

Embracing and Resisting Prisoner Enfranchisement: A Comparative Analysis of the Republic of Ireland and the United Kingdom

Cormac Behan*

Summary: This paper examines prisoner enfranchisement in the Republic of Ireland and United Kingdom. Despite being close neighbours, having similar legal and political traditions, both being members of the Council of Europe and European Union, and latterly politicians tending towards similar rhetoric on 'law and order', the debates and outcome in the two states have been significantly different on prisoner enfranchisement. The paper considers why the two states took such diverging approaches. Not only did the attitudes of governments and legislators differ on prisoner enfranchisement, but the debates revealed variance in portrayal of prisoners. Media interest was very different in the two states and discussions over parliamentary sovereignty, European influences, and judicial activism were central to the outcome of the deliberations on prisoner enfranchisement.

Keywords: Ireland, United Kingdom, European Union, prisons, elections, prisoner enfranchisement, penal policy, European Convention on Human Rights, European Commission of Human Rights, European Court of Human Rights.

Introduction

Prisoner enfranchisement remains one of the few contested electoral issues in twenty-first-century democracies. It is at the intersection of punishment and representative government. In recent decades, prisoner enfranchisement has been a source of controversy in many countries, from Israel to South Africa and Australia to Canada (Ewald and Rottinghaus, 2009).

* Dr Cormac Behan is Lecturer in Criminology at the School of Law, University of Sheffield. Email: c.m.behan@sheffield.ac.uk