Fit to Govern? A Comparative Analysis of the Suitability of South Africa's Current Proportional Representation Electoral System versus the Majority System.

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Declaration

I, Thembelani Sabelo Mahluli Mazibuko, declare that this dissertation – **Fit to Govern? A Comparative Analysis of the Suitability of South Africa's Current Proportional Representation Electoral System Verses the Majority System** – is my own work and that all sources that I have used or quoted have been indicated and acknowledged by means of complete references.

Signature: ………………………………………   Date: ………………………………………

Abstract

The debate around the type of electoral system that South Africa should use has been ongoing for some time. The debate started during the Congress for a Democratic South Africa negotiations. While the negotiations resulted in South Africa settling on the list proportional representation system, the debate around which electoral system South Africa should use continues. This particular research evaluates two particular types of electoral systems. The first type is the first-pass-the-post majority system, where politicians are elected directly by voters, and the second type is the current list proportional representation system, in which voters vote for a political party which then deploys the politicians into elected office. More particularly, the research asks which of the two electoral systems is better equipped for the purposes of running South Africa's elections given the normative goals of advancing accountability, ensuring a diverse and representative set of elected representatives and mitigating against the influence of private money on the political system. The research utilized the behavioural approach in order to study the research question. The researcher used comparative method as a methodology in order to compare and contrast the two systems from the perspective of different countries. This research differs from other research in that the researcher locates the research question within the values and ideals contained in South Africa's own constitution. It is found that it is the proportional representation system that achieves the aforementioned normative goals of advancing accountability, ensuring a diverse and representative set of elected representatives and mitigating against the influence of private money. Furthermore, the research found that the idea that the majority system is more accountable is not borne out in objective fact. It is found that it is the proportional representation system that yields a more representative and diverse set of elected representatives whereas the majority system tends to favour incumbency – of both the political party and the politicians. The research also finds that, under the proportional representation system, politicians are less likely to be dependent on soliciting money for their political survival and therefore that the proportional representation system provides an effective bulwark against the proliferation of money in politics. In light of the above findings, the research found that it is the proportional representation system which creates a political culture that is in line with the values contained in the Constitution. The value of the study is that it debunks myths about the "effectiveness" of the majority system while simultaneously shining a light on the underappreciated virtues of the current proportional representation system. The study also sounds a warning bell about the influence of money in contemporary democracies.

Acknowledgements

Table of Contents

List of Graphics

List of Tables

Acronyms

ACDP	African Christian Democratic Party
AIC	African Independent Congress
AMCHAM	American Chamber of Commerce
ANC	African National Congress
APC	African People's Congress
AV	Alternative Vote
AWB	*Afrikaner Weerstandsbeweging*
AZAPO	Azanian People's Organisation
BFLF	Black First Land First
BV	Block Vote
COPE	Congress of the People
CB	Constituency Based
CBS	Columbia Broadcasting System
CODESA	Congress for a Democratic South Africa
CNN	Cable News Network
DA	Democratic Alliance
DCCC	Democratic Congressional Campaign Commission
DM	District Magnitude
DNC	Democratic National Committee
DP	Democratic Party
DUP	Democratic Unionist Party
EFF	Economic Freedom Fighters
EISA	Electoral Institute of South Africa
ENP	Effective Number of Parties
ETT	Electoral Task Team
EU	European Union

FBI	Federal Bureau of Investigations
FF+	Freedom Front Plus
FPTP	First-Pass-the-Post
FRELIMO	*Frente de Libertação de Moçambique* (Mozambique Libération Front)
FTC	Federal Trade Commission
GE	General Electric
GNU	Government of National Unity
ID	Independent Democrats
IFP	Inkatha Freedom Party
KZN	KwaZulu-Natal
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex Community
MMP	Multi-member plurality
MDSD	Most Different Systems Design
MSSD	Most Similar Systems Design
MP	Member of Parliament
MS	Majority System
MV	Median Voter
NADA	National Automobile Dealers Association
Nasrec	National Recreation Centre
NBC	National Broadcasting Company
NCOP	National Council of Provinces
NFP	National Freedom Party
NNP	New National Party
NP	National Party
NRA	National Rifle Association
NRCC	National Republican Campaign Commission
Numsa	National Union of Metalworkers of South Africa

ODM	Orange Democratic Movement
PAC	Pan African Congress
PAC[1]	Political Action Committee
PNU	Party for National Unity
PR	Proportional Representation
SABC	South African Broadcasting Corporation
SACP	South African Communist Party
SDLP	Social Democratic and Labour Party
SDP	Social Democratic Party
SMD	Single-Member District
SMP	Single-Member Plurality
SNP	Scottish Nationalist Party
SNTV	Single Non-Transferable Vote
SPD	Social Democratic Party of Germany
STV	Single Transferable Vote
SWAPO	South West African People's Organisation
TRS	Two-Round System
TUSC	Trade Unionist and Socialist Coalition
UDM	United Democratic Movement
UK	United Kingdom
UKIP	United Kingdom Independence party
US	United States
USA	Unites States of America
WSJ	Wall Street Journal
Zanu-PF	Zimbabwe African National Union Patriotic Front

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[1] Whether the researcher is referring to PAC, the political party Pan African Congress or PAC, Political Action Committee depends on the context. Only in chapter six is there mention of PAC as in Political Action Committee

Definitions and Points of Clarity

Median Voter: The theoretical person who is precisely in the middle of the political spectrum, the median voter's political views are equidistant from both the most right-wing and the most left-wing person in his community. In more practical terms the median voter represents a group of voters that both political parties need in order to form the government.

Exchange Rate: All Rand amounts which were originally quoted in Dollars are adjusted for inflation using the website "US Inflation Calculator" (www.usinflationcalculator.com) and then converted to South African Rands using an exchange rate of $US1 = R13.31, which was the exchange rate at the time of conducting the research. Hence, all Rand amounts that have been converted from US Dollars are inflation adjusted. This point becomes relevant in chapter five

Consociationalism: A form of democracy in a country characterised either by ethnic, religious or racial difference and division between various groups of people, as such, power is shared between these groups

Chapter 1: Introduction

> *"The Choice of Electoral System is one of the most important institutional decisions for any democracy."* – Andrew Reynolds, Ben Reilly, Andrew Ellis

How a country elects its leaders is of great significance. It is for this reason that the electoral system is a vital factor in any country's political life. This research adds to an ongoing debate around South Africa's electoral system. More than two decades after the advent of democracy, as the euphoria around South Africa's "miraculous" political (and economic) settlement dies down, South Africans are reflecting on the decisions that were made during the Convention for a Democratic South Africa (CODESA) negotiations. These reflections have led to debates that have often revolved around the nature of the economic and political decisions that were made during and directly after the CODESA negotiations. One of these political debates revolves around the land issue. The land debate considers whether South Africa should be more radical about the question of returning land that was forcibly taken from the African people, an action that was enabled by the Land Act of 1913, as well as Apartheid legislation. Another of these political debates revolve around the kind of electoral system that South Africa should have settled on. This particular debate around the kind of electoral system that South Africa should have settled on will be the subject of this research.

The debate, generally speaking, revolves around two types of electoral systems. The first is the current proportional representation (PR) system, where a political party's seat allocation is based on the percentage of the vote that party receives. The second type of system is termed the majority system (MS), where representatives that serve in parliament are elected from individual districts where those representatives are voted for directly by voters. This will be the subject of this debate; whether or not the electoral system that South Africa currently employs is the most suitable system for South Africa.

The majority system, due to the direct election for MPs and is seen by some commentators and academics to be "more accountable" to voters than the current proportional representation system, where voters vote for a party which then deploys elected representatives. It is on the basis of a perceived lack of accountability that some commentators, social activists, academics and some critics

have called for a majoritarian system. Thus, the subject of this research will be that of evaluating two electoral systems, namely:

I. The list proportional representation system. This is the current system where parties receive members of parliament (MPs) in proportion to the percentage of the vote the party receives. For example, if the African National Congress (ANC), the Democratic Alliance (DA) and the Economic Freedom Fighters (EFF) receive 60 percent, 30 percent and 10 percent of the vote respectively; then the ANC, DA and EFF would, as such, receive roughly 60 percent, 30 percent and 10 percent of the MPs in parliament. This would amount to the ANC receiving $400\left(\frac{60}{100}\right) = 240$ MPs, the DA receiving $400\left(\frac{30}{100}\right) = 120$ MPs and the EFF receiving $400\left(\frac{10}{100}\right) = 40$ MPs.

II. The majority system. Under this system, the country is divided into 400 districts, with each district having its own MP. This means that the composition of parties in parliament is dependent on the number of districts each party's candidate wins, as opposed to the overall number of votes the candidates' party accumulates.

Both electoral systems are different, with each electoral system having its own implications and consequences. The impact of a country's electoral system on a country should not be underestimated, hence the need to conduct this research.

1.1 Background and Context

The fact that South Africa currently has a proportional representation system is because of the CODESA negotiations and resultant interim Constitution (Act 200 of 1993) (Louw, 2014: 20; www.eisa.org.za, 2009; www.sahistory.org, 2011). The CODESA negotiations resulted in the main negotiating parties settling on the list PR system, that was then made more formal in the resultant interim Constitution. Under the section entitled "constitutional principles" in the interim Constitution, it is written that "there shall be representative government embracing multi-party democracy, regular elections, universal adult suffrage, a common voters' roll, *and, in general, proportional representation*" (The Constitution, 1993: 140). With some, but no fundamental changes, the interim Constitution became permanent in 1996 whereas section one of the permanent constitution is quoted:

> The Republic of South Africa is one, sovereign, democratic state founded on the following values:
> (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.
> (b) Non-racialism and non-sexism.
> (c) Supremacy of the constitution and the rule of law.

2

> (d) Universal adult suffrage, a national common voters roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness. (The Constitution, 1996: 3).

Section (d) of the Constitution is the relevant section in terms of this research, as it calls for a "multi-party system" that ensures "accountability, responsiveness and openness". The term "in general, proportional representation" still appears in the permanent Constitution, however in the permanent constitution the term now` appears in section 46 which is the section that deals with the "composition and election" of the National Assembly. As such, section 46 part 1 of the Constitution states that "the National Assembly consists of no fewer than 350 and no more than 400 women and men elected as members in terms of an electoral system that....results, in general, in proportional representation" (The Constitution, 1996: 26). Thus the choice of electoral system was decided during CODESA and loosely integrated into the interim and permanent constitution through terms such as "multi-party system" and "in general, proportional representation".

By default, the electoral system that was used in the 1994 elections was also used in the 1999 national and provincial elections. It was in the context of answering the question of whether the electoral system that was first agreed upon and subsequently used in the 1994 and 1999 elections was appropriate for future elections that the South African government, in March of 2002, commissioned the Electoral Task Team (ETT) chaired by Dr F van Zyl Slabbert. The van Zyl Slabbert commission was therefore commissioned in order to look into the issue of electoral reform (van Zyl Slabbert, 2003: 1). Having conducted two elections with the list PR system and with the next election in 2004, the government felt that it was the right time to have a review of the electoral system. The van Zyl Slabbert report, which was released in January of 2003, fired, after the initial CODESA negotiations, the first "salvo" in the debate about the most appropriate electoral system for South Africa. The debate has continued, in fits and starts, since then. This research is an effort to contribution to that debate.

1.1.1 Background and Context: Past Debates on the Electoral System

The van Zyl Slabbert report suggested that South Africa have an electoral system consisting of 69 multi-member constituencies (MMPs), with each district having between three to seven members of parliament (MPs), depending on the number of people in the particular district (van Zyl Slabbert, 2003: 21). As such, there would be 300 MPs in total from such multi-member constituencies (van Zyl Slabbert, 2003: 21). In addition to the 300 MPs, there would be another 100 MPs elected via a list proportional representation system for a total of 400 MPs (van Zyl Slabbert, 2003: 22).

Another voice in this debate is the official opposition the Democratic Alliance (DA). In 2013, the DA went as far as submitting an Electoral Reform Bill in order to amend the Electoral Act. The DA's

Electoral Reform Bill would have 100 multi-member constituencies with each constituency electing three MPs, for a total of 300 MPs (Selfe, 2013). In addition to the 300 MPs, the DA's Bill would have another 100 MPs elected via a list proportional representation system (Selfe, 2013). This would bring the total number of MPs to 400. The reason the DA wanted to reform the electoral system is because the DA wanted to "ensure that Members of Parliament are directly accountable to the people they represent" (Selfe, 2013). The DA argued that "in a list PR system, there is no geographical linkage between MPs and voters. The allocation by political parties of MPs to non-existent 'constituencies' is a very poor substitute, as there is not accountability to, nor mandate from, the voters in those constituencies" (Selfe, 2013). While chastising the current proportional representation system's perceived lack of accountability to voters, the DA acknowledges that it also has its benefits. The DA is of the view that the "current list Proportional Representation electoral system has its advantages, including that it is inclusive, immune to gerrymandering, and is perceived to be fair" (Selfe, 2013).

