
Political Parties in Representative Democracy^{*}

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Nominating Procedures in Democratic Polities

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Summary

One of the focuses of the study of political parties at the end of the 20th century has been the organizational structure and the relations within political parties, including the nominating procedures for the candidate selection for general elections. The manner in which parties fulfill their recruiting function and, eventually, the quality of the political and the governing elite in a “party” state directly depends on these procedures. Typologically, there are differences between the nominating procedures in the US (regulated by federal laws) and those in European political parties (regulated by party documents). The author describes major forms of American primaries and European procedures for candidate selection. Finally, she analyses the nominating procedures in the Croatian legislation and the statutes of Croatian parliamentary parties. Her conclusion is that the laws on parties and candidate selection are entirely left to the parties whose statutes – without exception – envisage very centralized, exclusive and non-democratic procedures of candidate selection.

Key words: political parties, nominating procedures, preliminary elections (primaries), candidates, Croatia, party, statute



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1. Concept and meaning

The change of the nature of contemporary political parties at the end of the 20th century was largely responsible for the shift of the interest towards studying parties as a

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separate sub-discipline of political science.¹ One of the focuses of research interest have been the candidate selection procedures in political parties,² on which the way in which these organizations fulfill their recruiting function directly depends, as well as, eventually, the quality of the political and the ruling elite in a “party state”. The quality of the candidacy procedure determines the quality of the representatives, achievements of the parliament and the government and the tenor of national politics in general. That is why candidate selection is considered to be the “crucial part of the political process” (Gallagher/Marsh, 1988: 1). From the point of view of public interest, candidate selection is the core function of political parties in democratic polities.

From the party standpoint as well “candidate selection is a vital activity in the life of any political party” (Katz, 2001: 277). The importance of the selecting function for parties can be seen from the definition of a political party as an “organized group that nominates candidates for the elections for a representative body” (Lipschits, 1980: 305). The number of candidates often serves as one of the most important indicators of a party’s size and strength. In the plurality systems, a respectable party is the one whose candidates run for office in more than half of the single-member districts and is thus formally in a position to win the majority of seats in the parliament and form the government alone. In proportional electoral systems, a respectable party has to have candidates for all multi-member districts and for all the seats in the legislative bodies.

The candidacy procedure is, briefly, the method of selecting the candidates who compete in the elections for general representative bodies and other public offices. The rules of the candidacy procedures are largely regulated by statutes, charters and other documents of political parties, and only exceptionally by state laws. The chief actors of candidate selection are various party bodies at the local or the national level, and only party members can take part in the decision-making processes, directly or indirectly.

The dominant role of political parties in the candidacy procedure has always been criticized by political science, especially in the studies of elections and parliamentarism. It is thought that the nature of the selection process transforms the very essence of democratic elections and political representation. “Before delegates are elected by the voters, they have been elected by their party. Voters only confirm that choice”, claims Maurice Duverger (1959: 360). The voters’ ballot is preceded by the voting of party members and party bodies, the process by means of which the candidates who are to be offered to the electorate in general elections are selected. This significantly affects the very nature of the electoral process, so that the “real competition for mandates does not occur on the election day but within the parties.” (Neisser/Plasser, 1992: 44). Voters

¹ On this change, see: Katz/Mair, 1995; Von Beyme, 2000; Dalton/Wattenberg, 2000; Katz, 2001; and others.

² Since in all democratic states parties play a decisive role in the process of candidate selection, “nominating candidates within a party gains a paradigmatic significance for the democratic character of the entire process of the creation of political will, including the intra-party one” (Tsatsos/Schefold/Schneider, 1990: 820). The focus of the contemporary research about parties on the organizational relations among the party elites, party membership and voters has prompted some critics to talk about the creation of a “new orthodoxy in party research” (Von Beyme, 2000: 104).

only decide on the number of seats that parties are going to get, while parties decide on who is going to occupy those seats.

