these policies that have been implemented to protect the earnings of the economic elites, the same group whose opinions are disproportionately represented in the policy making process. My intent is not to provide a partisan case about the value of changes to the capital gains tax rate or for the minimum wage. Rather, my point is to demonstrate the existence of policy changes that wealthier Americans have favored and the beneficiaries of those policies. While there is a demonstrable difference between the two parties in terms of growth across different income levels, the difference has been insufficient to prevent a steady increase in the level of economic inequality within the United States. The persistent and growing inequality is due to a slowing of growth at the bottom of the economic spectrum and increasing amounts of wealth concentrated at the top.⁹⁷ The policies in place have permitted this to happen, particularly over the past 30 to 40 years.

While examples such as the minimum wage and capital gains tax were given in this section, they are merely to show examples of policies that, at least on the surface, appear to disproportionately hurt the poor and benefit the rich respectively. Whether or not that is the case with these specific policies is immaterial to the overall claim—inequality has increased, which is

⁹⁶ Callahan and Cha, 22.

⁹⁷ This is at least in part related to the party that has maintained control of the presidency for this time period as the Republican Party held the presidency for 20 of the 32 years between 1973 and 2005, the approximate period covered in the study done by Bartels.

something that voters tend to agree is not necessarily a good thing. Over 75% of respondents within the 2002 and 2004 National Election survey believe that, “the difference in incomes between rich people and poor people in the United States,” is either much larger or somewhat larger than it was 20 years ago, compared to only 5.6% who believe that the gap has shrunk. Of the total respondents, 43.8% believe that both the gap has grown and that this is a bad thing, as opposed to 4.7% who believe that the gap has grown and that is a good thing and the remained who thought the gap had grown had not thought about whether that was a good or bad thing.⁹⁸ This inequality is a result of poor representation, which is itself a result of the inconsistent turnout pattern in American politics.

This section demonstrates that people of high socio-economic class and the voting have seen policies they support approved, while also enjoying electoral “pork” directed to their district. The rich have also seen a disproportionately high rate of growth during this same time period. This answers the question that the section set out at its beginning—whether or not the rich saw disproportionate advantages in terms of results that correlate with their increased voice in the policy making process.⁹⁹ Furthermore, the majority of Americans who recognize the reality of the increasing levels of economic inequality do not support its growth.

⁹⁸ Bartels, 144.

⁹⁹ While correlation may not prove causation, there is a demonstrable causal link between policies that, for example, allow people to keep a larger portion of their income and increased income growth among that population (as was shown to be the case with the example of the capital gains tax).

The Collective Action Dilemma

I have shown that higher-income citizens have greater contact with elected officials, donate more to their campaigns, are more likely to be involved with partisan organizations, and are more likely to actually work on the campaigns themselves. They are also more likely to vote and to have their opinions represented in Congress. There is, necessarily, a certain incentive structure to involvement derived from the variable inputs of time and resources from different groups. If the rich and those who come into greater contact with the candidates are the ones who are more strongly represented in Congress, the payoff to them of engagement is greater. This carries even more weight due to the fact that campaign contributions on their own do not account for all of the reasons why legislators vote in accordance with upper-class interests on roll call votes in the legislature.¹⁰⁰ What is shown by Larry Bartels is the rich have the incentive to participate in government, as it provides for them. Thus, the benefit reaped from that partial provision of the collective good is sufficient for the rich to bear the costs of its provision. This partial provision, then, is a government that responds to the views of some, but not all of those that it purports to represent, and does so in a way that can be systematically broken down into different groups.

The initial question that this could raise is how do the poor change the government such that it provides for them? The problem is that the politicians, once in office, do not listen to the lower classes regardless of

¹⁰⁰ Bartels, 275-280.

turnout, though turnout can be effective in determining which politicians get to hold the power. This creates a form of a collective action problem through a self-perpetuating cycle. The rich have been empowered through the electoral structure and have created a system that has a feedback loop to continue privileging their own interests. The marginal vote of the poor current non-voter would not have an influence once the candidates are decided on due to the lack of responsiveness of elected politicians. While the Democratic Party has been shown to be more receptive to the ideas supported by the lower socio-economic class, and would receive more votes if all non-voters did vote, it becomes far too easy to fall into the trap outlined by Citrin et al. (2004). This is the trap for which full turnout would not produce demonstrably different results based on the candidates that are already running. For effects to be seen, participation would have to be assured of being high, forcing parties to appeal to and adjust to the new voters instead of ensuring party base support and convincing undecided likely voters. The candidates that run do so knowing the status quo assumptions of low turnout among citizens of low socio-economic class. Thus, the system will continue to self-select until turnout changes not just in a single instance, but also in a sustained manner. Thus, engagement in a single election by single low-income voters could be seen as irrational given assumptions regarding the behavior of others in the situation.

Reform would have to start at the level of candidate selection and force the candidate to acknowledge their electoral pool as larger than just the typical “likely voters” and “political activists” from the moment of their declaration of intent to run for office. Otherwise, the trend of candidates who

do not reach out to, listen to or respond to lower income voters, given their relative lack of representation in the voting base and lack of other effective mechanisms for exercising political voice is likely to be perpetuated. Implementing a system of compulsory voting, or, more accurately, compulsory turnout would create that larger voting base and would do so with a guarantee of an electorate more representative of the citizenship of the country than is currently the case.¹⁰¹ Creating a fully representative electorate will work to solve the problem that citizens of low socio-economic class have no options in the current system to get their voices heard.

¹⁰¹ Compulsory turnout is the more accurate term as, with the secret ballot that exists in the United States, no one can be compelled to cast a legitimate, unspoiled ballot. All that could possibly be required would be presence at the polling station.

IV. The Representative Paradox

“The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power, and proneness to abuse it, which predominates in the human heart, is sufficient to satisfy us of the truth of this position.”

-George Washington, “Farewell Address” 1796¹⁰²

Where the preceding chapters have laid out the evidence of inequality of involvement and representation that is present that could lead to the creation of this collective action problem, I will delve into the theories behind representation and how the history of the founding of America has led us to the place where we currently are in this chapter. Chapters 2 and 3 give the largely empirical failings of the current system, and Chapter 4 will establish the inherent impossibility of the current system’s conception of representation that has contributed to those failings.

Now established is how people in lower socio-economic classes do not vote at nearly as high a rate as people in higher classes. These non-voters exhibit significantly different party and policy preferences from voters. Chapter 3 demonstrated the realities of what the representatives do once in office and established that the policies passed by these representatives are disproportionately those favored by the members of the upper socio-economic classes. These policies that are favored by citizens of high socio-economic class have a positive effect on the more affluent parts of society, vastly lesser, if any, positive effects are found among members of the lower

¹⁰² U.S. Congress. 1796. *Farewell Address of President Washington to the People of the United States*. George Washington. 4th Cong., 2nd sess. Pub. 11, 34-38

classes, particularly under the leadership of more conservative political parties.¹⁰³

This chapter will work through American political development and the theories of representation and policy changes that have led to the realities that are seen today. Through this, compulsory voting will emerge as a mechanism to reconcile the competing theories of representation. This reconciliation accepts the reality that politicians will make popular appeals to power by reaching out to the people directly, while attempting to ensure that the people are fully represented in that outreach to allow for more accurate representation.

