

TO EAT A CAKE AND TO HAVE A THREE-QUARTER OF IT: IS IT POSSIBLE TO HAVE THE BEST OF BOTH WORLDS OF ELECTORAL SYSTEMS?

Miljenko Antić

*Građevinski fakultet,
Sveučilište u Zagrebu*

Jadranka Vlahovec

*Sveučilište u Zagrebu,
Poslijediplomski studij
"Advanced Master in European
Studies" (AMES)*

Pregledni rad

Primljeno: listopad 2011.

Summary The article investigates whether it is possible to combine the advantages of two groups of electoral systems – PR and pluralitarian (or majoritarian) – or not. It analyzes the existing mixed electoral systems and suggests possible improvements thereof. The main conclusion is that it is not possible to eliminate all disadvantages of PR and pluralitarian electoral systems, but it is possible, at least theoretically, to eliminate most of them by combining attributes of both worlds of electoral systems. In short, the electoral system proposed in this article would make it possible to “eat the entire cake and have a three-quarter of it”.

Keywords electoral system, proportionality, plurality, majority, district, threshold

1. Introduction

The main purpose of this article is to answer the following question: is it possible to combine the advantages of both proportional and pluralitarian electoral laws? The same question can also be formulated in another way: does the mixed-member electoral system allow “nations

to tailor their electoral systems so as to potentially have their cake and eat it too” (Shugart and Wattenberg, 2005: 10)?

The next section defines the two main electoral systems: proportional and pluralitarian, and explains the main advantages of the two systems. The third section defines and analyzes the mix-

ed-member electoral system and compares it with pluralitarian and PR systems. This section also explains the main variances of mixed electoral systems. The fourth section analyzes one of the two variances of the mixed-member electoral system: the mixed-member proportional (MMP) system, on the basis of investigation of the German electoral system. The fifth section examines, theoretically, possible improvements of MMP electoral system. In the section that follows, an electoral system is proposed. Finally, in section seven, advantages and disadvantages of the proposed electoral system are analyzed.

2. Proportional Electoral Law Versus Plurality Electoral Law

Electoral systems are usually classified into two groups – plurality systems and proportional electoral systems (PR). However, there are no universally accepted definitions of the two systems in political science. According to Dieter Nohlen (1990: 79), the plurality electoral system is traditionally defined as a system in which the elected candidate must win the plurality or majority of votes, whereas in the PR system, the distribution of seats tends to mirror the distribution of votes for parties. Similarly, according to Shugart and Wattenberg (2005: 9), pluralitarian (majoritarian) systems

usually employ exclusive single-seat districts with plurality rule (or sometimes a two-round majority formula) and tend to give greater representation to the two parties that receive the most votes. Proportional systems must employ multi-seat districts, usually with party lists, and typically produce parliamentary representati-

on that largely mirrors the vote shares of multiple parties.

Arend Lijphart (1999: 143) defines the plurality method of elections as a “winner-take-all method (the candidate supported by the largest number of votes wins, and all other voters remain unrepresented)... In sharp contrast, the basic aim of proportional representation is to represent both majorities and minorities and... to translate votes into seats proportionally.” Ferrer and Russo (1984) define the pluralitarian electoral system as a system in which only one representative is elected from one electoral district. In contrast, in the proportional electoral system more than one representative is elected from one electoral district. Nohlen (1990) criticizes Ferrer and Russo’s definition by arguing that the pluralitarian electoral system allows the election of more than one person in an electoral district. For example, in the United Kingdom, several electoral districts elected more than one representative to the Parliament up until 1948. However, nobody argues that the electoral system in the UK was not pluralitarian prior to this year.

From the analysis above it is obvious that all the most important definitions of plurality and PR electoral systems are very similar. They differ only in nuances. However, probably the most precise definition of the two electoral systems is given by Nohlen (1990: 83). He defines the two electoral systems in the following way: “In the pluralitarian electoral system, a candidate(s) or a party – in order to be elected – must get the plurality or majority of votes in an electoral district... In the proportional electoral system, the distribution of mandates depends on the percentage of votes received by candidates or political parties

in electoral districts.” Therefore, this article accepts Nohlen’s definition of electoral systems.

Proponents of plurality law (for example, Maurice Duverger (1954) and Ferdinand Hermens (1972)) cite its following advantages. Firstly, plurality law creates a stable, usually one-party government. Secondly, plurality electoral law creates clear responsibility for the policies, and enables people to choose a government. Thirdly, plurality law enables close and clear contact between members of the parliament and their constituencies. Furthermore, it produces a simple voting method. In addition, plurality law neutralizes the disproportionately strong influence of small parties. Finally, under plurality law, extreme parties have much less of a chance to be represented in the parliament.

According to the well-known Duverger’s law (1954), plurality electoral law tends to produce a two-party system, while proportional law (PR) tends to produce a multiparty system. Some authors (Sartori, 1986; Nohlen, 1990) have challenged Duverger’s law. However, empirical evidence shows that, in the long run, plurality law causes overrepresentation of the two strongest parties at the national level. According to Lijphart (1999: 13), on the basis of pluralitarian electoral law,

the bulk of the seats are captured by the two major parties, and they form the cabinets: the Labour party from 1945 to 1951, 1964 to 1970, 1974 to 1979, and from 1979 on, and the Conservatives from 1951 to 1964, 1970 to 1974, and in the long stretch from 1979 to 1997. The hegemony of these two parties was especially pronounced between 1950 and 1970: jointly they never won less than 87.5

percent of votes and 98 percent of the seats in the House of Commons in the seven elections held in this period.

