

Negative Voting in Democracy: A Quest for Enhancing Political Participation

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Abstract

Election seems to be an entry point for democratization as it predominately manifests the will of the people, whereas voting has been working as a mean to practice democracy through ensuring people's consent. In almost all countries, more or less said to be democratic, voting is a ubiquitous yardstick to participate in the democratization process. However, negative voting system with different tags in electoral process has become a common feature along with both justifications and criticisms prevailed in more than two dozen countries. Whether negative voting option in electoral system contributes to increase political participation or hamper political participation is the most pertinent contention raised in this paper. Particularly, an attempt has been taken here to investigate the reasons behind the adoption of negative voting in the electoral system of Bangladesh in 2008 and its removal later, by scrutinizing the divergence of relevant experiences with such voting practiced in other democratic countries. It is hypothesized in this paper that there are a variety of modes of political participation in democracy and negative voting is one of such modes. Finally it is argued that despite enormous shortcomings in systemic orientation, negative voting is a mechanism impassionedly designed to foster democratic health, by facilitating plural spaces for the voters and thereby enhancing political participation.

Keywords: No vote, Election, Voting, Democracy, Political Participation.

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Introduction

Voting plays a crucial function in the peaceful transfer of power and thus it helps framing democratic government as well. Eventually, on the basis of voting result, democratic government always does claim legitimacy. Besides, nonvotes in the way of either abstention, or 'rolling off particular races' or 'ballot spoiling' has been a constant phenomenon that generally gives an obscure message to the electoral system and may raise question about the legitimacy of voting system (Damore *et.al.*, 2012) which got highlighted in many existing literatures across the world. Accordingly a question arises frequently, why do some people abstain from casting vote? Or, is it happened that some people cast vote as of citizen's compulsion? In fact, these queries existed for ages would have been the reasons behind the adoption of negative voting prevailed in the some electoral system for long. Negative voting is largely sketched to permit voter intent to be more visibly dictated than other forms of nonvoting. In particular, it is hoped that apathetic voters who prefer to stay at home will get chance to take part in voting and participating political processes simply because of negative voting even in the case of dissatisfaction with all candidates contested for. But gradually, negative voting has become a bone of contention as to whether this right is an advanced boon or a regressive bane to the democratic systems.

This paper seeks to analyze critically the existing debate with negative voting. Emphasis is being given on casting vote by citizen under all circumstances with free choice of options rather than abstaining from voting or casting vote to one as a compulsion. It is argued here that negative voting is a useful addition to electoral system proposed to strengthen democracy by enhancing political participation, perceived through more citizen's engagement with political system. Especially, the central research question addressed critically here is: To what extent does negative voting system exert relative influences on political participation, required for practicing democracy?

For the convenience of analysis, this paper is covered with four sections. The first section delineates the understanding of the concepts found in this paper. The second section deals with the history and dilemmas of negative voting throwing light on Bangladesh perspective. The third section will portray the bridging

between negative voting and democracy with some interpreting factors. Considering the existing debates on negative voting, this section also critically looks into how such voting can strengthen or undermine democratic system. This section further outlines the justification of negative voting in upbringing democratic values. Finally, the fourth section will draw a conclusion based on findings.

Methodology

This article is mainly grounded on both secondary data extracted from the existing literatures, and the ideas gathered from some informal group discussions. Following inductive approach, this study has been conducted through qualitative methods. Lack of authentic information is the limitation found severely while conducting this study especially regarding the negative voting experience in Bangladesh.

Results and Discussion

Democracy

Democracy began its journey in ancient Athens around the fifth century BC. The term 'democracy' has its origin in the Greek words 'demos' and 'kratos' which usually connote 'the people' and 'to rule' respectively. Democracy is defined, as a form of government in which literally all power is bestowed on the hands of the mass people. Democracy is a "government of the people, by the people, and for the people" as said by Abraham Lincoln and that is labeled by Robert Dahl as "populistic democracy" (Dahl, 1956) in the name of majority rule, marked its conceptual origin with Aristotle's political equality, and John Locke's "majority power". But over time, democracy has come a long way from its philosophical origin to practical application. Schumpeter recognized that, in democracy the people do not rule with regard to the any actual sense of the terms "people" and "rule" rather, democracy allows the people to possess the power of accepting or rejecting the body who are supposed to rule them (Schumpeter, 1976). Thus the meaning of democracy can be summarized as a means of decision- making about legally and collectively binding laws and policies over which the people exert influence, and enjoy effective equal rights to take part in such

decision- making directly or indirectly (Grugel and Bishop, 2013).

