

Electoral Reform

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Introduction

'Electoral engineering', i.e. the constant adjustments to the electoral system, is a popular pastime. And this is quite understandable, because there is no perfect electoral system which completely meets the demands of governments, administrations, and members of parliament as well as the demands of the people.

All experts are in agreement here; there is simply not one best electoral system. The effective functioning of an electoral system is always dependant on time and context. Changes to an electoral system may certainly contribute to the solution of a certain problem, but almost always the solution to one problem creates another. In most cases, these solutions and problems are concerned with improving either the representativity or the stability generated by the electoral system. These two concepts immediately indicate a potential field of tension: improvements to representativity often result in problems with stability and vice versa.

This does not mean, however, that changes to electoral systems are not worthwhile. In this contribution, I aim to give a broad outline of the possibilities available, but also to indicate possible problems which may be created by electoral systems. I shall also elaborate on the main trends in the world.

I. Background to electoral changes

All over the world, attempts are constantly being made to solve the problems of existing political systems by amending the electoral system², not just because a new electoral system solves problems, but because it also creates new ones. I shall give some examples of this latter case. With certain regularity, it appears that a particular electoral system functions well during a certain period and to the satisfaction of the majority of the population, and yet due to changing political circumstances problems develop, resulting in increased calls for the system to be revised.

We see, therefore, that electoral systems are revised with some regularity. There are, of course, countries that are the metaphorical exception to the rule and one example is the Netherlands. The electoral system which was introduced there in 1917 still applies and this may be regarded as quite unique.

When we review all these revisions of electoral systems, it is noticeable that these changes almost always take place in the field of tension between representativity and stability. Before I elaborate on this further, I need to make a number of preliminary remarks.

First, I would like to point out that representativity is not per se equal to proportionality. The true reflection of the wishes of the people can also be achieved in other ways, for example, by:

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² J.A. van Schagen/H.R.B.M. Kummeling, *Proeve van een nieuw kiesstelsel*, Deventer: Kluwer 1998, p. 37; A. Lijphart, *Electoral systems and Party Systems*, Oxford University Press 1995, p. 52 ff.

**Representation of a particular territory of the state (region/island).*

In Spain, members of Congress are chosen on the basis of proportional representation in closed districts. These are the districts into which Spain's fifty provinces are divided, including provinces where there are strongly separatist feelings, such as in Catalonia and in the Basque Country.³

**Representation of a certain (ethnic) population group.*

In New Zealand, for example, parliamentary seats are reserved for the original inhabitants, the Maoris.⁴

Very representative electoral systems can lead to unstable government; Italy and Israel are the best known examples here. From 1948 until 1992, Italy's members of parliament were elected on the basis of proportional representation in multi-member districts. Governments were very unstable; on average they remained in office for no longer than one year.⁵ In Israel, where the representatives are chosen on the basis of proportional representation through national lists, the cabinets have been and are in office for a longer period of time but they are constantly on the brink of a crisis.⁶ There are, however, exceptions to this rule, like the Netherlands. For a period of twenty years up to 2002, the cabinets were very stable in close comparison. The same can be said of Austria, Norway and Sweden. This is also in line with Lijphart's research that shows that very representative, proportional systems do not automatically lead to unstable governments. Lijphart is even clearly in favour of such systems. Partly because of their focus on consensus, they promote positive socio-economic growth which makes them effective in this field, at least according to Lijphart. This view is however contested in some of the literature.⁷

The stability of governments is most certainly not purely dependent on the type of electoral system which is in force. There are many indications that numerous other factors are relevant for stability. I will mention a few important ones:

- a. leadership.* No single system can work well without people who are capable of leading their parties and who have the ability to unite different parties and to attract voters to the extent that they are prepared to accept unpopular measures.
- b. accommodation of wishes of minorities by existing parties and government.* Otherwise there is a constant stream of new parties and unstable behaviour on the part of the voters.⁸ Enormous dissatisfaction develops, which eventually becomes visible at grass-roots level.
- c. stable parties.* It is also disastrous for stability if representatives who do not get what they want leave the party and start their own or join another party.
- d. political experience.* Familiarity with procedures, with the political game and willingness to compromise greatly contribute to stability.