Overrepresentation of the strongest party and a small number of parties create a stable government in countries with plurality electoral law. Frequently, one party has an absolute majority in the parliament. Accordingly, this party may form a stable government because the parliamentary majority has an interest in supporting its own government. For example, in the United Kingdom, general elections have failed to produce an absolute majority of one party only twice since 1945 (Steiner, 1991: 109). Therefore, a one-party government is almost an inevitable consequence of plurality electoral law. Paul Brass (1977: 1388) found that “one-party governments were more stable than coalition governments, that majority governments were more stable than minority governments, and that government stability correlated negatively both with the number of parties in the cabinet and governmental fragmentation”. Stability is not only a goal in and of itself, but it may also produce higher GDP per capita growth. According to Haggard and Kaufman (1995: 356), “two-party systems appear to have had a good long term record in maintaining stable macro-economic policies”.

PR may produce instability in government. The failure of the Weimar Republic is almost a cliché in the literature. However, many modern countries have also experienced government instability. For example, Italy – because of PR – has had over 50 cabinets since World War II (Osiatynski 1999: 10). In Poland, 31 parties won seats in the October 1991 parliamentary election. The largest par-

ty won only 13.5 percent of the seats (Lijphart, 1992: 210). It is extremely difficult to form a governing coalition with such a strong dispersion of parliamentary seats. The situation is even worse if a strong party is considered to be an anti-system party. For example, in Italy, the communist party never entered into a governing coalition even though it was the second largest political party for a long period of time. The government coalition in Italy very often consisted of five or more parties with a very weak majority in the parliament. France, which also had PR systems, faced similar problems in the 3th and 4th Republics (as well as in 1986).

One-party government (which is usually a product of plurality law) has an additional advantage. It enables clear responsibility in politics. The governing party is responsible for political success and failure. As a result, the electoral process is essentially a referendum on the incumbent. If people are satisfied, they may vote not only for the same government, but also, indirectly, for the same politics. Moreover, plurality electoral law *de facto* enables voting on the government as a whole. In contrast, if a country has a multiparty government, it is not clear which party is responsible. In addition, people usually do not have the opportunity to decide on the government under a PR system, because typically, no party receives an absolute majority in the parliament. The governing coalition is a result of bargaining among parties. Many times, one party receives much fewer votes than in the previous election. Despite this, the party continues to run the country, changing only portfolios, as a member of the governing coalition.

Plurality law allows for the election of people, not only parties. Each candi-

date represents not only a party, but also his/her constituency. Equally important, people know who represents them in the parliament. In other words, plurality law enables a strong connection between members of the parliament and their constituencies. The majority of countries with PR have a system with a closed list of candidates. Thus, people elect parties and not candidates. The party bureaucracy decides the position of candidates on the list. People who have a high position on the list have a very good chance of being elected, while people who are low on the list have almost no chance of being elected to the parliament. Consequently, party bureaucracies actually decide in advance on the majority of the members of the parliament.

PR sometimes allows a small party to have a significant influence in the government because it is not possible to form a coalition government without the support of the small party. "In Germany, the party with the *most* government experience is the *smallest* of the three main parties, the Free Democrats. This party has been in coalition with one or the other of the two largest parties, the Social Democrats and Christian Democrats, for twenty-seven out of thirty-four years in the period 1950-1983" (Taylor, 1984: 58).

As was noted earlier, political scientists agree that a government formed by only one party is the most stable form of democratic government. Since this type of government is usually a result of plurality electoral law, it follows that PR systems produce a less stable government. However, a more stable government is not necessarily a more efficient one. Efficiency can be measured according to economic and political criteria. The most objective economic criteria are

economic growth, inflation, unemployment, and distribution of income. Consequently, economic results show the efficiency of a government. Lijphart's data (1991: 78) indicate that countries with a parliamentary system and PR (these countries usually have coalition governments) had an average economic growth rate of 3.5 percent per year in the 1961-1988 period. The same figure is 3.4 percent for countries with a parliamentary system and plurality law (these countries usually have a one-party government).

PR countries had a lower inflation than countries with plurality law (6.3 percent / 7.5 percent), and a lower rate of unemployment (4.4 percent / 6.1 percent). In addition, economic equality is higher in countries with PR, because 20 percent of the richest people earn 39 percent of the income, while in countries with plurality law the richest people earn 42.9 percent. Countries with a presidential system and a plurality electoral law had economic growth of 3.3 percent per year, inflation of 5.1 percent per year, unemployment of 6.1 percent per year, and the richest 20 percent of the population earned 39.9 percent of the national income. Even though the differences are not very large, it is clear that countries with coalition governments (mainly countries with PR) have more efficient economies.

The data discussed above raise the question: how is it possible that less stable governments are more efficient? One of the possible explanations is that PR provides better control of government. If one party has an absolute majority in the parliament, it is much more difficult to control the government. Since party discipline is very strong in the parliamentary system, parliament members rarely dismiss the government controlled by

their own party. "In the first place, the political strength of the British Prime Minister comes, today, from his position as head of a disciplined majority party, and from the appointive powers that his office gives him" (Needler, 1962: 382). Consequently, a one-party government can usually be changed only with a new election. Frequently, a majoritarian government is stable even if its policies are inefficient. In contrast, inefficient policies may lead to resignation of a coalition government. If a party considers actual policies as harmful, it will most likely leave the coalition government in order to enhance its chances in the next election.

In a majoritarian system, the real decision-maker is the prime minister. According to Steiner (1991: 115), "the Prime Minister can define the consensus as being what he thinks fit. Even though a majority of the opinions expressed were against him, that would not necessarily prevent him deciding as he wishes." In such a system, ministers are more like executors than decision-makers. In contrast, in a coalition government, the prime minister must respect the opinions of all ministers, especially the opinions of ministers from other parties in the coalition. Otherwise, other parties will leave the coalition and the government will lose its majority in the parliament. In a coalition government, the prime minister is controlled not only by the parliament, but also by his/her own ministers in the cabinet. If political policies are inefficient, it is much easier to change a coalition government than a majoritarian one. Therefore, even though coalition governments are less stable, they are not necessarily less efficient. After World War II, the British Government was one of the most

stable governments among the western democracies, while Italy had one of the most unstable governments. However, since 1945, Italy's growth rate has been much higher than Britain's, even though Britain discovered oil in its territory (Lijphart, 1991: 80). Obviously, the instability of the government did not produce a lower level of efficiency.

