Why Do New Democracies Not Choose First Past the Post?

https://www.e-ir.info/2012/02/09/why-do-new-democracies-not-choose-first-past-the-post/

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New democracies occur after a period of a lack of democracy, hence the term “New.” Thus, the countries under examination have inevitably come from somewhere with an undesirable political scene, generally with one leader or party having dominated the political arena. What a country was liberated from determines to a large extent the choices it makes about its new electoral system, which is arguably “the most specific manipulative instrument of politics.”[1] Each country wants to specifically protect the democratic values which were exploited or done away with in their country, and how they can achieve this will partially be seen through the electoral system. Choices over electoral systems are not arbitrary; conversely they are choices about the very nature of representation itself.[2] No system is ideal,[3] each has benefits and drawbacks, so what a country opts for depends on whether it wants to fulfil procedural criteria or outcome criteria (both set out in *The Plant Report*), because different systems lead to different electoral results.

Normally some form of the Proportional Representation (PR) system will be introduced in new democracies. Commonly, PR is chosen chiefly to bring checks on executive power by bolstering parliamentary power through procedural means, ensuring consensus and compromise which had been discarded under previous regimes, and which First Past the Post (FPP), to some degree, prohibits by promoting adversarial politics. The following will compare Britain, with a FPP system, with Mexico (which in 2000 experienced liberation from 70 years of one-party monopoly), Chile (where a 17-year dictatorship fell at the end of the 1980s), South Africa (post-Apartheid), and Tunisia and Egypt (following the Arab Spring uprisings). It will show that whilst it cannot definitively be proven what FPP would result in for a particular country, it can be argued that new democracies choose their electoral system based on what they want representation in their country to look like.

Throughout most of the twentieth century, Mexico had been ruled by the Institutional Revolutionary Party (PRI) through non-competitive elections,[4] where Presidents “unrestrained by any legislative, judicial, or popular oversight”[5] had absolute power to do as they pleased. In 1990, author Mario Vargas Llosa described Mexico as a “*dictadura camuflada* (camouflaged dictatorship)”[6] because although elections did take place, the PRI won every time. Unrepresentativeness was Mexico’s primary problem. While the system to elect the Chamber of Deputies has remained mixed (most Deputies being elected through FPP and the rest through Closed-List PR),[7] calls for greater representativeness were appeased somewhat through an extension of the amount of Deputies elected through PR – from one-fifth to two-fifths in 1988.[8] This brought increased representativeness of major and previously unaccounted-for groups in society, a key element of fairness,[9] fulfilling to a degree Mexico’s principal aim.

As the representation of the opposition grew, so too did demands for parliamentary openness; the PRI still held overall control. In the 1990s, because of this pressure, majoritarian electoral formulae characteristics like winning bonuses were traded for pluralist traits, including setting the over-representation limit at 8%[10] so that seats were more proportional to votes, in order to counter the “lopsided majorities”[11] which the country’s more majoritarian system was prone to. Further changes ensured constitutional reform could only be achieved through a coalition – another safety check on single-party dominance. Mexico, little by little, moved away from FPP – a system which Longley claims in the journal *Parliamentary Affairs* “[violates] fundamental fairness”[12] – through increasing the PR Deputies in 1988 and changing its electoral formulae through the 1990s. Its move towards a fairer system in terms of

proportionality was because Mexicans had endured for too long proportionally-unfair governance. The Rose Index shows PR to be much fairer proportionally, placing Britain – using FPP – among the worst performers.[13] Therefore, because Mexico primarily desired greater proportionality in its politics, it moved away from FPP towards PR. However, it did not opt for outright PR, as it needed the FPP aspect (three-fifths of the lower house) to maintain governmental responsiveness and some strength. During the 1990s Mexico experienced a severe recession, and OECD data infers that FPP brings united leadership and quicker decision-making, in areas including the economy, than more proportional systems.[14] Economic collapse, therefore, may be a reason that Mexico did not choose a full PR system.

Mexico having experienced overly-strong government found this insufficient alone, and it desired accountability too. It gained this in 2000 when an opposition party won the election through the still mixed, but more proportional, system. At last, the Mexican electorate could vote out a government. Under FPP the PRI may still have held a disproportionately large share of the vote, because it was the largest and most established party. FPP could also have punished the medium-sized opposition parties that ousted the PRI,[15] a further reason Mexico avoided the majoritarian system. Also, with greater proportionality came more extensive checks on presidential power. Under FPP, with a PRI majority, the President may still have retained his powers. British FPP withholds over-strong checks on dominant parties and single personalities, because (arguably) Britain has not seen dictatorship. It was important for Mexico to be protected against dominant parties and the increased personalisation of leading politicians, because of its seven decades under PRI dominance and an overly-powerful President.