Another political party, the United Democratic Movement (UDM), is also of the view that South Africa needs a majoritarian system that facilitates direct elections. According to the UDM leader, Bantu Holomisa, "South Africa does need an electoral regime that will encourage greater responsibility and accountability from citizens and political leaders" (Holomisa, 2015). Holomisa goes on to say that "political accountability is at the heart of a fully-functioning democracy" (Holomisa, 2015). Holomisa argues that "the current proportional representation system means that elected leaders are accountable solely to their party bosses and not to the people who voted them into office" (Holomisa, 2015). Like the DA, the UDM wants there to be constituencies so as "to ensure that politicians have a specific geographically-defined community they represent" (Holomisa, 2015). Former IFP leader Mangosuthu Buthelezi is of the view that the current electoral system is "deficient" because it provides "insufficient accountability for those who are elected" (Buthelezi, 2009). Buthelezi writes that "the purpose of elections is to enable citizens to choose representatives who ostensibly will make the type of decisions that the citizens would like to see coming out of Parliament and Government. The key to this system is the possibility of holding the political representative accountable, which our system does not do" (Buthelezi, 2009). The ANC, at its elective conference held at the National Recreation Centre (Nasrec) in Johannesburg, said that, for now, the party will keep the current list PR system for National and Provincial elections, however, the ANC also said that they will continue reviewing the continuing use of the current electoral system (www.sabc.com, 2017). The party also said that it was also debating whether to have a single election where the National and Provincial elections, as well as the local government elections, are held on one day, however, the issue of the timing of the elections is beyond the scope of this research.

Former Constitutional Court Justice Johann Kriegler, on the other hand, is of the "firm view" that the electoral system is not the issue and that "no one has shown how the proportional representation system has produced evils that need to be eradicated" (Heyl, 2017). Ebrahim Fakir, the manager of Governance Institution and Processes at the Electoral Institute for the Sustainability of Democracy in Africa (EISA), makes the point that the current system leads to the proliferation of small, ineffective political parties that have "minimal to no political impact, policy influence, or governance effectiveness" (Fakir, 2014). Fakir writes:

> Each electoral system has distinct advantages and disadvantages, for instance pure proportional representation systems account for every vote in determining the outcome of an election, but does not embed the potential for closer constituency responsiveness and accountability, in addition, pure proportional systems provide inordinate power to political party bosses to determine policy. Pure First-Past-the-Post systems (winner takes all), on the other hand, bear the potential for greater accountability to constituencies, allow ordinary members of political parties and back-bench legislatures greater influence in policy by virtue of the constituencies they command, but are not always a fair reflection of the choices made by an electorate. In this system, winners of an election by very slim margins take all the power, with all other votes for candidates who might lose by small margins, being discarded (Fakir, 2014).

In addressing the issue of the PR system leading to the proliferation of small "ineffective" political parties, Fakir says that, at the very least, South Africa should introduce a threshold where parties that gain less than 2 percent of the vote ought not to be allowed to gain representation in parliament (Fakir, 2014). This, in his view, would eliminate parties that have no real influence on policy.

It is in the context of these ongoing debates that some critics and commentators have begun to call for "electoral reform". This research will ask whether the majority system is a more ideal system compared to the proportional representation system. "Ideal" in this research refers to an electoral system that is as egalitarian as possible. Egalitarian here is used to describe an electoral system that (i) fosters accountability (chapter three), (ii) promotes diversity and inclusivity, in other words, "nation-building" (chapter four), and (iii) limits the influence of private money (chapter five).

This research is important because a country's electoral system lies at the very core of its political identity. Which party gets elected into Parliament, how many MPs each party gets allocated, how easily an elected representative gets recalled, whether or not some population groups are represented in Parliament; all the answers to these questions can and are determined by a country's electoral system. Veteran author and journalist Jeff Greenfield writes:

> It's a lesson at the heart of politics, one as clear as it is overlooked in so much political analysis: the rules of the road are often the most critical factor in determining who wins. Presidents

who trumpet their victories and claim a mandate should be careful what they're claiming: Often it's the rules, as much as the people, that put them there (Greenfield, 2017).

Although Jeff Greenfield was referring to the election of Donald Trump, the quote is applicable to this research. This is because ultimately, the rules that are used to choose leaders are a determining factor in determining who wins. Had the United States used the conventional presidential system, where it is the popular vote (and not the Electoral College) that counts such as in all other presidential systems, Republican George Bush would not have been president and instead Democrat Al Gore would have been elected president in 2000 whereas by the same reasoning, Republican Donald Trump would not have been president and instead Democrat Hilary Clinton would have been president in the US 2016 presidential elections. Both George Bush and Donald Trump lost the popular vote however they won the Electoral College, which is what counts in the United States. In other words, more people voted for Al Gore and Hillary Clinton than voted for George Bush and Donald Trump respectively, however, both Gore and Clinton, according to the rules, still lost the election. Had the US used the system that is used in countries like the UK and Canada where the members of parliament from single-member districts (SMD) select the president or prime minister, then Barack Obama would have been elected president in 2008 but would not have won re-election in 2012. Instead, Mitt Romney would have been President as candidates running under the Republican Party won 234 districts to the Democrat's 201 districts in the House of Representatives (Greenfield, 2017). This highlights the importance of electoral systems, which are effectively rules for determining representation. This research attempts to engage with the significance of electoral systems by considering their implementation in the South African context. If South Africa does change its electoral system, such a change will have fundamental and profound consequences for the country.

1.1 Assumptions

There are a number of assumptions that inform the focus of this research. These predominantly pertain to what South Africans want an "ideal" electoral system to look like. South Africans want certain normative goals to be achieved regardless of the electoral system. These normative goals are that:

(i) South Africans want accountable elected representatives as opposed to unaccountable representatives. Accountability in this context refers to politicians whose conduct in office reflects the views, values and aspirations of the people who put them into power and as a result are not breaking or abusing their mandate.

(ii) South Africans prefer a diverse set of elected representatives as opposed to a homogenous group of elected representatives. This means that South Africans, being cognisant of their

colonial and Apartheid history, prefer a Parliament that is racially, religiously, ethnically, geographically and culturally diverse and representative of all the country's population groups.

(iii) South Africans prefer a state that is shielded as much as possible against the influence of private money. This is important given that money can, and does, have a corrupting influence on the political system.

1.2 Gap in the Literature

This research aims to influence the debate about the type of electoral system South Africa needs by offering input from a more critical perspective. This is because the researcher is of the view that, with the exception of some, a lot of the views around the debate about the electoral system are lacking in critical thought. It is important to have an informed debate because, if South Africa is to ever change its electoral system, it would have to be an informed decision with input from all sides as well as with a full understanding of the political and otherwise consequences of such a decision. Therefore this research seeks to form input into any future decision about the electoral system.

While research into electoral systems is not new in South Africa, the approach that will be taken here will be different. The researcher will locate the research within the South African Constitution, what the researcher means by that is that this research will be influenced by the values and principles contained in the Constitution. The researcher is of the view that this constitutional context is what has been lacking in previous research about electoral systems. Thus the issue with previous research is that it is not rooted in the very document that gave South Africans the right to vote – the Constitution. Many commentators, particularly those who argue for the majority system, tend to overemphasize the constitutionally enshrined value of "accountability" whereas such commentators underemphasise the other normative values enshrined in the Constitution such as representation, equality and openness. Furthermore, previous research in this field tended to give an academic account of the advantages and disadvantages of a particular electoral systems without providing South Africa's unique context. Therefore the researcher will fundamentally locate this research within the unique social, economic, political, racial, and, most importantly, the constitutional context of South Africa.

1.3 Problem Statement

The researcher is concerned about misinformation in the public sphere with regards to the advantages and disadvantages of each system. Thus the research problem asks, **how is the PR system more beneficial for this South African society as opposed to the Majority system.**

1.4 Research Questions

Key Research questions to be asked

• Which system is more suited to enforce accountability in a South African context?

• Which system yields more diversity in terms of party?

• Which system is more in line with the ideals and values of the South African constitution?

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• Which system leaves the political system open to outside influence?

1.5 Objectives

A country's electoral system in many ways shapes the nature of politics in the country. The electoral system can determine which candidate wins the election, to what extent certain groups feel represented or even how effectively a government can govern. This is the significance of this research, it speaks to the core of our country's political identity. The researcher is of the view that some aspects and issues of the debate such as accountability have been emphasised to the expense of other issues such as representivity and inclusiveness. In doing so, the researcher is concerned that people may be led into believing a simplistic argument about how one system, the constitutency based system, is inherently more accountable than the proportional representation system while not taking into account other factors

While it is understandable that people want accountability – the bedrock of any political system – such accountability should not crowd out other equally important virtues. South Africa's constitution, described as being among one of the most liberal in the world, explicitly makes provisions for the values of inclusivity, representivity and diversity. These values were actively promoted due to South Africa's history of racial exclusion. The drafters of our constitution were concerned about not mistakenly repeating history by excluding other, minority voices in the newly formed Republic. Hence the researcher is concerned that some commentary as well as writings in the public sphere erroneously disregard these values. The researcher is of the view that if South Africa does not prioritise these values in its electoral system, South Africa will the worse for it. This is where the lacuna in the present knowledge is, the lack of taking into account these equally important values in contemporary debates about the electoral system. Generally speaking the researcher is of the view that, thus far, the PR system has served South Africa well in that government is accountable, and that South Africa's diversity is well represented while not compromising the legislative and operational effectiveness of government.

1.6 Chapter Outline

The remainder of this research will proceed as follows:

The rest of **chapter one** will detail the theoretical framework and methodology that are going to be used in this research. The remainder of the chapter will also be used to explain the two types of electoral systems that are under review in this research. **Chapter two** of this research will be the literature review. **Chapter three** will deal with the issue of accountability (assumption i) and ask the question; which of the two systems is more accountable to voters. **Chapter four** deals with the issue of representation and inclusiveness (assumptions ii), it will ask which of the two electoral systems yields elected representatives that are more representative of the country's demographics. **Chapter five** deals with an issue that has increasingly come to the fore in the last thirty to forty years, that of the influence of private money in the political system (assumption iii). This chapter will ask "under which of the two electoral systems under evaluation are politicians and/ or political parties more likely to fall prey to private money". **Chapter six** will conclude by bringing together the findings of this research.

1.7 Theoretical Framework and Methodology

It is important for research of this nature to have a robust theoretical framework and methodology. This is the backbone of high quality and impactful research.

1.7.1 Principle Theory

Given the nature of this research, this project makes use of the behavioural approach. The behavioural approach is an approach which was a reaction to the then dominant Institutional approach. The institutional approach focused on analysing the formal institutions of the state which include the legislature, the executive and the judiciary. Behaviouralism, which has its roots with the work of Charles Merriam, argues for the importance of *moving beyond the study of formal rules and institutions* (institutional approach) and looking, instead, at the *behaviour* of individuals (Hague, Harrop and McCormick, 2016: 82). Hague *et al* write that:

> The study of legislatures, for example, moved away from formal aspects towards legislative behaviour. Researchers delved into the social background of representatives, their individual voting records, their career progression and their willingness to go against the party line. Similarly, scholars who studied judiciaries began to take judges rather than courts as their unit of analysis, using statistical techniques to assess how the social backgrounds and political attitudes of judges shaped their decisions and their interpretations of the Constitution (Hague *et al*, 2016: 82).

Hague *et al* go on to write:

Although the behavioural approach could target elites, it earned its spurs in the study of ordinary people. Survey analysis yielded useful generalisations about voting behavior, political participation and public opinion. Unlike institutional analysis of government, these studies located politics in its social setting, showing – for example – how race and class impinged on whether, how, and to what extent people took part in politics. In this way, the behavioural revolution broadened our outlook" (Hague *et al*, 2016: 82).

The researcher felt that the behavioural approach was the most appropriate principle theory as it is a theory that seeks to explain political behaviour. The behavioral approach, in contrast to the Institutional approach, is of the view that the individual should be the unit of analysis, "hence, the behavioural approach represented a shift in the unit of analysis from institutions to individuals, from structure to process and from government to politics" (Hague *et al*, 2016: 82).

In following this approach, this project aims to better understand the behaviour of political players and political organisations in response to a change in the electoral system. The project applies this approach as follows:

(i)   The researcher will ask which of the two electoral systems is more likely to yield more accountability. To this end, the researcher will ask whether the PR system or the MS is more likely to force politicians and their parties (both unit of analysis) to become more accountable to their constituents.

(ii) The researcher will ask which of the two electoral systems is more likely to ensure that politicians and their parties (both unit of analysis) produce a set of elected representatives that are diverse racially, religiously, culturally and in terms of gender.

(iii) The researcher will ask which of the two electoral systems mitigates against moneyed interests from using their influence to sway political outcomes their way, and therefore mitigates against politicians and their parties (both unit of analysis) acting in ways that are not in the best interests of their constituents.

People respond to a change in electoral systems. After all, electoral systems are controlled by people and they, in turn, affect how people behave, this is why this theoretical framework is most appropriate for this research. This research is essentially gauging people's (voters and political parties) response to a change in the electoral system.

1.7.2 Methodology

Given the direct political comparative nature of this research, the researcher will be employing comparative politics. Comparative politics is defined "as a field in political science, characterized by an empirical approach based on the comparative method. In other words, comparative politics is the study of the domestic politics, political institutions, and conflicts of countries" (Lijphart, 1971: 682).

According to Arend Lijphart, of the numerous subfields of political science (such as international relations and political theory), comparative politics is the only one which carries a methodological instead of a substantive label. Therefore Lijphart states that, unlike other fields of politics, comparative politics indicates the "how" but does not specify the "what" of the analysis (Lijphart, 1971: 682). Hence comparative politics is regarded as "a method of discovering empirical relationships among variables" (Lijphart, 1971: 682).

Under comparative politics, Lijphart refers to three methods, namely the experimental method, the statistical method as well as the comparative method. The aim of all three methods remains the same, which is to explain the establishment of general empirical relationships between two or more variables, while other variables are held constant. This is a necessary step because one cannot be sure that a relationship is a true and genuine relationship unless other variables are controlled (Lijphart, 1971: 683). For this particular research, the comparative method will be the method that will be utilized.

Peter Mair and Richard Rose describe Comparative method as "a combination of a substantive focus on the study of countries' political systems and a method of identifying and explaining similarities and differences between these countries using common concepts." (van Biezen, 2014: 1). Comparative method can either be a study of one country over a period of time, or a study of two or more countries at a comparable period in time. Comparative method can also, however, be a combination of both where one studies two or more countries over a period of time.