From the point of view of these fundamental features, candidacy procedure is a “predominantly *extralegal* process”, principally different from the nominating procedure as a “predominantly *legal* process” (Ranney, 1981: 75). Accordingly, there are the “extralegal” or unofficial and “legal” or official electoral candidates.

Unofficial candidates are the people who have been singled out via the selection procedures in their political parties to compete as party candidates – individually or on party lists – in the elections. They are selected in line with their parties’ criteria, which usually combine personal, ideological and the so-called special electoral qualities. The most important characteristics are age, gender, educational, professional and social status, with the social structure of the electorate and the ideological profile of parties in mind. Careful planning of a socially balanced candidate structure is a priority, especially in the systems of proportional representation in which party lists are designed with respect to different quotas. In their candidate selection, parties take into consideration their loyalty to the party, which sometimes has to be proved by the obligatory minimal party membership, the membership in the party’s trade unions and foundations, the subscription to the party’s newsletters, party activism and so on. Among the special electoral qualities of candidates the most important one is the achieved status of a parliamentary representative, particularly in plurality systems. In Great Britain, for example, in the so-called *safe seats* – constituencies in which one party has been winning with a wide margin for years and which have turned into this party’s electoral strongholds – the selection is practically reduced to a “simple re-adoption of incumbent MPs”; in France also “the de-selection of incumbents was rare” (Gallagher/Marsh, 1988: 48, 82). In certain Irish parties, MPs do not go through the required selection procedure, but are confirmed by their party’s membership by acclamation. Besides the *effect of incumbency*, the entrenchment of a candidate in local rule is important in the selection process, particularly in the countries with the localist electoral political culture. Having this in mind, it can be said that the selection process in political parties directly influences a parliament’s composition, especially in non-preferential voting systems; also, it clearly reflects political, social and other preferences of selectors.³

The official candidates, on the other hand, are people who have been confirmed as electoral candidates via a nominating procedure at the national level. For a person to be nominated as an official candidate in elections it is not enough to have been selected by their political party; they must fulfill a set of special requirements by which law conditions the acquisition of the passive right to vote i.e. the right of the citizens to be elected to certain public posts. These requirements vary from country to country, but usually they include a certain number of years of citizenship status, residence in the constituency in which a certain candidate wants to run for office, the minimum and the maximum age limit, non-involvement in certain public affairs, etc. At the same time, for someone to be nominated as an official candidate for elections, it is not necessary to undergo the selection process in their political party. Namely, the official candidates are a

³ On candidate preferences in the Croatian political parties, reflected in the social composition of the parliament, see Ilišin, 1999 and 2001.

broader category than the unofficial candidates, since that category also includes the independents, the candidates of various citizens' associations, social movements and so on, who have not gone through a candidacy procedure in the parties, but have met all the nominating requirements stipulated by law.

Many components influence candidacy procedures: the legal status of political parties, the type of electoral law, the structure of the party system, the dominant type of party competition, the political/cultural traditions of a country and so on. However, most researchers agree that the electoral system exercises the biggest influence on the general nature of candidacy procedures.⁴

The influence of two main types of electoral systems on selection processes is succinctly expressed by the claim that in the plurality systems the fundamental question is "Who is our candidate in the constituency?", and in the proportional systems it is "Who is on our list and in which place?". More thorough analyses show how every structural element of the electoral system very specifically affects the candidate selection process. The most influential elements are the size of constituencies, the design of party lists and the related ballot procedures. The influence of the size of a constituency on the selection process can be expressed with an almost "mathematical formula": "The bigger the constituency, the greater a party's influence; the smaller a constituency, the smaller its influence" (Duverger, 1959: 364; see also Epstein, 1967: 226). Parties can irrevocably establish the full monopoly in the choice of their candidates if the national electoral legislation institutionalizes closed lists and the categorical, non-preferential ballot systems; and conversely, this monopoly can be weakened by the voters by means of open lists and the preferential ballot systems.