The Founding and the Beginnings of Popular Appeals to Power

The founding document of the United States—the Constitution—begins its preamble with three famous words: “We the people.” While at the time of the founding, “we the people” was not completely inclusive—there were still slaves, women did not have the right to vote—it provided the foundation for a system of self-government where the people—and all the people—are fundamental. In spite of this dedication to “we the people,” democracy was a scary word to the founders. The founders wanted to create

¹⁰³ This is again not a normative judgment against the conservative parties or an explicit call for certain policy outcomes, rather it is a statement of the realities meant to elucidate changes in voting behavior that may be observed given a change to the electorate. This is not to say that if the party platform adjusted to appeal to a wider support base, including the current non-voters, conservative parties would not still win elections and certain conservative social and political policy objectives would not be adhered to. Rather it is changing the forum in which these policies are addressed to be more representative of “we the people” as opposed to “we the voters”

a system based on “deliberation and full representation,” and allowing some aspects of democracy was the mechanism through which full representation could enter the political sphere.¹⁰⁴ The importance of adding the check of full representation to the simple deliberation of politicians is seen in the words of Madison in Federalist 51, “If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary.” The next part is equally as important,

In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions.¹⁰⁵

Even as the founders embraced “we the people,” they looked for ways to avoid granting too much power to the masses. The Electoral College and the indirect election of senators kept the masses slightly removed from large parts of the federal structure. The people could serve as one of Madison’s external checks, but the impassioned and potentially uniformed mob could not singlehandedly take over the government. The House of Representatives was the branch that was a concession to the “majority” as it is directly elected with districts of approximately 33,000 residents—the American version of the House of Commons.¹⁰⁶ Even for the Senators, their election was contingent upon the support of locally elected politicians who were responsible to their

¹⁰⁴ Roberto Gargarella, “Full Representation, Deliberation and Impartiality” in *Deliberative Democracy*, ed. Jon Elster (Cambridge: Cambridge University Press, 1998), 260-261.

¹⁰⁵ James Madison, “Federalist 51,” in *The Federalist Papers*, ed. Clinton Rossiter (New York: New American Library, 1961).

¹⁰⁶ For the founders, the majority was the debtors and creditors would need to be protected from the tyranny of the debtors through government mechanisms. See Gargarella, 260.

constituents on a smaller scale. America was not the Athenian polis where representatives serve by lot and all had a direct voice in the political process, though the Anti-Federalists would have much preferred this model of governance in the individual states.

The presidency was slightly different and has seen drastic change to popular involvement in the presidential selection process. Early American presidents were elected by the political elites through the Electoral College or supported by the party machine. What they did not do, though, was campaign for office. This changed with William Jennings Bryan in the election of 1896.¹⁰⁷ For the first time, candidates publically campaigned for office. They went to those who they sought to represent and sold themselves, their ideas, opinions, look, speech, and manner.

Beginning in 1970 with Richard Nixon and cemented in 1980 with Ronald Regan, the system changed again. Presidents began to go over the heads of Congress for popular appeals to legitimacy drawn directly from the people. At the same time, Congressional leaders were forced to campaign more, the cost of elections rose dramatically and innovations in the field of social media made this technique of “going public” that much easier. The evolution of the popular campaign, started by Jennings Bryan, took another leap forward in this era.¹⁰⁸ With the changes to the popular campaign and the

¹⁰⁷ One could make a case that it took until 1900 for this truly to emerge with the successful campaign of Theodore Roosevelt and his “bully pulpit,” but the precursor to that can be seen as Bryan’s campaign, in spite of his loss.

¹⁰⁸ Though I will not say was completed as fully unchaining the beast of public opinion would likely manifest itself in a form of direct democracy, which is something that, outside of ballot initiatives and referenda does not exist currently in the US. One may make an argument that incessant opinion polling begins to bring this closer to reality, though it must be mentioned that

growth of the country, the idea of “full representation” took on new meaning. Politicians could run campaigns outside original mold of representing the classical few and the classical many—creditors and debtors—rather the increasingly heterogeneous society provided a plethora of “minorities” to be represented in government, to the point where not all can be represented if politicians are seen as representing the interests of a particular group.¹⁰⁹

The question that this story of the development of the American representative tells is that in a country where having individual politicians who personally represent every possible interest within government is impossible, how should these representatives act? The answer to this question has been a subject of conflict throughout American history, as the descriptive model of representation, where politicians attempt to “mirror” their constituencies has been pitted against the trustee model of representation, in which politicians rule as outside actors, not beholden to any specific interests, but charged with providing for the good of all.

Conceptions of Representation and How They Fit in the US

The trustee model represented the Federalist ideal, where politicians could come together at the federal level to work as virtuous representatives of the people on policies for the good of the nation. The descriptive model of

there are numerous policies on which the majority of the American public agrees, while Congress refuses to legislate. Furthermore, this opinion polling is, itself, often representative only of voters or likely voters when done during campaign season—the time when politicians are most likely to give import to the views of their constituents as was shown in earlier chapters.

¹⁰⁹ Gargarella, 271.

representation, on the other hand is one in which representatives mirror the public. It was to be borne out on the level of the small, Athenian republic.¹¹⁰ Where there were local elections, the populations could more closely resemble the small Athenian republics that the Anti-Federalists saw as ideal. For them, a small state did not just mean small federal government; it literally meant that things should operate as a federation of these small, Athenian states. The separation of powers and the different types of representatives that it engendered were crucial in the initial conception of the American government and the struggle between the Anti-Federalist desire for a descriptive system of representation and the Federalist drive for a federal government defined by trustee representatives.

The initial compromise between the two forms of representation manifested itself in the divide between the House of Representatives and the Senate. The directly elected House of Representatives had shorter terms, allowing it to truly be the “people’s house.” The Senate, on the other hand, was a place where political time moved more slowly—Senators had terms of six years in comparison to the two-year terms of members of the House of Representatives. Furthermore, they were not directly elected by the people and, thus, were not subjected as directly to the whims of the masses. They could serve as trustees. The President served as something between the two.

¹¹⁰ This was often, but not always, the individual states. In small republics, representatives can be drawn from specific groups of people to directly mirror their interests and the ratio of representatives to citizens is sufficiently high that all groups can be represented. Furthermore, the mechanism for choosing representatives must be such that all citizens can have a representative that directly “mirrors” them elected to the governing body. In large republics, this is not possible. Representatives must then be elected on faith that they will rule, as virtuous representatives in the interests of the people and nation as a whole.

He was not quite directly elected, but the entire nation (or the entire nation that was able to vote) could have some form of say in who is elected to the presidency and the president has a term length that is between that of a Senator and a Representative.

The reality of the modern electoral system, in which politicians are increasingly going public and using the language of descriptive representation, I accept that this part of the Anti-Federalist form of representation has become a part of the American political system. Compulsory voting works, then, to restore some of the value of the Federalist supported trustee representative, providing a reconciliation of the two theories within the sphere of American politics.

The Representative Impossibility

Conceptions of American democracy have changed throughout the course of American political development. With Jackson, the United States began to embrace the idea of democracy—the Jacksonian Democrats. The direct election of senators with the 17th amendment, the expansion of suffrage with the 15th, 19th and 26th amendments and the changes in how electors cast their Electoral College ballots. Each moved the federal government towards a more “democratic” system, placing the burden of the grant of legitimacy for the federal government more directly on the shoulders of “we the people.”

