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CONSTITUTIONAL PLURALISTIC ANALYSIS OF APPROXIMATE PROPORTIONAL REPRESENTATIONAL SYSTEMS BASED ON A SINGLE SAMPLE COMPARISON

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Research Article

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ABSTRACT

There is no standardized electoral system in representative democracies. Although the most common proportional electoral system worldwide is D'Hondt, various electoral systems based on different calculations are applied in the democratic world. There are sufficient positive regulations and academic resources about the calculation methods of each of these, but there are few resources that compare them side by side, and more importantly, these resources compare the electoral systems verbally. They do not handle the arithmetic results of the electoral systems over one standard sample nor make numerical comparisons. In this study, six of the most common approximate proportional representation systems in the world are discussed. These six systems were applied to a fictional vote distribution that would give different results in each electoral system, and the differences between the electoral systems are determined based on their numerical results. In particular, it was emphasized which one is more pluralistic and which one is more majoritarian. In addition, based on the same numerical data, it is hereby argued that the pluralist structure in an electoral system is directly proportional to the power of representation in that system. Therefore, pluralist election systems have a more democratic nature in terms of responding to the representation ability of the votes of the voters.

KEYWORDS: Proportional Representation, D'Hondt, Highest Residual, Strongest Average, Pluralism

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YAKLAŞTIRMALI NİSPİ TEMSİL SİSTEMLERİNİN BİR ÖRNEKLİ KARŞILAŞTIRMAYA DAYALI ANAYASAL ÇOĞULCULUK ANALİZİ

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ÖZET

Temsilî demokrasilerde standart haline gelmiş bir seçim sistemi yoktur. En yaygını D'Hondt olmakla birlikte demokratik dünyada farklı hesaplamalara dayalı muhtelif seçim sistemleri uygulanmaktadır. Bunların her birinin hesaplama yöntemleri hakkında yeterli pozitif düzenleme ve akademik kaynak bulunsa da bunları yan yana koyup mukayese eden kaynak azdır ve daha da önemlisi bu kaynaklar söz konusu karşılaştırmayı sözel bir üslupla yapmakta, sistemlerinin aritmetik sonuçlarını ortak bir örnek üzerinden ele alıp sayısal karşılaştırma yapmamaktadır. Bu çalışmada dünyada en yaygın olan yaklaştırmalı nispi temsil sistemlerinin altısı ele

alınmıştır. Bu altı sistem, her birinde farklı sonuç verecek kurgusal bir oy dağılımına uygulanmış ve sayısal sonuçları üzerinden sistemler arasındaki farklılıklar tespit edilmiştir. Özellikle hangisinin daha çoğulcu hangisinin daha çoğunlukçu olduğu üzerinde durulmuştur. Ayrıca aynı sayısal veriler üzerinden, bir seçim sistemindeki çoğulcu yapıyla o sistemdeki temsil gücünün doğru orantılı olduğu, dolayısıyla çoğulcu seçim sistemlerinin seçmenlerin oylarının temsil kabiliyetine karşılık vermek açısından da daha demokratik niteliğe sahip olduğu iddia edilmektedir.

ANAHTAR KELİMELER: Nispi Temsil, D'Hondt, En Yüksek Artık, En Kuvvetli Ortalama, Çoğulculuk

INTRODUCTION

Though democracy, as we know in ancient times, was disregarded for centuries primarily based on the presumption that "a ship cannot be directed by its passengers", the age of liberties starting from American revolution and consolidated by French Revolution brought a stronger argument for representative democracy -though not direct democracy in true sense- suggesting that while people may be unable to govern a state, they would still know who governs it the best, just as people may be unable to make good shoes but they would know who makes the best shoes. This way, it was possible to argue that representative democracies would lead to appointment of the best governors to the bodies of the state as a result of a sound competition between political parties, just another outcome of the invisible hand of the liberal world view.

A free competitive market, in terms of economy, is expected to prove its efficiency by elimination of the competitors that fail to satisfy the customers as well as by survival of the competitors that provides the customers with the highest quality and/or the lowest price for its products or services. The same could be expected from a political competition, where the voters' choice would cause elimination of, or at least temporary loss of power for the failing parties and the same choice of voters would keep the efficient statesmen in power as a result of their awareness about the state matters, in particular, the voters' reactions to the policies adopted by the party or parties in power¹.