³ L. Prakke, The Kingdom of Spain, in: L. Prakke/C. Kortmann (Eds), Constitutional Law of 15 EU Member States, Deventer: Kluwer 2004, p. 760.

⁴ D. Denmark, Choosing MMP in New Zealand: Explaining the 1993 Electoral Reform, in: M.S. Shugart/M.P. Wattenberg, Mixed-Member Electoral Systems, The Best of Both Worlds?, Oxford University Press 2003, p. 95.

⁵ H.R.B.M. Kummeling/H.van der Kolk/M. Lourijzen, Gemengde kiesstelsels, in: Het nieuwe kiesstelsel onderzocht, Den Haag: Ministerie van Binnenlandse Zaken en Koninkrijksrelaties 2004, p. 26.

⁶ R.Y. Hazan, The Changing Constitutional and Political Position of the Prime Minister in Israel: in: J.W.L. Broeksteeg/L.F.M. Verhey (eds.), Een versterking van de minister-president?, Publicaties van de Staatsrechtkring, no. 23, Deventer: Kluwer 2005, p. 4 ff.

⁷ More on this subject in: D.M. Farrell, Electoral Systems, A Comparative Introduction, Palgrave 2001, p. 206.

⁸ See G.B. Cijntje, Electorale instabiliteit op Curacao, PhD thesis Amsterdam, Santa Maria 1999.

When political parties and leaders are no longer able to meet these demands, the irrevocable result is instability. If we consider, for instance, the Netherlands in 2001, we will find all the ingredients for a political disaster. The purple coalition - as we call it - was so pleased with itself that it had scant regard for the dissatisfaction among the electorate. The final blow came when the man who was holding the coalition together and who had a tremendous personal following among the voters, Prime Minister Wim Kok, announced that he would not seek another term in office. This led to a vacuum in leadership, which was used extremely cleverly by a very populist politician, Pim Fortuyn. His rise in the opinion polls was very discomfiting for the intellectual and left-wing part of society - which are, of course, not identical. As we all know, Pim Fortuyn was murdered by someone who considered himself as belonging to this sector of society.

If we try to fathom the changes in electoral systems which have taken place over the entire world in recent decades, it is significant that these changes are primarily concerned with improving either representativity or, its competing goal, stability. Examples of changes which have both aims in mind will be discussed later.

II. Representativity

During the past two decades there has been a clear tendency towards mixed systems: systems which form a combination of proportional representation with elections in smaller districts. Many variations of this can be discerned:

- multi-member districts and single-member districts;
- in multi-member districts, sometimes a PR system, sometimes a majority system;
- in single-member districts, you will of course only find majority systems.

The Federal Republic of Germany is generally regarded as the most important example of a mixed system. Its main features are:

- the voter has two votes to cast;
- the first goes to nationwide party lists and this vote determines the division of seats between the parties on the basis of proportional representation;
- one vote goes to candidates in single-member districts and this vote determines which candidates take the seats won by the national party lists.

What is the beauty of this system? This system combines the greatest proportionality possible with the greatest possible influence of the voters on the choice of candidates and having an own constituency.

Shugart and Wattenberg, two eminent political scientists, came to the conclusion that such a system attempts to combine 'the best of both worlds' ; a true mirror of the opinion of the people is 'adopted' from the system of proportional representation and having an own constituency is 'borrowed' from the majority system.⁹

Many countries have followed Germany's example, such as the former Eastern Bloc countries of Hungary, Lithuania and Ukraine. South America also has examples of such systems in Bolivia, Ecuador, Mexico, Venezuela and Panama, for example. Fairly recently, New Zealand (1996), Scotland and Wales

⁹ M.S. Shugart/M.P. Wattenberg, *Mixed-Member Electoral Systems, The Best of Both Worlds?*, Oxford University Press 2003, p. 270 ff.