As the country has become more democratic, its population has also risen. The country went from about 3.9 million in 1790 to 308.7 million in 2010.¹¹¹ The number of states increased from 13 to 50, with the number of senators increasing proportionately. The House of Representatives has grown from 105 members in 1790 to 435 now with the number of people per representative increasing from approximately 1 representative per every 33,000 citizens to 1 representative to approximately 700,000 citizens today.¹¹² When the total number of members of congress is taken, there are approximately 580,000 citizens to every representative, a mark far greater than many other developed democracies, as shown in figure 4.1. At the same time as the number of citizens per representative has been increasing, income levels for members of what was originally construed as the “people’s house”—the House of Representatives—has more than doubled over the past 25 years, while the average wealth of a household that they represent has dropped. 47% of members of Congress are millionaires, while only 5% of the American population can say the same.¹¹³ Finally, a campaign for a House of Representatives seat costs an average of \$1.4 million—four times what it cost

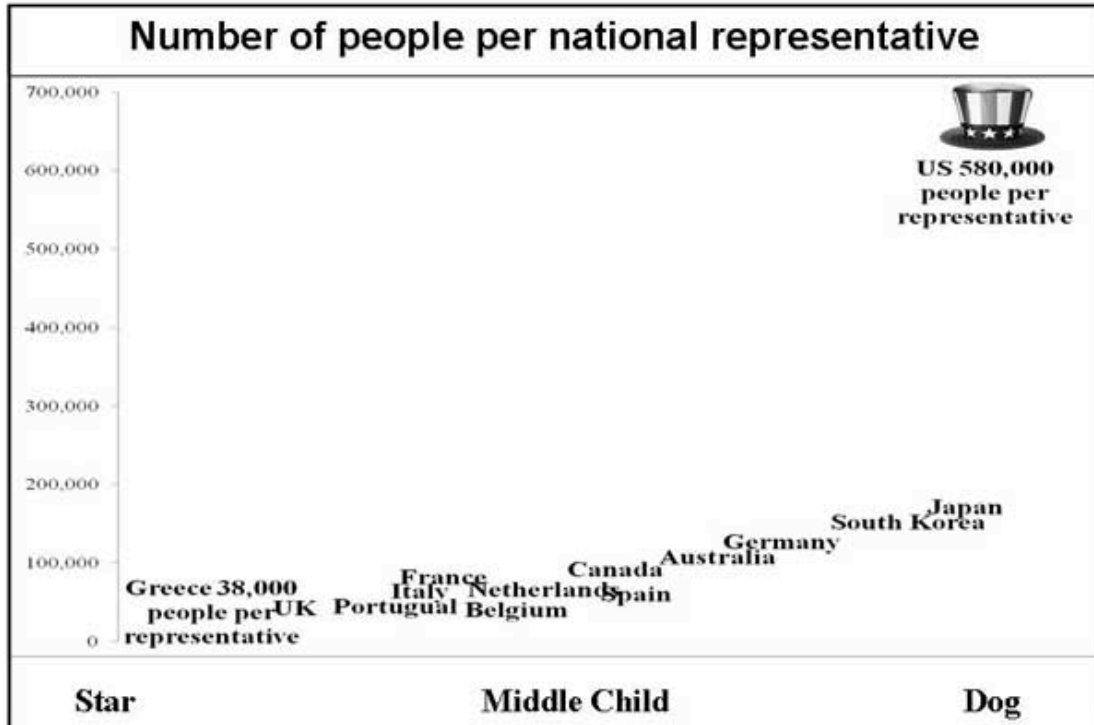
¹¹¹ U.S. Census Bureau, *Population 1790 to 1990*, updated August 1993, accessed April, 10 2013.

<http://www.census.gov/population/censusdata/table-4.pdf> and U.S. Census Bureau, *2010 Census Interactive Population Map*, accessed 10 April, 2013, <http://www.census.gov/2010census/popmap/>.

¹¹² Brian Flynn, “What’s wrong with Congress? It’s not big enough” *CNN*, published March 9, 2012, accessed April 10, 2013. <http://www.cnn.com/2012/03/09/opinion/flynn-expand-congress/index.html>.

¹¹³ Stanley Elkins and Eric McKittrick, *The Age of Federalism: The Early American Republic, 1788-1800* (Oxford: Oxford University Press, 1993), 9. The idea of a hereditary nobility that did not exist in America at the founding, but can now be seen to have come into some degree of reality.

Figure 4.1: Number of People per national representative¹¹⁴



in 1976.¹¹⁵ The consequences of this is that politicians are able to “go public,” use the language of descriptive representation and get all the benefits of a claiming a “democracy” without the costs of actually making the system a true democracy, which, within the descriptive framework has been shown to be impossible in the current system.

¹¹⁴ Howard Steven Friedman, *The Measure of a Nation: How to Regain America’s Competitive Edge and Boost Our Global Standing* (New York, NY: Prometheus Books, 2012) in Elizabeth Flock, “Five Charts That Show How Our Democracy Isn’t Working” *U.S. News*, published June 18, 2012, accessed April 11, 2013, <http://www.usnews.com/dbimages/master/29900/People-per-national-representative.jpg>.

¹¹⁵ Amy Bingham, “As Americans Get Poorer, Members of Congress Get Richer,” *ABC News*, published December 27, 2011, accessed April 10, 2013. <http://abcnews.go.com/blogs/politics/2011/12/as-americans-get-poorer-members-of-congress-get-richer/>

As was shown in the previous chapters, turnout has been decreasing while the House and Senate have become more representative of the socio-economic elite in their membership.¹¹⁶ What compounds the discrepancy of socio-economic status between the representatives in government and the population at large is that lower turnout yields greater inequalities in those who vote—skewed to those in higher socio-economic classes.¹¹⁷ This is to say that those in the higher socio-economic brackets are electing others in progressively higher socio-economic brackets. Money is flowing into campaigns as it has never before and the source of this money is often the same economic elites who comprise a disproportionate part of the voting body.

The money in politics, the fact that politicians are members of higher socio-economic classes and the fact that it is a practical impossibility for someone of the lowest socio-economic class to get elected to national office are not inherently problems. The problem arises when these wealthy politicians support policies that disproportionately benefit citizens of higher socio-economic class. The problem is exacerbated when politicians can use the language of descriptive representation to sound like the median citizen while not being compelled by a large enough portion of the electorate to actually respond to the lower socio-economic classes.¹¹⁸ With the drive to “go

¹¹⁶ The socio-economic status of politicians itself is not the issue. I accept the idea that we will have politicians of high socio-economic class. This becomes problematic, though, when these politicians support policies that benefit others of high socio-economic class.

¹¹⁷ Lijphart, 8.

¹¹⁸ What also emerges is the anti-intellectual candidate that emerges who attempts to look like and sound like their constituents. This is a way around the safeguard that descriptive representation or “mirroring” provides. The

public” and the increasing levels of anti-intellectualism allowing politicians more closely mirror the speech and mannerisms of the “average American,” it has become harder to campaign as a true trustee. Thus, we have emerged in an era where candidates must use the speech of a descriptive representative, but once elected, must confront the challenges of trusteeship. Compulsory voting introduces a new, lower socio-economic block of voters the interest for more social welfare spending, a group that can exert influence (even without actively advocating for it) on politicians to support policies that benefit members of lower socio-economic classes.¹¹⁹

The check to both of these types of representatives comes in the form of elections. If the representative does not properly mirror or is a poor trustee, they can theoretically be voted out of power. This only increases the incentive for political representatives to appeal to those who vote (and the median voter) instead of the population at large (and the median citizen), provided the politicians can be relatively sure that voting patterns will not change drastically in the next election.¹²⁰

Voters, who are of higher socio-economic class, are more likely to vote for individuals who fit their interests and, in many cases, are further removed from the realities of policy decisions that affect those in lower socio-economic

safeguard is that if someone looks and sounds like the constituent, they are more likely to believe that she will look out for them. When this becomes a mechanism of deception, as it increasingly has, the true problem emerges.

¹¹⁹ See the discussion in Chapter 2 on difference of preference.