¹ Christopher H. Achen and Larry M. Bartels, Democracy for Realists (Princeton University Press 2017) 25.

In countries, where there are more than two mainstream political parties, equality of opportunity is therefore an important requirement for the soundness of the democracy, i.e., the political competition. Plurality is a principle that allows new and/or minor political parties to have representation among the older and/or larger political parties. While an elective system that doesn't offer opportunity to minor parties to express themselves effectively is unable to run a dynamic political competition, an elective system that helps minor parties to hold seat and have floor in the governmental bodies keep their political competition more robust².

With a similar consideration, jurisprudence authorities state and European Court of Human Rights decision imply that electoral threshold can weaken the democracy, since minority parties' inability to represent their voters' would render the parliament a medium of expression exclusive to the majority of the nation³. For this reason, electoral systems are carefully arranged in a way that don't just distribute the seats in straight proportion with the votes, nor distribute it between the largest political parties but also observe the minor parties' ability of representation.

This study compares the most common electoral systems in the democratic world and check to what extent and in what ways they care the minority votes and protect the plurality. Such an analysis requires an electoral sample that works for all electoral systems with different results, so that it will be possible to handle the electoral systems' difference in representation ratios and see how the relevant electoral system regards the minority votes.

Therefore, this study is based on a fictional sample of an electoral district with 80

² Arend Lijphart, 'Majority Rule Versus Democracy in Deeply Divided Societies', (1977)
4 (2) Politikon: South African Journal of Political Studies 113, 115-117.

³ Sinan Alkin, 'Underrepresentative democracy: Why Turkey should abandon Europe's highest electoral threshold', (2011) 10 (2) Washington University Global Studies Law Review 347, 347.

thousand voters that elects 15 MP's and thereby results different allocation of seats in every approximate proportional electoral system that applies the same distribution of votes won by the parties. The fictional allocation of votes is as given below.

Party A=33,207 Party B=22,550 Party C=13,175 Party D=7888

Party E=3180⁴

In this case, with about 70% of the total votes cast, Party A and Party B collectively represent a sizeable chunk of the electoral district. As a result, they are far better off than the opposition, and it would be challenging for any of the minor parties to secure representation. Because fewer views and viewpoints are represented in government due to the concentration of power in a small number of parties, this can be detrimental to democracy.

In a straight proportional representation system, where seats are divided exclusively based on the parties' vote shares, Party E, for instance, only represents less than 4% of the population, making it unlikely for them to obtain a seat. This can be troublesome since it suggests that a sizable segment of the population's voices and concerns might be disregarded in the political process. Party E might have a chance to win a seat, but, in highly pluralistic election systems where minor parties are given greater chances to achieve representation.

Therefore, it would take a more benevolent electoral system that is intended to encourage greater pluralism and representation in order for Party D to surpass

⁴ <<u>https://halilnevzat.com/voting-systems-simulator/</u>> Date of Access:16.02.2023.

Party E in votes and gain one seat. This demonstrates how election systems can significantly affect the degree of political rivalry and representation, highlighting the need to take these issues into account when constructing electoral systems.

In general, it's critical to achieve a balance between making sure all opinions are represented in the political process and averting a situation where participation is so dispersed that efficient leadership is impossible. A well-thought-out election system should support a healthy amount of political rivalry while also guaranteeing that the executive branch is capable of making choices and acting on them. A detailed analysis of variables including the size of the electoral district, the number of contending parties, and the procedure for allocating seats is necessary to achieve this equilibrium. It is feasible to develop electoral processes that accurately reflect the will of the populace by taking these elements into consideration.

There are many approximate proportional representational systems in the world. It is possible to classify all of them into two categories: Largest Remainder Method and Highest Averages Method⁵. Largest Remainder Method is based on certain quotas for election of each MP. Different systems apply difference calculation methods for the seats that remain vacant after allocation of the quotas. Whereas Highest Averages Method is based on dividing the votes to subsequent number after allocation of each seat to the relevant party. Different systems apply different dividers. Different outcomes concerning the minority votes in each electoral system will be analyzed in accordance with its method.