While Mexico saw gradual shifts towards democracy through the reform of the electoral system and formulae, Chile's path to democracy was very different. In 1973, Chilean dictator General Pinochet suspended the political process entirely until 1989 when it was reinitiated. This meant that having "respect, pluralism, tolerance and a unity of the nation's soul"[16] post-dictatorship was vitally important to Chile. The Institute for Democracy and Electoral Assistance concurs with this, stating Chile's need to fulfil procedural criteria (essentially ensuring the legitimacy of the process) first, over outcome criteria (the decisions that result from the process).[17] For these reasons the country overwhelmingly prioritises checks and balances over strong governance. Its emphasis of wanting to guarantee legitimacy throughout the process meant that it avoided FPP, as FPP would "[possibly mean] underrepresentation of the major opposition, [create] a virtually insuperable barrier for third parties… [and] almost certainly decrease the number of women elected."[18] Instead, by keeping the electoral system imposed upon it by the dictatorship – the "binomial" system – broad coalitions and negotiation remained necessary, and constitutional reform became a cross-party and cross-ideology issue. Since the demise of Pinochet, the system has not changed either way, because to move further towards PR could bring back the severe fragmentation of parties seen before the Pinochet regime,[19] and to move towards FPP would leave the safety of rigorous checks and balances and the realm of representativeness, which are primary concerns for Chile given its past. While the binomial system, as it stands, detriments several parties,[20] FPP would likely lead to one-party executives, a trait that has extremely negative connotations attached – Pinochet made sure of that. The British system, in Lord Hailsham's view, can create "elective dictatorship,"[21] the polar opposite of Chile's desired destination.

In South Africa, following the 1950 Population Registration Act, citizens were categorised into four groups, "Whites, Asians/Indians, Coloureds and… Blacks – in that order,"[22] and were kept separated. The ruling Nationalist Party (NP) had a stranglehold on the political process, winning every election between 1948 and 1994 with a majority, on a racist mandate where only whites could vote. After decades of racial oppression and the ensuing outcry from the non-white population, international condemnation, and economic sanctions,[23] in 1994 the franchise was finally extended. But half a century of segregation meant South Africans were wary of and bitter towards each other even after Apartheid officially ended. This meant it was necessary "to select a simple, fair and inclusive voting system"[24] to heal the wounds of the past and to start rebuilding unity in the country. Plus, there were many diverse tribes in South Africa, furthering the need for inclusiveness and descriptive representation. Mandela, the new President from the African National Congress (ANC) party, and Deputy President de Klerk of the NP, both "primarily stressed the need for reconciliation."[25] Mandela and the ANC were expected to continue using FPP which existed under the Apartheid governments, because levels of support for the ANC would have ensured them between 70-80% of parliamentary seats.[26] The Closed-List PR system that the new government *actually* chose, however, encouraged a culture not of adversarial politicking, which FPP might have brought about and would have therefore hindered the

desired reconciliation, but of inclusiveness and negotiation. Even though compromise was not necessarily needed as the ANC won 63% of parliamentary seats, introducing the PR system was a symbolic gesture of a desire for coalition and compromise. Another important point to note is that as well as the franchise being extended, the previously purely white Parliament was opened up to non-whites, and, likely more than majoritarian systems "the List system… helped ensure that the parties [included] minority groups,"[27] which enhanced their interests.

The decision over which system South Africa chose was definitely not arbitrary. Greater parliamentary representation of a group makes it more likely that their interests will be advanced,[28][29] and the PR system South Africa chose promoted non-white candidates, whereas FPP would have been far less likely to. With respect to previously unrepresented groups and their welfare, the decision over the electoral system was crucially important. While FPP would have brought a stronger citizen-representative relationship, and therefore, more powerful accountability through smaller district magnitudes, Mandela and the ANC saw "that plurality promotes… one-party executives,"[30] which, after the NP dominance over the previous 40-some years, they absolutely wanted to avoid. Inclusion and compromise were priorities for the incoming government, thus FPP due to its inherent nature of encouraging conflict and friction was not chosen, but PR was instead.