¹²⁰ With the electoral collective action problem faced by citizens in lower socio-economic classes, voting percentages have remained fairly constant, and, if anything, have decreased, making the assumption of a similar electorate (that is skewed in the direction of members of higher socio-economic class) a relatively safe one for politicians.

classes.¹²¹ The politicians, then, have incentive to mirror or serve as a trustee for those who got them into power if their goal is to maintain their position.¹²²

Elections can be seen as referenda on the work of a representative and whether they have represented their constituents. The problem if a segment of the population is disproportionately under-represented, the referendum that is issued is likely to send a skewed message. The system as it now stands creates a false claim of legitimacy when, in fact, the meaning of a majority voting an election with 50% turnout can be as low as 25% of the population.¹²³ Politicians increasingly “go public” to look for a popular grant of legitimacy outside of the political system for their action. This requires a notion of the voice of “we the people.” In this case, though, the “we the people” is a far more selective group—the 25% represented are not a representative 25%.¹²⁴ Thus, politicians are increasingly able to receive all the benefits of claiming that the system is a democracy without actually having to make the system a democracy. This effort to keep the system from being a true democracy has also been, in many cases, led by some of the wealthier interests in society.¹²⁵

¹²¹ See the prior statistics about the percentage of Congress who are millionaires relative to the general public.

¹²² It is worth noting here the high incumbency rates in both the House and the Senate, implying that the majority of the members not only want to keep their position, but successfully do so.

¹²³ This could be even lower given that there could be a third party candidate or candidates that receive a slight percentage of the vote, meaning a candidate can be elected without a true majority even of the portion of the population that votes and the percentage of the population that is represented in this case could drop below the 25% number.

¹²⁴ It is no longer the “we the people” of the founding, but a non-codified “we, the people” of the Constitution of the Confederate States. Where the comma in “we, the people of the Confederate states” implies the more selective grouping.

¹²⁵ Even with compulsory voting the system does not reach the extreme of *complete* democracy, which would be direct democracy. This is, then, a

For example, “the American Legislative Exchange Council, largely funded by business, played a significant role in helping pass voter ID laws in numerous states in 2011—laws that undermine participation by low-income citizens without photo ID.”¹²⁶

It is in this world of low voter turnout that liberal democratic theory requires “unencumbered politicians.”¹²⁷ Liberal theory requires politicians to separate themselves from interests and identities, to separate an idea of the good from an idea of the right. Sandel says about classically liberal politicians, “However encumbered we may be in private, however claimed by moral or religious convictions, we should bracket our encumbrances in public and regard ourselves, *qua* public selves, as independent of any particular loyalties or conceptions of good.”¹²⁸ When elections become more expensive, requiring the promise of policy positions to gain corporate donors and wealthy supporters to bankroll campaigns, those encumbrances that, for liberals, must be left outside the liberal political realm creep in. When one combines this with the vast ideas of identities in the widely heterogeneous United States—the idea of the “black vote” or “women’s vote” or “Latino vote” or “working class vote” or “Catholic vote”—politicians are bound even closer to a set of loyalties attached to an identity, especially if the politician is a member of that specific identity group. In a large, heterogeneous democracy, such as the United States, the classically liberal ideal for a

developmental movement working to reverse some of the current movement towards a system of more descriptive representation as opposed to a fully revolutionary moment of change.

¹²⁶ Callahan and Cha, 29.

¹²⁷ Michael J. Sandel, *Democracy’s Discontent: America in Search of a Public Philosophy* (Cambridge, MA: Harvard University Press, 1996), 17.

¹²⁸ *Ibid.*, 18.

representative is difficult if not impossible to find, especially when the electoral system provides a check on their power that is skewed toward the higher socio-economic classes.

As power has skewed and politicians have become members of higher socio-economic classes and less responsive to their constituents regardless of their wealth, approval ratings for government have dropped off and disenchantment with the system has grown.¹²⁹ America, for Sandel, has become a “procedural republic,” a bastardization of these liberal values based on the reality of attempting to apply them to a large, heterogeneous republic.¹³⁰ Politicians are using the language of descriptive representation to appeal to voters, to make themselves seem like an everyday person, while the reality remains that a descriptive representation system with over 500,000 citizens per representative is impossible. Politicians are purporting to describe members of lower socio-economic class in their speech and then, once in office, reverting to support for policies favored by members of the highest socio-economic class. This occurs because the lower socio-economic classes do not turn out in sufficient numbers to keep them from winning re-election after failing to provide that descriptive representation that politicians increasingly imply in the campaign. The reality, then, is that politicians are placed, de facto, in the role of a trustee, but remain tied to the special interests and groups that they claim to mirror in order to gain power. The procedural republic, then, “cannot secure the liberty it promises, because it cannot sustain the kind of political community and civic engagement that liberty

¹²⁹ Ibid., 353.

¹³⁰ Ibid., 6-7.

requires.”¹³¹ The political community extends only so far as there is electoral incentive for the politician and the current system has vastly limited the scope of that community.

The problem then, in a crux, is that the representatives do not represent everyone. This chapter showed that they are part of a structural flaw, which places Americans in the impossible position of electing politicians who campaign as descriptive representatives only to serve, with spectacular failure, as their trustees. The result is politicians who are beholden to the groups that elect them—the special interests, money, and volunteer leaders. The relationship between politicians and these electoral and political interests leaves those outside that key group unrepresented and voiceless in the political sphere. In my last chapter, I will address how liberalism provides a manner of sleight of hand to adapt its theory of representation, in an inherently imperfect manner, to federal representation and I will show the manner in which compulsory voting gets around this structural paradox that the system has created.

¹³¹ Sandel, 24.

V. Solving the Representative Paradox

“Bad politicians are sent to Washington by good people who don’t vote.”

--William E. Simon (63rd U.S. Secretary of Treasury)

The liberal ideal of the “unencumbered politician” has been failing to represent and please the people, but this encumbered politician has continued to find his or her way repeatedly back to electoral victory. This reality raises three questions. First, what peculiarities of the American system limit electoral choices in a manner such that a non-representative candidate may, in fact, be the best available option? The second: would increasing turnout make a difference? The third: does the major competing viewpoint to liberalism—republicanism—have an answer that can satisfactorily address the issues that have been raised? The argument for compulsory voting arises out of the answers to these three questions. The nation’s single member districts and first past the post elections limit the choices of the American people. Increasing turnout to predictable, universal levels, regardless of how the voters actually vote, creates a truly representative sample of “we the people.” This forces politicians to listen to this new, expanded electorate—the entirety of the American people instead of a subset of the American people—and create policies accordingly. In doing so, they regain some of the republican virtue by forcing their deliberation to be informed by full participation. In this manner, compulsory voting reconciles the impossibility of the “unencumbered” liberal politician with the republican trustee.

Part of the answer to the first question lies in the idea of electing the candidate that appears to be the lesser of two evils, as there are often only two viable candidates for office in US elections. This is due to the realities of a first-past-the-post electoral system with single member districts of a country such as the United States. This is particularly notable in comparison to countries such as Australia that employ proportional representation and move away from the winner-takes-all model of the single member districts of the United States. The current system in the U.S. favors the existence of two major parties.

Given that the major parties are already partial to those who vote, there is little incentive for those not represented by the current system to vote for a candidate that does not represent them. Anderson and Beramendi (2008) and Solt (2008) show that, “lower turnout leads to more inequality...while rising inequality in turn depresses electoral turnout.”¹³² Within this system, Hill (2006) sees the potential for a “vicious cycle” to arise in which policies are directed to a median voter whose preferences do not resemble those of the median citizen.¹³³ The result of this, as discussed at the end of chapter three, is the perception of politics among the less well-off members of society as, “a game not worth playing.”¹³⁴

¹³² Christopher J. Anderson and Pablo Beramendi, “Income, Inequality, and Electoral Participation” in Pablo Beramendi and Christopher J. Anderson eds. *Democracy, Inequality, and Representation: A Comparative Perspective* (New York: Russell Sage Foundation) in Schäfer, 13 and Frederick Solt, “Economic Inequality and Democratic Political Engagement” in *American Journal of Political Science* 52.1 (2008).