2. *Types and forms of candidacy procedures*

There are two basic types of candidacy procedures:

- candidacy procedures regulated by national laws that basically represent state-political processes,
- candidacy procedures regulated by party documents that represent party-political processes.⁵

2. 1. The first type of candidacy procedures are state primary elections in the US or in some American federal states. State primaries are prior *direct primary elections* of the

⁴ Candidacy procedure is considered so important for the electoral process on the whole that some authors include it in the electoral system itself. Thus Garry W. Cox defines the electoral system as a "set of laws and party rules that govern the electoral competition among parties and within them" (1997: 38). Long-term conclusions could be drawn from this definition about the right of the legislator to the standardization of the relations not only among political parties in election time but also in the intra-party procedure of candidate selection.

⁵ This fundamental typological distinction is advocated by Leon D. Epstein: "What is in Europe called candidate selection, in the United States is called nomination" (1967, 203). Accordingly, Epstein distinguishes the European party candidacy procedures and the American state nominating procedures.

candidates who run in the elections for general representative bodies and other public offices in the US and in individual federal states. The legislation in each American state precisely stipulates when and in which form the primaries are going to take place. State bodies prepare, organize and monitor the primaries. With the exception of a prominent role in the nomination of candidates for the presidency at the national and regional conventions (*caucus system*), the role of political parties in the primaries is limited to the participation in electoral committees and supervisory bodies (cf. Hinckley, 1981; Bott, 1990: 112-138; Jacobson, 1992; Jewell/Morehouse, 2001; and others).

American primaries have for decades been the subject of political and theoretical debates. They are attributed both the positive and the negative effects. Among the positive ones are the democratization of candidacy procedures, diminishing the influence of political parties as the mediators between the voters and the elected political representatives, strengthening the relationship between the voters and the candidates, encouraging the political mobilization of voters prior to general elections and so on. The most serious negative outcome is the weakening of the American political parties in general and their practical transformation into electoral parties, followed by the emergence of undisciplined party factions in parliaments, inciting group and personal rivalries and intra-party conflicts and so on. The harshest critics challenge the very purpose of the primaries as a process of the “election of candidates for candidates”, which again leaves open the question who and how elects “candidates for candidates” (Duverger, 1959: 360, and others).

2. 2. Candidate selection for elections in all European states belongs to the second type of candidacy procedures. The influence of national legislation on candidacy procedures in political parties is almost universally negligible.⁶ The only momentous exception is Germany, a state in which the legal status of political parties is most comprehensively and extensively defined in three basic forms (Katz/Mair, 1992: 26-27): the special Law on parties defines them as *political parties*, the Federal electoral law defines them as *electoral parties* and the Bundestag Statutes as *parliamentary parties*.⁷

Though the German “party law” was the model for drafting many national laws on parties, particularly in the newly-created European democracies, there were departures from the model: omitting the provisions on the candidacy procedures in the laws on parties and electoral laws or, in a better case, their reduction in electoral laws.⁸

⁶ At times, some national legislatures would standardize those processes more strictly; in that sense, A. Ranney mentions the examples of Germany and Turkey at the beginning of the 1980s (1981: 76).

⁷ The “parliamentary party” is the shortest political science definition of a party faction in the parliament. On the status of the party factions in the *Bundestag*, see Saalfeld, 1995; Helms, 1999: 39-66; Heidar/Koole, 2000: 23-38.

⁸ A typical example is the Bulgarian Law on parties, modelled after the equivalent German law, which has adopted all its fundamental provisions, but omitted, among other things, the provisions on the processes of the creation of intra-party will, including the legal norms on candidacy procedure (Tsatsos/Kedzia, 1994: 53 et seq.). The similar situation is found in Lithuania (1994: 91. et seq.) and Poland (1994: 139), as well as in Portugal (Tsatsos/Schefold/Schneider, 1990: 619).

Candidacy procedures differ according to the degree of centralization and participation.

The degree of centralization is surely the most important dimension of candidate selection. In that respect, we distinguish the selection procedures at the local, regional and national level. Since the degree of centralization directly affects the degree of participation, it also determines whether the selection procedures are inclusive, i.e. whether they include the participation of the entire membership, or exclusive, i.e. whether they exclude the membership, while the decision-making is left to the top party bodies and ultimately to the party leader.