Some additional facts may also help explain the success of coalition governments. Majoritarian governments represent the majority in the parliament. However, they do not necessarily represent the majority of the voters, because plurality electoral law can produce an artificial majority in the parliament. Often, a party with less than 40 percent of the votes has an absolute majority in the parliament. In addition, real support for the governing party is lower than the percentage of votes. Many voters vote strategically, knowing that only the two strongest parties have a real chance of winning in a constituency. An artificial majority in the parliament produces legality, but not legitimacy for a policy. Since the PR system produces fair representation in the parliament, a coalition government represents not only the majority in the parliament, but also the majority of the people. (Of course, this statement is not valid for minority governments.) In other words, a coalition government has legality and legitimacy. In order to enhance support among voters, coalition governments sometimes have even more parties in the coalition than is necessary for majority support in the parliament. According to Laver and Schofield (1991: 69), "larger coalitions, all other things being equal, may possibly have more legitimacy and authority than smaller ones".

Coalition governments are politically less stable, but they have more sta-

ble policies. Frequently, a new coalition has some parties and ministers from the previous government. This fact enables a certain degree of continuity in policies. On the contrary, if a party loses an election in a majoritarian system, a new one-party government will replace all ministers from the previous government. Finally, plurality electoral law sometimes produces an abrupt change of government and policies.

To take a concrete instance, post-war Labour governments in Britain have nationalized certain industries, some of which subsequent Conservative governments have denationalized; Labour proclaims its intention, when it regains power, of renationalizing these without compensation. This has led worried industrialists to seek a remedy for such repeated reversals, which make it impossible for them to plan ahead beyond the next election (Lakeman, 1984: 48).

From the above analysis, it is obvious that both electoral systems have, theoretically, advantages and disadvantages. Lijphart (1984: 208) summarizes these advantages in the following way:

The main advantage the plurality advocates cite for their system is that it encourages a two-party system – which, in turn, makes stable one-party governments in parliamentary regimes possible... The secondary advantages of plurality are its great simplicity, the fact that it allows a vote for individual candidates instead of party lists... and that it permits close contact between each representative and his or her constituents... The overriding advantage that PR partisans see in PR is that it yields more or less proportional results. This is regarded as a value in

and of itself, but it is also considered to be especially important because it allows minority representation.

Of course, one may challenge Lijphart's above-mentioned arguments. For example, is stability of government good or bad? The previous analysis in this section has shown that more stable governments are not necessarily more efficient. Furthermore, Antić (2010: 134) has shown that communist countries have had the most stable governments and they, certainly, cannot be considered as democratic role models. However, in spite of the fact that stability and efficiency of a system are not directly correlated, there is no doubt that extreme instability of a political system (which might be a consequence of a pure PR electoral system) may contribute not only to inefficiency, but also to a collapse of democracy as such. According to Susan Scarrow (2005: 58-59),

during the Weimar years Germany used a very pure form of proportional representation to elect the lower house of its national parliament... Although these very open rules did not create Weimar's fragmented party system... they certainly helped to sustain partisan divisions, since they offered almost no incentives for parties to cooperate or conglomerate in order to win elections. This fragmentation made it hard for parties to build and sustain governing coalitions. Contemporary as well as later observers concluded that this hyper representative electoral system itself bore significant responsibility for undermining Weimar democracy.¹

It is also logical to ask whether fair representation of minorities is good or bad. The above quotation shows that inclusion of representatives of all minorities could be harmful for the functioning of democracy. However, the opposite is also true: exclusion of minorities could undermine the legitimacy of the parliament because it does not reflect preferences of voters. It is obvious that the main question is whether elections should enable stable, one-party government, or representation of all main interest groups in a society. According to the functional theory of democracy, the main function of elections is to enable a stable government. Consequently, the functional theory prefers plurality electoral law. In contrast, the participative theory of democracy argues that the function of elections is to enable fair representation in a parliament. Therefore, this theory prefers the PR system.² However, no matter what is considered as a *more* important value, it is certain that fairness in the distribution of mandates is a value in and by itself because it increases the legitimacy of a parliament. In other words, fairness (which is easier to achieve in a PR system) is a positive element of a political system (though it is questionable whether this particular quality is more important than others). Furthermore, representation of minorities in the parliament, especially ethnic minorities, enables better protection of their rights. According to Lijphart (1991: 81), "divided societies... need peaceful coexistence among contending ethnic groups. This requires conciliation and

¹ See pages 75, 76 and 85-86 in this article.

² For a discussion about the relationship between political theories and electoral systems, see Kasapović, 1991 (especially page 12), and Nohlen, 1991.

compromise, goals that in turn require the greatest possible inclusion representative of these groups in the decision-making process. Such power sharing can be arranged more easily in... PR systems than in... plurality systems.”

To conclude, stability and fair representation of minorities are *good* for a system. However, these two values are frequently in conflict because fair representation of all minorities may undermine the stability of a political system.

3. Mixed Electoral Systems

Since both electoral systems (pluralitarian and proportional) have advantages and disadvantages, it is logical that many countries tried to combine their elements, minimizing the negative consequences of the two systems and taking the main advantages of them.³ As a result, they established the *mixed-member* system. According to Shugart and Wattenberg (2005: xxi), “in the view of many electoral reformers, the mixed-member system offers the best of both worlds – the direct accountability of members to the districts in which they are elected, and the diverse partisan preferences.” In other words, the mixed-member electoral system was supposed to enable “eating a cake and having it”. So, is it possible to take the advantages of both worlds? Before answering this question, it is neces-

sary to define the mixed-member electoral system and to classify it.