¹³³ Lisa Hill, “Low Voter Turnout in the United States: Is Compulsory Voting a Viable Solution?” in *Journal of Theoretical Politics* 18.2 (2006): 216.

¹³⁴ Solt, 58.

On the surface, this makes a case for a system of proportional representation to allow for a wider variety of choice within the political spectrum. Proportional representation, though, is not the perfect solution to the issue that this disenchantment may suggest. “Comparative studies have estimated that the turnout boost from [proportional representation] is somewhere between 9 and 12%.”¹³⁵ This number only represents the difference for national elections—the ones that already have a comparatively high turnout within the scope of all of the elections that occur in the United States. “The European Parliament elections provide a striking example: turnouts have been low even though 11 of the 12 member countries choose their elections by [proportional representation].”¹³⁶ Furthermore, to place the proportional representation case for second-order elections (those at a level below national elections), “the 1996 New York City school board election, one of the rare cases of [proportional representation] in the United States: turnout was a mere 5%.”¹³⁷ Even the promise of a broader range of options is insufficient, particularly in second order elections, to bring people to the polls to cast a ballot. Given this insufficiency, the inequality in voting and representativeness that exists in the current American system would be perpetuated, even with any boost in turnout from a proportional system. Countries with a proportional representation system serve as proof that these inequalities do, in fact, persist.¹³⁸ Thus, proportional representation, while superficially providing a partial solution to the problem of turnout, does not

¹³⁵ Lijphart, 7.

¹³⁶ *Ibid.* 8.

¹³⁷ *Ibid.*

¹³⁸ See figure 2.2

correct the underlying issue of a complete change to make the median voter the equivalent of the median citizen.

The same problems that would face the introduction of proportional representation—namely an insufficient expansion of the voting base to achieve the benefits that would be found from a compulsory system—also hold for things such as same-day registration, a national voting holiday, early voting periods and other policy proposals intended to increase turnout. Campaign finance reform is also less meaningful without drastically increased turnout. Those who would argue that money drives the political decisions would be faced with the persistent issue that the same people who donate are also likely to be the ones who volunteer on the campaigns and have direct access to the candidates.¹³⁹ This indirect use of resources by members of higher socio-economic classes would likely generate a similar level of inequality in terms responsiveness to concerns of those in the lower socio-economic classes as exists without campaign finance reform today if the issue of turnout were not also addressed.

There are a number of thinkers, though, who will challenge even this most basic idea that increasing turnout has its own value. Many will look towards empirical “evidence” to make the case that increasing turnout would have little effect on the outcomes of elections. Chapters two and three demonstrated, though, that there is a significant difference between voters and non-voters that could have electoral implications if turnout were raised in a predictable manner, and that simply raising turnout is still insufficient because differences between the voting and non-voting populations will

¹³⁹ See figure 2.1.

persist. Thus, not only is consistently predictable turnout increase necessary, it must be equal across all societal groups and socio-economic levels, something that can only be achieved through compulsory voting.

There is a common basic problem with each of these pieces of “evidence” against the value of increased turnout. They assume either on the front end that the candidates (or personalities) involved would be the same and run on the same electoral platforms given the influx of new voters, or on the other end, that it is the party (or policies associated with the party) that these new voters actually vote for that is important. Instead, what increasing turnout does is change the identity of the median voter to more closely resemble the median citizen—as turnout levels rise, the inequalities in turnout levels between different socio-economic levels decreases.¹⁴⁰ In doing so, it would serve to change the language used by the politicians, the policies that they support and what policies are grounds for competition, as they would be forced to appeal to the broader range of constituents, something Richard Fenno (1977) points out is not the case in the current electoral system.¹⁴¹ This is also consistent with the ideas presented in chapters two and three, that the poor place disproportionate emphasis on economic policies. Because the members of lower socio-economic classes and the non-voting lack voice, politicians, understandably, fail to respond to them. It is no coincidence that policies designed to look out for the interests of the lower

¹⁴⁰ Though they do not completely disappear. The case of Australia shows that even at turnout around 95%, marginal positive changes in turnout show less inequality and benefit the party on the left and marginal negative changes have the opposite effect.

¹⁴¹ Richard J. Fenno Jr., “U.S. House Members in Their Constituencies: An Exploration,” *The American Political Science Review* 71.3 (Sep., 1977): 883-917.

socio-economic classes—namely increased redistributive policies and welfare spending—have been enacted to a greater extent in countries with compulsory voting and higher turnout is correlated to higher levels of welfare spending.¹⁴²

Even if voters seem to be spread randomly across two parties in studies done on countries years after the introduction of compulsory voting, this can mean that the parties have simply already adapted to the viewpoints of the influx of new voters. The very idea that it is commonly accepted that, “it would be in the interest of the socially disadvantaged to vote ‘left,’” means that parties would be forced to accept this idea as well.¹⁴³ While not everyone votes to their economic interests, the inclusion of a large block of voters with similar economic interests makes certain policy decisions harder to sell. A politician that previously had to sell ideas just to the wealthy, knowing the poor would not show up to the polls can no longer operate with that confidence. The change that could occur based simply on that knowledge and the associated potential for the expression of a greater degree of “we the people,” is at the crux of the value of universal turnout.

Annabelle Lever (2009) claims in her critique of compulsory voting, “Not only that: in so far as these non-voters are more likely to vote for social

¹⁴² Schäfer, 12. This is again not something proposing a specific policy outcome as an intended result of compulsory voting. Rather, it is a statement that shows that places that have compulsory voting and/or higher turnout have demonstrated greater responsiveness on one specific issue that is pertinent to non-voting citizens of the country. There may be other issues, either “liberal” or “conservative” that would be changed to more accurately represent the opinions of the citizens of the country as a whole rather than simply the voting populace, but this is a particularly notable difference and one consistent with the findings regarding socio-economic class that have been discussed throughout this thesis.

¹⁴³ Lever, 60.

democratic polities than other people, and particularly likely to benefit from them, inequalities in turnout seem to deprive the left of a significant political constituency.”¹⁴⁴ This, again, misses the key benefit of compulsory voting. It is not the party that those who vote for that matters, what matters is that the opinions that were previously not in the political sphere have now entered the equation for parties that are crafting a message to win an election. The left would likely shift slightly left as more people with socially-democratic policy preferences enter the political sphere and the right would move in a similar direction. Thus, there is a change in policy without, necessarily, a change in who wins the election.

Annabelle Lever provides five major critiques of compulsory voting and I will demonstrate how I have dealt with each of them. Her first concern is that there are no distinguishable effects of raising turnout due to a lack of differences of opinion between voters and non-voters. Second, there is the question, as Lever states in her critique of compulsory voting, “the difficulty in such cases is to see how compulsory voting will address, rather than exacerbate, the alienation of these non-voters, who are typically the objects, not the subjects of political debate and policy.”¹⁴⁵ Lever claims that compulsory voting, “takes the guesswork out of electoral turnout, and this makes it easier to target swing seats or constituencies, and easier to identify the key voter groups within marginal seats, themselves—even under systems of proportional representation.”¹⁴⁶ Third, some assert that people have the right not to vote. Finally, Lever claims that literature on compulsory voting

¹⁴⁴ Ibid.

¹⁴⁵ Ibid., 65.