Depending on the degrees of centralization and participation, candidacy procedures are classified in a variety of ways.

Maurice Duverger (1959: 367) claims that in the early postwar period of developing present-day political parties there have been only two types of candidate selection: party primaries – elections in which candidates are elected by the entire membership – and the investiture – appointing candidates by parties' central committees.

Austin Ranney (1981: 82-83) distinguished several selection patterns at three levels of decision-making: the decision-making of national party bodies based on the intermittent recommendations of sub-national bodies or following a serious consideration of such proposals; the decision-making of regional party bodies with or without the supervision of national bodies; the decision-making of local party bodies with or without the national or the regional supervision. The author thinks that in the early 1980s two predominant patterns of candidate selection emerged: the decision-making in local party organizations, i.e. in party organizations in constituencies, with some sort of the supervision of regional and national party bodies, and the decision-making in the national party bodies, following the discussion about the recommendations of local and regional party organizations. The control or the supervision of higher party bodies in the selection processes boils down to the distribution of the candidates in constituencies, nominating the viable candidates, repositioning the candidates on party lists, and the veto to the recommended candidates.

Michael Gallagher and Michael Marsh (1988, 237) claim that the selection procedures in European, North American and Japanese political parties in the late 1980s were extremely well differentiated, and that there were differences among the party primaries, the decision-making of a *subset* of the members of a party organization in a constituency, the decision-making in the parties' national executive bodies, the decision-making of internal party groups, the decision-making of the leaders of national party factions and the decision-making of political party leaders. The most common were the party primaries, the decision-making of party organizations in constituencies, and the decision-making of parties' national executive bodies.

Richard S. Katz (2001) directly linked the selection patterns and the types of candidates to the four historical types of political parties:⁹ (a) in the elitist parties at the end of

⁹ Klaus von Beyme outlined the differences among the elite, mass, popular (*catch-all*-parties) as well as the professionalized voter (cartel) parties at seven levels: the concept of representation, the basic party goals,

the 19th and the beginning of the 20th century, the candidates were the leaders of local party organizations or the insignificant “local party ‘membership’ *tout court*” (283), since even the elitist parties at the national level were a “voluntary alliance” of local parties; (b) in mass parties the local selection patterns nominally prevailed, but the real domination of the highest party bodies was secured by means of the pre-selection of the aspiring candidates, the post-selection confirmation of the candidates or by the direct right of deciding on the candidates; (c) in *catch-all*-parties, together with many other organizational features, the selection patterns of mass parties were retained, but the importance of that problem in the relation to the preceding stage of the history of parties increased; (d) in cartel parties nominally the role of local party organizations in the selection processes diminished, but in fact the centralization of the supervision of the selection processes and the intolerance towards the intra-party opposition to the leadership’s preferences increased. And finally, Katz outlines the general difference between the selection procedures in the cartel and the non-cartel parties at three levels (292-293). First, central leaderships of cartel parties are more involved in the candidate recruitment, by means of imposing and limiting the options of local selectors. The recruitment base of parties is expanded, i.e. social groups from which the candidates are recruited multiply; at the same time, the selection of individuals from those groups is limited. Katz calls this the increase of the categorical inclusiveness and the personal exclusiveness in selection processes. Second, candidate selection procedures have become more inclusive. This is manifested as a shift of the selection rights from the local party officials and formal party assemblies to the selection by a broad vote and the procedures that are more open to a direct participation of party sympathizers and not only of formal members. The biggest foes of this democratic shift are members of party factions in parliaments, since the “excessive local autonomy” in candidate selection threatens with a de-selection of parliament members. The third feature stems from the first two, and is manifested in the form of an increasing gap between the rhetorical and the real behavior of MPs.

Among the mentioned forms of candidate selection, the party preliminary elections (primaries) and the decision-making in (separate) party bodies in constituencies deserve a more detailed account.