Tunisia's political history is somewhat akin to Chile's in that both countries had been ruled by dictators. However, the choices Tunisia made regarding the electoral system were similar to those of South Africa; both moved from elite, highly unrepresentative governance to very proportional systems. Tunisia opted for Closed-List PR, and not FPP, because it had experienced high levels of political oppression,[31] an acute lack of democracy,[32] and severe human rights violations.[33] This meant it desired safety and restraint in the system and inclusion of a variety of interests and views, instead of effective government which FPP can be seen to prioritise over the procedural criteria Tunisia wished to fulfil. Also, socially and economically the country had been largely westernised, making it ripe for an electoral system like that of most of Europe.[34] Although PR facilitates more racial, belief, and gender diversity itself, Tunisia made it obligatory for party lists to be 50 percent female.[35] Like Mexico, Tunisia used personalised formulae to promote even further inclusion of diverse groups.

Interestingly, even though Egypt has among the lowest literacy rates in the world,[36] it has opted for a complex "majoritarian two-member, two-round system and PR lists."[37] Although the new system importantly heightens proportionality and introduces new parties,[38] both of which were distinctly lacking under previous regimes, Egyptians' ability to comprehend their electoral choices means that "any predictions [as to the outcome] are guesswork."[39] Its priorities, therefore, are "fair representation of parties, movements and ideologies; space for new political movements; and the opportunity for inclusion of women and minority voices,"[40] over maximising voters' understanding of their choices which could be enhanced through a simpler system like FPP or a straightforward PR system.

While these countries have found genuine democracy, some countries under dictatorships modify or exchange electoral systems to appear democratic. Singapore for example – effectively a one-party state – introduced group representation constituencies (GRCs) in 1988 so that its Parliament would "forever be multiracial in composition and representation,"[41] apparently fulfilling important procedural criteria. On the surface this seems virtuous. However, opposition parties have pointed out that GRCs merely augment the lack of proportionality, cementing further the monopoly of the ruling party.[42] The Singaporean regime, under the guise of procedural reasons, is fulfilling an even larger degree of outcome criteria, clearly wanting to maintain its control of proceedings – a clear case of an establishment amending the system to gain the result it wants.

Horowitz contends in the *Journal of Democracy* that electoral systems are as important as the type of government used (parliamentary or presidential).[43] Countries realise this, and, knowing that systems are "loaded," not neutral, they take decisions with utmost care. They opt for an electoral system depending on what they want to result from the change (or lack of change in the case of Chile). New democracies have clearly come from somewhere disagreeable in terms of democratic values, and so because they have experienced a severe shortage of representativeness – as was the case with Mexico, Chile, South Africa, and Tunisia – they will overwhelmingly want to replace this with representativeness. New democracies prioritise the legitimacy of the process over any results of the process due to their history of overly-strong and unaccountable government; they did not choose FPP because the majoritarian

system would not produce the governance that these countries were looking for – proportional, restrained, and inclusive.

Mexico was looking for a balance between proportional and representative governance to end the reign of the PRI, and strong governance to deal with the 1990s economic crises. Therefore, it did not choose FPP which would primarily have fulfilled the strong governance criterion, but kept its newly amended Mixed System, bringing a little more proportionality through an increase in the amount of PR Deputies, and more continually adjusting the electoral laws to oust the PRI. This shows that a country can get the sort of representation it wants using not just the electoral system but formulae amendments as well. Chile kept the system presented to it by Pinochet, because this created a culture of compromise and checks and balances which were priorities for the country after its subjection to a very unaccountable dictatorship, while FPP might have created a government with fewer checks on its power. South Africa's abandonment of FPP for PR was very much for procedural reasons over outcome reasons. While the ANC could have won a huge majority with FPP, PR was chosen to satisfy, for them, the more important need for symbolic unity and togetherness, actual reconciliation between whites and non-whites, and their desire to end to the monopolisation of Parliament by one single party.[44] FPP would have retained some bitterness through a culture of adversity, which was definitely not what the country needed. Tunisia selected PR to fulfil its primary objectives; to see greater inclusion and representative government, because of its history of a lack of these qualities. Like Mexico, it too used personalised electoral laws to bring enhanced inclusion through obligatory female positions.

So clearly, each individual case is different, but a common theme of each case is an historic lack of representativeness and inclusiveness. PR systems are notorious for meeting procedural qualities like representativeness, while FPP seen in Britain is adept at producing strong or effective, one-party governments. Because new democracies can achieve, through PR or Mixed Systems with personalised electoral laws, their *primary* objectives of inclusiveness and compromise much more effectively than a FPP system could do, they chose these highlighted systems over FPP.

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Date written: 11/11