There are three main definitions of mixed electoral systems. Blais and Massicote (1996) define mixed electoral systems in terms of inputs: a system where plurality/majority and PR are used simultaneously in a single election and where at least 5% of the total members are elected under a different system. Giovanni Sartori (2000) focuses on the output: a mixed system provides a plurality-proportional mix and must not be fully proportional. According to Blais and Massicote’s definition, Israeli elections in 1996 and 1999 – when the prime minister was directly elected, on the basis of majoritarian electoral law, and members of the parliament were elected on the basis of PR electoral law – were not based on mixed electoral law. On the basis of Sartori’s definition, Germany does not have mixed electoral law because electoral results in this country are almost fully proportional.⁴ Since these two classifications are too restrictive, this article uses Shugart and Wattenberg’s (2005: 10) definition: “Mixed-member systems are thus a variant of such multiple-tier systems with the specific proviso that one tier must entail allocation of seats *nominally* whereas the other must entail allocation of seats by *lists*.” This article also follows the authors’ classification of mixed electoral systems in two groups:

We identify two broad subtypes, which we call mixed-member majoritarian (MMM) and mixed-member proportional (MMP)... The primary variable in mixed-member systems

³ Of course, in reality, mixed-member electoral systems usually emerged as a compromise between parties that wanted pluralitarian electoral law and those that wanted PR. However, it is out of the scope of this paper to analyze the origins of these systems. For a comprehensive analysis of the origins of mixed-member electoral systems, see Shugart and Wattenberg (eds), 2005: 55-278.

⁴ Interestingly, Lijphart (1984: 207) also does not classify the electoral system of Germany as a mixed one.

that separates MMM and MMP systems is the presence or absence of linkage between tiers. If the tiers are not linked, then the typical majoritarian boost received by a large party in the nominal tier is not likely to be wiped away by proportional allocation from the list tier. Thus, the principle behind majoritarian systems – giving an advantage to a large party – remains in the MMM system. On the other hand, MMP systems prioritize the list-PR tier, such that large parties do not receive a boost in overall seat allocation, or receive a smaller one than they would in an otherwise similar MMM system (Shugart and Wattenberg, 2005: 13).

It is out of the scope of this article to analyze all existing mixed-member electoral systems.⁵ Therefore, an overall assessment will be made. Since the main purpose of this article is to find out whether it is possible to have “the best of both worlds”, it will be analyzed first whether MMM electoral systems enable both fairness in the distribution of mandates and direct accountability of members to the districts in which they are elected. From the experience of countries that have had MMM electoral systems, the following conclusion can be made: an MMM system indeed increases fairness in distribution of mandates in comparison with a pure pluralitarian system and enables more accountability of members of parliaments (MP) to the districts in comparison to a pure PR electoral system. However, the opposite is also true: an MMM system produces

less fairness in the distribution of mandates than a pure PR system and less accountability of MPs to the districts than a pure pluralitarian electoral system. In other words, MMM enables eating half of a cake. However, the direct consequence is that one does not have the other half of the cake. According to Sartori (1975: 75), while MMM advocates may believe “that they are bringing together the best of two worlds”, they are, in fact, more likely to obtain “a bastard-producing hybrid which combines [the] defects” of PR and pluralitarian electoral systems. So, if the MMM system does not offer the best of both worlds, does the MMP system offer that? In order to answer that question, the next section analyzes the German electoral system, which has been a model for all other MMP electoral systems.

4. Electoral System of Germany

(West) Germany was the first country to choose the MMP electoral system. This electoral system was chosen as a result of bargaining between main political parties, but also as a result of prevalent will among the establishment for a stable but also democratic political system.⁶ The MMP system has been used in Germany since 1949. Since then, the electoral system was slightly changed several times, but the main characteristics of this system have remained the same for 62 years. According to the electoral law, half of representatives are elected in single-member districts (SMD), and the other half from the party lists. Voters have two votes: one for the district,

⁵ For an overview of existing mixed electoral systems, see Massicote and Blais, 1999. See also analyses on country by country bases in Shugart and Wattenberg, 2005.

⁶ Scarrow (2005) explains how the German electoral system was adopted. Consequences of the German electoral system are examined in Klingemann and Wessels, 2005.

and another for lists. However, in contrast to the MMM system, the overall number of seats for one party depends on the percentage of votes on the second ballot (party lists). In other words, one party gets approximately equal percentage of seats as percentage of votes (parties with less than 5 percent of votes or less than three SMD winners are excluded). If the number of seats won in SMD is lower than the number of seats one party should get as a result of the second vote, additional MPs are elected from closed party lists (parties decide about positions on the lists). However, if the number of SMD won by a party is higher than the number of seats allocated by the party's proportion of list votes, the party may keep the additional seats. In SMD it is enough to get the plurality of votes.

So, what are the consequences of the MMP electoral system? Does this electoral system enable the best of both worlds? The first thing that should be noted is that the MMP system has the main attribute of PR systems – fairness in the distribution of mandates. One party gets approximately the same percentage of seats and votes.⁷ Actually, the main obstacle for full proportionality in the distribution of votes and seats are not SMD, but the 5% threshold (as in PR electoral systems). In other words, MMP enables the eating of a cake. However, does it allow also having a cake? Or, does the MMP system have attributes of plurality electoral law? One of the attributes of the plurality system is accountability of MPs to districts, and in the German elector-

al system, half of representatives (elected in SMD) are accountable to the electorate in districts. Hence, voters choose half of their representatives on their own and party bureaucrats decide – forming party lists – only about half of representatives. This means that the MMP system enables better personalization of politics than the classical PR system and, thus, more accountability of MPs than the PR system. Consequently, the MMP system – keeping almost all advantages of the PR system – allows some advantages of the plurality system.

However, it is also obvious that Germany's MMP system does not allow all the advantages of the plurality system. It does not allow people to elect their prime minister,⁸ and the formation of government is a consequence of inter-party bargaining. Furthermore, half of representatives are not accountable to their districts. The voting method is more complicated than in plurality electoral law and enables strategic voting.⁹ Finally, as mentioned earlier, German electoral law does not allow full proportionality – because of the threshold and extra seats in SMD – between percentage of votes and percentage of seats.