I. LARGEST REMAINDER METHOD⁶

This method, based on quotas for each MP, is most commonly used by Hare

⁵ Matt Golder, 'Democratic Electoral Systems Around the World, 1946–2000', (2005) 24 (1) Electoral Studies 103, 108.

⁶ Pierre Pactet, Institutions Politique Droit constitutionel, (16. Ed., Armand Colin/Masson 1997) 104.

System, Droop System and Imperiali System⁷. The common concern of the electoral systems using largest remainder method is to assure that MP's are elected with the same number of votes, to the extent allowed by the distribution of the votes to the parties. This is important, because electing one MP with less votes than another MP implies inequality between the representation power of the votes. The only legitimate exception to equality of representation power is the protection of the minorities. This is the main reason of the fact that there is no elective system in the democratic world that is purely based on MP quotas calculated straightly by dividing the number of votes to the number of seats. Though differently, every electoral system has a special approach to protection of the minority votes.

There is a potential allocation problem with Droop system and Imperiali system. As shown below, these two systems may produce more quota MP's than the number of the seats available. In such cases the allocation of seats is calculated in accordance with another electoral system, so such an outcome would render this study's comparison meaningless. For this reason, the sample is chosen watching that quota MP's elected in Droop and Imperiali are sufficient and don't require application of another electoral system for the sake of filling in the vacant seats.

A. HARE SYSTEM

Also referred to as ranked-choice voting (RCV) and earlier as instant-runoff voting (IRV)⁸, this vote-sharing system is based on straightly proportional quotes. Given the number of votes to be cast and the number of MP's to be elected in the relevant electoral district, the officials must first calculate the minimum number

⁷ Golder (n 5) 109-110.

⁸ Richard F Potthoff, 'Is Hare (aka IRV and RCV) Better But Not Best?', (2023) 22 (1) Election Law Journal: Rules, Politics and Policy 1, 1.

of votes required for election of each MP. This is an easy calculation for Hare system⁹. Total number of votes in the electoral district is divided to the number of MP's to be elected in the electoral district.

For the sample taken in this study, the quota for election of an MP fro	m the li	ist is
80,000/15=5333.		

	Votes	Number of	Remainder	MP's	Total
	Won	MP's elected by	Votes	Added	MP's
		5333 votes			Won
Party A	33,207	6 (31998 votes)	1209	0	6
Party B	22,550	4 (21332 votes)	1218	0	4
Party C	13,175	2 (10666 votes)	2509	0	2
Party D	7888	1 (5333)	2555√	1	2
Party E	3180	0	3180	1	1

Here, party A wins, as it wins 6 chairs through quota, but no chairs through its remainder votes. While party B wins 4 chairs, party C wins 2 chairs and party D wins one chairs through MP election quota, Party D and Party E each win one additional chair through their remainder votes. Therefore, this systems allows every party, to some extent, to be represented in the parliament.

⁹ In Turkish Constitutional Law theses and course text books, Hare Mathod is handled as if it is the same thing with the Largest Remainder Method. In fact, Hare system is the most common electoral system exercising the Largest Remainder Method, but it is not the only system that uses it. Aside from Hare system, Droop System and Imperiali System also use the Largest Remainder Method. Largest Remainder Method is not an electoral system per-se. It is the name of the method that takes into consideration the remainder votes after allocation of the seats according to the MP quota.

B. DROOP SYSTEM

Similar to Hare System, Droop System uses quota. However, quota in Droop system is calculated differently. Though there are 15 seats in the sample electoral district, the quota is dividend of the total votes to one more than the number of seats. Therefore, the quota for Droop in this sample will be: 80,000/(15+1)=5000

	Votes	Number of	Remainder	MP's	Total
	Won	MP's elected by	Votes	Added	MP's
		5000 votes			Won
Party A	33,207	6 (30,000 votes)	3207√	1	7
Party B	22,550	4 (20,000 votes)	2550	0	4
Party C	13,175	2 (10,000 votes)	3175	0	2
Party D	7888	1 (5,000 votes)	2888	0	1
Party E	3180	0	3180√	1	1

In Droop system, party A wins, because it wins 6 chairs through quota and one chair through its remainder votes. While party B wins 4 chairs, party C wins 2 chairs and party D wins one chairs through MP election quota, Party A and Party E each win one additional chair through their remainder votes. Therefore, this systems also allows every party, to some extent, to be represented in the parliament.