(2001) have adopted similar systems.¹⁰ The Dutch Minister De Graaf tried to introduce a mixed system, but he was forced to resign in 2005, not only because the First Chamber barred the direct election of mayors but also because the coalition partners did not intend to fully cooperate in his plans to revise the electoral system.

It is important to point out that no country has introduced a majority system in recent decades. On the contrary, there has often been a partial or total abandonment of a majority system. Even in the cradle of the majority system, Great Britain, a revision of the system has been advocated for many years.¹¹ After the last elections, which were held on 5 May 2005, an opinion poll showed that as many as two thirds of the electorate had had enough of the current majority system!

In the last election, British voters were faced with a dilemma. They wanted in fact to reject the Iraq policy of Prime Minister Tony Blair, but the majority did not want a Conservative government. So the only alternative seemed to be a vote for the Liberal Democrats. But if they did this, this would play into the hands of the Tories, because its effect would be to reduce the percentage of the votes for Labour, and since there is a relative majority system (it makes no difference how many votes are cast for you, if you have just one more vote than the other party you win), this would mean that, while there would be hardly any increase in the number of votes cast for the Conservatives, they would still gain the relative majority in the separate districts. In other words: a vote for the LIBDEMS would bring the Conservatives into power and not many wanted this.

This is the reason why the debate on introducing a PR system or a mixed system, such as that of Scotland and Wales, intensified after the last elections.

III. Stability

Before I come to the issue of improving stability by revising the electoral system, I would first like to stress that stability is not the same as effectiveness. If coalition partners have a strong hold on each other, there is little movement and little effective policy. The same situation can arise in a presidential system such as that of the United States, where two power blocs are up against each other. If Congress is not prepared to work with the President, or is internally very divided, then policies remain on the ground. This was the case at the beginning of the Clinton Presidency. But even if Congress has the same political colour as the President, a *deadlock* may occur. We saw this, for example in 2005, with regard to the appointment of judges. The Republicans were so tired of the Democratic opposition that they even wanted to change the rules of *filibustering*, so that a simple majority would break any resistance.

This demonstrates once again that, no matter which system you choose, effectiveness is important as well as stability, but in any political system something like a working majority must be found.

1. Improvement of stability through means other than the electoral system

States which are having problems with stability seek solutions not only in amendments to the electoral

¹⁰ D. Denmark, Choosing MMP in New Zealand: Explaining the 1993 Electoral Reform, in: M.S. Shugart/M.P. Wattenberg, *Mixed-Member Electoral Systems, The Best of Both Worlds?*, Oxford University Press 2003 and H.R.B.M. Kummeling/H.van der Kolk/M. Lourijsen, *Gemengde kiesstelsels*, in: *Het nieuwe kiesstelsel onderzocht*, Den Haag: Ministerie van Binnenlandse Zaken en Koninkrijksrelaties 2004, p. 27 ff.

¹¹ J.A. van Schagen/H.R.B.M. Kummeling, *The proposals for electoral reform in the United Kingdom and the Netherlands*,; D.J. Elzinga/F.Goudappel/H.R.B.M. Kummeling (eds.), *Constitutionalism, Universalism and Democracy*, University Press Groningen 1999, p. 1-29.

system but other (constitutional) routes can lead to more stability. I would like to cite a number of examples:

* Stability can be achieved by arranging for a clear division of powers between government and parliament. This is very often associated with a presidential system but this can also be arranged within a more parliamentary system. In France, for instance, Parliament has only limited powers, exhaustively described in the Constitution. All other powers are vested in the government or the President. A no-confidence motion can only be served against the Prime Minister, but not against the President, who incidentally is elected directly and who has important powers in the field of defence and foreign policy.

* A certain amount of stability can also be achieved by not giving the government/the administration the power to dissolve parliament and thereby to make it possible to call for new elections. This creates a relatively strong parliament which is, for instance, the case in the Netherlands at the local level.

* A relatively stable government can also be achieved by the introduction of the constructive motion of no confidence; parliament can only vote down the government or the Prime Minister if a new government or prime minister is named at the same time. The German Federal Republic has such a system.