(1) Party preliminary elections are a process of candidate selection in which the entire membership takes part. They are also called the *poll system*, i.e. a system of universal ballot by the members of a party organization of a constituency on the nominees for the position of their party’s candidate in general elections (Hand/Georgel/Sasse, 1979: 22). In some national electoral/political cultures, for example in Holland and Denmark, preliminary elections are also called a “party plebiscite” or an “intra-party nominating plebiscite” (Tsatsos/Schefold/Schneider 1990: 535, 821). They are considered to be the most democratic method of candidate selection, since they require the highest degree of decentralization and participation. They also offer the broadest range of opportunities for a party leadership to have a say in the social, political and moral profile of the candidates. Their disadvantages are that they heighten the tensions among party factions

the qualifications of party elites, the membership structure, the nature of electoral competition, the manner of financing and the attitude towards the media (2000: 41-42).

and make it harder to compose optimally balanced and acceptable ballot lists. They are less frequent than the other two prevalent selection patterns, and are common in Belgian, Israel, and smaller British and Dutch parties. They are mutually different in a number of features: the ballot system, the design of party lists, statutory opportunities for interventions of party bodies in the voting outcome etc.¹⁰

(2) Deciding on the candidates by the party bodies of constituencies was the most common manner of candidate selection in democratic European parties at the end of the 20th century. It was used in all German and Norwegian parties as well as in big British, French, Irish, Dutch, Swedish and other parties. The candidates for general elections are selected either by the permanent (party committees, party assemblies and others) or special party bodies formed before the elections (selection conferences, delegate conventions, representatives' assemblies etc.).

3. *Candidacy procedure in the Croatian legislation and statutes of political parties*

The Constitution (1990). Croatia, like most new democracies in South, Central and Eastern Europe,¹¹ belongs to the countries that have explicitly recognized political parties and made them the constitutional law category. Political parties have become constitutional and the state, in a formal sense, a party state.¹² This constitutional status of political parties in Croatia resulted in the special Law on political parties.

Law on political parties (1993, 1996, 1998, 2001). Comparatively, that Law is exceptionally "technicized" and limited to the norms concerning the requirements necessary for establishing a party, the registration and the termination of work, and the financing of parties. Like the Constitution, the Law also does not provide a genuine legal definition of political parties. The role of political parties is basically reduced to that of the "guardian" of national sovereignty and democracy, and of the electoral actor. Also,

¹⁰ On the patterns of party preliminary elections in Belgian parties and the British Liberal party, see Gallagher/Marsh (1988: 29-43, 54-57), and in the Dutch *Democrats 66* Neisser/Plasser (1992: 44-46). Compare also the pattern of the "trial elections" in the Swedish parties Neisser/Plasser (1992: 34-37).

¹¹ An analysis of the legal status of political parties in six new (Bulgaria, Czech Republic, Lithuania, Hungary, Poland and Russia) and three somewhat older European democracies (Greece, Portugal and Spain) has shown that all of them, except Russia, have pronounced their parties constitutional categories and that almost all of them, with the exception of Greece and Russia, passed special laws on parties very early in the process of democratic transition (Tsatsos/Schefold/Schneider, 1990; Tsatsos/Kedzia, 1994).

¹² In the Constitution of the Republic of Croatia, political parties have been incorporated in the Basic Provisions. In Article 3 of the Basic Provisions a "democratic multi-party system" has been explicitly proclaimed to be one of the highest value of constitutional system. Article 6 of the Basic Provisions guarantees the freedom of establishing parties (Para. 1), stipulates that the internal structure of the parties must be in line with the fundamental democratic constitutional principles (Para. 2), requires public accounting for the provenance of assets and funds (Para. 3), establishes the unconstitutionality of parties (Para. 4), and recommends that the status and financing of political parties is regulated by law (Para. 5). Thus, the legislator has obliged itself in the Constitution law to provide a special law on political parties.

the Law guarantees total and unlimited autonomy of parties in managing their internal affairs.¹³ Consequently, candidacy procedure is not mentioned at all.