¹⁴⁶ Ibid.

makes the claim that, “non-voters are selfish exploiters of voters.”¹⁴⁷ For her, “the case for compulsion, indeed, verges on the paternalist...because non-voting is here presented as a threat to their interests, albeit a partially self induced threat.”¹⁴⁸

This thesis has dealt with all of these critiques. In response to the first, in chapter 2 I showed that there are significant differences in party preference between voters and non-voters. Furthermore, the claims that since these differences would not have led to different electoral outcomes when applied retroactively to elections were questioned. This was done due to the idea any change in the voter base, especially one that made a close race closer or turned a formerly close race into a one-sided affair would likely have led to different electoral strategy and possibly different policy choices or even candidates for the electoral position going into the election itself.

This change in policy is shown in Pontusson and Rueda’s (2010) study that show, “that center-left parties adopt more leftist platforms in countries with a higher turnout since they need to take up the concerns of voters who in low-turnout countries would not vote.”¹⁴⁹ Furthermore, Hicks and Swank (1992), “report that higher turnout leads to higher welfare spending,” and Mahler (2008), “demonstrates that high-turnout countries redistribute more.”¹⁵⁰ This effect can be seen within the US as well as Hill and Leighley

¹⁴⁷ Ibid., 69.

¹⁴⁸ Ibid.

¹⁴⁹ Jonas Pontusson and David Rueda, “The Politics of Inequality: Voter Mobilization and Left Parties in Advanced Industrial States” *Comparative Political Studies* 43 (2010) in Schäfer, 12.

¹⁵⁰ Alexander M. Hicks and Duane H. Swank, “Politics, Institutions, and Welfare Spending in Industrialized Democracies,” *American Political Science Review* 86 (1992) in Schäfer, 12 and Vincent A. Mahler, “Electoral Turnout and

(1992) found that, “the more underrepresented the poor are among the voters of a state, the less generous is welfare spending there.”¹⁵¹ While this could be seen as violating the liberal idea of prescribing a concept of the “good life,” it instead shows that the people have the freedom to demonstrate their views in a system that was formerly biased against those views being heard. This, then, compels their representatives in government to act on those interests.¹⁵²

In response to the second criticism regarding the alienation of non-voters, it was shown that greater turnout did lead to greater levels of social welfare policies. Furthermore, it was discussed that non-voters are trapped in a vicious cycle of non-representation where any one-time change in voting

Income Redistribution by the State: A Cross-National Analysis of the Developed Democracies,” *European Journal of Political Research* 47 (2008) in Schäfer, 12.

¹⁵¹ Kim Quaile Hill and Jan E. Leighley, “The Policy Consequences of Class Bias in State Electorates,” *American Journal of Political Science* 36 (1992) in Schäfer, 12.

¹⁵² To generalize this idea to a more abstract setting, I will provide the following analogy. Imagine two companies competing to sell a product to a collective group. The group has people with different areas of expertise and, for the sake of this case will be assumed to have 40 members. Those in attendance can choose to vote or not to vote on which of the two companies to purchase the product from. If the companies selling the product know in advance that, for example, 20 of the 40 members would not be present, their presentation of their product will be directed specifically towards the 20 who they knew would be there. If, on top of this, the 20 that were there all had certain commonalities and the 20 that were not had a separate set of common interests, the proposals would begin to be tailored to the specific interests of those who were present. If, on the other hand, all 40 showed up and the two presenting companies knew that 20 of the 40 present were likely to fall asleep in the meeting and not vote (or cast a vote based on who looked nicer or seemed more personable before they fell asleep), but they did not know which 20 of the 40, the proposal would have to be tailored to the interests of the entire group, instead of simply the 20 that were present. This would occur in order to avoid the risk of insulting factions of the buying group whose support would be essential for the sale of the product. It is clear, again, in this example that the interests of the whole are represented to a greater extent by all simply being in the room, even if they pay no attention to what is said or vote on something completely unrelated to their theoretical interests.

behavior is unlikely to have a noticeable effect on policies that are enacted, as the politicians who are running for the office are already doing so based on assumptions of low voter turnout from low-income groups. If turnout is raised to the point that the more liberal candidate wins easily, this is still no guarantee of representation for low-income voters, as their policies were shaped based on assumptions of the median voter going into the election. Thus, changing the identity of the median voter before the candidates are chosen and policies are defined would make the vast numbers of citizens in lower economic classes and former non-voters a more important part of the electoral picture. In this manner, Lever's critique of taking some of the guesswork out of turnout is actually not a critique at all. The less economically advantaged are certain to turn out and politicians cannot rely on relatively more economically advantaged voting bases to carry them to election at the same rate that they used to. These non-voters become a group to target. Furthermore, the electoral targeting already happens—politicians target political “pork” to areas that they know turn out. This would serve to balance that across a wider swath of the society.

In response to the concern regarding the right not to vote, that is maintained, even in a system of compulsory voting. As was stated earlier, compulsory voting is a complete misnomer. What is required is turnout—attendance at the polling station. Once there, voters can do whatever they choose. The fact that there is a secret ballot within the United States means that voters can cast spoiled ballots or cast a vote for no one (as is customarily an option on ballots in countries with compulsory voting). The republican conception of government and citizenship gives an intrinsic value to civic

participation, one that some do challenge. The fact, though, that politicians are failing to represent members of society and that more than half of the citizens of the United States believe that government does not represent people like them, means that there is a fundamental flaw. If, as has been shown, there is a systemic cycle limiting the voice of non-voters, compelling turnout is a small price to pay for an effective political system. Freedom of speech in the vote itself is maintained by not compelling a specific choice or even a true vote being cast. The constitutional freedom of speech argument is not one on which this thesis has focused, as the primary idea is addressing the value that compulsory voting could bring to the system rather than the practical application of it becoming law.

The final critique is one of a combination of paternalism and free riders. Chapters four and five address this claim in depth, as they flip the paternalism argument on itself. In fact, it is paternalistic not to have compulsory voting. The system as it currently stands lends disproportionate influence to the rich. This, in essence, means the rich will vote and be represented know what is best for everyone, including the poor, allowing them to go against the interests of the poorest voters (and the majority of non-voters as well) in their political decisions, as was shown in the second and third chapters. The problem is that the poor have not seen income growth commensurate with the idea that the rich and the political elites actually are following these policies. Thus, people are not free riding on voters, rather the collective action problem is one in which the entirety of the citizenry needs to participate to get the full provision of the collective good that is good governance.

It is with the idea that raising turnout to universal levels, regardless of how the new voters actually vote, creates a more representative sample of the opinions and desires of “we the people,” that the argument for compulsory voting arises. While some compulsory voting proponents argue that it would enhance discourse or interest in learning about politics or being civically engaged, these effects are all secondary to the primary value of compulsory voting. That value is wholesale representativeness. It has been shown earlier in this chapter and the preceding one that government truly “by the people”—with “average” people in government positions—has become increasingly difficult, alongside the difficulties in achieving government “of the people.” Politicians can hardly be expected to be completely “unencumbered,” as Sandel claims the liberal theory requires. In fact, the “unencumbered” liberal politician is a form of sleight of hand by liberal thinkers, as it serves as a mechanism through which the virtuous legislator re-emerges, though not in the language of the Federalist republican, but rather as a liberal response to low turnout.¹⁵³ Compulsory voting, in this sense, does away with that trick of language, removing the need for an ideal that can never be fulfilled and using the people to enforce a check on the representatives themselves.

¹⁵³ The Federalist, republican representative follows the trustee model wherein men are expected to become the most virtuous versions of themselves that they can be. This is in contrast to the Anti-federalist, liberal conception that revolves around freedom. The trick lies in where the liberal can say they are free to act as individuals, unburdened or unencumbered by the whims of any group of which they are a part. This turns away from the language of virtue that, in many ways, is what would allow one to be free from this outside bias and allow a elected representative to truly rule in the interests of all the people.