Whatever is the form and nature, in practice 'democracy necessitates rule of law, equally accessible rights to vote and hold office, desired freedom of choice in living and thought, and some approach toward egalitarian economy' (Merriam,1942). Especially, the intrinsic democratic principle is that, in the case of collective decisions, everyone in a political community is authorized to reflect his/her interest be given impartial consideration (Dahl, 1989). Finally, it can be said that democracy is of the majority rule that sticks to the will of the people and that is run by the people's consent, reflecting through voting as a political participation.

Political Participation

During the time of Locke, there is a broad consensus among political philosophers that the political system, initially formed on the basis of the consent of all citizens, (Locke and Laslett, 1960) whereas political participation is one of the defining characteristics of democracy. This concept of political participation seems to be associated with a particular set of individual and group "functions" for instance, increasing political awareness, promoting "self-realization," developing political "virtues", taking part in collective decision and so forth. In fact, political participation gets closely connected to the idea of influence and power while focusing on the importance of safeguarding one's rights and promoting one's interests within a political system (Scaff, 1975). According to Verba and Nie, political participation implies a range of activities by citizens that are aimed at impacting the selection of government bodies in general (Verba and Nie, 1971). But, it is something more than merely playing voting role, rather it incorporates playing an effective role in state decisions (Prethus, 1964). However, voting is more conveniently much meaningful than other forms of political participation in most of the democratic systems (Huntington and Nelson, 1976). Political participation in the form of voting can change the quality, scope, and nature of democracy. That is how political participation leads to facilitate the pavement crucial for guaranteeing the legitimacy of a democratic government.

Voting

Voting is nothing but a process to elect representatives needed for retaining democracy and to preserve and protect all other constitutional rights for citizens. Juliet A. Williams said, "Voting is widely considered as a quintessential act of political participation in liberal democracy" (Williams, 2005), associated with social and cultural norms manifesting in various forms, functions, strategies and mechanisms befitted to the nature of democracy. It is a most recognizable citizen right and a legal obligation for all eligible voters in any democratic system (Akanke, 2011) simply because through voting practice, democratic government enjoys legitimacy, accountability, and transparency needed for. True spirit of democratic notion comes from voting alike the immortal words of Abraham Lincoln: one can fool a number of the people all the time and all the people some time, but one cannot fool all the people all the time. Since voting is designed for all citizens to participate in electing their representatives, so if one does not exercise voting, other people are surely going to make the decisions for him/ her. Thus, casting vote is important for a citizen's view to be included in the process of making 'general will' on which the government body takes decision and works accordingly. In short, voting is most effectively available method to participate in democracy (Schumpeter, 1976). In this regard, adoption of negative voting designed to enlarge the scope offeree choices to the voters so that voters canenjoy voting right more feasibly and pertinently.

Negative Voting

As a new addition to electoral system, negative voting in the form of 'No' vote or 'None of the Above' or like anything else on the ballot paper or the electronic voting machine is outlined to encourage the voter in showing disapproval to all of the nominated candidates who seem to be contested for if none of the candidates found worthy of getting consent. It is also named as "against all" or a "scratch" vote based on the principle that voter's choice is always a matter of deliberation in either way and it must be set free. That is how choosing any negative voting option is seemed to be legitimate vote rejecting all of the choices put forth (Zulfikarpasic, 2001) in a political system where it has been adopted. The main purpose of

negative voting is to allow any expression of disagreement by a citizen who may avert himself or herself from voting, to be reflected.