⁷ This is the main reason why Lijphart considers the electoral system of Germany as a variant of the PR system (see Lijphart, 1984 and Lijphart, 1999).

⁸ In countries with plurality electoral law, people also do not elect the prime minister directly but, since one party usually has an overall majority, people know that by voting for one party they also vote for the leader of this party to become the prime minister.

⁹ Strategic voting means that voters may split their votes and vote for one party in SMD and for another with the second ballot. Since a party may keep extra seats won in SMD, strategic voting may produce a better result for a coalition of parties than voting for the same party in SMD and in the second ballot.

Nevertheless, experience with German electoral law shows that it is possible to have some advantages of one electoral system without eliminating all the advantages of another. Germany has a fair distribution of seats, having at the same time direct accountability of half of their MPs to their districts. In other words, the German electoral system shows that it is possible to eat a cake and still have at least a part of it. Nevertheless, is it possible to have a bigger part of the cake than German electoral law enables? In other words, is it possible to further improve the MMP system in order to have more advantages of both worlds? This issue will be analyzed in the next section.

5. Is It Possible to Improve the MMP Electoral System?

The previous section has shown that German electoral law enables personalization of elections. Half of representatives are elected from SMD. However, is it possible to have an electoral system in which voters decide also about the other half of representatives? The German system has a closed list and voters cannot decide about the position of candidates on the list. This means that candidates who are low on the list do not have much chance to be elected, while those who are high on the list have secured membership in the parliament prior to the elections (if the party passes the threshold). However, some variations of the MMP system enable voters to decide also about candidates on the list. The most logical solution is that the position on the list depends on the number of votes a candidate receives in SMD. This means that the “best losers” in SMD (since winners in SMD are directly elected) are also elected in the par-

liament. And these “best losers” assure proportional distribution of seats in the parliament. According to Shugart and Wattenberg (2005: 12-13),

There is no reason why a mixed-member system could not employ open lists in the list tier... Mixed-member systems lend themselves to lists ordered on the basis of which candidates prove to be the “best losers” in the nominal-tier districts in which they are nominated. Variations on the best-loser provision have been used in Mexico (1964-76), as well as by the Italian senate since 1993 and Japan’s lower house since 1996... Best-loser lists do provide candidates with the incentive to be popular within their districts – even in districts that are “hopeless” for their party to win in the nominal tier – because more popular candidates will be elected from the list tier ahead of less popular copartisans. In a system that employs a best-loser provision on the list tier, there is no list, per se. Rather, parties simply nominate candidates in the nominal tier. Once nominal-tier winning candidates have been determined, any seats that a party may obtain from the list are taken from its pool of nominated candidates who did not win their races. Thus, under this system, the nominal-tier districts serve as de facto nominating districts for the list tier.

There are three possible criteria for deciding who the “best losers” are. The first criteria is the percentage of votes, the second is the difference in number (or percentage) of votes between winner and loser. However, probably the best solution is the overall number of votes. Such a criterion would stimulate a high

voting turnout, because districts with a higher turnout would have a better chance of being represented with more than one representative.

One of the possible disadvantages of the MMP system is, as mentioned earlier, strategic voting: voters split their votes in order to increase, artificially, the number of seats for a coalition of parties they support.¹⁰ An easy solution against strategic voting is one vote instead of two. This vote decides who wins in SMD, but also the overall number of votes for a party or coalition. Simply, votes for all candidates, in all SMD, can be summed up in order to check the overall number and percentage of votes for a party or coalition on the national level.¹¹ Such a system eliminates the possibility of strategic voting and possible manipulation with such a voting. If a voter has only one vote, he/she cannot split votes in order to have additional seats in the nominal tier. With such a solution, simplicity of voting in the plurality electoral system can be combined with the fairness of the PR electoral system. Furthermore, each party would be motivated to run with the most popular candidate because they run not only for themselves but also for the party as a whole. In addition, voters would be able to vote for individuals as in the classical plurality electoral system. Consequently,

voters would be able to eliminate party candidates that are not popular among voters, which is not the case with PR systems with a closed list, where the position on the list and chances for getting seats in the parliament are decided by party bureaucrats.

The MMP system may also solve an additional problem with the PR system – overrepresentation of cities. According to Farell (2001: 80), “there is a danger the geographical location of MP... may be concentrated in the urban, more populated areas, leaving whole swathes of the population ‘unrepresented’”. However, the MMP system with SMD prevents such a problem, because all regions are represented in the parliament.

To summarize, an appropriate MMP electoral system may enable both: a fair distribution of seats and a clear contact between members of the parliament and their constituencies. In other words, the MMP system enables fully personalized proportional representation. To return to the mantra of this article, it enables eating a cake and still having half of it.

But, what about the other half? Is it possible to have some additional advantages of plurality electoral law, but on the basis of a fair (proportional) distribution of mandates? It has been mentioned above that plurality electoral law usually enables people to choose the government. In contrast, in PR systems, the governing coalition is a result of bargaining among parties. So, is it possible to allow people to elect the head of the government having, at the same time, a proportional distribution of seats in the parliament? The answer to this question is positive. Israel had, from 1992-1999, an electoral system which was almost fully proportional (the legal threshold was only 1.5%, and the entire coun-

¹⁰ According to Klingemann and Wessels (2005: 287), approximately 20% of voters are ticket-splitters, and this splitting is now predominately in favor of Christian Democrats (see Farell, 2001: 111).