Compulsory voting, then, is not a paternalistic drive to enforce interest on the part of citizens or even to force them to represent their own self-interests. Rather, it is a mechanism through which the socio-economic elites who are elected into government can be compelled to create policy that represents the entirety of “we the people.” Compulsory voting, in fact, flips the paternalism argument on its head—it would be paternalistic not to have compulsory voting based on the collective action dilemma of voting that was shown at the end of Chapter 3. As shown there, the current system skews to the idea that the members of higher socio-economic classes will rule and socio-economic elites will elect other elites. This pattern fails when the elected members of high socio-economic classes support policies that disproportionately benefit themselves and other members of the upper socio-economic classes.

The change to a compulsory system eliminates the necessity to achieve impossible liberal “unencumbered politician” and allows for the re-emergence of a more truly republican, virtuous mechanism of representation.¹⁵⁴ A heterogeneous society, such as the one that exists in the U.S., can make it hard, or even impossible to find a consistent general will, making trusteeship difficult. While it is difficult, it would still allow for broader representation than is permitted by the current attempt at descriptive representation by so few representatives of so many disparate interests and policy preferences. Universal turnout would then allow for a more complete

¹⁵⁴ The system, in this manner, serves to un-encumber the politicians, to an extent, automatically as they are forced to appeal to an even wider and more diverse range of interests, divorcing them from the ability to tie themselves to any one or small group of few.

embodiment of the general will, informing the representatives, who are forced into a trustee position and, thus, influencing the policies that those representatives feel compelled to support. This allows for the two theories of representation—trusteeship and descriptive representation—to be reconciled. This would be realized through removing the certainty of turnout among a certain subset of the population and replacing it with certainty that turnout would represent the entire population. The change moves from an expectation that men will be capable of being unencumbered in their politics and removing themselves from the biases in their lives—essentially behaving as the “angels” that Madison believes we cannot be—to one that ensures greater virtue through the more accurate representation that this most basic level of civic participation makes possible.

The further key to this point is that the policy effects of compulsory voting would be present almost regardless of how the new voters voted (barring massive defections in voting patterns from economic interest that have not been observed in any countries currently implementing compulsory voting).¹⁵⁵ Furthermore, as with the sleeping businessmen from the earlier analogy, it does not necessarily matter if the compelled voters vote at all. Compulsory voting is itself a misnomer. All that is required of citizens is attendance at a polling location on the day of the election. With the advantage of the secret ballot, citizens are able to cast a spoiled ballot or vote for no one (an actual option on the Australian ballot). Even if the poor

¹⁵⁵ In fact, even in Australia which has compulsory voting, slight differences in turnout benefit the more Liberal party if turnout is higher and the more conservative party if turnout is lower. This supports the idea of the skew of the vote that exists at the margins of the blocks of citizens that would not have voted under a voluntary system.

systematically vote for no one, the secret ballot ensures that obtaining this data will be difficult. There is no enforcement of the exercise of speech of voting; rather, presence at the polls suffices. It is worth repeating, then, that the effects are not predicated on what happens at the ballot box on Election Day. Rather, the effects are based on the desire of politicians to ensure that the people who are suddenly required to be at the polling station and who might otherwise not care about the election and cast a spoiled or random ballot are not given incentive to vote as a block for the opposition party.¹⁵⁶ The effects of compulsory voting are, thus, the phantom effects of ensuring a conception of the voice of “we the people.” This group has the theoretical capacity to vote according to a balanced economic or social interest to collectively affect the results of an election if a political party or candidate chooses not to respect the interests of the disproportionately lower socio-economic class group of former non-voters.

To take it even a step further, the person voting does not even need to necessarily know what their interests are. Rather, the fact that the governmental elites have ascribed a set of interests people who currently vote in considerably smaller proportions—the comparatively low socio-economic class—means that the elites will be forced to give greater deference to what they believe the interests of those people to be. Furthermore, the current survey data that is available shows a preference among the non-voting populace for more welfare spending and redistributive policies, enforcing this set of assumptions. Thus, for those who believe that the uninformed have a

¹⁵⁶ There is, in this manner, incentive both to appeal to the new class of voters and to change policy to avoid completely alienating them.

duty not to vote because they are uninformed, the point becomes moot as politicians respond to what they believe people desire.¹⁵⁷ This again shows how compulsory voting flips the paternalism argument completely on its head, as the ones who are now being assumed to need the help that would be provided by compulsory voting are not the “uninformed masses.” Rather, the elites are incapable of properly representing the interests of those very same “uninformed masses” without the threat of losing power in an election to serve as incentive to do so.

The same socio-economic elites that have been increasingly using their funding to “go public” to reach the increasingly large audiences needed to win election would be provided with the popular response—or at least the idea of a potential popular response (the phantom of “we the people”)—necessary to attain legitimacy of rule. From this phantom of “we the people” emerges a sense of public opinion. This sense of public opinion is either directly represented through survey data or ascribed to those who do not respond to surveys by politicians based on defining factors such as socio-economic class. Politicians then use this sense of public opinion and the legitimacy of their power that is granted to them by the people (and now, truly, by “we the people”) to pass legislation. The elites remain empowered to do what they must in order to run the government, but a new check has been put on them, that of the electoral power of the entirety of “we the people.”

¹⁵⁷ And this is then enforced by the fact that this group is now voting whereas previously they were not and politicians could ascribe a different set of characteristics (such as socio-economic class) and policy preferences to voters.

As much as the founders were terrified of democracy and its inherent potential for tyranny of the masses, they began the preamble with, “*We the people* (emphasis mine) of the United States, in order to form a more perfect union.” Equally, if not more importantly, they ended with the goal to, “secure the blessing of liberty to ourselves and our posterity.”¹⁵⁸ The Constitution—a document that is primarily a grant of powers to the federal government—begins by establishing that power as emanating from “we the people.” Compulsory voting allows the representation of “we the people” by enforcing universal turnout at the polling station.

It does not, however, necessarily address the question of the power of the “elites” to constitute the membership of the federal government—maintaining the degree of protection from the tyranny of the masses that the founders feared. The government becomes more responsive without necessarily completely succumbing and becoming subservient to the masses.¹⁵⁹ Increasing turnout, therefore, can be seen to have intrinsic value, even in spite of electoral results that may claim to say otherwise because of no notable change in the name of the party in power. It is not the name of the party, but the policy platform that is the key.¹⁶⁰ Currently, parties have

¹⁵⁸ “The Constitution of the United States,” Preamble.

¹⁵⁹ I posit that this returns the nobility to the “noble lie” that is democracy. “We the people” can be, at best, a phantom idea that represents the will of all or some approximate aggregation. With over 300 million voters, each one will never have a truly important individual voice with their one vote (though other forms of voice can be used to influence the opinions of others) and with only 535 representatives, not every viewpoint can be represented. The lie will persist, but, unlike when it persisted in representing part of the population, it will return to its noble beginnings with a truer idea of “we the people,” a greater fidelity to where it began.

¹⁶⁰ Even if, for example, the current Republican party believes that the best way to help members of lower socio-economic classes is to end food stamps,

greater certainty of who will and will not turn out for the election. Efforts in campaigns can be focused on trying to make certain groups turn out or not turn out on Election Day. This is instead of having the certainty that everyone will turn out, but the uncertainty of whom they will support. The parties then must speak to all of the members of the population—or a sufficient percentage to guarantee a chance at electoral success. One should note how closely this idea mirrors the basic legitimation demand discussed in the first chapter whereby the government must have something to say to everyone that it represents.

the increased presence in the electorate of the people who are directly effected by the changes, and who have been shown to support more welfare spending will make that position at least somewhat less viable. If it becomes clear that something like food stamps is not helping and the relative status of those in lower socio-economic classes continues to drop off precipitously relative to those in higher socio-economic classes, the electorate may opt for a different policy—something that I am not normatively arguing against.