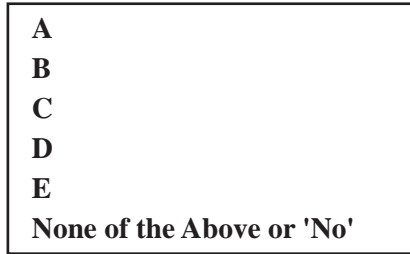


Figure1: Negative Voting on ballot seems like

By equipping voters with such a voting option termed 'None of the Above' or 'No', along with other existing options (e.g. A, B, C, D, E, and so forth), it is in essence letting voters to put a clear indication of disapproval or protest (Damore et al. 2012) to political system. It is a means to ensure democratic choices available to the voters without putting any restriction while choosing candidates put ahead by political parties. This enhancement of choices is provided to exercise the right to vote effectively by the voters (Karim, 2013). The voting system of around 15 countries, including U.S. state of Nevada, the United Kingdom, India, Canada, France, Russia, and Australia have experiences with the notion of negative voting to some extent. In the case of receiving a majority of casting votes with negative voting option, and thus conquering the election, multifarious formal procedures have been introduced with a variety of contexts, for instance, 'having the office remained vacant', 'system of re-allocation of seat', 'renewing nominations' or 'holding fresh election' and so on. However, though it is difficult to sort out substantial effects of negative voting on improving democracy, experiences are ample that negative voting in many instances is consistently compatible with some major democratic practices. In contrast, due to the non-binding nature of application even if more than 50% of the voters had chosen negative voting in election, it would not have an impact on the election result or prevent a particular candidate from winning, (Pearce, 2010) seen in many contexts. Here lies the most inefficacy with negative voting. The scenario is not different in the context of the South Asia, vividly drawn in the case of Bangladesh.

Experience of 'No' Vote in Bangladesh

In the year of 2008, the Election Commission (EC) of Bangladesh, led by A.T.M. Shamsul Huda, had moved to introduce negative voting provision with an amendment to the Representation of Peoples Order (RPO), 1972 for promoting democracy by ensuring free-fair election. On the whole it is appreciated as a step forward in the long way of consolidating democracy. Consequently, negative voting provision is found in two sections of that RPO Ordinance. Article 31(A) provision empowers voters to make use of negative voting and discard all candidates contested for in their respective constituencies in case of none is found deserving of being elected whereas Article 40(A) of that ordinance states that in case of negative voting option secured an outright majority in any designated constituency, fresh elections in that constituency would have to be held with a new set of candidates for the seat to be filled.

In the Ninth Parliamentary Election of Bangladesh, negative voting option was kept in the ballot paper, and that was the first time in Bangladesh the voters were able to exercise such voting in name of 'no confidence voting' in the ballot paper, but there was no room for holding any fresh election since negative voting did not exceed the 50% of the total casting vote in any constituency. No vote option was able to get poor number of votes in the election with an overall score of 0.55% even if the entire turnout reached 87.06%, said to be the uppermost in the history of electoral system in Bangladesh (Karim, 2013). It was also reported that a total of 381,924 voters preferred to choose negative voting option among the all listed candidates. The highest number of negative voting both with regard to figure and percentage were documented in Rangamati constituency of the Chittagong Hill Tracts, counted as 32067 and 9.66% respectively. Overall figure though may seem to be considerably tiny amount in comparison to total casting votes, its appeal to some voters is enormous on one hand and contribution to democracy is of paramount significance on the other hand. A big legal question may arise, how could those voters participate in voting, had not the negative option been kept there? (Karim, 2013)

However, with enormous mandate, while assuming power in 2009, the Awami League led government decided to discontinue the

provision of 'no confidence voting' and finally dropped it from the RPO. Consequently a writ petition filed later stated that negative voting provision was designed to empower voters with democratic choice, will surely help to increase people's participation in elections. Somehow the writ was dismissed later. Thus, under prevalent voting system of there is no such option availed for the voters in Bangladesh. It appears from the above analysis that the system of negative voting in Bangladesh has had a short life span, but still it creates a space for discussions.

3. Correlation between Negative Voting and Democracy in Enhancing Political Participation

Negative voting is a system presumed to be conducive for democracy to reach into a level of maturity. In contrast, to a group of people, such voting seems to be as 'undemocratic, unconstitutional and anti-people' in principle, thus possibly posing potential threat to a political system as a whole. What extent does negative voting exert influence over democratic system by enhancing political participation? Given the backdrop, from both determining viewpoints, now it would be convenient to sort out the bridging between negative voting and political participation with some factors exerted that may help impacting democracy in the long run.