¹¹ Italy uses such an electoral system for election of Senate (see Katz, 2005: 115). Germany also utilized the MMP electoral system in which voters had only one vote in the 1949 elections (see Scarrow, 2005).

try was one constituency), having at the same time direct elections for prime minister.¹² Such a system was a variance of MMP because it combined a nominal and a list tier in the elections, and it enabled, obviously, even more direct influence of voters on the head of government than plurality electoral law.¹³ However, Israel had a system with a closed party list. This means that, under the law that existed from 1992-1999, voters had an opportunity to vote personally only on the prime minister, without having influence on candidates on the list for the parliament. However, it is obvious that a personalized electoral system for the parliament (the above-described MMP system) can be combined with direct election of the prime minister.

The above analyses have shown that it is possible to combine the main advantage of PR – fairness in distribution of seats – with almost all advantages of plurality electoral law: connection between people and MPs, simple voting method, elimination of strategic voting, and even direct election of prime minister. Nevertheless, is it possible to eliminate the last two advantages of plurality electoral law: neutralization of small parties and a stable one-party government? Before these questions are answered, it should be noted that even plurality electoral law enables representation of small parties in the parliament if they have regional strongholds. Parties that have disproportionately weak performance are usually national parties, with the exception of two strongest parties. The prime example of

a party which is disadvantaged by plurality electoral law is Liberal Democrat Party in the United Kingdom.¹⁴ So, plurality electoral law virtually eliminates small national parties without regional strongholds. However, as mentioned above (see page 75), plurality electoral law usually produces a stable one-party government. So, is it possible to have the PR system and the prevalence of a stable one-party government? Here, the answer is negative. The very essence of the PR system is fair representation. So, on the basis of the PR electoral system, no party has the majority in the parliament without getting close to 50% of votes. Therefore, it is not possible to have ALL the best elements from both electoral systems. More precisely, it is not possible to have – on the basis of an artificial majority – a stable one-party government and a fair distribution of seats at the same time. Similarly, it is not possible to have proportional distribution of seats and to eliminate all small parties. In other words, in this respect, it is not possible to eat a cake and have one.

Since the PR system may allow dozens of parties to have their representatives in the parliament (see page 75-76) and since such a situation may cause very instable government, all countries with the PR system have certain instruments that reduce the number of parties. Even the Netherlands, the country with the most proportional electoral system¹⁵ – because of a nationwide district and almost full proportionality – still has a 0.67 percent threshold. Numerous

¹² For the origin of the Israeli electoral system, see Rahat, 2005; for consequences of this system, see Hazan, 2005.

¹³ Croatia has a similar electoral system for local elections.

¹⁴ For example, in the 1992 elections this party received 17.8% of votes, but just 3.1% of seats (Farell, 2001: 27).

¹⁵ For the degree of (dis)proportionality, see Lijphart, 1999: 162.

devices may boost the representation of largest parties in the PR system. The most effective are: threshold, small district magnitude, and D'Hondt electoral formula. However, these devices also decrease the degree of proportionality and tend to eliminate small parties. So, can the MMP system contribute to the stability of government keeping fairness in the distribution of seats?

Brams and Fishburn (1984) proposed such an electoral system.¹⁶ The authors' proposal has three main features:

1. The number of seats for each party would be determined by the sum of votes for all party candidates in SMD.

2. The legislature would consist of all representatives who win in the districts *plus* largest vote-getters among the losers, necessary to achieve PR.

3. The size of the legislature would be *variable*, with a lower bound equal to the number of districts (if no adjustment is necessary to achieve PR) and an upper bound equal to twice the number of districts.

The most important for this discussion is the fourth main provision:

4. *The addition of extra seats can never make the minority's proportion in the legislature to exceed its proportion in the electorate.*

However, it is questionable how to decide who won the majority? Usually, the party that receives the most votes also wins the most seats. However, sometimes the second largest party, in terms of votes, wins the most SMD (for example, in Britain in 1974 and in New Zealand in 1978 and 1981; see Lijphart and Grofman, 1984: 11). Furthermore, small

regional parties may have an even better ratio between votes and seats in SMD than the winner of the elections. So, how to decide on who the winner is? This article has already proposed an electoral system which combines the MMP electoral system with the direct election of prime minister/governor/mayor. Therefore, Brams and Fishburn's (1984) proposal can be adjusted in the following way: no one party/coalition may have a better ratio between percentage of votes and percentage of seats than the party that wins the race for prime minister/governor/mayor. The only exception would be when a party receives majority in more SMD than according to the ratio between votes and seats. In order to clarify this provision, a proposal for an electoral law will now be formulated.

6. Proposed Electoral System

1. Voters vote directly for prime minister/governor/mayor. If a candidate gets more than 50% of votes, he/she is elected.
2. If no candidate receives more than 50% in the first round of voting, there is a run-off between the top two candidates, and the winner of the run-off is elected prime minister/governor/mayor.
3. Voters vote in SMD for members of the parliament (local assembly). Candidates who get more than 50% of votes in SMD are elected.
4. All the candidates from the same party as elected prime minister/governor/mayor (MGM) who receive plurality of votes in SMD are also elected.
5. Votes in all SMD for candidates from the same party as elected MGM are summed up and divided by the

¹⁶ This system has already been used in Puerto Rico (Still, 1984).

number of seats that this party won in SMD (on the basis of both plurality and majority of votes). On the basis of this calculation, a ratio between votes and mandates is calculated.¹⁷

6. The number of votes for other parties is calculated (sum of all the votes for candidates in SMD). Then, the number of votes is divided by the above-mentioned ratio in order to calculate the number of seats one party deserves, with the provision that no one party/coalition may have a better ratio between percentage of votes and percentage of seats than the party that won the race for chief of the executive.^{18 19}
7. If one party wins more SMD by majority of votes then this party deserves seats (on the basis of overall votes), the party keeps extra seats.
8. When the number of seats for each party is calculated, the distribution of seats follows the following order:

¹⁷ For example, if candidates from the party that won the election for chief of the executive received, altogether, 400,000 votes and 40 seats in SMD, the ratio is 10,000 votes for one seat.

