ELECTORAL SYSTEMS AND TURKISH EXPERIENCE

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I. INTRODUCTION

Political parties and free elections are *sine qua non* - conditions of democracy. Political parties can be defined very briefly as organisations of collective oplitical opinions and ideals. In a democratic régime various political parties compete with each other to materialize the opinions and ideals upon which they are based. The legitimacy or the power they need for this will be given by the people through the elections. The aim of a general election in a multi-party democracy is to determine which party will form the government and which one the opposition for a certain period, e.g. for a legislative period. To be a government or an opposition party is not a permanent quality. Because the government and opposition parties may alternate in the following general election. The alternation takes place peacefully through the electoral mechanism. This is the essence and virtue of a multi-party democracy.

As regards elections there are several questions which cannot be solved without taking into consideration the constitutional, historical and social features of any given country. It is expected that each country finds the best solutions suitable to its needs. Some of these solutions are purely political preferences. However, each country can benefit from the experiences of other countries. Besides, almost each question relating to elections has technical aspects, too. I am here to speak of some technical aspects of electoral process.

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(Note: This article is the text of the lecture delivered by the author during the "Seminar on Fundamentals of Election" from 28 to 31 May 1993 in Bishkek, Kyrgyzstan, organized by National Democratic Institute for International Affairs (NDI), Washington, DC, USA).

II. ELECTORAL SYSTEMS

The most important problem of any election law is the choice of an electoral system. There is not a unique electoral system in the world. Different kind of electoral systems can be used to determine which party will form the government and which one the opposition, in other words, which candidates are elected.

The choice of an electoral system is closely related to the constitutional question whether a country has a presidential or parliamentary system. If there is a presidential system, with the election of the president the problem of government will be solved to a great extent. The president may be elected directly or indirectly by the people, with simple (relative) or absolute majority. In any case the applicable system is always a plurality system.

If there is a parliamentary system, it is necessary that one of the contesting parties at the general election win the majority of the seats in the legislative assembly (parliament), which would enable it to form a government (single party government). Otherwise two or more parties have to cooperate to form a parliamentary majority and a government (coalition government).

As to elections for the legislative assembly both in parliamentary and presidentaial systems, there are different electoral systems. But all these systems can be reduced to two basic principles or systems with different variations:

A— Plurality System

1. Principle of Plurality and Its Variations

According to this system, one or more candidates who obtain the most votes in a given constituency are returned. It is not necessary that the winners have the majority of the votes cast. To be elected a simple (relative) majority would be enough. In a single-member (uninominal) constituency it means that the candidate wins who is "first-past-the post", as it is usually said in Great Britain, homeland of the system. However, if two ballots are to be held, the majority of the votes is required in the first ballot, as this is the case in France.

In a multi-member (multinominal) constituency the candidates on the party list obtaining the simple (relative) majority of the votes cast are returned together. An independent candidate may also win,

provided that he obtains more votes than the party list. Until 1960 this mode of the plurality system used to be applied in Turkey where every province was a seperate constituency.

2. Advantages and Disadvantages of the Plurality System

The plurality system is a simple one. It usually ensures a parliamentary majority for one party and facilitates the formation of a single party government. As generally accepted it leads to a two-party system, if it is carried out without a second ballot. This means that two major parties alternate as government and opposition. Great Britain and USA deliver the best examples of the political consequences of this system.

In single-member constituencies there are close ties between candidates (deputies) and local communities. Electors vote for the candidate whom they know and trust.

However, this advantage may easily turn into a disadvantage in the plurality system with single-member constituencies, when the deputies act like the representatives of local interests. In this case local interests would override the national ones. This system may also weaken the party discipline. Besides, the leaders of ethnic and religious groups may have great influence upon the results of the election in the plurality system with single-member constituencies.