Negative Voting as a Form of Expressing Dissents

Abstaining from voting with variety of nonvoting forms prevalent is a complete manifestation of voter dissatisfaction with the list of candidate nominated by parties that gives an equivocal message to electoral system as a whole. But, abstention mostly refer voter apathy to and alienation from, politics (James *et al.*, 2006). Intensive and continuing isolation from electoral system is a matter of worry about the legality of prevailing political system (Harrop *et al.*, 1986). In contrast, negative voting offers clear signal, and more meaningful demonstration of dissents compared to 'abstention', 'roll-off', or 'ballot spoiling' (Damore *et al.*, 2012). Negative voting option, preferable to abstention is more compatible with democratic values on various grounds. Firstly, negative voting option may reduce proxy voting scheme that have been rampantly prevailed in the electoral system, whereas other forms of abstention trend to extend the

possibility of proxy voting. Secondly, as a motivating factor to the voter, negative voting system will bring reluctant voter back to political landscape and let them free space to nourish their views. Moreover it seeks to end 'voter apathy' (Prabhakar, 2014) thus upholding the values of democracy in a way by expressing dissents. On the other hand, abstention in other forms allow voter stay far from political system which is sometimes misinterpreted voters' views. Thirdly, abstention from voting is sometimes regarded as 'civil disdain in this civic culture' of a country. The people with all their different ideologies, opinions, values and so forth are encouraged to participate in the political system (Grigsby, 2010). Under the sense of citizen responsibility, a 'citizen would participate in voting rather than sit on the fence even if his/her voting value goes beyond zero', because sometimes a citizen's vote make a difference in the entire election result (Downs, 1957).

Therefore, negative voting is better than any abstention or other form of non-voting in disguise of a democratic right to reflect one's choice. Abstention from voting does not get one's voice heard and protest counted; it just makes one labeled as apathetic which is nearly misleading (Damore *et al.*, 2012).

Democratic Choice in the realm of the right to freedom of expression

One of the crucial aspect of designing negative voting procedures is to ensure that election be able to reflect the will of the electorate to the fullest. Hence, in a democratic system it is expected that the choices available to the voters will no longer be restrictive. This may be one of the reasons for which negative voting system has been introduced (Karim, 2013). As an additional choice in the ballot paper, negative voting option in the form of refusal to all the candidates, enlarges voters' rights and allows them to practice these rights effectively. Thus the right to vote should include negative voting as well (Prabhakar, 2014). To rational choice theory, all plausible options should be available to voters so that voters would be able to grab their preferences right ahead, otherwise there will be the mistake of bounded rationality. But, a question raised, as there is the possibility for independent candidate to be chosen in some constituencies, found in electoral system of a country like Bangladesh, what is the need of

negative voting? The existence of independent candidate in voting system is an opportunity for extending people's choices which can be affiliated with essence of negative voting, since both seek to create room for public choice.

Freedom of expression has been protected as a fundamental right under the constitutional sanction of almost all democratic systems. Under the wider interpretation of freedom of expression, the right to vote negatively might be included as distinct and supplementary right, since it protects the right to have opinions of concerned voters (Karim, 2013). By dint of such right, plural spaces for practicing the right to freedom of expression could be ensured substantially. Thus insertion of negative voting option should be legally recognized as a particular aspect of freedom of expression (Prabhakar, 2014). Choosing negative voting option seems to be a rewarding expression of disagreement through which the safeguarding of the freedom of the voters is largely presumed to be nurtured in democracy. It is legally justified on the ground that the citizen of a country would not feel bounded as the Members of Parliaments (MPs) do, due to the presence of Article 70 inserted in Bangladesh Constitution (Halim, 2008). With having willingness to cast vote and at the same time without having any compulsion, it needs to be secured that one could enjoy one's right to participate in an election. Negative voting is generally designed in such a way that voter could get plausible option to choose in the arena of election system without putting restriction to choose "the best among the worst" (Prabhakar, 2014). In addition, negative voting is believed to add more value in the process of democratization.