The reason why the comparative method is appropriate for this research is due to the low number of variables that are being compared. Essentially, the project is comparing two political systems, and as a result, the comparative method is the most appropriate choice as a form of research methodology. The other methods that could have used which fall under "comparative politics", namely the experimental as well as the statistical method would be inappropriate for this project due to the nature of the research project.

1.4.2.1 Methodology: Most Similar Systems Design
The comparative method uses two major strategies. The first method is referred to the Most Similar Systems Design (MSSD). (Mills, 1900: 573). The second system is referred to the Most Different Systems Design (MDSD) (Mills, 1900: 573). Both methods use different strategies depending on the research question. This particular research question will utilize the Most Similar Systems Design. John Stuart Mills, describes this method in the following way:

> We require to find two instances which tally in every particular except the one which is the subject of inquiry. If two nations can be found which are alike in all natural advantages and

disadvantages; whose people resemble each other in every quality, physical and moral, spontaneous and acquired; whose habits, usages, opinions, laws and institutions are the same in all respects, except that one of them is the subject of inquiry (Mills, 1900: 574).

Mills acknowledges that finding two such nations would be a very challenging task. What the Method of Difference system tries to ask is this: how would South Africa be different if it had used a majoritarian system of elections since 1994? Unless one has supernatural powers it would be impossible to know. However what the Most Different Systems Design enables a researcher to do, is to compare South Africa with another country that does use a majoritarian system. The drawback of this is that the country used in the comparison is not South Africa, and thus the other factors which may affect the end result are not the same as they would be if it was the same country. Mills states that this issue of being able to hold all other variables, or as he would put it, the "habits, usages, opinions, laws and institutions" the same while changing the variables of interest is the central challenge of the Method of Difference system and indeed Comparative Politics and social science research in general.

For the purposes of this project, the researcher has identified independent factors, intermediate factors as well as dependent factors. The independent factors are the two types of electoral systems, namely the proportional representation as well as the majority system. The intermediate factors are the factors that are a direct result of the independent factors whereas the dependent factors are as a direct result of the intermediate factors. Thus, the dependent factors are what the country will look like as a result of a change in intermediate factors, whereas the intermediate factors are as a direct result of the independent factors namely (i) the majority system or (ii) the proportional representation system. In some circumstances, the independent factors may lead directly to the dependent factors.

Graphic 1: How Independent factors influence intermediate factors which then influence dependent factors
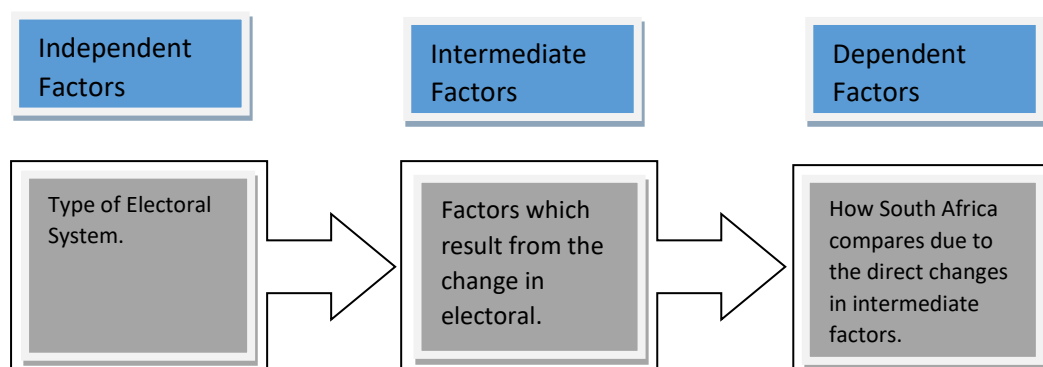
Source: Thembelani Mazibuko, 2017

Graphic 2: How independent factors influence dependent factors
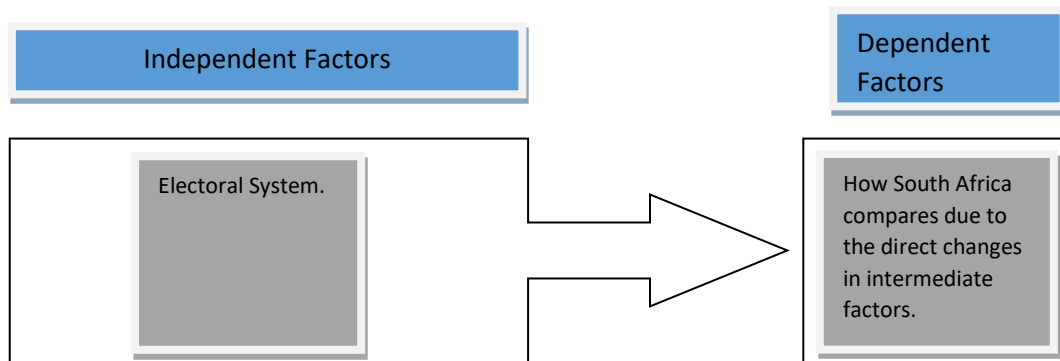
An example of an intermediate factor includes the single member district, which is a direct result of the first pass the post majority system (independent factor). Another example of an intermediate factor are lower barriers to entry into parliament which are as a direct result of the list proportional representation system. The results of both the single member district and the lower barriers to entry are then the dependent factors, which will be discussed in the subsequent chapters and inform the focus of this research.

This research will primarily take the form of an empirical study where existing primary and secondary data will be analysed including books, newspaper articles, journal articles and reports as well as other online sources.

1.8 Proportional Representation and Majority System Explained

It is important to have clear and comprehensive definitions of the key concepts that inform the focus of this project. Therefore, this section is dedicated to helping the reader better understand the two types of electoral systems, as well as what these systems do and do not entail.

1.8.1 Proportional Representation Explained

Proportional representation is a generic term that refers to an electoral system where parliamentary seats are allocated more or less in proportion to the percentage of votes received. The party-list proportional representation system is the system that, since 1994, has been used in South Africa. Other types of proportional representation systems include the Multi-Plurality (MMP) and the Single Transferable Vote (STV). In the party-list system, seats get apportioned according to the number of votes received. Thus if a party receives 45 percent of the vote, 45 percent of the members of Parliament will come from that particular party. If a party receives 70 percent of the votes, it will receive 70 percent of the parliamentary seats. The idea behind this system is that parties receive parliamentary seats in proportion to the votes they receive from voters.

According to Douglas Rae, the district magnitude (DM) is the main differentiator of the different types of electoral systems (Rae, 1995: 65). The district magnitude measures how many politicians are elected from each district (Salmond, 2006: 177). A large district magnitude means that it is more likely that the electoral system will be classified as being "proportional representation" (Lijphart, 1994: 11). This is because "the greater the number of members which it (the district magnitude) elects, the more closely will the result approximate to proportionality" (Lijphart, 1994: 11). Andrew Reynolds (1999: 90) writes that "the greater the number of representatives to be elected from a district, and (therefore) the lower the imposed threshold of representation, the more proportional the electoral system will be and the greater the chance small minority parties will have of gaining representation".

In South Africa's case, the country can be thought of as a single district and all of the elected MPs are effectively fighting for parliamentary seats within the "district" that is South Africa (de Villiers, 1991: 50). Since the system makes it easier for smaller parties to be elected, it is argued that proportional representation ought to be utilised in countries with diverse and divided societies (Pinto-Duschinsky, 1999: 117). Additionally, due to the relative ease with which smaller parties can gain access to power, it has been argued that the proportional representation system "protects minority rights" (de Villiers, 1991: 50 - 51).

Another factor that makes proportional representation systems proportional is the "threshold", the threshold is the minimum number of votes a party or candidate needs to receive in order to get elected (de Villiers, 1991: 70). Unlike in single-member districts, which are associated with the majority system, proportional representation systems tend to have lower thresholds. In South Africa, roughly 0.25 percent of the vote is needed for a party to be guaranteed a seat in parliament, although the Droop system, which South Africa uses to allocate seats means that parties that receive less than 0.25 percent of the vote can still win a seat in parliament (Louw, 2014: 23). This was seen, for example, in the 2014 general elections with the African People's Convention (APC) as well as the Pan Africanist Congress (PAC) receiving 0.21 percent and 0.17 percent of the vote respectively and still winning a seat in Parliament (www.elections.org.za; 2017).

Furthermore, the PR system under review in this research is the closed party-list system where parties rank their members in order of preference. For example, if party A receives 45 percent of the vote, then 45 percent of the parliamentarians will come from party A in the order that the MPs were on the list. Assuming five parties participate in an election within the list proportional representation system, then all the parties would, for example, present their list of up to 400 candidates, ranked on the list from 1st to 400th. If each of these parties win 20 percent of the vote, then each of the parties would have 20 percent representation of their MPs in parliament, which means that each party would thus

gain $400\left(\frac{20}{100}\right) = 80$ seats in parliament. Therefore, of the MPs who were presented on the list, only the top 80 MPs from each party would make it into parliament. In this scenario, the MP who was ranked 81ˢᵗ on the list would not make it into parliament; or would only make it onto the list in the event of another MP from his or her party resigning from their seat.

1.8.2 The First-Pass-The-Post Majority System Explained

In the first-pass-the-post majority system, the country is divided into single-member constituencies or single-member districts. The number of districts would depend on the number of MPs a country has. Therefore, South Africa with 400 MPs would have 400 single-member districts where each candidate would have to win the *plurality* of the vote in order to win that particular district. It is important to note the candidate need not necessarily receive the majority of the votes cast in a single constituency; each candidate just has to receive the plurality of the votes cast in order to be the winner. This means that the candidate that has won the most votes relative to the other candidates is thus the duly elected winner of the seat. It is for this reason that the majority system is also referred to as "first-pass-the-post" system.

Put slightly differently, a winning candidate may only receive 45 percent of the vote while his or her opponents receive 35 percent and 20 percent. In spite of the fact that most people in the district voted against them, that particular candidate will still be the duly elected winner.

For this research, the terms "majority system", "majoritarian system" and "plurality system" can and will be used interchangeably. All these terms refer to the same system where voters within a particular district elect one Member of Parliament to represent them in the legislature. Terms such as "single-member district" (SMD), "single-member plurality" (SMP) and "first-pass-the-post" (FPTP) therefore merely refer to the fact that only one person is elected from a district. Hence terms such as "majority system" and "plurality system" are the names of the electoral system whereas terms such as "single-member district" and "first-pass-the-post" refer more to the process of the electoral system.

Hence the system described to elect parliamentarians in this research is the system that is used in countries such as the United Kingdom, United States, Canada and India where a candidate running for office has to receive a plurality of the vote in their district (Lijphart, 1994: 18). While on the subject of terminology, this research will use the terms "House of Commons" (United Kingdom), "National Assembly" (South Africa), "House of Representatives" (United States), *Bundestag* (Germany) and the more generic term "elected assembly" interchangeably as they all refer to the lower house of the two houses of parliament. The lower house is where all the district and constituency elected representatives are seated. The lower house is also where all the list-PR MPs are seated in systems

which use the proportional representation system. Terms for the upper house include the "Senate" (United States), "House of Lords" (United Kingdom), "*Bundesrat*" (Germany) and the "National Council of Provinces" (South Africa). These terms will also be used interchangeably as this research meanders through different comparative case studies of the electoral systems of various countries, however, the majority of the analysis will be done at the level of the lower house where the district and list-PR representatives are seated.

Chapter 2: Literature Review

> *"Electoral system design can be a crucial tool in conflict management, helping to lay firm foundations for sustainable democracy"* - Karen Fogg, Secretary-General, International Institute for Democracy and Electoral Assistance

2.1 The Importance of Electoral Systems

According to Andrew Reynolds (1999:89), the set of democratic institutions that a country adopts are critical to the long-term success of that particular nation. Reynold argues, for instance, that "there is no more important choice than which electoral system is to be used. This single institution will help to determine what parties look like, who is represented in parliament, and ultimately who governs" (Reynolds, 1999: 89). To this end, the country's electoral system is one of the singular most important entities "to be used in mitigating conflict in divided societies" (Reynolds, 1999: 89). According to Andrew Reynolds, Ben Reilly and Andrew Ellis (2008: 2), the electoral system is often the easiest to manipulate, as opposed to the courts, which the executive branch has little to no control over, whereas it is the most important institution since the electoral system effectively determines who is elected as well as which party gains power (Reynolds *et al* 2008: 5). About the choice of electoral system, Reynolds *et al* write "even with each voter casting exactly the same vote and with exactly the same number of votes for each party, one electoral system may lead to a coalition government or a minority government while another may allow a single party to assume majority control" (Reynolds *et al* 2008: 5).

