

Abstract

This work illustrates, in both theoretical and practical terms, the tension between the standard of democratic establishment in the form of universal suffrage and, on the other hand, the exclusion of certain groups, in this case prisoners, from the electoral process. The right to free choice is the essence of a democratic society, and any limitation to it naturally raises questions seeking appropriate justification. While the weight of an individual's voice throughout society is insignificant, and only in rare cases can an individual or a small group influence the final outcome, the right to vote also serves another function – it is a symbol of a person's status in society as a citizen. The restrictive notion of prisoners' suffrage has its roots in the antiquated concept of "civil death" and typically makes a counterfactual argument. But society has gradually undergone fundamental changes, and modern justifications are being demanded. Legal punishment is the natural implication of committing a crime, but what must a person commit in order to have his or her citizenship temporarily or forever diminished in liberal democracies that espouse values such as equality, inclusiveness, and the right to self-determination?