The most important disadvantage of the plurality system in general is the glaring disproportionality between the votes cast for different political parties and the seats allocated to them in the legislative assembly. Large parties are usually overrepresented, while the small ones and minorities are underrepresented, unless they are geographically concentrated. Especially when a country is divided into large multi-member constituencies, the countrywide results may be quite unjust. In 1950s Turkey has experienced all the drawbacks of a plurality system with multi-member constituencies, in other words, with provincial lists. Although there was no great difference between the votes obtained by the government and opposition parties, the government party had an overwhelming parliamentary majority which made very difficult any significant partliamenary check on the government by the opposition. This is one of the reasons which led to the military takeover of 1960 in Turkey.

B— Proportional Representation

1. Principle of Proportional Representation

To avoid the unjust results of the plurality system and to ensure a fair representation of different parties or social groups in the parliament, most of the EC-countries, Scandinavian countries and since 1961 Turkey has been applying different forms of proportional representation.

According to this system in general, parliamentary seats of a given constituency are allocated to the parties in proportion as their shares of the votes cast in this constituency. Thus total parliamentary seats of different parties are proportional to the total votes they obtained in all constituencies of the country, albeit a complete proportionality is difficult to reach because of various reasons.

Under this system not only large parties, but also medium, even small parties and minorities have the possibility to be represented in the parliament. Therefore in some countries with different ethnic groups, it is used as a means of national integration policy.

2. Methods of Calculation

However, the system of proportional representation has also some variations. First of all, it must be said that large constituencies where at least 7 or more deputies are to be elected, are more suitable to the proportional representation than the smal lones. Best results of proportionality can be attained, if a country as a whole is a single constituency like Netherlands and Israel. On the contary, if the constituencies are small, the number of waste votes will be augmented, unless there are some sort of pooling systems as corrective at national level.

Different methods of calculation are used for the allocation of the parliamentary seats, upon which the range of proportionality depends.

a) The most widespread method is the *d'Hondt* formula. According to this formula, the number of the votes of each party and each independent candidate in a given constituency is divided by 1, 2, 3, 4, 5, ...etc., until the number of the deputies to be elected in this constituency is reached. Without any distinction between the parties and independent candidates, all the quotients are to be arranged from

the biggest to the smallest ones. The parliamentary seats of the constituency are then to be allocated to the relative parties and independent candidates in the order of bigness of the quotients.

It must be added that because of mathematical reasons the *d'Hondt* formula favors the large parties to a certain extent.

b) To give more chance to small parties, it is used another method which is called *Sainte-Laguë* formula. According to this formula, the same operations of division are made only with odd numbers; i.e. the number of the votes of each party and each independent candidate is divided by 1, 3, 5, 7, 9 ... etc. The arrangement of the quotients and the allocation of the seats are the same as in the *d'Hondt* method.

Sainte-Laguë formula is used in Scandinavian countries with a small modification: The first divisor is 1.4, which is designed to hinder the entry of the marginal parties into parliament.

c) *Sainte-Laguë* formula, especially its Scandinavian version clearly indicates that all the arithmetic sets used for the calculation and allocation of the parliamentary seats, are purely political preferences. It might be used other formulae in accordance with the needs of a country.

Bearing in mind Turkey's difficult periods of political instability with non-coherent coalition governments and frequent government crises under the system of proportional representation in the past, I had proposed in 1976 five new formulae of division or multiplication instead of *d'Hondt* method, two of which I am going to summarize very briefly:

1° The essence of the new division formulae consists in replacing the classical divisors of *d'Hondt* formula by a new arithmetic set, e.g. by 1.5, 2, 2.5, 3, 3.5 ... etc.[1]

2° According to one of the multiplication formulae, the number of the votes of each party and each independent candidate in a given contituency is multiplied by a diminishing arithmetic set, beginning with the number of the deputies to be elected in this constituency. If there are e.g. 9 deputies to be elected, the number of the votes of each party and independent candidate is multiplied by 9, 8, 7, 6, 5, ... 1.

(1)   See *William Hale*, "The Role of the Electoral System in Turkish Politics", *International Journal of Middle East Studies*, Vol. 11, May 1980, No. 3, p. 413.

The arrangement of the quotients and products and the allocation of the seats are the same as in the *d'Hondt* method. Various calculations made on the results of past elections in Turkey indicate that under both formulae at least 40 % of the total votes cast in the whole country would enable one party to have a parliamentary majority and thus to build a single party government.

