Sarah Birch


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There are huge problems in codifying electoral malpractice to make it conform to the intellectual rigour of academic discipline. This does not mean that such examination is not worth undertaking, nor that there are not benefits from the exercise, not least in making those of us in the ‘democracy industry’ consider anew the endless challenges of working for perfection in elections.

The key problems in putting electoral malpractice into compartments, and in then attributing statistical data to the different components, are twofold. First, taking the broadest definitions of malpractice, as Sarah Birch rightly does, makes every election less than perfect, with defects ranging from the lack of a complete electoral register and the absence of the perfect electoral system which applies in varying degrees everywhere to the cold disregard of the blatant inaccuracies in the tabulation of results, as in Zimbabwe. It is for such reasons that world-weary election observers have long since avoided using the phrase ‘free and fair’ in relation to any election, contenting themselves with diplomatic casuistry such as ‘an accurate representation of the voters’ wishes on the day’ or ‘a significant improvement in electoral practices’.

Second, it is virtually impossible to calculate the effects of malpractice. It would take a massive and expensive, though worthwhile, survey to determine whether the various attempts to manipulate a particular election had had any success. My impression has always been that electors are remarkably resistant to such practices. Even intimidation appears to have little effect. Following the first democratic election in Indonesia in 1999, a remarkable tome was published pulling together the reports of the 100,000 or so domestic observers who had covered this enormous election. The report set out in detail the thousands of malpractices observed, but it ended with the statement: ‘None of these defects had a significant effect on the result of the election.’

It is also the case that a badly organized election can be more legitimate than a tightly managed election. The determinant is much more whether there is an atmosphere of cooperation and communal unity or one of division and a desire for hegemony. Given that this distinction is vital, I am in a minority in believing that – given a violent transformation, such as in the Arab Spring – it is far better to go for early elections, with all their logistical defects, while there is a spirit of idealism and cohesion.

Sarah Birch partially acknowledges these difficulties by posing the ‘“so what” question that haunts any effort to develop a new line of political science enquiry’, and argues, correctly, that ‘the manipulation of elections has substantial consequences for many aspects of politics’. My question is rather ‘what next?’ In other words, having the rigorous ‘pure’ research, as evinced in this book, is certainly valuable, but how is it to be ‘applied’? Holding this book in one hand to demonstrate the faults, what changes should be written in electoral law and regulations to deal effectively with them?

For instance, Patrick Bradley, the former Chief Election Officer for Northern Ireland, and I used to semi-joke on our various electoral missions that when we retired we would write the definitive book on how to manipulate elections. We both knew that the key means of doing so was via the absentee vote, and Sarah Birch, of course, deals with this. Once the ballot paper is outside the polling station it is insecure and no system can make it foolproof. I would ban all postal voting – as France did in 1974, regarding it as too open to abuse, and still has an electoral participation rate way better than that in the UK – and instead use the mobile ballot box and proxy voting.

Birch also tackles the key issue of whether ‘election quality can be meaningfully distinguished from the quality of democracy itself’, but should take it further. As the late Claude Ake of Port Harcourt University always took pains to point out, unless political parties are based on some measure of philosophical identity elections are inevitably flawed. Further, if the parties are based on tribes, and there is a majority tribe, elections simply make a difficult situation worse in that they legitimate tribal domination.

Birch explains the ‘carousel’ system of giving an elector a prior marked ballot which he or she puts into the ballot box and brings their own unmarked paper back to the vote
buyer in order to receive payment. I always thought that this tactic, which election observers can be trained to spot, was relatively new, only to find that it was described in the Hansard of the parliamentary debates on the 1872 Ballot Act as an argument against the secret ballot! There is very little that is new in election manipulation!

The interspersing of country examples adds greatly to this study and gives it a dimension of ‘colour’ to back up the statistical data. Additional examples would have been valuable in demonstrating weaknesses in electoral law and practice. What is the point of international short-term election observers in a developing country if that country knows, as in Zambia in 1996, that even a damning verdict on the election would not stop international aid arriving? What is the point of electoral law permitting a legal appeal against an election result if the legislative process is not completed before the next election? Finally, unless the party system is healthy and the parliament encompasses a government and an opposition, what is the point of any electoral process?

Elections are not an end in themselves and, particularly in relation to civil society and corruption generally, Sarah Birch addresses this issue. She has made a formidable contribution to the study of electoral malpractice, but there is still a long way to go to place malpractice in the wider democratic context and to determine better, if not best, practice.