C. IMPERIALI SYSTEM

Imperiali System is similar to Droop System. This time the divider will be two more than the total number of seats in the electoral district, i.e., quota=80,000/(15+2)=4706

	Votes	Number of	Remainder	MP's	Total MP's
	Won	MP's elected by	Votes	Added	Won
		4706 votes			
Party A	33,207	7 (32942 votes)	265	0	7
Party B	22,550	4 (18824 votes)	3726	0	4
Party C	13,175	2 (9412 votes)	3763√	1	3
Party D	7888	1 (4706 votes)	3182	0	1
Party E	3180	0	3180	0	0

As seen in the table, this system, in this model, does not allow Party E to be represented in the parliament. Only Party A, winning 7 chairs from MP election quota, Party B, winning 4 chairs from MP election quota, Party C, winning 2 chairs from MP election quota and one chair from its remainder votes, and party D, winning one chair from MP election quota took the opportunity of being represented in the parliament.

II. HIGHEST AVERAGES METHOD

There are various chair allocation systems using the highest averages method¹⁰. The most common system among them are D'Hondt system (which is the same with Jefferson system in USA¹¹), Sainte-Lague system (which is the same with

¹⁰ Highest Averages Method is not a chair allocation system, per se. It is a common name for the chair allocations systems that calculate the chairs won by dividing the number of votes won by each party to a certain dividers, rather than quotas. Bkz. Allison McCulloch, Power-Sharing and Political Stability in Deeply Divided Societies (Routledge 2014) 13. 11Bertrand Badie, 'Electoral Systems' iç. Bertrand Badie and others (edr), International Encyclopedia of Political Science (Sage Publications Inc. 2011) 749, 754.

Webster system in USA¹²) and Modified Sainte-Lague system¹³.

A. D'HONDT SYSTEM/JEFFERSON SYSTEM

This system shapes the allocation table by dividing each party's votes to 1, 2, 3 and consecutive numbers as necessary¹⁴. The highest dividends that are calculated in this table win the chairs in order of magnitude. Each dividend of a party, which is calculated among the winning dividends, gives a chair to that party¹⁵. In this particular case, D'Hondt system gives the following results:

	Votes Won (D. by 1)	D. by 2	D. by 3	D. by 4	D. by 5	D. by 6	D. by 7	Total MP's Won
Party A	33,207	16,60 3	11,06 9	8302	6641	5535	4744	7
Party B	22,550	11,27 5	7517	5638	4510	3758	3221	5
Party C	13,175	6587	4392	3294	2635	2196	1882	2
Party D	7888	3944	2629	1972	1578	1315	1127	1
Party E	3180	1590	1060	795	636	530	454	0

According to foregoing figures, party A wins 7 chairs, thanks to its 7 'higher' dividends. Party B wins 5 chairs, as its 6th dividend 3758 and its 7th dividend 3211 are not among the highest 15 dividends. Party C wins 2 chairs, party D wins one

¹² Badie (n 11) 754.

^{13&#}x27;Electoral Systems and Voting Procedures at Local Level' <<u>https://rm.coe.int/1680747fdb/</u>> Date of Access:16.02.2023, 52.

¹⁴ McCulloch (n 10) 13.

¹⁵ Ergun Özbudun, Türk Anayasa Hukuku (8. bası, Yetkin Yayınları 2004) 263.

chair and Party E is not represented in the parliament for this electoral district.

B. SAINTE-LAGUË SYSTEM/WEBSTER SYSTEM:

This system is similar to D'hondt systems that was explained above. The only difference is that the dividers are not the natural numbers 1, 2, 3 and the rest, used in D'hondt system. The dividers are odd numbers, i.e. 1, 3, 5 and consecutive numbers¹⁶. Applying Sainte-Laguë/Jefferson system to the model election results, brings out the following table:

	Votes Won (D. by 1)	D. by 3	D. by 5	D. by 7	D. by 9	D. by 11	Total MP's Won
Party A	33,207	11,069	6641	4744	3690	3019	6
Party B	22,550	7517	4510	3221	2506	2050	4
Party C	13,175	4392	2635	1882	1464	1198	3
Party D	7888	2629	1578	1127	876	717	1
Party E	3180	1060	636	454	353	289	1

Sainte-Laguë/Jefferson system allocates 6 chairs to Party A, 4 chairs to Party B, 3 chairs to Party C, one chair to Party D and one chair to Party E.