De Villiers writes that the electoral system "creates a framework by means of which the political wishes of the population is reflected" (de Villiers, 1991: 43). Electoral systems allow voters to elect the people who will serve their interests and govern on their behalf (de Villiers, 1991: 43). While acknowledging that no one electoral system is ideal for every situation, de Villiers writes that the desired system should ensure "stable and effective government, encourage co-operation and coalition, maintain close contact between voter and representative, ensure one person one vote, protect minorities, and be based on the principle of equal value for each vote" (de Villiers, 1991: 44). Clearly, there are many (competing) interests that an electoral system must seek to engage with. This raises the question: Is it possible to have a stable and effective government while simultaneously

encouraging co-operation and coalition? Is it possible to ensure one person one vote while at the same time protecting minority rights? Various factors can and do influence a country's choice of electoral system. These include, but are not limited; to historical experience, economic and social factors, as well as the composition of the population in that country. Some systems can, in other words, be well suited for some countries while being ill-suited for other countries, and a system that produces stability in one country may do the opposite in another country (de Villiers, 1991: 44). Reynolds *et al* write that "some systems encourage, or even enforce, the formation of political parties; others recognise only individual candidates" (Reynolds *et al* 2008: 6). Furthermore, Reynolds *et al* make the claim that "some systems may encourage factionalism, where different wings of one party are constantly at odds with each other, while another system might encourage parties to speak with one voice and suppress dissent" (Reynolds *et al* 2008: 6). Electoral systems also influence party behaviour in that they can determine how parties behave towards one another and in doing so, electoral systems help determine the country's broader political climate by incentivising or disincentivising the forging of alliances between different political parties. Electoral systems can incentivise different parties or groups to be broadly-based and accommodating or "to base themselves on narrow appeals to ethnicity or kinship ties" (Reynolds *et al* 2008: 6). In South Africa's case, political candidates would then be incentivised to campaign on divisive issues of race, ethnicity, and liberation credentials as well as culture and religion; depending on the majority population group in the particular district or region.

De Villiers warns, furthermore, that an electoral system should not be viewed in isolation from its political consequences and that the type of electoral system as well as the constitutional framework within which it operates "may encourage or discourage coalition building, diffuse or generate ethnic conflict, protect or ignore minorities, and lead to a consensual political process or a winner-takes-all attitude" (de Villiers, 1991). Reynolds *et al* (2008: 2) on the other hand, write that choosing an electoral system is a "fundamentally political process" where it is political parties who decide on the choice of an electoral system based on their political calculations. These critics suggest that:

> An electoral system can be designed both to provide local geographic representation and to promote proportionality; can promote the development of strong and viable national political parties, and ensure the representation of women and regional minorities; and can help to "engineer" cooperation and accommodation in a divided society by the creative use of particular incentives and constraints (Reynolds *et al*, 2008: 2).

A country's electoral system can play a big part in conflict management. The reason for this is that the kind of system a country uses can either exacerbate or mitigate conflict depending on whether people feel that they are represented in the political process (Reynolds *et al* 2008: 6). Some people may want an electoral system which puts a premium on the representation of minority groups whereas others may want an electoral system which encourages the formation of a single government, with a majority

18

in any single election (Reynolds *et al* 2008: 6). According to Rod Hague and Martin Harrop (1982: 118), electoral systems not only determine the nature of politics in a country but that (party) politics is the main determinant of the type of electoral system a country uses. According to Reynolds *et al,* if an electoral system is not one in which a significant section of society feel that they can gain representation, such groups may use non-democratic or violent means to make their voices heard. These may include undermining the authority of the state, violent civil disobedience or, depending on the strength of the democracy, a coup (Reynolds *et al* 2008: 6). It is for all these reasons that a country's electoral system is a very critical decision.

2.2 Criteria for Electoral Systems

Reynolds *et al* write that when leaders design an electoral system, one of the most crucial factors to consider should be what they want to achieve and what it is they want to avoid, including what they want the legislature as well as the government to look like. There are a number of criteria to consider when deciding on the choice of electoral system (Reynolds *et al* 2008: 9). Which criterion get preference depends on the particular circumstances of that society.

The following criteria generally apply in the process of electoral system selection:

i. **Providing representation.** Representation may take different forms; this includes *geographical* representation, ideological representation, party-political representation and descriptive representation.

ii. **Whether or not the election is accessible and meaningful.** This refers to how easy it is for the ballot paper to be understood. This also refers to whether or not voters feel that their votes are wasted due to the nature of the system.

iii. **Whether or not the electoral system provides an incentive for conciliation.** This refers to whether electoral systems provide incentives for political parties to reach out across party lines to supporters that are not part of their base.

iv. **Whether or not the electoral system facilitates a stable and efficient government.** The key test here is to ask whether voters perceive the system to be fair. The question is whether a government can enact legislation and govern while at the same time, not discriminating against minority groups.

v. **The extent to which the electoral system holds the government to account.** According to Reynolds *et al* (2008: 12), an accountable system "is one in which the government is responsible to the voters to the highest degree possible" where voters are able to influence the formation of government, either by voting out a mandate breaking incumbent or by getting rid of a mandate-breaking coalition partner.

vi. **The extent to which the electoral system encourages political parties.** There are arguments that claim that electoral systems which encourage (or at least do not hinder) the growth of new political parties are more preferred. Furthermore, these newer parties should preferably be "based on broad political values and ideologies as well as specific policy programmes, rather than narrow ethnic, racial or regional concerns" (Reynolds *et al*, 2008: 13). This then leads to a vibrant political culture as opposed to one that is entrenched in the politics of the past

vii. **The extent to which the electoral system promotes legislative opposition and oversight.** The logic here is that the electoral system has to ensure that there is a viable opposition that can enforce effective oversight over the executive, safeguard the rights of the elected minority, and represent their own constituencies to the best of their ability.

viii. **The extent to which the electoral system makes the electoral process sustainable.** This refers to an electoral system that does not place an undue burden on a country's cost and administrative capacities. While post-conflict societies may rely on donor countries for their first or second election, countries need to be confident that they will be able to conduct their own elections in perpetuity. Poorer countries might not be able to administer a Two-Round System or may not be able to effectively administer a complicated preferential vote count. Having said that a country's electoral system shouldn't sacrifice money, expertise and time for the sake of simplicity since that very same simplicity may be at odds with what a country needs politically in the long run.

ix. **The extent to which the electoral system takes into account "international standards".** While there is no one kind of ideal electoral system according to any international covenant, treaty, declaration, charter or any kind of legal instrument affecting politics; there are certain standards which would ideally be met by the system that is used. These standards include free, fair and periodic elections, universal adult suffrage, the secrecy of the ballot, freedom from intimidation and coercion and a commitment to the principle to one person, one vote (Reynolds *et al*, 2008: 11 – 14).

De Villiers writes that electoral systems can be decided upon (proportional vs majoritarian) by looking at three factors: (i) the method by which the votes are cast and calculated, (ii) the size of the constituency, and (iii) the extent to which voters can pick and choose between various candidates (de Villiers, 1991: 46). In contrast, Reynolds writes that the different kinds of electoral systems can be defined and categorised with reference to the following basic criteria: (i) how many representatives are elected from each constituency or district (effectively the district magnitude), (ii) whether the formula used is a plurality, majority, or type of proportionality and (iii) whether there is a threshold

for representation for parties or candidates (Reynolds, 2006: 8). Therefore, according to Reynolds, once these criteria have been evaluated, one can then classify an electoral system. Enid Lakeman writes that an electoral system should ideally possess the following characteristics: (i) reflect the main trends of opinion within the electorate, (ii) government according to the wishes of the majority of the electorate, (iii) ensure the election of representatives whose personal qualities best fit them for the function of government and (iv) ensure a strong and stable government (Lake, 1970: 28).

According to Reynolds, the electoral system is designed to do three main functions. The first of these is to translate the votes cast into seats won in a representative chamber. Here, the electoral system may give more weight to proportionality so that there is not a big discrepancy between a party's share of votes and share of seats or the electoral system may "funnel" the votes in such a way as to ensure that there are two main parties in parliament – each representing a section of society (Reynolds, 1999: 89). The second function of the electoral system is to be the conduit in which voters can hold elected officials accountable whereas the third job of the electoral system, according to Reynolds, is that it "structures the boundaries of acceptable political discourse, and gives incentives to those political parties competing for power to couch their appeals to the electorate in distinct ways" (Reynolds, 1999: 89). According to Reynolds, the electoral system used determines a country's political environment as well as a country's political climate. This affects parties' propensity to reach out to their non-core voters, and the extent to which officials from different parties work together once they have been elected.

Andrew Reynolds writes that in both divided and non-divided societies, there must be compromises and trade-offs between various "normative" goals when choosing an electoral system. These include:

i. **Representativeness**. The electoral system needs to create a parliament that reflects the opinions of the nation and not just the majority. This is in order to maximise legitimacy, especially during the formation of a government. Hence, even if a particular group of voters did not vote for the winning party or winning coalition, their views are at least represented in parliament (Reynolds, 1999: 92).

ii. **Accessibility**. The electoral system needs to ensure that it facilitates the inclusion of people as well as their political views, within the political system. When people feel included, they are then less likely to use methods that lie outside of the political process in order to organise for change. Accessibility also refers to ensuring that the process of voting is as simple as possible to ensure that less literate voters are able to vote (Reynolds, 1999: 92).

iii. **Providing incentives for conciliatory behaviour**. The electoral system needs to ensure that political parties are incentivised to come together and compromise, as opposed to stoke existing fault lines (Reynolds, 1999: 92).

iv. **Accountability**. The electoral system needs to ensure that parliament and the government is accountable as possible. The level of which accountability can occur depends on the geographic size of the constituency and the amount of choice the voter has when it comes to voting (Reynolds, 1999: 92).

v. **Encouraging cross-cutting parties**. The electoral system needs to ensure that political parties that appeal to as wide a section of voters as possible, as opposed to appealing to a particular ethnicity, religious group or geographic grouping (Reynolds, 1999: 92).

vi. **Stability of government**. The electoral system needs to be able to interpret the will of the voters. Reynolds claims that "an electoral system is only successful if it gives rise to governments which are capable of enacting legislation, maintaining order, and maintaining sensitivity to shifts in public opinions." Thus, the electoral system should be able to provide a stable government (Reynolds, 1999: 92).

2.3 Different Types of Electoral Systems

There is an entire family of electoral systems. Some are purely proportional representation, which emphasise "fair" representation, while others are purely majoritarian and place more of an emphasis on ensuring that a strong government is elected with a "mandate" to govern. Other electoral systems, such as the single-non-transferable vote (SNTV), seek to strike a balance between the virtues of the proportional representation system as well as the virtues of the majoritarian system by providing "the best of both worlds" (Friedman, 2015: 8).

Graphic 3: Different types of electoral systems
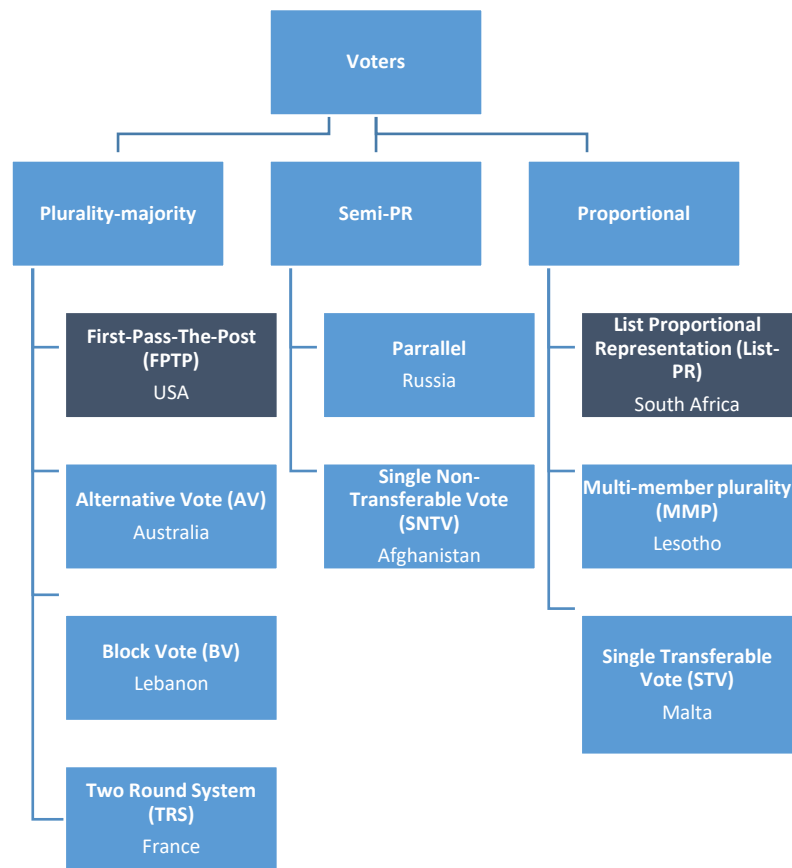
The above figure breaks down the different types of electoral systems used around the world. The two boxes coloured in dark blue contain the names of the electoral systems this research will be comparing, namely the first-pass-the-post-majority majority system as well as the list proportional representation system. Countries which use the FPTP majority system to elect their MPs include, but are not limited to, the UK, the US, Mexico, Zimbabwe and Kenya. Countries which use the PR system include the Netherlands, South Africa, Namibia, Finland and Mozambique. The majority of the analysis will be done at the level of the members of the elected assembly (National Assembly, House of Commons, House of Representatives, *Bundestag*) and as a result countries such as the UK and Canada where the leader of government (prime minister or president) is not elected directly by voters, but elected by the members of the elected assembly, will also be used in the comparative analysis.

Below is an image of South Africa's lower house, the National Assembly.

Graphic 4: South Africa's lower house, the National Assembly

Source: Andile Smith, 2014

South Africa's parliament has the National Assembly (lower house) and the National Council of Provinces (NCOP) (upper house). The National Assembly has 400 seats all of which are apportioned proportionately via the list PR system.

Below is an image of the UK's lower house, the House of Commons.

Graphic 5: The United Kingdom's lower house, the House of Commons

Source: www.bbc.co.uk, 2017

The United Kingdom's parliament has the House of Commons (lower house) and the House of Lords (upper house). The House of Commons has 635 members representing each of the 635 districts of the United Kingdom where each member of the House of Commons gets elected by winning the plurality of the votes in her district.

The image below is the United States' lower house, the House of Representatives.

Graphic 6: Inside the United States' lower house, the House of Representatives

Source: Doug Mataconis, 2014

The United States' Congress consists of the House of Representatives (lower house) and the Senate (upper house). The House of Representatives consists of 435 members, each elected from single-member-districts where candidates have to win a plurality of the vote.