¹⁸ For example, if one party receives 53,000 votes, this party is entitled to 5 seats in the parliament or local assembly (see note above).

¹⁹ Theoretically, it is possible that no one candidate from the party that won the election for chief of the executive wins the plurality in SMD. In this case, the most logical solution is that the ratio between votes and seats is decided on the basis of the result of the party that wins the most SMD. However, even in this case the party that won the election for chief of the executive should have the best ratio between votes and seats, getting extra seats in the distribution of mandates for “best losers”.

- a) Candidates that win SMD by majority of votes;
- b) Candidates that win SMD by plurality of votes (if not all of them can get a seat then those candidates who receive most votes are elected);
- c) Losers in SMD who receive most votes.²⁰

7. Advantages and Disadvantages of the Proposed Electoral System

The proposed electoral system would have the following attributes:

1. Voters would be able to elect directly the chief of the executive branch.²¹
2. Voters would be able to elect directly members of the legislative branch.
3. Voters would be able to vote for candidates rather than for parties.
4. Since all candidates would be elected in SMD, the system would enable a close connection between voters and their representatives.
5. The electoral system would assure representation of local interest and fair regional distribution of representatives.
6. Consequently, the system would eliminate unpopular politicians no matter which party they belong to. Similarly, it would promote party members who are popular among voters, which means that the electoral system would promote intraparty democracy. Furthermore, all SMD

²⁰ Concerning the overall number of seats in legislature, see Brams and Fishburn's (1984) proposal.

²¹ Direct election of the chief of the executive increases the legitimacy of this institution. For a discussion on advantages of presidentialism and parliamentarism, see Lijphart, 1992a.

would be important – even those in which it is very difficult to win – because the number of seats would depend on the sum of votes in all SMD.

7. The system would enable a fair distribution of seats, in accordance with the percentage of votes for each party.
8. Independent candidates would have a chance to run for the parliament if able to win majority in their electoral districts.
9. Minorities would have chances to be represented because this system either does not demand a threshold or the threshold can be very low.
10. Since voters would choose the chief of the executive, it would be relatively easy to form a government because the position of prime minister would not depend on bargaining among parties (this usually happens in countries with the PR electoral system).
11. Since no one party may get a better ratio between votes and mandates than the party that wins the election for chief of the executive,²² the system would enable a higher level of stability of government than other PR systems.
12. The system would stimulate a high electoral turnout, because SMD with high turnout would have better chances of having more than one representative.
13. Voters would be able to show their real preferences without fearing to lose their votes (as it is the case in the

plurality electoral system). In other words, the system would eliminate the need for strategic voting.

However, the system would also have some disadvantages. Firstly, if members of the parliament were unable to vote on confidence in the government (in the case of the presidential system), the parliament would have limited chances to control the government. In contrast, if the parliament were able to vote on confidence,²³ the government may have problems with stability (as in other countries with the PR electoral system). However, as mentioned above, the system would enable a higher level of stability than other PR systems because of the provision that no one party may have a better ratio between votes and seats in the parliament than the party of the elected chief of the executive. Furthermore, it would be possible to increase stability by provision that the vote of no-confidence cannot be held at least a year after the elections. Such a provision is logical, because there is no reason to allow the parliament to challenge the voters' decision immediately after the elections, and elected officials should have time to show their qualities in office. In addition, same sort of qualified majority (for example, the majority of all members of the parliament should vote against prime minister or mayor in order to remove him/her from office) may also increase stability. In addition, stability can also be upheld by removing the possibility that the chief of the executive may dissolve the parliament before the

²² Except in the case where one party receives extra mandates as a result of majority in SMD (see previous section).

²³ In Israel, from 1992-1999, the parliament was able to vote on confidence for the prime minister in spite of the fact that the prime minister was directly elected by the people (see Hazan, 2005).

end of the mandate (as it was the case in Israel). Finally, a modest level of instability can be an advantage because it stimulates the chief of the executive to cooperate with the parliament and enables control of the former.

Secondly, an additional disadvantage may be the fact that a winner in SMD (by plurality of votes) may not be elected, while a loser in SMD may be elected. However, such a provision already exists in countries with majoritarian electoral systems (where winners from the first round are not always elected), and it is a trade-off for a much more important advantage – fairness in the distribution of seats. Furthermore, it can be expected that very few winners in SMD would fail to be elected. Finally, the very fact that a candidate did not get the majority of votes shows that it is not unfair if he/she does not get a seat in the parliament.

Thirdly, it can also be argued that the proposed system is complicated. However, the system would not be complicated for voters at all. They should just select a candidate for the parliament and

a candidate for the executive they favor most. Furthermore, electoral commissions would also have no problem with “deciphering” who won mandates.

Finally, the system would not allow full proportionality (as a matter of fact, no system enables full proportionality). However, this system would be very proportional (and fair), with a higher level of stability than similar PR systems.

To conclude, the MMP electoral system which would combine the improved German electoral system with the former Israeli electoral system (from 1992-1999) would offer the best of both worlds – direct accountability of MPs to their districts and diverse partisan preferences.²⁴ Of course, this system would not eliminate all disadvantages of PR and pluralitarian systems, but it would eliminate most of them. In short, to repeat the mantra of this paper, the proposed electoral system would enable eating the entire cake and keeping a three-quarter of it. However, only a practical implementation of this system would make possible a real test of its advantages and disadvantages.

²⁴ The proposed electoral system also includes some advantages of the majoritarian system (see pp. 86-87). Furthermore, there are some similarities between the proposed system and the single transferable vote electoral system because votes for candidates that are not elected are transferred to other candidates from the same party. In other words, the proposed electoral system incorporates attributes of all existing electoral systems. Of course, it also includes some of their disadvantages.