C. MODIFIED SAINTE-LAGUË SYSTEM

The only difference between this system and Saint-Lague system is that the initial divider is 1.4 rather than 1; the raw number of votes are not taken into account in distribution of chairs. Only the dividends, starting from those calculated by

¹⁶ McCulloch (n 10) 13.

dividing the party's total votes to 1.4 are taken into account in this system¹⁷.

Applying Modified Sainte-Lague system to the case, handled in this study, govies the following results:

	Votes Won	D. by 1.4	D. by 3	D. by 5	D. by 7	D. By 9	D. By 11	Total MP's Won
Party A	33,207	23720	11,069	6641	4744	3690	3019	6
Party B	22,550	16107	7517	4510	3221	2506	2050	4
Party C	13,175	9411	4392	2635	1882	1464	1198	3
Party D	7888	5634	2629	1578	1127	876	717	2
Party E	3180	2271	1060	636	454	353	289	0

In this system, party A wins 6 chair, party B wins 4 chairs, party C wins 3 chairs, party D wins 2 chairs and party E wins no chairs.

¹⁷ Erik S. Herron and others, 'Terminology and Basic Rules of Electoral Systems' iç Erik S. Herron and others (edr), The Oxford Handbook of Electoral Systems (Oxford University Press 2018) 8.

III. COMPARISON OF THE ELECTORAL SYSTEMS FOR THE FICTIONAL SCENARIO

Each system for distribution of chairs gives a different result for the particular case handled in this study. The difference between the results allows to observe which system is more pluralist and which system is more majoritarian. In addition, comparison of the electoral systems handling the same election case shows that pluralism-majoritarianism is not the only difference between the systems; but there are difference in understandings of the pluralism and majoritarianism. That is a vertical dimension of the horizontal dilemma of pluralism-majoritarianism. Comparing the chair distribution results suffices to see what kind of pluralistic approach each system adopts towards the allocation of resources and representation of diverse interests.

Below is the chair distribution result of each electoral system handled in this study:

	Hare	Droop	Imperiali	D'Hondt	Sainte-	Modified
					Lague	Sainte-
						Lague
Party A	6	7	7	7	6	6
Party B	4	4	4	5	4	4
Party C	2	2	3	2	3	3
Party D	2	1	1	1	1	2
Party E	1	1	0	0	1	0

With a general view to the figures, it is apparent that the most majoritarian electoral systems among these electoral systems are D'Hondt and Imperiali, as

they give 7 chairs to the leading party on one hand, and give no chairs to the minority party E on the other hand. Among these two, D'Hondt can be interpreted as a little more majoritarian because it gives 5 chairs to the second party with the most votes, while Imperiali gives 4 chairs to the same party.

After D'Hondt and Imperiali, in term of majoritarianism, comes Droop or Modified Sainte-Lague. While Droop seems majoritarian as it gives 7 chairs to the leading party though it gives one chair to Party E, the smallest party, Modified Sainte-Lague can also be argues to be the third as it gives no chair to Party E, the smalles Party, though it gives 6 chairs to the leading party, which is less than the number of chairs given to the leading party in Droop System. With a closer analysis, it is possible to defend Droop is a little more majoritarian than Modified Sainte Lague, as it gives one chair to the second smallest party, while Modified Sainte-Lague gives 2 chairs, and also Droop gives only 2 chairs Party C, the third party in vote ranking, while Modified Saint-Lague gives 3 chairs to the same party. These comparisons make sense as both systems give 4 chairs to the second leading party. If one of them gave more chairs to the second leading party than the other system, it would be possible to argue that such system is more majoritarion. However, that is not the case in this particular fictional sample.