Below is an image of Germany's lower house, the *Bundestag*.

Graphic 7: Inside Germany's lower house, the *Bundestag*

Source: Michael Sohn, 2007

Germany's parliament has the *Bundestag* (lower house) and the *Bundesrat* (upper house). Unlike the previous lower houses, Germany's *Bundestag* is hybrid where half its members are elected via a first-pass-the-post majority system whereas the other half are elected via a proportional representation system. Germany's *Bundestag* has 709 members in total.

2.4 Issues in Electoral System choice

The implications of using a particular electoral are system are varied and widespread. Hence, in addition to the above, there are a number of issues that need to be considered when discussing and contemplating which electoral system to use.

2.4.1 Representation, Diversity and Proportionality

The issue of representation and proportionality is central to the debate about electoral systems. The extent to which people get represented in parliament often depends on the electoral system whereas it is argued that the more proportional the electoral system is, the more it is representative of society as a whole. This is confirmed by David Farrell who writes, "the principle advantage that PR systems are supposed to have over non-PR systems is that, on average, they produce more proportional results: that is, they minimize the distortion between the number of votes a party wins and the number of seats it wins in parliament". Farrell asserts that there are a number of factors which influence proportionality, these include the ballot structure, electoral formula and the district magnitude (Farrell, 2001: 154). Research by Douglas Rae finds that the electoral formula has "some"

effect on proportionality, the district magnitude has a greater effect whereas the ballot structure has no effect on levels of proportionality (Farrell, 2001: 154). More recently, Lijphart has added "assembly size" as a factor where larger parliaments are statistically associated with higher degrees of proportionality (Farrell, 2001: 154). Another scholar, Richard Katz, is of the view that the electoral formula is more important than the district magnitude. While there may be conflicting views on which aspects and to what extent make it proportional, there does seems to be consensus that PR is a more proportional system. On the issue of representation, David Lublin (2016: 84) states that "polities with party systems that pit ethnic groups and regions against one another may find it difficult to survive as democracies" (Lublin, 2016: 84). Lublin argues that this is especially so in countries with where the state is the main source of income, jobs and overall patronage. According to Lublin, "victory by one group over another means that entire ethnic groups and regions are cut off from state resources" where, as opposed to government being a referendum on the previous term of government, elections instead turn to "a vital and bitter contest for state patronage between groups" (Lublin, 2016: 84). Lublin warns that this permanently prevents the ethnic minority from accessing state resources whereas the ethnic majority benefits in perpetuity (Lublin, 2016: 84). Hence, the subtext is that new democracies that have a minority and majority population should stay clear from electoral systems that incentivise mobilisation that is based on race and/ or ethnicity.

Furthermore, Lupin writes, "ethnic diversity inserts additional cleavages" when compared to countries with more homogenous populations (Lublin, 2016: 85). He then writes that proportional electoral systems make it easier for smaller parties to win seats by reducing the threshold for entry into the legislature and providing greater incentives for political elites to create them" (Lublin, 2016: 85). The implication being that this will lead to greater representation of society as a whole. This is an important issue as this research will grapple with the issue of comparing the two electoral systems and asking which of the two electoral systems is able to foster more nation building whereas it is often argued that allowing smaller parties easier access to parliament fosters said nation building. Lublin also argues that PR systems increase incentives to reach out to other groups as it is "harder to win a majority with seats from one region" (Lublin, 2016: 85). Thus, he argues that PR systems increase incentives to reach out to other groups, this will inevitably mean that political parties will have to formulate ideas and policy proposals that speak to such voters. . Therefore, "the payoff for both elites and voters is greater under PR than majoritarian systems" (Lublin, 2016: 85).

2.4.2 Accountability, Legitimacy and Public Trust in Parliament

Accountability is always an issue in politics, it is especially an issue when it comes to the issue of electoral systems. Elections are the conduit wherein accountability occurs whereas electoral systems

are the laws that govern how elections occur. Writing about the issue of accountability, Wonbin Cho writes:

> Majoritarian electoral systems help promote accountability with the winner-take-all system. They usually offer voters a clear-cut choice between two major parties at the national level, and the national vote clearly translates into winning and losing parties. Majoritarian electoral systems in turn produce legislative bodies that are especially reflective of the wishes of the majority but may neglect the goal of representativeness by excluding smaller groups from meaningful participation. Systems that distribute legislative seats proportionally, meanwhile, ensure broader representativeness in the legislature but may fracture power to such an extent that leaders fail to achieve compromise policy solutions, and the majority cannot hold the leadership sufficiently accountable (Cho, 2012: 618).

Cho further writes

> The electoral system may shape people's evaluation of institutions themselves (Anderson and Guillory 1997; Cho and Bratton 2006; Criado and Herreros 2007). Specifically, individual citizens may not expect the same degree of either accountability or responsiveness from all legislatures, but they may instead judge the democratic system according to its success promoting the values underlying it. A majoritarian system likely will generate trust when it succeeds at providing accountability. Under such a system, citizens who perceive an ability to control their members of parliament (MPs) directly through voting would in turn show higher levels of trust in the legislature. A PR system, on the other hand, might generate trust according to its success at being representative. It brings into the policymaking arena representative agents from all factions of society who then bargain with each other in a flexible and accommodative fashion (Cho, 2012: 618).

In other words, Cho is suggesting that people's judgement of the performance of their parliament (and therefore electoral system) is dependent on the type of electoral system that is in operation in that country. In other words, according to Cho, people apply different criteria depending on the type of electoral system; ease of accountability for majoritarian systems and levels of representation for proportional systems. However, it is highly unlikely that most people are as politically astute or even aware so as to fine-tune their evaluation of parliament depending on the electoral political system. It seems most citizens are scarcely aware of the type of electoral system that their country employs, let alone adjust their criteria and subsequent judgement on the performance of parliament on the type of electoral system employed.

Cho, who did analysis on the levels of trust and confidence in the legislatures of sixteen sub-Saharan African countries, including South Africa, found that 53 percent of citizens are of the view that

"elections 'well' or 'very well' offer them a periodic opportunity to change the elected officials (Cho, 2012: 625). Similarly, 54 percent of respondents are of the view that elections "'well' or 'very well' bring the representations of all points of view into the government decision-making process" (Cho, 2012: 625).

Writing about the issue of accountability, Joel Barkan, Paul Bensham and Gerard Rushton (2016: 930) argue that "PR reduces the opportunities for face to-face dialogue and linkage between legislators and citizens, and especially the opportunities for accountability by the former to the latter. (Barkan *et al*, 2016: 930)." Barkan *et al* are therefore of the view that the PR system, which has minimal face-to-face dialog, leads to less accountability, this is the argument that is used by many academics, scholars and politicians when calling for electoral reform (Barkan et al, 2016: 930). Barkan *et al* cite Namibia as an illustration of how the PR system removes citizens away from their representatives. Barkan *et al* write "In Namibia, where nearly 90% of the population resides in the northern fifth of the country, 300 miles north of the capital city of Windhoek, few citizens ever see a member of parliament because MPs have no geographic constituency to which they are accountable". Barkan *et al* also use South Africa as an illustration where, according to them, most MPs live in Cape Town, Johannesburg and Pretoria whereas most people live in other urban areas as well as the countryside. What Barkan *et al* are implying is that the PR system removes elected representatives away from the electorate they are meant to represent since they are not voted directly by the people, and therefore that MPs can choose to live in the parts of the country they most desire even if most of the people do not reside in those parts. The end results being that PR promotes inclusivity at the expense of accountability whereas the majority system promotes accountability at the expense of "nation building" and inclulsivity. Barkan *et al* even write it out plainly: "In such countries, there appears to be a clear trade-off between achieving proportionality and the loss of accountability".

Farrell similarly wades into this debate by writing the following:

> PR systems are fairer to smaller parties and to supporters of smaller parties; PR provides better
> social representation; certain PR systems provides voters with greater electoral choice, and so
> on. But do all these benefits come at a cost? For instance, while few would dispute that having
> a more representative assembly is a good thing, there is considerable disagreement over the
> degree to which such an assembly can operate effectively. The issue is usually presented in
> terms of a trade-off: either you can have a representative parliament which elects a similarly
> representative government, or you can have strong and stable government; you cannot have
> both at the same time (Farrell, 2001: 192)

Farrell casts doubt on the extent to which PR, with all of its virtues, can be effective as a means of making decisions as well as effectively and efficiently running a government. Farrell writes about

government stability and how PR governments are seemingly unstable since they are made up of several parties, the composition of which are prone to change. Another impediment with the PR systems involves the issue of accountability after the elections, the argument being that coalition governments are not accountable since they are as a result of backroom deals formed by party leaders after the elections, Farrell writes, "parties' manifesto promises are forgotten in the rush to gain power; the voters' wishes are ignored" (Farrell, 2001: 193)

2.4.3 Political Extremism

In the book "Electoral Systems: A Comparative Introduction", David Farrell writes that one of the "drawbacks" of the proportional representation system is that of "political extremists" being elected (Farrell, 2001:17). This, according to Farrell, is because "it is easier for smaller parties and for independents to win seats". All this, Farrell argues, gives proportional representation a bad name. The issue here is that PR empowers political parties whose views are repugnant to the majority whereas the majority system makes it harder for such parties to win unless their supporters are geographically concentrated in a particular part of the country. The fact that the PR system is more likely to produce a hung parliament means that there is a risk of parties needing to form coalitions with an extremist political party and thus the government being held hostage by a fringe party. Farrell gives the example of the Weimer Republic (Germany) and the subsequent rise of Hitler as an example of a country that used PR and as a result, a political extremist rose. Farrell uses Austria as an example of how PR once facilitated extremism:

> In February 2000 this point was demonstrated forcibly by the decision of the Austrian People's
> Party to form a coalition with the extremist Freedom Party, led by its populist leader, Jorg
> Haider,espite the huge international (and domestic) outcry. In its defence, the People's Party
> leadership argued that the only alternative would have been a fresh set of elections with every
> indication that the Freedom Party would have picked up more votes (Farrell, 2000: 199).

A cross country analysis of the performance of extreme Right-wing parties in Western Europe in the 1990s shows that extremist parties are "more commonly found" in more proportional systems. However, Farrell warns, extremist parties can also achieve prominence in non-proportional representational systems where there is a concentration of their support base (Farrell, 2000: 199). In order to address the issue of electing extremists to parliament, Farrell advances the "common" idea of minimum electoral thresholds which a party must pass in order to be granted any seats in parliament (Farrell, 2001:17).

Farrell cites a number of countries which have utilized the minimum electoral threshold including Germany between 1919 to 1933 which had a threshold of five percent; Denmark, whose electoral

threshold was also five percent and Poland which had a threshold of seven percent. In Sweden the national threshold is four percent, alternatively if a party does not receive four percent nationally but receives twelve percent of the vote in any one constituency it is eligible for parliament (Farrell, 2001:17). Some countries have a system where parties that fail to reach the minimum threshold are allowed to keep their seats but are not allowed to win "top-up" seats as is the case in Austria, Greece, Iceland and Norway (Farrell, 2001: 17).

Another, albeit less popular, feature that has been used to dent the rise of extremist parties is referred to as "party laws" (Farrell, 2001: 17). These are measure that are designed to restrict the *activities* of certain types of parties. These include an entire spectrum of laws, the most controversial of these laws includes banning certain parties from participating in the elections, one step down from that would entail making it difficult for such parties to run. Germany, with a history of anti-Semitism, has an infrequently used law which bans "anti-system" parties. In Northern Ireland, a host of legal restrictions severely limited the operations of the nationalist Sinn Fein party, these included banning their candidates from the airwaves during the final three weeks of the formal election campaign, additionally, all Sinn Fein candidates contesting in Northern Ireland were made to sign declarations stating that they are not going to participate in any violence (Farrell, 2001: 18).

Hence, there can be two narratives about the PR system, one is that it contributes towards "nation building" and moderation by allowing extremist political parties gain easier access into the formal political system, this, it is hoped, will lead to such parties' views being somewhat moderated. As such, if any of their extremist legislative ideas are to pass, they would need to compromise with parties that disagree with them. Furthermore, by them being in parliament, it can be argued that they would necessarily be moderated as the rules, traditions and customs and the very idea that they are so close to power will invariably moderate such parties. However, there is another viewpoint when it comes to PR; by giving such extremist parties, which by definition are a very small segment of the population, easier access to power political legitimacy, the PR system legitimises them and legitimises their often harmful and detrimental viewpoints. The very fact that they share the same platform with mainstream parties, makes their viewpoints seemingly as legitimate and morally equivalent to that of mainstream political parties. If such parties sufficiently suppress their most extreme viewpoints, they may use the legitimacy of parliament and the free media that comes from elected office to sell their ideas. Such parties may then use periods of political and economic shock to come into power. Examples of these political and economic shocks may include perceived mass migration, financial crises and fears of cultural dilution.

Farrell then writes a counter argument that says that in democracies, all views, regardless of how seemingly repugnant, deserve equal rights in terms of expression and that morally, such parties "should be facilitated, not blocked":

> One could even make the argument that, by allowing extremists into the parliament, the electoral system might be playing a moderating role, encouraging such parties to work within the system, rather than to overthrow it. It might help stem their electoral appeal as 'anti-establishment' parties.

2.4.4 Peripheral issues between PR and MS

On the issue of trade-offs between the PR and MS, there is a view that need not be a trade-off between proportionality, represented by the proportional representation system and government stability, represented by the majority system. Instead, Farrell finds based on the particular evidence that he has gathered, that the proportional system, not the majority system, is "associated with greater degrees of stability" (Farrell, 2000: 205). Hence, Farrell's research runs counter to the widely held belief that it is the majority system promotes accountability and government stability.