VI. Voice and Exit: A Conclusion

“The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it.”

-John Stuart Mill On Liberty

Currently, Americans have the right to free speech and the right to a voice in the American political system through their vote. Some people show particularly high levels engagement with politics and choose to express their voice through direct involvement and work with candidates and elections, while others participate only on the most basic level: through their vote. What this thesis has shown, though, is that as a practical matter not all votes are created equal. Political voice has been limited among certain sectors of the population in such a manner that a unique problem has arisen where the status quo that privileges members of higher socio-economic classes is self-perpetuating, leaving members of lower socio-economic classes forced into de facto exit through a loss of any meaningful voice. That exit leads to discontent and further removal, perpetuating the current issues faced by the strong sentiment against the current state of American government. While there are still some examples of equal involvement of all shareholders in the particularly localized areas of American government, as Archon Fung shows in his study of a Chicago school board, this mechanism of creating a form of participatory Athenian polis is not replicable on the national scale.¹⁶¹

¹⁶¹ Archon Fung, *Empowered Participation: Reinventing Urban Democracy* (Princeton, NJ, Princeton University Press, 2004).

The introduction of compulsory voting changes that system, though. It removes the problem of the meaningless marginal vote for the citizens who are not well off and who do not have the same voice in politics as other citizens. With a vastly expanded electorate and universalized electoral voice, particularly among the politically disadvantaged lower classes, politicians will be forced to adapt their policies to remain electorally viable. Larry Bartels claims that, “the simple assumption that the rich are more influential than the poor because they are more likely to vote receives no support in my analysis.”¹⁶² This statement, though, does not tell the full story. Bartels’s statement, in full context is dealing with the influence on decisions made once politicians are in power. What Bartels finds is that, “rather little evidence that intense partisan competition per se benefits ‘have nots,’ but considerable evidence that ‘have-nots’ benefit when their party wins.”¹⁶³ The power of the vote, then, is not in influencing the decisions of the currently elected politicians when they already have power, but rather influencing which politicians are elected to hold that power. Then, the influx of voters that, as was shown earlier, are more likely to support the Democratic Party will cause a shift in the political order, changing the tenor of certain elections. Any perceptible change in the election results in the current electoral picture would then force adjustments by the party on the wrong side of those changes in order to remain electorally viable.

What the electoral mechanism has prevented and continues to prevent, though, are lower class representatives, though this is not inherently a

¹⁶² Bartels, 280.

¹⁶³ Bartels, 295.

problem. As the average net worth of representatives climbs and costs of elections skyrocket, the poor are increasingly edged out of seats in the assembly for those who can tell a personal story and have personal experiences. Government “by the people” becomes increasingly impossible, forcing “government of the people” to fill in the gap necessary to ensure “government for the people,” which it has been unable to do. While higher socio-economic class representatives may support opinions expressed by their less well to do counterparts, the relative importance of the policy supported by low socio-economic class voters has not been translated across that gap. A mechanism must then be found to ensure that connection given the likelihood that representatives will remain members of higher socio-economic class. With the practical inability to have an elected representative in Congress to serve as a descriptive representative of the interests of members of lower socio-economic classes, economic inequality separates itself from the social issues that have been mentioned—from race to gender to sexual preference. In increasing the fullness of the electoral voice, compulsory voting helps accomplish what Bartels does believe is possible—shaping the membership of Congress. While Bartels’s study doesn’t see correlation within a single Congress between turnout and roll call votes, decreasing inequality, changing the representative structure of Congress and ensuring that it is not a one-shot change to the electoral game could have profound effects that examining differences in turnout with respect to roll call votes cannot encompass.

While some may point out that compulsory voting does not solve the problem of money in politics and could possibly lead to an even greater

disparity in the candidates supported in primaries, it can help in both areas. First, the marginal dollar spent would be spread across a much greater electorate. Second, those spending the money would have to do so knowing that low-income voters would vote and that the politicians that their money would go towards supporting would have to be ones that would be electorally viable in the new system. In a similar manner, primary voters would be faced with the reality that the candidate they elect must be acceptable to the more moderate voting populace. Even taking into account that primary voters are likely to be more partisan, they would be constrained by thinking backwards from a candidate's electability in the general election to inform their decisions in the primary. If this did not happen, the primary voters would risk electoral infeasibility within their own party.

What compulsory voting does is shift the realm of debate. It establishes a median voter that is indistinguishable (or very nearly so) from the median citizen. This is not a partisan thesis claiming normatively that we must have more economic redistribution or that the Democrats need more seats in Congress. Rather, I believe any shift in the number of people from each party in Congress would be temporary, as each party would adjust to the new conditions that arise from the newly expanded electorate. The establishment of the vote by the founders limited enfranchisement to white males. From there, each group has struggled to gain access to the political system, as access forces a change to the status quo. Compulsory voting removes part of that initial bias that was built in to the earliest voters and earliest representatives. It expands on the guarantee of the right to vote to ensure the use of the franchise by all, creating a more representative

government commensurate with the virtuous republican ideal, an ideal that has been under attack throughout the course of American history.

While compulsory voting will not stop the drive of special interests or discrepancies in campaign donations, which have significant effects on decision making of politicians once they are in office, it will set up the mechanism to hold those politicians more responsible to all constituents. It will lay the foundation on which future reforms can further increase and improve the democratic nature of government. Without a fully participatory citizenry, at this most basic level, other actions to attempt to create political equality such as campaign finance reform will see only muted effects, as inequality at its most basic level will have been allowed to persist.

Currently, members of the lower socio-economic class do not vote as often as members of higher socio-economic classes. These non-voters have significantly different preferences on certain (namely economic) issues, and exhibit different party preferences than the voting populace. Congress enacts policy changes supported by members of higher socio-economic classes at significantly higher rates than they do for lower socio-economic classes. The policies, once enacted are not universally beneficial. Rather, the policies disproportionately benefit members of higher socio-economic classes, whose incomes have grown at a significantly higher rate than citizens of low socio-economic class, especially over the past 30 years.

The structure of the current representative and electoral system makes it easier for members of higher socio-economic classes to get their individual voices heard. An individual voter of low socio-economic class has little to no significance to a politician running for office, especially in comparison to a

voter of relatively higher socio-economic class. Thus, the only mechanism through which the members of the lower socio-economic classes can ensure their voices are heard is through collective action, and, more specifically, collective action in a manner that affects politician's ability to maintain their elected positions, namely voting.

Individual voters, though, are still insignificant compared to the total number of people who do vote on Election Day. Furthermore, one-time surges in turnout are unlikely to recur and, thus, convince politicians to appeal to their constituents who do not typically vote. A one-shot collective action success would, then, be unlikely to create immediate political change. The key lies in the adaptation to new turnout expectations. It is in this difficulty to see immediate, tangible results that the collective action problem is especially pertinent and the vicious cycle of non-voting and non-representation is allowed to continue. Compulsory voting gives a solution to this problem by ensuring knowledge on the part of politicians that turnout will be universal. This knowledge will lead to greater immediate effects due to restructured expectations in addition to the long-term effects of a complete electoral voice of "we the people" that includes the formerly voiceless, non-voting members of lower socio-economic classes. It is through this reanimation of "we the people" to truly create a system of deliberation and (informed by) full representation that compulsory voting provides some hope for a realization of the ideal of government "of, for and by the people."

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