The least majoritarian systems are Hare and Sainte-Lague systems, as they both give 6 chairs to the leading party and give one chair to Party E, with the smallest number of votes. They also result similarly in giving 4 chairs to Party B, the second party with the highest number of votes. Handling their approach to Party C, the third ranking party and Party D, the fourth ranking party, it is possible to see Hare electoral system less majoritarian than Sainte-Lague electoral system, though it is quite slight a difference: Hare electoral system gives 2 chairs to each of the two parties, while Sainte-Lague gives 3 chairs to Party C and 1 chair to party D.

Therefore majoritarianism ranking between these 6 electoral systems in light of the sample fictional voting results is as follows (from the most majoritarian to the least majoritarian electoral system): D'Hondt, Imperiali, Droop, Modified Sainte-Lague, Sainte-Lague and Hare.

Definition of pluralism is not limited to giving voice to the minorities. It also requires a higher power of representation for the voters. A higher power of representation is also a requirement of democracy¹⁸. Therefore, a comparing some of the systems, ranked above, according to their power of representation would be a good way for crosschecking their level of pluralism and democracy.

In Hare electoral system, remainder votes of three parties were insufficient for appointment of an MP. Sum of their remainder votes are 1209+1218+2509=4936. There fore 4936 votes in Hare system were unrepresented.

In Droop electoral system, remainder votes of three different parties, in different amount of votes, were insufficient for appointment of an MP. Sum of their remainder votes are 2550+3175+2888=8613. Therefore, 8613 votes in Droop system were unrepresented.

In Imperiali electoral system, remainder votes of four parties, again in different amount of votes, were insufficient for appointment of an MP. Sum of those 4 parties' remainder votes are: 265+3726+3182+3180=10,353. Therefore, Imperiali systems leaves 10,353 votes unrepresented.

These figures are in line with the majoritarianism/pluralism ranking made above. Among these three, Hare system is the most democratic one with the smallest number of unrepresented votes. While Hare system results 4936 unrepresented votes, Droop systems comes after Hare system with 8613 unrepresented votes.

¹⁸ Daniel M. Weinstock, 'Democracy and Disagreement' (1997) 91 (3) American Political Science Review 724, 724.

Imperiali, among these three systems, is the least democratic one as it results 10,353 unrepresented votes.

Though highest averages method does not allow a basic calculation of the unrepresented votes, the foregoing inference can be extended to the electoral systems using highest averages method, because their distribution differences are all inline with the vote distribution differences between highest remainder methods. Under such assumption, it can be suggested that this fictional voting scenario shows that a ranking of these 6 electoral system according to their level of democracy, limited to the criteria handled in this study, would be as follows: Hare (the most Democratic), Sainte-Lague, Modified Sainte-Lague, Droop, Imperial, and D'Hondt.

CONCLUSION

There are a number of crucial aspects to take into account while assessing the characteristics of an electoral system. While it is unquestionably an important factor, the ability to give representation to the tiniest minority groups is not the only indicator of a system's pluralist, majoritarian, or democratic nature. Another important factor is the proportionality of representation given to larger parties, which reflects the general fairness and balance of the system.

A pluralistic and democratic election system is one that permits other marginally larger groups to have a voice in parliament, even if it does not provide the smallest minority group a voice. This acknowledges that some groups in a community could just be too small to exert much political influence, and that their lack of representation in parliament is not always the fault of the election system. What matters is that the system enables a range of voices to be heard and various viewpoints to be reflected.

Hence, it is also essential for an electoral system to offer each voter equal, or at

the very least comparable, opportunity to have their vote represented in parliament. A voter should have an equal chance to have their voice heard and for their vote to be counted, regardless of whether they are a member of a majority or minority group. This guarantees that each citizen's rights and interests are upheld and is a key requirement of democracy.

It's critical to understand that various voting systems might operate significantly differently from one another when comparing them. For instance, each of the six voting systems examined in the aforementioned study had distinct advantages and disadvantages in terms of advancing plurality and democracy. Different systems may be scored higher or lower in terms of their degree of plurality depending on the precise criteria that were used to evaluate them.

In the end, what matters most is that an electoral system provide people fair and equitable representation and authority. This calls for striking a balance between ensuring that all groups have a voice in parliament and taking into account the possibility that some groups may be too tiny to exert a considerable amount of political influence. We can make sure that our election systems are accurately reflective of the needs and interests of all citizens by placing a priority on pluralism and democracy.

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