Another issue is that of satisfaction, there are two ways of measuring satisfaction. The first is an analysis of individual-level data measuring public support for democracy (Farrell, 2000: 206). Here, surveys are conducted amongst individuals where the data is collated and put into a disaggregated form (Farrell, 2000: 206). The second is the use of aggregate indicators of socio-economic development, social quality and political stability (Farrell, 2000: 206). Anderson and Guillory use data from the Eurobarometer in order to examine trends in western democracies. The data concludes that levels of satisfaction are highest among those who form the political majority, and lowest among those who are in the minority. However, it is found that this difference narrows in "consensus" (proportional) systems where the losers are more satisfied with the political system. This speaks to the fact that systems that promote inclusivity and proportionality, on aggregate, yield higher levels of satisfaction with the way in which the country is run.

About the issue of (lack of) accountability in PR systems, Barkan *et al* point out that while South Africa does not have a system where there is direct election of MPs, the major parties agreed to assign MPs "informal constituencies" where all MPs would receive a monthly stipends from the National Assembly in order to offset travel costs. Barkan *et al* write, "South Africa has thus sought to overcome one of the major downsides of PR by supplementing the existing system with a postelection "shadow" form of representation." The results of a Special Design Support System (SDSS) based on the 1999 elections done conducted by Barkan *et al* on South Africa show that only the ANC and DP would have been able to gain seats under the system of single member districts (Barkan et al, 2016: 937).

> Without a parallel or supplementary application of PR, smaller parties do not gain representation…a multimember system of 23 districts would have provided seats to two additional parties, the NP and the IFP (Barkan et al, 2016: 937).

This again points to the issue of representation in that only the two (three with a bigger district) out of a plethora of other political parties would be eligible to run under the results of the SDSS conducted by Barkan *et al*. An undercurrent of Barkan *et al*'s research is that only MPs who live geographically close to their constituents can be held accountable, these assumptions will be thoroughly investigated through the research.

Under the heading "Proportionality Profiles of Different Electoral Systems" David Farrell writes that single-member plurality and the majoritarian systems produce the largest percentage differences; single transferable vote, list and the mixed member proportionality systems produce the smallest" (Farrell, 2001: 165). What "percentage difference" refers to is the discrepancy between the percent a party receives at the polls and the percentage of parliamentary seats it ends up receiving. This issue is important as it directly affects another important aspect in the debate about electoral systems; the issue of whether parliament should be a "Microcosm" of society. This issue relates to whether the Parliament should necessarily be a microcosm of society in that parliament represent all the main strands of thinking present in a democracy. Farrell writes, "the former view – that parliament be a microcosm of society – is held by proponents of PR" (Farrell, 2001: 165). There is an alternative viewpoint to the one that parliament should be a microcosm of society, it is the viewpoint that parliament should be empowered to make decisions. This necessarily means that there should be few impediments to effective decision making. In light of this, the ability to create a majority in parliament is placed above the need to ensure that all the societal groups are represented. Hence, proponents of this school of thought prefer the majority system of government where seats are funnelled in such a ways that one political party receives a clear majority.

Proponents of the PR system cite its impact on the proliferation of women in parliament. In citing research conducted by Enid Lakeman, Wilma Rule and Pippa Green, Farrell writes "in general, the lowest representation of women is in those (electoral) systems ranked low on the index of proportionality". Citing data Farrell states how, in countries using PR systems, the percentage of women is higher as opposed to in countries using majoritarian systems. Farrell writes that while the electoral system is an important conduit in helping propel the election of women, there are other factors:

> Invariably there are some countries where the representation of women is lower or higher than would be expected. For instance, the higher-than-average proportion of women

33

legislatures in non-proportional Britain (18.4 percent) reflects the Labour Party's use of party quotas before the 1997 election. Canada (20.6 percent) is commonly also higher than the norm for non-PR systems, reflecting a high turnover in the membership of parliament. More generally, it is pretty clear that there is an element of regional patterning to the trends, as shown most clearly in the case of the Scandanavian countries, all of which are well above the average. This raises the question over whether it is actually the electoral system which affects the representation of women, or whether there are perhaps some other factors.

Clearly, while the type of electoral system has a bearing on the number of women elected into parliament, from the above, political parties themselves also clearly also play a central role in this regards (Nkala and Ogunnubi, 2015: 139). South Africa's own ANC party has a policy of 50-50 representation amongst women, this has seen South Africa's Parliament have over forty percent of its members being female, well above the world average of twenty percent (Nkala and Ogunnubi, 2015: 139). This has also seen the ANC contributing seventy-five percent of all female members in the legislature whereas their overall representation in parliament is in the low sixties (Nkala and Ogunnubi, 2015: 139).

According to Douglas Rae, all electoral systems are systems where "strong parties profit at the expense of weak parties". Rae writes that "differences in the amount of seats political parties receive is a matter of "degrees, not directions" (Rae, 1967:88). He writes, "…all electoral system work to the advantage of leading parties, the problem for analysis is obviously not to identify which electoral systems have that effect, but to differentiate the degrees to which various systems benefit the leading parties" (Rae, 1967:88). Farrell writes in his book that, while the majority system is still the most widely used electoral system, that since the 1990s the trend has been "away from plurality and towards proportional representation systems" (Farrell, 2001: 18).

Quoting Sir Arthur Lewis, Donald L Horowitz writes in his book *A Democratic South Africa: Constitutional Engineering In A Divided Society*, "the surest way to kill the idea of democracy in a plural society is to adopt the Anglo-American electoral system of first-past-the-post". Horwitz writes that,

> The test of a good electoral system is not to be found merely in the ratio of seats to votes or the number of parties that emerge. The test lies instead in the posture adopted by the parties with respect to other parties and with respect to voters. Concretely, does the electoral system dispose the parties to ethnic and racial inclusion or exclusion? Will one system, rather than another, encourage parties to seek intergroup compromise and accommodation? (Horowitz, 1991: 166)

The above assertion by Lewis has strong similarities with Peter Reynolds' third criterion for choosing an electoral system, the criterion asked, "Whether or not the electoral system provides an incentive

for conciliation?" What Reynolds and Horowitz are explicitly stating is that electoral systems shape the very nature and texture of the political system. In other words, that the electoral system shapes the very contours of political discourse in the country. Horowitz then quotes Arend Lijphart's book *Power-sharing in South Africa.* Horowitz attributes to Lijphart, a number of issues in using the first-pass-the-post majority system. These include that such systems "typically exaggerate the number of seats won by the largest contenders, artificially diminishing minority representation" (Horowitz, 1991: 168). The advantage of PR, according to Lijphart, is that it "permits the segments to define themselves", this is because the PR has a "tendency to encourage many parties, so that each group can have its own party if it wishes" (Horowitz, 1991: 169).

Chapter 3: Electoral Systems and "Accountability"

> *"Accountability for what, by whom, to who"* – Peter Newell and Shaula Bellour

The issue of "accountability" is central to the electoral system debate. "Accountability" is expressly called for in the same section one part (d) of the Constitution that calls for "multi-party elections" (www.justice.gov.za, 1996: 3). Supporters of the majority system claim that enforcing accountability is the central reason why South Africa needs to adopt the majority system. Even some who are proponents of the PR system seem to want to concede that the majority system is more "accountable". The reason that some people view the majority system as accountable is because of the direct nature of elections for members of the elected assembly that the majority system espouses, whereas the proportional representation system is said to have the virtues of representivity and diversity because smaller political parties have a much higher chance of gaining representation in the PR system (Fakir, 2014; Friedman, 2015: 2). It is thus argued that, with the majority system, the virtues of representation and diversity are sacrificed for accountability whereas, with proportional representation, accountability suffers in order to have a diverse and representative parliament.

Numerous people have been calling for more accountability within South Africa's political system, however, proponents of the MS do not always clarify exactly what they mean when they talk about "accountability". Some critics, such as the UDM's Bantu Holomisa, have said that the ability to point to a specific representative in parliament that represents your particular district speaks to the majority system's ability to be able to enforce accountability. On the face of it, this is plausible since this is the same logic used in other countries, in the United States for example, every citizen has their own district representative in the House of Representatives as well as two Senators, which represent their respective states in the Senate (upper house), which are also elected directly. As of the first of October 2017, if someone lived in downtown Atlanta in the state of Georgia, they can turn to representative John Lewis of the Democratic Party as their Congressman for that particular district, similarly if someone lives in the town of Clarence as well as surrounding areas in the state of New York they can point to representative Chris Collins of the Republican Party as their Congressman for that particular district.

Perhaps the clamour among some quarters to change to a more "accountable" electoral system is as a result of seemingly never-ending service delivery protests and what critics perceive as an unresponsive and unaccountable elected government. The thinking, in this case, would be that service delivery and overall accountability will improve if South Africa changes the way it elects its leaders. Proponents of the majority system could thus be referring to accountability in the sense that politicians actually fulfil the service delivery promises they made during their campaigns. Another possibility is that some majority system advocates are tired of the political dominance of the ruling ANC party where they are of the view that a change in the electoral system will possibly lead to an end to this political dominance. This would also be consistent with a western school of thought that states that post-colonial African societies can only be deemed to be functional, accountable democracies once there has been a change in power on a national level, which typically takes place from a liberation party to a newer, opposition party. It is also possible that calls for accountability are as a result of a combination of a number of the above factors. With the above in mind, this research will explore accountability as a concept. Before that, the researcher will detail how the rest of this chapter will continue; section 3.1 will write about the idea of "accountability". Section 3.2 will ask whether it is the proportional representation or the majority system that is more accountable. Section 3.3 will ask whether there *really* is a direct relationship between the voter and the politician in a majority system, as some have suggested. Section 3.4 will write about how South Africa subscribes to identity politics and in the process ask whether or not a country that subscribes to identity politics can really hold politicians to account. Section 3.5 will be the concluding remarks.

3.1 The Idea of Accountability

Philosophically, accountability has always been concerned with issues of restraining power, and preventing abuses as well as ensuring that government behaves in line with established rules (Newell and Bellour, 2002: 1). Peter Newell and Shaula Bellour write that "in contemporary usage, the notion of accountability continues to express this concern, attempting to apply checks, oversight and institutional constraints on the exercise of power" (Newell and Bellour, 2002: 2). Accountability asks how it is that voters can control the exercise of power, it implies both a measure of "answerability and enforceability" (Newell and Bellour, 2002: 2).

Newell and Bellour write that accountability "has been appropriated by a myriad of donor and academic discourses, accountability has become a malleable and nebulous concept, with connotations that change with context and agenda" (Newell and Bellour, 2002: 2). Furthermore, when writing about accountability, questions such as *"accountability for what, by whom, to whom"* immediately arise (Newell and Bellour, 2002: 5). This also seems to be the case in South Africa where the term "accountability" has become somewhat of a political term. It is natural and correct for people to want

accountability. However, the researcher is of the view that in the South African context the term "accountability" has been appropriated by some opposition parties as well as allied organisations, in such a way that one does not get the sense that those who demand accountability the loudest are necessarily seeking accountability for those who need it most.

Having said that, it is important to note that this is the case all over the world. Opposition parties opportunistically demand "accountability" from the governing party knowing that the political hopes and dreams of the country, especially those who voted for the government in power rest on the shoulders of the elected government. Opposition parties demand accountability knowing full well that for them to get into government, they would need to win some of the voters who voted for the current governing party. Thus while knowing that the government must account to voters, opposition parties use the term "accountable" in a way that has more to do with political grandstanding as opposed to real accountability. In fact, it is in the best interests of opposition parties to portray as if the governing party is not being accountable to its voters. Therefore, the question "accountability for what, by whom, to who" is particularly relevant in this particular research.

It is crucial, also, to take into consideration the fact that the *answerability* and *enforceability* aspects of accountability have power relations (Newell and Bellour, 2002: 8). It is typically the well-off who have the resources to demand accountability from politicians. This is achieved through such people organising their networks, the media, as well as their money in ways they see fit. Therefore, when demanding accountability, those groups that demand accountability often demand accountability with regards to their own sectarian interests as opposed to the real accountability that the majority of the people who voted for the political party demand. This is often the case in South Africa where groups claiming to demand accountability are often pushing their own political interests and do so by using "accountability" as a springboard to achieve their own agenda. Such groups would use legitimate events in order to demand accountability for their own agenda.

Take, as an example, the firing of South African finance minister Pravin Gordhan. Such groupings used the firing of the finance minister to demand "accountability". These groups then used their sizeable resources to mobilise around their cause, demanding that the president must vacate his office in what they referred to as a "national shut down" (www.huffingtonpost, 2017). These groups then said that it is the poor and working class who bear the brunt of credit downgrades and that their calls to action are focused on these people (www.theafricareport.com, 2017). However, on closer inspection, these groups are, in fact, concerned about their own investments. Therefore, they call for accountability because they are concerned that the country's downgrades will be followed by downgrades of their own businesses. This is, in fact, what happened to Nedbank, Absa, Investec and FirstRand Bank, which

were all subsequently downgraded by rating agency Standard & Poor's (le Cordeur, 2017). Minister Gordhan was fired on the 30th of March 2017, and by the 6th of April 2017 the banking index had lost 10 percent of its value, equating to around R61 billion (Bonorchis, 2017).