Law on the election of representatives into the Croatian national parliament (1999). That legal document which in principle regulates the status of electoral parties, dispenses with the issue of candidacy procedure in a single paragraph of one article by guaranteeing to the political parties total and unlimited independence in selecting candidates.¹⁴ In short, these two fundamental documents of the “party law” – the Law on political parties and the Law on the election of representatives into the Croatian national parliament – legalized total party monopoly in candidacy procedures.

How have the Croatian political parties made use of this monopoly in national elections?

The Statute of Hrvatska demokratska zajednica (2000) is the only party document of that kind containing a separate chapter (Ch. VIII) and a separate Article on candidacy procedure (Article 58): “The procedure for recommending names for the national elections, and for the elections for local government and self-government is carried out in accordance with the provisions of the HDZ’s Statute, while the Central Committee of HDZ gives the binding instructions.”

Formally, the Central Committee of HDZ is the chief selecting body which “decides on the nominees for the national elections for the Sabor of the Republic of Croatia and the president of the Republic of Croatia” (Article 33). It is mostly a non-elected party body, the majority of whose members are appointees or people who became members *ex-officio*, while only a small portion of the members get elected by the party assembly (Article 32). Consequently, the biggest influence on the selection of the candidates for the national elections is that of the party’s “institutional oligarchy”, i.e. the Central Committee, consisting of the highest party officials (members of the party’s Presidency, presidents of the county committees, presidents of the HDZ districts, leaders of special party organizations and institutions and so on), and the HDZ members in the Sabor and the government.

The Statute gives an opportunity to lower party bodies to put forward the names of the candidates for the national elections. And finally, the Statute explicitly forbids the party members to “stand as candidates in the elections without the party’s permission” and punishes such acts with the loss of the membership status (Article 13).

The Statute of Hrvatska narodna stranka (2000) regulates the process of the “candidate nomination” for the elections of the representative bodies in a single article (Article 73). The party’s Central Committee – the highest political and programme body between two party assemblies – is the chief selecting body for the national elections. HNS’s Central Committee is also a predominantly non-elected body, formed *ex-officio*

¹³ “A political party is run by its members directly and through the elected representatives in the governing bodies envisaged by the Statute.” (Art. 5)

¹⁴ “Political parties independently design their party lists and the order of the nominated candidates, in the way envisaged by a political party statute, i.e. in accordance with the special statutory decisions” (Art. 20, paragraph 3).

and by co-optation, while a smaller number of its members is elected by the county organizations (Article 49). In HNS the last word in the candidate selection for the national elections belongs to the party's narrow "institutional oligarchy", recruited from the Central Committee, and made up of the highest party officials (members of the party's Presidency, presidents of the county councils), and the high ranking HNS members, members of the Sabor and the government. In HNS the leeway for the influence of the party president on the candidate selection is formally broader than in HDZ, since they have the statutory right to recommend up to 15 members co-opted into the Central Committee, which surely bolsters the personal and political influence of the party's presidents on the main selecting body.

The Statute of Hrvatska socijalno-liberalna stranka (2000) identifies three key actors of the candidacy procedure for the national elections: the Great Council, the Little Council and the president of the party. The Great Council – the party's highest political and programme body – "compiles the candidate lists for the representatives in the Sabor based on the recommendations of the president of HSLs" (Article 58). The Great Council decides on the candidates for the President of the Republic, the Sabor and the government, based on the recommendations of the Little Council. The Little Council, the highest party body, consists of the president, the vice-presidents, the main secretary and the party treasurer and the maximum of eight party members appointed by the president of the party. The Great Council is formally the main selecting body for the national elections, but it is obvious that the biggest real influence on the procedure of candidate selection is that of the president of the party who single-handedly controls the Little Council.