* More generally, it can be said, of course, that governments may become more stable if they have little to fear from other state organisations. In particular, this can be achieved by assigning few powers to the parliament. Examples from the French situation have already been given. Added to this is the fact that the French Assembly has little control of its own agenda which is in fact controlled by the government. The European Parliament also has no real powers to seriously impede the European Commission.

* The stability of a governmental system may be severely threatened by the rise of populist or extremist parties. A solution some countries have adopted is a very strict constitutional supervision of the functioning of political parties. In Germany, for instance, the Federal Constitutional Court may declare that certain political parties are unconstitutional because their aims or the conduct of their adherents seek to undermine or abolish the free democratic basic order or the existence of the Federal Republic of Germany. This is of course one of the most difficult questions for any political system, when and by which means should it defend itself? The banning of political parties might give rise to all kinds of other problems, like societal instability and a lack of trust in democracy, democratic institutions and reigning political parties. Therefore many countries, like the Netherlands, take the approach that populist and even extremist parties should be allowed to participate in parliament and any counter-attack should be by democratic, electoral means.

2. Stability through the organisation of the electoral system

a. Majority system

Of course, the system in the UK is the first to come to mind for most people, but there are numerous variations of this model. France has a two-round system. Only the candidates who have received at least 12.5% of the votes in the first round are allowed to proceed to the second ballot. In the second ballot, the candidate who receives relatively most votes is elected.¹² In general majoritarian systems are likely to produce very stable governments, but their drawback is of course that political minorities have practically no chance whatsoever of gaining a considerable amount of seats. In the view of some a very

¹² D.M. Farrell, *Electoral systems, A Comparative Introduction*, Palgrave 2001, p. 52.

lucky side-effect is that extremist parties have no possibility to undermine the political system from within. For instance, the right-wing British National Party has no chance in the general elections for the House of Commons, but it did win two seats in the European Parliamentary Elections, merely because a PR system is being used in these elections. The introduction of a PR system in 1986 by President Mitterrand was not only favourable for his socialist parties but also for the right-wing extremist party of Le Pen. The rise of Le Pen was stopped by the reintroduction of a majoritarian system in the next elections for the Assembly.

b. Thresholds

Introducing raised thresholds ensures that small or smaller parties have little chance of gaining seats in Parliament. In Germany, parties must have gained at least 5% of the votes to gain seats in Parliament. In Poland the threshold is even higher at 7%.¹³

c. Favouring the biggest party

There are numerous countries where the position of the largest party after the elections is artificially strengthened even further, in order to facilitate the forming of a government and to ensure that 'effective' government will be possible. In Greece, at the local level, the party winning the most votes automatically receives three-fifths of the number of seats. In France, the winning party is always given at least half of the seats at the municipal level.¹⁴

d. Directly elected leader of government

Israel has had almost the same electoral system as the Netherlands for many years; that is to say, proportional representation with a list system, where the entire country is regarded as one electoral district. This led to an enormous fragmentation of political parties and little stability. At the beginning of the 1990s, it was thought that the solution to this problem could be found in the introduction of the directly elected Prime Minister who, backed by a strong legitimacy from the electors, would find it easier to unite the parties. The new system first came into effect in 1992. For better comprehension it is important to know that, apart from the introduction of the directly elected Prime Minister, who was to be chosen at the same time as the Parliament, no other changes were made. The electoral system of Parliament remained the same and there were therefore no raised thresholds, for instance. In addition, the parliamentary rule of confidence was to remain unchanged, also in relation to the Prime Minister.