Besides that, as a democratic choice, negative voting seems to be compatible with making public space or sphere which is something that allows the playing field decorated for ensuring political participation. 'Public sphere' predominately denotes a domain of social life mediating between state and society in which public opinion gets formed for democracy to be relied on (Habermas, 1962). Negative voting seeks to cherish such hope of preparing public space to enlarge the scope of citizens' rights and freedom that they constitutionally entitled to. That is why keeping voter choice open in electoral system through negative voting system seems as to

just strengthening the purview of 'public sphere' (Roberts, 2008).

Voter Turnout as measurement indicator

Considering voting as measurement indicator' (Hillinger, 2004) in the electoral system, voter turnout is thought to be one of the defining measures of citizen's participation, one important factor for claiming legitimacy. Voters are also likely to assign scores in the political system that reflect their true feelings (Budge, 2003) provided that they are not restricted by any system. Thus, in many countries negative voting is used as an effective strategy to increase voter turnout. For instance, in the context of U.S. State of Nevada, 'none of the above' was framed in 1976 to increase voter turnout because of voter indifference and declining turnout during the post-Watergate period (O'Connor, 1994). However, some studies revealed grossly different scenario with negative voting in enhancing voter turnout. Still, an assumption can be drawn that negative voting may positively correlate with voter turnout. Since, under many compulsion voter turnout is seen to be decreasing recently in Bangladesh, many people predicted that had negative option been kept open, a new experiment might have been demonstrated. Despite shortfalls in the application to bring qualitative changes in democratic election, negative voting even can be regarded as a numerical sign of candidatures' dissent. It tries to make election result more inclusive containing certain percentage of voter's dissent that may increase overall participation and measurement scale up to the mark.

A Systemic Change to Political System

The practice of the negative voting option, ultimately is seemed to improve the quality of voting behavior and campaigns, (Damore *et al.*, 2012) and nature of political system as a whole. Firstly, it may incrementally cause candidate behavior to change if negative voting seems to get substantial amount of votes. Candidates will be more aware of letting voter know necessary information as there is evidence of leaving the ballot blank or choosing negative option due to candidates' information shortfall. Secondly, Negative voting seeks to pave the way forward providing with a set of fresh candidates. In 1991 elections of the Soviet Union of 'None of the Above' compelled to hold fresh elections with a bunch of new candidates in 200 races

of the 1,500-seat where the Congress of People's Deputies and more than 100 incumbents were defeated. Boris Yeltsin thus said that negative option made the people realize that they had actual power even in a manipulated election which played a vital role in upbringing the spirit of democracy" (Fund, J. H., 2012). The Supreme Court of India also stated that while signifying negative voting in this regard in a landslide judgement. Thirdly, negative voting is designed to facilitate a change in the voting system and political parties also. The party will be gradually compelled to project clean contestants before the voters. However, reality with Nevada shows the exception that Earhart as a candidate failed to win against 'None of these Candidates' in two consecutive elections although he was nominated as the Republican candidate for the later general elections (Pearce, 2010). Still presence of negative voting have shown a sense of great hope in a democratic system, lambasted with corruption, commercialization of nomination, political hooliganism along with other systematic inefficiencies (Karim, 2013). There people often cannot go beyond the dominating political parties. Voters with willingness to participate in voting either have to vote any of the candidates disliking to, or just stay away from the election process. In this backdrop, negative voting a form of electoral protest to register that displeasure, and thereby displaying one's interest and concern in democracy (McFaul, 2010).

Fourthly, political system has gone through this sort of battling where every political party relatively chooses to belittle its counterpart, rather than think of the betterment of citizen. Due to this nail biting competition, a political has lost to uphold the reliance of the people that it desires to represent. Thus right to reject all candidates if no candidate found worthy has become a constant demand. In particular it seeks to make candidates more accountable to their people, in term of given commitments, performances demands. Fifthly, keeping in mind the common goal to fight against all corrupt politicians, negative voting is adopted somewhere notably in Serbia, Spain and Thailand. Thus instead of boycotting election on the ground of corruption voters are still being encouraged to cast vote with negative voting system. For example, negative voting constituted around 10 percent of the vote cast in many areas of Thailand, because of such demonstration. However, within practical

socio-economic compulsion, negative voting as a movement against corruption is mostly failed. In practice, whereas voting is compacted with prevailing influence of money, muscle power and 'vote bank politics', how any reform could bring qualitative change overnight is a ubiquitous question so far!