The Statute of Hrvatska seljačka stranka (2000) says that the main selecting body for the national elections is the party's Presidency which "nominates the candidates for the Sabor" (Article 92). Only a few members of the HNS Presidency are elected by the party's assembly, while the majority of them are top party officials (president, former president and the honorary president, presidents of the county organizations, presidents of special party organizations, etc.), the Sabor representatives, the government members, the county heads or their deputies and the mayors of Zagreb, Osijek, Split and Rijeka, if they are from HSS (Article 90). The Presidency is a narrower body than the Main Committee as the highest party body between two party assemblies. It should be pointed out that the Statute of HSS empowers the party Presidency to "recommend", but not to determine the candidates for the general parliamentary elections, so it remains unclear whose responsibility that really is. Perhaps this right is informally reserved for the president of the party.

The Statute of Istarski demokratski sabor (1997) assigns the function of the candidate selection to the IDS Council as the highest party body. The Council "puts forward the candidates for the parliamentary elections" (Article 31), following the recommendation of the party's Presidency (Article 32). The Council is completely non-elected, and the Presidency partly so. Namely, the Council is exclusively constituted *ex-officio*, and consists of the members of the party's Presidency, presidents of the party's branch offices and presidents of the branch offices' communities (Article 30). Consequently, the chief actor in candidate selection is the non-elected Council of the party in which the institutional party oligarchy is concentrated.

The Statute of Liberalna stranka (2000) specifies that the main selecting body is the party's Presidency, which puts forward the candidates for the House of Representatives of the Croatian Sabor following the "recommendations of the president of LS or the RO of LS (regional organizations, author's note)" (Article 32). The Presidency of LS is mostly an elected body that, apart from the president and the main secretary, consists of 13 members elected by the party assembly. This body is nevertheless narrower than the party's Central Committee. The president and the Presidency of the party have the biggest influence on the process of candidate selection for the national elections

The Statute of Socijaldemokratska partija Hrvatske (2000) specifies that the party's Main Committee "draws up the electoral programme and decides on the SDP candidates for the Croatian Sabor based on the recommendations of the president of SDP" (Article 29). SDP's Main Committee is an elected body and all its members are elected at the party assembly, respecting the residence and age quotas. Nevertheless, the Main Committee has the right to co-opt up to ten percent of the total membership between two party conventions (Article 28). That body also decides on the nominees for the President of the Republic and the Prime Minister designate, but on the recommendation of the party's president and its Presidency. The Statute identifies three actors of the process of candidate selection for the national elections: the president, the Presidency and the Main Committee. Formally, the decision is brought by the Main Committee as the highest party body between two conventions, but the real power is concentrated in the hands of the president of the party.

Table 1: Candidacy procedures for parliamentary elections in Croatian political parties

Party	Main selecting bodies	Degree of centralization	Degree of participation
HDZ	Central committee	high	very low
HNS	Central committee	high	very low
HSLs	Great Council, Little Council, president	very high	very low
HSS	Presidency, president	very high	very low
IDS	Council, Presidency	high	very low
LS	Presidency, president	very high	very low
SDP	Main committee, Presidency, president	very high	very low

Candidacy procedures in the Croatian political parties are generally very centralized, exclusive and undemocratic.

All the parties decide about the candidates for the parliamentary and presidential elections exclusively at the national level. The main selection actors are the highest executive-political party bodies. In three parties – two liberal and one social-democratic – the central selection actors are also formally the presidents of their respective parties and have the statutory right to independently compile electoral lists and recommend

them to their parties' bodies. The president of the party is probably the real main actor in the selection process in the Peasants' Party as well, whose Statute is in that respect impermissibly vague. Comparatively, such a role of party presidents in the selection procedures is an exception in political parties of the contemporary developed democracies (Gallagher/Marsh, 1988: 237).