The consequences were devastating and this was mostly due to the fact that voters split their votes. The voter had two votes, one for the candidate running for the office of Prime Minister and one for Parliament. What happened was the vote for the Prime Minister was given to a moderate candidate at the political centre. In short, a person who was deemed fit to lead a coalition cabinet, but who was well capable of defending Israeli interests in the world. However, after the voter had done this - what we might call a sensible choice - he gave his second vote to a more right-wing, more left-wing or even extremist party, such as the orthodox religious parties. So instead of one or two large parties developing, one of which would at least back the Prime Minister, the Israeli Parliament broke up into all kinds of small parties. It became enormously complicated to form coalitions and even more difficult to keep them together. The end result was even more unstable: ineffective government. In 2001 they returned to the old system, because Parliament did not dare, or was not able to change other elements of the system, for instance introducing thresholds which could have diminished the number of small parties in

¹³ H.R.B.M. Kummeling/H. van der Kolk/M. Lourijzen, Gemengde kiesstelsels, in: Het nieuwe kiesstelsel onderzocht, Den Haag: Ministerie van Binnenlandse Zaken en Koninkrijksrelaties 2004, p. 33 ff.

¹⁴ See H.R.B.M. Kummeling e.a., Lokale kiesstelsels vergeleken, VNG Uitgeverij: Den Haag 2002, p. 153 ff.

Parliament.¹⁵

Dutch parties every now and then toy with the idea of introducing a directly elected Prime Minister. It might be obvious that, given the Israeli experiences, I am not in favour of this. It would be different if other, really supportive changes were made, such as the change in the electoral system for the Second Chamber.¹⁶ But this is not likely to occur. After several unsuccessful attempts to reform the electoral system through the ordinary institutional channels, in 2006 a Citizens Assembly was installed seeking an answer to the following question: what is the best electoral system for the Netherlands? After a year of intensive study the answer was the following: the current one! Only a few minor adjustments were proposed.¹⁷

IV. Conclusion

With great strides we have come to the conclusion drawn in the introduction: there is no such thing as an ideal electoral system. An electoral system can contribute at most to supplying a solution for problems which a particular political system has at a certain time. It must also be borne in mind that academics and research are not unanimous on the specific effects and elements of electoral systems.¹⁸ A system of proportional representation may lead to instability but there is much evidence that it has the opposite effect. In general, these systems seem to be somewhat more effective. Majority systems often lead to stable governments but certainly not always to effective administration. In any case, such systems often have the problem of inadequate representativity; minorities and minority opinions are not able to penetrate into power, which may in the long term lead to ineffective administration.

What is clear, though, is that other factors besides the electoral system are relevant for the stability of governments and the political system. As well as the specific political culture, such aspects as leadership, the stability of political parties and political experience are extremely decisive for stability.

Where the necessity of changes to the electoral system is concerned, the primary questions are as follows: which problem has to be solved and which consequences of the chosen solution are people prepared to accept? Because one thing is very clear: electoral engineering in favour of stability practically always leads to lesser representativity and vice versa. Since every solution creates a new problem, the main question is the following: which problem is worse in a specific period

¹⁵ R.Y. Hazan, The Changing Constitutional and Political Position of the Prime Minister in Israel: in: J.W.L. Broeksteeg/L.F.M. Verhey (eds), *Een versterking van de minister-president?*, Publicaties van de Staatsrechtkring, no. 23, Deventer: Kluwer 2005, p. 1 ff.

¹⁶ See also H.R.B.M. Kummeling, *De rechtstreeks gekozen minister-president*, in: J.W.L. Broeksteeg/L.F.M. Verhey (eds), *Een versterking van de minister-president?*, Publicaties van de Staatsrechtkring, no. 23, Deventer: Kluwer 2005, p. 33 ff.

¹⁷ For more information on the working of the Dutch Citizen's Assembly see Patrick Fournier, Henk van der Kolk, André Blais, R. Kenneth Carty, and Jonathan Rose, Paper which is to be published by Oxford University Press (UK). Prepared for the workshop "Why Electoral Reform? The Determinants, Policy and Politics of Changing Electoral Systems" European Consortium for Political Research's Joint Sessions of Workshops 14-19 April 2009, University of Lisbon, Portugal.

¹⁸ For instance D. Nohlen, *Wahlrecht und Parteiensystem*, 3rd edition, Opladen: Leske + Budrich 2000, p. 403 ff.