This is why the question *"accountability for what, by whom, to who"* is so important. There is nothing wrong with demanding accountability; however, it becomes an issue when accountability is used to push the agenda of a special interest or minority grouping. Thus the end result is that such groups make as if the issues that are of importance to their particular group of people are of equal importance to the rest of the country. The underwhelming turnout of the "national shutdown" proved as much, with grassroots organisations such as COSATU, Numsa, BFLF issuing out statements informing their members to not participate in the march (Evans, 2017). Thus, the turnout of the march was much smaller than the amount of media publicity it garnered in newspapers, news channels and the radio. This becomes all the more significant when compared to the service delivery protests that occur in communities such as Vuwani in Limpopo, Nyanga in Cape Town, Eldorado Park in the south of Johannesburg and Khutsong in the western part of Gauteng, whose turnout and legitimate grievances are not given the same "national" attention, and when they are covered, there is a worrying focus on destruction of property and vandalism (Kruger, 2016; Ndaba, 2014; Lesole; 2013).

This is not to say that these service delivery protests do not receive media attention, however, such protests do not enjoy the same amount of resources that the aforementioned sectarian groups receive. The protest around the firing of the finance minister and subsequent downgrading of the banks garnered more focused national attention whereas service delivery protests received the attention of the local media and tended to only make focused national headlines when something out of the ordinary happens such as the death of protester Andries Tatane (Kings, 2013). It is perfectly acceptable to demand accountability, however, such groups do genuine accountability a disservice when they are selective and disingenuous when they demand accountability.

Similar arguments can be made with regards to students protesting universities' lack of decolonisation of the curriculum and overall transformation (Rhodes must fall) as well as unaffordable tuition fees (fees must fall) which occurred in 2015 (Kamanzi, 2016). Sympathy for student protests tended to be mixed in the media whereas sympathy for the "calls to action" following the firing of finance minister were almost unquestioned. Furthermore, declarations of unofficial public holidays for the purpose of "honouring" the calls to action have the effect of making people ask if some peoples' grievances (banks, corporations) are more worthy of airtime and therefore of a response from government than other peoples' grievances (striking miners, service delivery protestors, striking students).

A key question that arises from the above is the following:

- In South Africa, can a *corporate* owned media company be relied upon to legitimately and sincerely air out the grievances of the poor, working class and majority black populace?

  - Is the media impartial or does it give more sympathetic coverage to people and organisations that serve their perceived economic or political interests?

  - In a society polarised by race and class, can any group or media organisation speak for all South Africans?

This brings us to the crux of the point about "accountability". *Accountability often accrues to those who have access*; access to social capital, access to the media, access to finance and access to the courts. The issue, in other words, is that the ability to effectively hold politicians accountable *hinges on having some form of power* (social capital, access to the media, access to finance, access to the courts). Thus the net effect is that the term "accountability" has become more of a political slogan than a democratic and governance duty. What implications does the above have on the main topic of this chapter? The idea very of accountability needs to be more thoroughly examined as well as more critically analysed. It is important to know that accountability has serious power relations and that not all people calling for accountability have good governance as their primary concern.

Accountability is also varied and takes on varied forms. Anne Marie Goetz and John Gaventa write that "accountability can take a wide range of forms from formal top-down processes of elections, hearings and consultations to bottom-up strategies such as citizen juries, popular protest or participatory budgeting" (Goetz and Gaventa, 2001: 6). Some accountability can take the form of once-off events such as the Truth and Reconciliation Commission which was meant to bring "accountability" to those who committed atrocities during Apartheid (Goetz and Gaventa, 2001: 5). Other forms of accountability are more institutional, and in South Africa's case, can include chapter 9 institutions such as the Public Protector and the Auditor-General (www.justice.gov.za, 1996: 92). The ultimate form of "institutional accountability" takes place in the form of the National and Provincial elections that take place every five years (Goetz and Gaventa, 2001: 5).

Goetz and Jenkins (2001: 5) write that "the challenge is to move from accountability as a spectacle, as it is practised in these events, useful as they are, to accountability as a norm, a feature of routine decision making". The challenge of accountability is that often "marginalised groups" do not have access to the necessary social capital as well as the financial and political resources to mobilise effectively (Goetz and Bellour, 2001: 6). Furthermore, accountability cannot happen in situations

where there is a lack of resources, such as time and the kinds of technical skills needed for effective monitoring and auditing (Goetz and Bellour, 2001: 7). Traditionally, political accountability is derived from responsibilities that the elected representatives have by virtue of the fact that they are in public office. This is the difference between a democratic society and a tyrannical one. In modern states, accountability is understood in that citizens grant power to the executive and in return the voters who are the citizens, demand accountability from government.

3.2 Is the Proportional Representation System or the Majority System more "Accountable?"

Typical arguments for why the majority system is more accountable are presented as such: the majority system is more accountable because voters vote directly for their representative in the particular district. Therefore, when in parliament, that particular representative is accountable *only* to the voters of that political district and to no one else, including party leaders (Quinn, 2016: 121; Pinto-Duschinsky, 1999: 118; Holomisa, 2015; Selfe, 2013, Buthelezi, 2009). The incentive, therefore, is for representatives to do only what is in the best interests of that particular district, failing which, voters will remove that particular politician (Pinto-Duschinsky, 1999: 118). This is a compelling argument with sound logic. However, the practicalities of how the political system is set up do not allow for this to be the case.

The chief criticism for critics of the proportional representation system is that it is not accountable to the electorate. This, critics say, is because voters do not vote for their MPs but for a party which then deploys MPs to parliament. This, critics argue, means that MPs are loyal to the party which deploys them and not to the voters. Therefore, they further argue, MPs would be more concerned with ensuring that they are as close to the top of the party-list as opposed to doing what's in the best interest of the constituents because they – after all – do not represent a particular district. Thus, the PR system is argued as not being an accountable system.

These views are, however, misguided. Writing on the shortcomings of the majority system, Thomas Quinn states "no matter how badly a government behaves in a two-party system, it will be ejected from office *only* if there exists something better to replace it. If voters deem the opposition party to be worse, then the governing party is safe" (Quin, 2016: 121). This is an important political reality and can explain why unpopular political parties, mayors, premiers and governors and presidents get re-elected in both the proportional representation and majority system, although this issue is more acute under the majority system.

3.2.1 Throwing out the Rascals

Before getting into the nub of this sub-chapter, it is important to showcase the left-right political spectrum. All political parties can be classified along this political continuum, it can be generally understood that the more to the "left" a political party is, the more it believes in government intervention and the more to the "right" a party is, the less it believes in government intervention. For the purposes of this research, the term far left refers to "socialism" whereas the term far-right refers to "libertarianism". Far-left does not refer to "communism", nor does far right refer to "fascism", as depicted in the graphic below, since those systems are not features of a democratic system and are typically features of authoritarian and totalitarian regimes. Having made those distinctions, the researcher is now in a position to describe the "throwing out the rascals" conundrum that exists in majority systems.

Graphic 8: Left-Right political spectrum
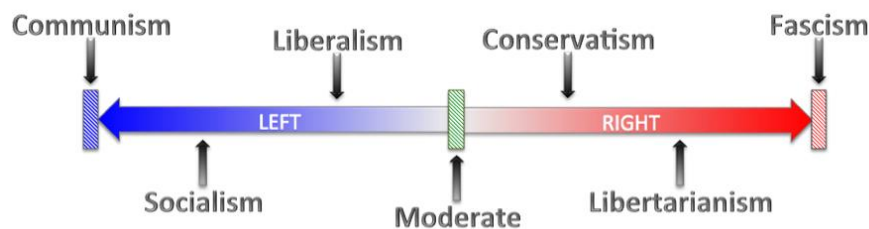
Source: www.mtnresq.com, 2017

In an election under the majority system with two main political parties, where there is a centre-left as well as a centre-right political party, there are going to be some voters who are always going to be left in a bind. Furthermore, these voters who are left in a bind are not voters who voted for the other party but are voters that voted for the party which won the election (Quinn, 2016: 125). This situation where voters are in a bind can occur in two different situations.

The first situation is where there is a centre-left and a centre-right party. Person A, the median voter, votes for Party L, the centre-left party. This is because, in that particular election, Party L was closer to the median voter meaning that Party L then forms the government for the period T_0 up until period T_1 (Quin, 2016: 123). During this period, Party L moves to the political left, L_2, thus moving further away from the median voter. Come next round of elections, median voters that voted for Party L are disillusioned by the party they voted for, as such they then vote for party R which is now closer to the median voter than party L. As a result, in the next election in period T_1, Party R forms the next government.

Graphic 9: Image showing political party L moving to the political left

Hardline left-wing position

Hardline right-wing position

Having formed the government, Party L moves to the left. Moderate voters are able to hold Party L accountable by voting for Party R, which is now closer to the median voter.

MV

Party L2   Party L   Party R
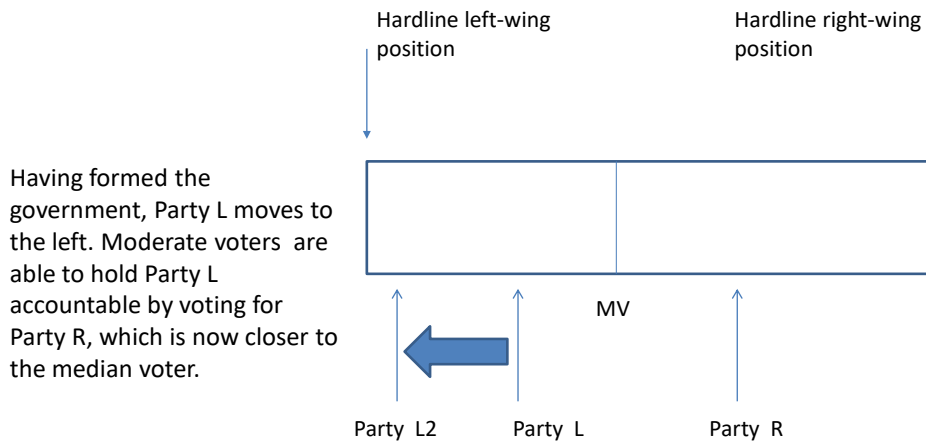
Source: Thomas Quinn, 2016 and Thembelani Mazibuko, 2017

Now, still within the above framework, imagine if party R also, albeit to the right, in the period under review; from T_0 to T_1. The median voter would be unhappy with Party L's shift to the left, however, the median voter cannot hold Party L to account by voting for Party R because Party R has also shifted, albeit to the right, thus reducing the median voter's expected utility even further than if the MV had kept voting for Party L. This leaves the median voter in a bind, as the median voter wants to punish Party L for shifting to the left, however, the median voter deems Party R to be a worse alternative as it has also shifted, although to the right. The end result is that the median voters will likely vote for Party L again; this represents an accountability fail in a two-party (majority) system. Thus, while the more hardline (socialist, libertarian) supporters of Party R and Party L are happy with their party's shift to more hardline positions, it is the more moderate voters who are left disillusioned.

Graphic 10: Both party L and Party R move to more hard-line positions

When both Party L and Party R have moved to more hardline positions, moderate voters which voted for Party L previously are now left in a bind . Now moderate Party L voters cannot hold Party L to account for shifting to hardline positions by voting for Party R since Party R has also taken its own hardline shift.

Hardline left-wing position

Hardline right-wing position

MV

Party L2   Party L   Party R   Party L2
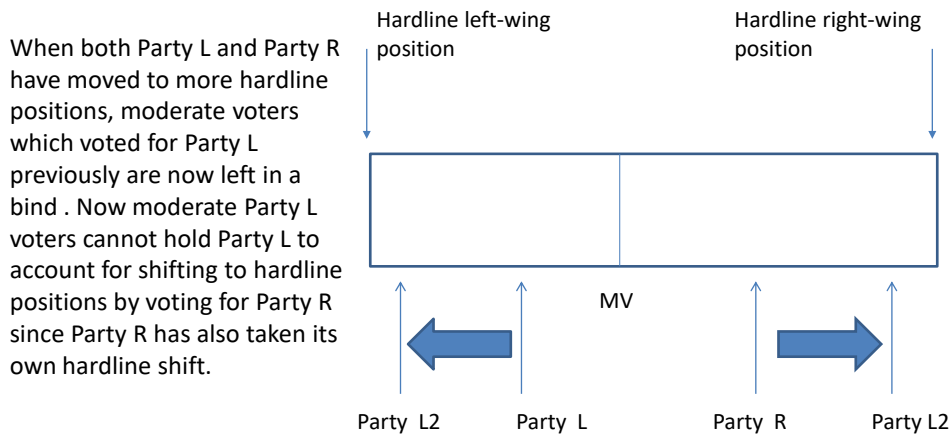
Source: Thomas Quinn, 2016 and Thembelani Mazibuko, 2017

This first situation represents an accountability failure in a two (main) party system as the median voter cannot hold Party L to account for shifting its campaign positions during its term in government whereas voting for Party R, which also moved to the right, would decrease that median voter's utility even furtherer than if she had kept voting for Party L (Quin, 2016: 124).

This second, indeed more common, situation where the voters are left in a bind is when a party abandons a firmly right-wing or firmly left-wing position and moves to the centre. Under this scenario there are, again, two parties; one a firmly left-wing party (espousing socialism), whereas the other is a firmly right-wing party (espousing libertarianism). Here there is voter V_1, a radical leftist voter supporting socialist ideals and therefore Party L. In this situation, the voter V_1 votes for Party L because V_1, is ideologically closer to Party L than to Party R which is just as much as to the right as Party L is to the left. In this second situation, moderate left of centre and right of centre voters would have to compromise and choose either of the two extremist parties just as how extremist voters had to settle for moderate parties in situation one. Here, Party L, having been elected to govern between period T_0 and T_1, moves to the centre, this leaves its more radical voters in a bind (Quin, 2016: 124). These voters would then want to make Party L accountable for abandoning its leftist positions however they will not under any circumstances vote for Party R, such a move would reduce these voters' expected utility even further than the incumbent mandate breaking party (Quin, 2016: 124). Similar to the first

situation, the voters that voted for the incumbent are in a bind as they also want to punish the mandate breaking governing but will not vote for the other main which they deem a (much) worse alternative.