Due to such a high degree of centralization, candidacy procedures are excluding acts that keep out the broader membership and leave the decisions to the institutional party oligarchies. This means there is the institutionalization of the pattern of self-reproduction and self-promotion of the parties' political elites at work here: the candidates for the parliamentary representatives are nominated by the bodies whose members are parliamentary representatives and government officials of a party. The statutes do not envisage any preliminary party elections, selection conventions and similar forms of more inclusive and participatory candidate selections for the national elections. Furthermore, it is remarkably indicative that the statutes of the Croatian parties do not envisage a constituency, or a party organization or the organization of constituencies as actors in candidacy procedures. This means that candidacy procedures are considered as something completely detached from the electoral system, a rather unusual departure from the practice of political parties in developed democracies.¹⁵

The non-democratic nature of these procedures is evident even at the semantic level: the statutes of the Croatian political parties do not use the terms *elections*, *selection* or *candidate selection*, but the *designation of nominees*, *candidate nomination*, *deciding on the candidates* and so on. The candidates are designated and specified, not elected. There is no mention of the secret ballot as a method of candidate selection. This makes room for the selection by open vote or even acclamation.

4. Concluding remarks

On the whole, the recent political history of Croatia calls for more precise legal norms of the basic framework and the principles of democratic political life. The long and uninterrupted history of undemocratic – authoritarian and totalitarian – political regimes in Croatia or in the state communities it belonged to in the 20th century, is the empirical starting point for more radical normative interventions of the legislator into the make-up of the political and social institutions and processes, including the “party law” as well. This has been the practice in all contemporary democratic states after prolonged periods of undemocratic rule.¹⁶

¹⁵ This is best illustrated by the IDS Statute of 1997, the period when Croatia used a combined electoral system that included candidate competition in single-member constituencies. The Statute, despite this, does not envisage a possibility of candidate selection by the party organizations in constituencies.

¹⁶ The very extensive constitutional definition of the position, goals and functions of the Portuguese political parties can be explained with the following reasons: “As a reaction to the political regime overthrown in 1974, and consequently as a response to the period of rejection of any party pluralism, and due to their experience of 1974-1975 when the military decided about which party was going to be in power, the Constitution aimed at a detailed definition of the system of political parties” (Tsatsos/Schefold/Schneider, 1990: 603).

Tougher legal norms concerning the position, goals and functions of political parties would require some changes of the Law on political parties and electoral law.

From the point of view of the process of candidate selection, the new law on parties would probably have to abide – as is apparent from a comparative review of such laws in about twenty old and new European democracies – by a general and principled definition of the process of candidate selection for the national elections as: (a) one of the fundamental functions of political parties in pluralist political regimes and (b) a political process and procedure that must be in line with the democratic principles and the rules of shaping of the political will in the parties as a part of that regime. Such legal provision – which corresponds to the so-called external injunction to a political organization to conduct its internal affairs in a democratic manner – would imply the exclusion of non-elected and non-democratic forms of candidate selection.

A stronger influence on the procedure and the ultimate outcomes of the candidate selection in political parties can be ensured by a reform of the electoral legislation.

A stronger direct influence can be ensured by legal norms for the rules of selection processes, modeled after the German electoral legislation. An indirect influence would probably be an alteration of the structural elements of electoral system, particularly of the ballot system.

The existing electoral system with (regional) multi-member constituencies in principle fosters the decentralization of the selection process. Namely, it starts from the regional structure and the regional cultural/political features and traditions of the Croatian society. Such structure and traditions should result in a stronger regional orientation in candidate selection as a response to the expected “regionalist” political behavior of voters in the future.

However, such a structure of constituencies need not be an obstacle – as can be seen from the statutes of the major Croatian political parties – to the utmost centralization and exclusivity of candidacy procedures. The legislator can respond to such norms and practice of the political parties by introducing some sort of open lists and preferential ballot.¹⁷ For the undeveloped democratic electoral and political culture in Croatia, the most appropriate system would be the preferential ballot with one vote: the vote by which a person would cast their vote for a candidate of their choice from the list, and which would at the same time be valid as a vote for the entire list.

Translated from Croatian

by Božica Jakovlev

¹⁷ One should not have any illusions regarding the extent of such changes. In the pure proportional electoral system in the Netherlands, the “preferential votes ... hardly influence the order on the list compiled by a party. Although voters may vote for any candidate on the list, about 90% select the leading candidates” (Neisser/Plasser, 1992: 43-44).

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