REFERENCES

- Antić, M., 2010. *Democracy versus Dictatorship: Political Systems and Development*. Lambert Academic Publishing, Saarbrücken.
- Blais, A., Massicote, L., 1996. Electoral Systems. In: LeDuc, L., Niemi, R., Norris, P. (eds), *Comparing Democracies*. Sage, Thousand Oaks, CA, pp. 49-82.
- Brams, S. J., Fishburn, P. C., 1984. A Note on Variable-Size Legislatures to Achieve Proportional Representation. In: Lijphart, A., Grofman, B. (eds), pp. 175-177.
- Brass, P. R., 1977. Party Systems and Government Stability in the Indian States. *The American Political Science Review* 71 (4), 1384-1405.
- Duverger, M., 1954. *Political Parties: Their Organization and Activity in the Modern State*. Wiley, New York.
- Farell, D. M., 2001. *Electoral Systems: A Comparative Introduction*. Palgrave, New York.
- Ferrer, C., Russo, J., 1984. Sistemas electorales parlamentarios alternativos: un analisis para Chile. *Estudios Publicos* 13, 141-152.
- Grofman, B., Lijphart, A. (eds), 1986. *Electoral Laws and Their Political Consequences*. Aghaton Press, New York.
- Haggard, S., Kaufman, R. R., 1995. *The Political Economy of Democratic Transitions*. Princeton University Press, Princeton.
- Hazan, R. Y., 2005. The Israel Mixed Electoral System: Unexpected Reciprocal and Cumulative Consequences. In: Shugart and Wattenberg (eds), pp. 351-379.
- Hermens, F. A., 1972 (1940). *Democracy or Anarchy? A Study of Proportional Representation*. Johnson Reprint Corp., New York.
- Kasapović, M., 1991. Introduction. In: Nohlen (1991), pp. 5-14.
- Katz, R. S., 2005. Reforming the Italian Electoral Law, 1993. In: Shugart and Wattenberg (eds), pp. 96-122.
- Klingemann, H. D., Wessels, B., 2005. The Political Consequences of Germany's Mixed-Member System: Personalization at the Grass Roots? In: Shugart and Wattenberg (eds), pp. 279-298.
- Lakeman, E., 1984. The Case for Proportional Representation. In: Lijphart and Grofman (eds), pp. 41-52.
- Laver, M., Schofield, N., 1991. *Multi-party Government*. Oxford University, Oxford.
- Lijphart, A., 1984. Trying to Have the Best of Both Worlds: Semi-Proportional and Mixed Systems. In: Lijphart and Grofman (eds), pp. 207-216.
- Lijphart, A., Grofman, B. (eds), 1984. *Choosing an Electoral System: Issues and Alternatives*. Praeger, New York.
- Lijphart, A., 1991. Constitutional Choices for New Democracies. *Journal of Democracy* 2 (1), 72-84.
- Lijphart, A., 1992. Democratization and Constitutional Choice in Czecho-Slovakia, Hungary and Poland 1989-91. *Journal of Theoretical Politics* 4 (2), 207-223.
- Lijphart, A., 1992a. *Parliamentary versus Presidential Government*. Oxford University Press, Oxford.
- Lijphart, A., 1999. *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*. Yale University Press, New Haven and London.

- Massicote, L., Blais, A., 1999. Mixed electoral systems: a conceptual and empirical survey. *Electoral Studies* 18, 341-366.
- Needler, M., 1962. On the Dangers of Coping from British. *Political Science Quarterly* 77 (3), 379-386.
- Nohlen, D., 1990. *Wahlrecht und Parteiensystem: Über die Politischen Auswirkungen von Wahlsystemen*. Leske und Budrich, Opladen.
- Osiatynski, W., 1999. The Distribution of Legislative and Executive Power. Unpublished manuscript. In: *Comparative Constitutionalism and Rights: Reader*. Central European University, Budapest.
- Rahat, G., 2005. The politics of Reform in Israel: How the Israeli Mixed System Came to Be. In: Shugart and Wattenberg (eds), pp. 123-151.
- Sartori, G., 1986. The Influence of Electoral Systems: Faulty Laws or Faulty Method. In: Grofman and Lijphart (eds), pp. 43-68.
- Sartori, G., 1997. *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives and Outcomes*. Macmillan, London.
- Sartori, G., 2000. The Party Effects of Electoral Systems. In: Hazan, R.Y., Maor, M. (eds), *Parties, Elections and Cleavages: Israel in Comparative and Theoretical Perspective*. Frank Cass, London.
- Scarrow, S. E., 2005. Germany: The Mixed-Member System as a Political Compromise. In: Shugart and Wattenberg (eds), pp. 55-69.
- Shugart, M. S., Wattenberg, M. P. (eds), 2005. *Mixed-Member Electoral Systems: The Best of Both Worlds?* Oxford University Press, Oxford.
- Steiner, J., 1991. *European Democracies*. Longman, New York.
- Still, E., 1984. Alternatives to Single Member Districts. In: Davidson, C. (eds), *Minority Vote Dilution*. Joint Center for Political Studies, Washington D.C.
- Taylor, P. J., 1984. The Case of Proportional Tenure: A Defense of the British Electoral System. In: Lijphart and Grofman (eds), pp. 53-58.

Imati ovce i sačuvati najveći dio novca: mogu li se imati glavne prednosti dvaju izbornih sistema?

SAŽETAK Članak istražuje je li moguće kombinirati prednosti proporcionalnog i većinskog izbornog sistema. Analizira postojeće mješovite izborne sisteme i sugerira moguća poboljšanja istih. Glavni je zaključak da nije moguće eliminirati sve mane proporcionalnog i većinskog izbornog sistema ali je moguće, barem teorijski, eliminirati većinu mana kombiniranjem glavnih prednosti ta dva izborna modela. Zbog toga članak, u završnom dijelu, predlaže poboljšani model mješovitog izbornog sistema koji bi omogućio da se "ima ovce ali i sačuva najveći dio novca".

KLJUČNE RIJEČI izborni sistem, proporcionalnost, većina, izborna jedinica, izborni prag