3. *Political Consequences of Proportional Representation*

As mentioned above, a fair representation of different political parties or social gorups including minorities in the parliament is the main virtue of this system.

In contrast to plurality system, it is generally accepted that the system of proportional representation leads to a multi-party democracy. It encourages the proliferation of political parties. As a result of this system, a one party majority in the parliament is usually difficult to be attained. Consequently the formation of a single party government is usually unlikely. To give an example from Turkey, in three of five general elections held from 1961 to 1980 no party was able to obtain a parliamentary majority which would make possible the formation of a single party government.

Under the system of proportional representation political parties must be ready to make mutual concessions in order to form a coalition government and to work together. In countries with coalition traditions the system of proportional representation works quite smoothly. Otherwise unstable governments and longstanding government crises are often on the agenda.

Turkey has experienced all the drawbacks of proportional representation in the above-mentioned periods during which no party had a parliamentary majority. Unstable governments and lack of cooperation in front of most important issues endangering public order, unity of the nation and integrity of the country are amongst the reasons which led to the military takeover of 1980 in Turkey.

4. *Proportional Representation with Thresholds*

To reduce the disadvantages of the proportional representation, some remedies or corrective measures have been developed. The most widespread one is to provide some thresholds for the eligibility of

the parties to obtain parliamentary seats. There are two major kinds of thresholds:

a) Threshold at the level of the constituency (Constituency threshold): According to this method, the total number of the votes cast in a given constituency is divided by the number of the deputies to be elected in this constituency. Each party of independent candidate has to win as many votes as the quotient in order to obtain any parliamentary seat in this constituency. This quota is thus the constituency threshold each party or independent candidate has to pass over to be eligible.

It is obvious that this quota is designed to eliminate very small and marginal parties from the competition at he constituency level.

The constituency threshold has an interesting history in Turkey. It was introduced for the first time in 1961, as the Constituent Assembly which drafted the Constitution of 1961 adopted the system of proportional representation. Four years later, it was abolished in favor of the national remainder system pooling the waste votes at national level to make the countrywide results of the elections more proportional. In 1968 it was reintroduced, while the system of national remainder dropped. But this time Constitutional Court declared the cinstituency threshold uncostitutional and void, as being incompatible with principles of free elections and and multi-party democracy.

Twelve years later, as a reaction to the longstanding government crises which occured frequently during the period of the Constitution of 1961, the constituency threshold has been reintroduced again, together with other open and hidden thresholds of the new Election Law of 1983 which is one of the pillars of the political order regulated by the Constitution of 1982. As an example of hidden thresholds may be cited the seperation of large provinces into small constituencies with 6 parliamentary seats at most.

b) Threshold at the level of the country (Countrywide threshold): According to this method, each party has to win at least a certain percentage of the total votes cast in the whole country in order to be included in the calculation and allocation of the parliamentary seats at the constituency level and thus to obtain any seats in the parliament.

The countrywide threshold is designed to hinder the entry of very small and marginal parties into parliament. For the independent

candidates a countrywide threshold is unthinkable. As to the parties, it is not enough to be strong in one or two constituencies. The strength of the parties has to reach a certain degree of intensity at the country level, the expression of which is countrywide threshold. Only the parties which go beyond this threshold are eligible for the parliament.

To give some axamples, the countrywide threshold is 4 % in Sweden and 5 % in Federal Republic of Germany. Turkey has a countrywide threshold of 10 %. In comparison with other countries, this is quite high. It was introduced for the first time through the new Election Law of 1983. Its highness may be also explained as a reaction to the longstanding government crises and unstable coalition governments during the period of the Constitution of 1961.

Bu it is interesting to note in this connection that in the last general parliamentary election held in 1991, five parties, i.e. all parties except a small one, were able to pass over the countrywide threshold of 10 %.

After all these experiences or in the light of these experiences Turkey will try again to find a better solution balancing the principles of stability and fair representation in a more efficient way, which are the cornerstones of a good electoral system.