Sixthly, Election Commission of Bangladesh has made some legal reforms in the electoral procedures among them disclosure is one which asks for candidate to disclose his/her educational qualification, previous criminal records, income statement, portraying properties and liabilities, and so on. Provision of such disclosures is designed not only to secure peoples' right to know the information but also to make them capable of taking effective decision later. However, the disclosure of Candidates' information seems to be almost meaningless unless voters have available choices to outset them if necessary. Therefore, negative voting needs to be recognized as a democratic right in order to make the electoral reforms effective and fruitful to the voters. Finally, it is revealed in many contexts that negative voting aspires to bring the minority connected to the election process. The 9th national parliamentary election of Bangladesh seemed to be one of the stimulants that facilitated the way for minorities to participate in the peaceful election process. In fact, finding no candidate of their own most of the times minorities prefer to choose any of nonvoting techniques. But nonvoting method is ambiguously reflecting that people who are not satisfied with the legitimacy of the elections. For the sake of democracy, those who are not willing to participate would still be uplifted to take a part in the polls by using 'negative voting' option in the electoral system (Shalabv *et al.*,2010). However, the expectations looked through negative voting as a systemic change is of paramount importance in term of inclining to the true spirit of democracy that is 'agreeing to disagree'.

Politics as a power game often connected with influence or power (Lass well, 1936), thus 'vote buying' types irregularities is unavoidably prevalent in the existing system and(Morgan, and Vardy, 2012) may seem to be in negative voting system too. Instead, the reconstruction of the Election Commission with some reforms, such as negative voting as to attract voters is considered largely as an effort against corruption (TI, 2008). However, arguably it is said that

where voting is yet to receive the status of fundamental right in Bangladesh, the provision of negative voting option is meaningless in upbringing democracy. In contrast, it can be said that negative voting is designed let the right to freedom of expression, one of fundamental right be exercised effectively. It seeks to uphold the spirit of democracy by enlarging people's choice. As a destructive form of blindness" (Le Guin, 2010) people's no confidence to the candidates may instigate anarchism and instability in the political system to some context although some people argued, but it happened nowhere. The implication of negative voting largely depends on citizen's education and awareness even its supporter are mostly educated (Mc Allistera, 2008). Thus purpose of negative voting is unlikely to be successful in many countries. In case of absolute majority on behalf of negative voting, holding of fresh poll requires of lots of money and time to be invested which seems to be a great challenge embedded with negative voting.

Despite the huge disagreements, negative voting seems to be reconcilable with the theory and principle of democracy as regard of engaging more voters with political system. A good numbers of significant outcomes may stem from negative voting that seek to harbor the ethics of democracy. As an encouraging factor it tends to stimulate the greatest level of voter interest in voting system. Consequently election campaign seems to get more focused in the line with ensuring accountability, transparency and responsiveness of candidates to voters and thereby improving political system. More importantly democracy will surely get stimulus to be thrived with full-fledged positivity and sphere for freedoms of thought, conscience and expression.

Conclusions

From the preceding analysis, it appears that notwithstanding limitation at its core, negative voting in the ballot option or the EVM is primarily a flexible opportunity allowing voters to cast vote even if they find all the contestants to their disliking. To held free and fair elections in modern representative or participatory democracy, negative voting is highly consistent with democracy in term of augmenting the levels of people's choice. Therefore, negative voting

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- 'No' vote provision. However, the High Court dissolved the writ petition regarding 'No' vote on the 19th January, 2014 and later the verdict was announced.
5. Syed Badrul Ahsan, a renowned columnist of the Daily Star, 25 August 2008
 6. A prominent theory of Social Sciences, states that individual moves toward certain preference among available choices, based on costs and rewards. Thus it is used to explain voting behavior also.
 7. See Clauses (1) and (2) of Article 44AA, RPO.

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