Graphic 11: Party L moving to a more centrist position

When Party L moves to a more moderate position, more hardline Party L voters such as Voter V1 cannot hold Party L to account by voting for party R since Party R is ideologically even furtherer to Voter V1, the hardline leftist voter. This means that, regardless of how far Party L moves away from its more hardline positions, Voter V1, will not be able to hold Party L to account without hurting him or herself.

Hardline left-wing position

Hardline right-wing position

Voter V1   Party L1   Party L2   Party R

Source: Thomas Quinn, 2016 and Thembelani Mazibuko, 2017

Voters are left in a bind in both situations. In the first situation, it is the centrist voter who is left in a bind, whereas in the second situation it is the more hardline voter. It is worth repeating: it is voters that voted for the incumbent, not the opposition party, who are being left in a bind. These two situations clearly present an accountability fail in a majority system where politicians in parliament and their parties are supposedly incentivised to govern in the best interests of the voters that elected them. The question then becomes one of how to get around this problem.

3.2.1.1 Remedies for Voters in a Bind

There are two other options that exist for (i) the disillusioned median voter as well as (ii) the disgruntled extremist voter in order to enforce accountability. The first option would be to abstain from voting. Hardline leftist voters in the second situation would abstain as a means of protesting against the fact that their hardline party has moved to the centre. In the first situation, it is the extremist voters that would be motivated to vote, whereas moderate voters would not want to be seen endorsing extremist policies. Moderate voters could abstain due to overall disillusionment in the political system. Abstention is an unwise option in order to enforce accountability as it disempowers

voters and it *does not* incentivise political parties from changing their positions. Instead, parties are naturally going to want to cater to the voters that have not abstained. If abstaining voters came more from one side of the ideological divide than the other side of the ideological divide, the median voter position would shift to the side of ideological scale where the voters are not abstaining. In other words, if a large swathe of left-leaning UK Labour Party voters were unhappy with an incumbent Labour Party government and as a result withdrew from the political process, the median voter would move more to the right, thus moving closer to the right-leaning Conservative Party. Parties, being the sophisticated and highly analytical operations that they are, would through voter surveys and focus groups, notice the shift in the median voter and as a result would formulate party positions and policies which are more accommodating to the newly shifted median voter. In this case, the Labour Party would itself shift to the right to accommodate the new median voter. That would be counterproductive for the voters who had abstained from voting, as the whole point of not voting would've been to punish the party for abandoning its left-wing position, but instead, the voters have forced it to move to the centre (which for the left-leaning Labour Party is a move to the "right") in order to catch up to the new median voter (Quinn, 2016: 125).

The second option that exists for (i) the disillusioned median voters as well as (ii) the disgruntled extremist voters would be to vote for minor parties. This presents voters with an opportunity to register their unhappiness with the shift in their party by making a protest vote. On the surface this seems a far better option than abstaining because (a) it gives the mandate-breaking party a concrete message that voters are unhappy and (b), voters do not remove themselves from the political process and (c) the minor party would be ideologically closer to either the (i) disillusioned median voter or (ii) the disgruntled extremist voter, depending on the situation.

However, the issue with voting for a minor party under the majority system is that, by voting for a minor party, those voters effectively exclude themselves from choosing a government because these parties typically *struggle to win seats under the first-pass-the-post system majority system*. The first-pass-the-post majority system ensures that minor parties do not go beyond the status of "minor party" because such parties would need a high concentration of votes within a particular district. Even a relatively high number of votes for a minor party can and does, under the majority system, maintain a two-party system. Voting for a minor party is a sub-optimal choice because, while voters are sending a message to the mandate-breaking parties, they are effectively splitting their previously united vote. The other main party, meanwhile, is left without the issue of having a minor party in either side of its flank and does not have a split electorate. As a result of one of the main parties having a fractured

voting bloc, under a first-pass-the-post majority system, the other (less preferred) main party will ultimately win.

Case study 1: The Centre does not Hold; UK Political Parties' Polarisation Problem

In the United Kingdom, from the mid-1970s the two major parties started to become more polarised, as a result; a party by the name of the Liberal Democrats emerged in that period in order to cater to the disillusioned median voter. This came to a head in the 1979 and the 1983 elections where the Liberal Democrats first won 13.8 percent of the vote in 1979 as well as in the 1983 elections where the Liberal Democrats won 25.4 percent of the vote. In the 1983 elections, the Labour Party lost 9 percent of the vote and the Conservative Party lost 1.5 percent of the vote. Both the major parties lost votes however the Labour Party lost more votes than the Conservative Party. Clearly, Labour Party voters disproportionately voted for the minor party in protest of their own party's shift to the left. While it is difficult to know whether Labour would have been the governing party had there not been a minor party, what is known is that the combined support of the Labour Party and the Liberal Democrats amounted to 16.2 million votes compared to the Conservatives 13 million votes. This suggests that the Labour Party would have stood a much better chance.[2] As a result of voters voting for a third party, the Conservatives won 397 seats on the back of a fragmented Labour Party vote where a significant number of Labour Party voters voted for the Liberal Democrats. Clearly a significant amount of moderate Labour Party voters were unhappy with the party and as a result, the Liberal Democrats "detached enough Labour votes to cause it to lose seats to the Conservatives, who won a landslide". (Quin, 2016: 128).

This shows that the option of voting for a third party was sub-optimal as the third party won only 11 seats in the 1979 elections despite winning 13 percent of the vote and, in the 1983 elections, 23 seats even though the third party won 25 percent of the vote. The biggest "winner" was, in fact, the Conservative Party which *gained* 58 seats even though it *lost* 1.5 percent of the vote compared to the previous elections. Thus, while voters successfully sent the Labour party a message by giving Labour fewer votes due to its shift to the left, this was cancelled out by the fact that the Conservative Party won more seats due to the fact that the Liberal Democrats detached enough Labour Party votes in enough districts in order to give the Conservative Party a *plurality* of the votes in each of those districts. This was clearly not the intention of the dissatisfied median voter, who, if she wanted to give the Conservative Party more seats would simply have voted for the Conservative Party. The result was that the exercise of voting for a third party under the MS represented an accountability fail as it had

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[2] While it is difficult to find out, judging from the fact that they only gained 23 seats means that they took votes from the Labour Party in districts in which either the Labour Party or the Conservative Party won, the margins of many of the Conservative party victories will be able to give us a better idea.

the opposite effect than what was intended by the dissatisfied median voter. This serves as a practical illustration of an accountability fail in the first situation where parties became more polarised.

Table 1: 1979 and 1983 UK election results

	1979		1983			
	Vote %	Seats	Vote %	Percentage change	Number of seats	Change[3]
Conservative	43.9	339	42.4	-1.5	397	+58
Labour	36.9	268	27.6	-9.3	209	-59
Liberal	13.8	11	25.4	+11.6	23	+12
Others	5.4	17	4.6	-0.8	21	+4

Source: Thomas Quinn, 2015

Case study 2: Forcing New Zealand's Labour Party to Account a Laborious Task

Another, indeed more common, type of illustration of an accountability fail in the majority system involves disgruntled non-centrist voters. In New Zealand, there was a centre-left Labour Party as well as a centre-right National Party. In the 1980s and 1990s, both parties started shifting to the right which, for Labour Party voters, was a shift to the centre. When the Labour Party was elected in 1984 it shifted to the right on economic policy and implemented more free-market policies which were foreign to the then Labour Party; this represented an unannounced shift to the right which was not signalled in the Labour Party manifesto (Nagel, 1998: 241). Quinn writes "both Labour and National were perceived to have shifted to the right", all the while the average voter did not make the same shift (Quinn, 2015: 129).

As a result of the Labour Party's shift to the right, two new parties, the Greens and NewLabour (*sic*) were formed and joined the already established protest party, the Democrats, in challenging the Labour Party (Quinn, 2015: 130). Thus the Greens and NewLabour first contested elections in the 1990 election. In those 1990 elections, the mandate breaking Labour Party was thrown out of office and in the process, lost half of its seats. In that election, the Labour Party's vote share fell by 12 percent whereas the newly formed Greens and NewLabour, won a combined 12.9 percent of the vote while National won 3.8 percent more of the vote. Thus a sizeable subsection of traditional Labour Party supporters protested their unhappiness with Labour's shift to the centre by voting for the Greens and NewLabour. However, despite receiving 12 percent of the vote between them, the Greens and NewLabour only gained one seat due to how seat calculations are done under single-member plurality (SMP) (Quinn, 2015: 130). This had the effect of strengthening Nationals hand as, again due to how seats are calculated with SMP, National only gaining 3.8 percent of the vote had the effect of National

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[3] There were 15 more seats in the 1983 elections compared to the 1979 elections

gaining 40 percent more seats (Quinn, 2015: 130). Thus, the 1990 elections was an illustration of the more hardline voter's inability to hold parties accountable for their shift to the centre.

In the 1993 elections, the three left-wing protest parties, the Greens, NewLabour and the Democrats, joined together in order to form the Alliance with the hope of gaining more seats by forming a united opposition. This had the effect of pooling the votes of three previously fragmented parties into one, thereby increasing the vote share of the Alliance within each district. This was an important step in overcoming the voter fragmentation problem that smaller parties face in a first-pass-the-post-system. In a sign of just how hard it is for smaller parties to gain seats in the majority system, the Alliance, at 18 percent of the vote, gained 3.9 percent more of the vote than its former constituent parties did in 1990, however, the Alliance only gained two seats. Therefore, even with (i) the pooling of voters into one party and (ii) the increase in percentage, the Alliance only gained one extra seat than its former constituent parties did in the previous elections (Quinn, 2015:130).

The beneficiary of the Labour Party's mandate breaking behaviour in the 1990 election was the National Party which, for the voters who rejected the Labour Party, delivered a lower expected utility as it was more to the right on issues than the centrist Labour Party. Parties such as New Labour, the Greens and the Democrats' failure to break into parliament in order to represent their constituency lays bare the central problem of the MS; it makes it very difficult for smaller parties to get elected unless their support is heavily geographically concentrated. This situation where smaller parties are unable to effectively break into the political system represents why the MS is found wanting when it comes to real accountability. The New Zealand experience of voting for third parties in the early 1990s provides a classic illustration of why under the FPTP majoritarian system, voting for third parties, even if they are ideologically close to the mandate breaking party, is counterproductive. Hence there are two illustrations of how the other main party has benefitted from the fragmentation of the vote of the other main party; in the 1983 UK the Conservative Party won 14 percent more seats even though it *lost* 1.5 percent of the vote and in the 1990 New Zealand elections where National won 40 percent more seats even though it only gained 3.8 percent of the vote (Quinn, 2015:130). These are the realities of trying to enforce accountability in a majority system.

49

Table 2: 1990 and 1993 New Zealand election results

	1990				1993			
	Vote %	Change %	N Seats	Change N	Vote %	Change %	N Seats	Change N
National	47.8	+3.8	67	+27	35.1	-12.7	50	-17
Labour	35.1	-12.9	29	-28	34.7	-0.4	45	+16
Greens	6.9	+6.8	0	-	-	-	-	-
New Labour	5.2	+5.2	1	+1	-	-	-	-
Democrats	1.7	-4.0	0	-				
Alliance					18.2	+3.9	2	+1
NZ First					8.4	+8.4	2	+2
Christian Heritage	0.5	+0.5	0	-	2.0	+1.5	0	-

Source: Thomas Quinn, 2015

Thus, Quinn writes about the majority system that voters, "far from being able to exercise accountability in a two-party system, voters may be faced with an unappealing choice between endorsing a mandate-breaking incumbent or supporting its even-worse opponent" (Quinn, 2015: 125). Voters are then put in a bind since they may still heavily identify with the mandate breaking party even though they disagree with some policy actions while at the same time they do not under any circumstances support the other main party. Being aware that voting for a minor party may amount to nothing tangible except empowering the other main party, voters are then effectively held hostage by the two main parties with an implied "vote for me or else" message.

The central problem with viewing the majority system as accountable is that the nature of the electoral system produces only two *viable* parties, hence the political system is a closed circuit where it is difficult for other parties to effectively participate since it is harder to break into the political system under the majority system. Quinn writes "under SMP and two-partyism, if voters do not like a government of one main party, they can opt for a government of the other party. If they do not like either, they can either choose the least worst option: 'waste' their votes on minor parties or abstain" (Quinn, 2015: 131). However, as this research has shown, all the options that are on the table (voting for the other main party, voting for a minor party or abstaining) may be sub-optimal as a means of enforcing accountability under the majority system.

3.2.2 How the Proportional Representation System Aids Accountability
The proportional representation system is different in this regard. Under this system, smaller parties have a better chance of making an impact because it represents an open system which allows voters to vote for an alternative party which has a relatively high chance of getting elected (Quinn, 2015:

131). Since seats for the different political parties under this system *are allocated proportionally* to the votes received, smaller parties have a far higher chance of being elected and once elected, can play a very important role by taking enough votes away from one of the main parties and therefore depriving it of an absolute majority when it comes to the allocation of seats. In such a situation, the bigger party would have to govern in coalition with the smaller parties as a means of gaining a majority and thus forming a government. This puts smaller parties in a much more powerful position because they can alter the agenda of the mandate-breaking main party.

This is the accountability element at work because, in a situation where the major left-wing party shifts rightwards, the minor party would then be in a position during coalition talks to make certain demands which point to moving towards a more leftist position on certain issues important to the electorate of the minor party. Those issues may be centred around healthcare policy (universal healthcare, prescription drug coverage), social policy (same-sex marriage, abortion rights) or economic policy (protectionism, renationalising key industries). To the extent that the major and the minor party can make a deal in order to form a coalition, accountability will occur. This is because the formulation of a deal represents some concessions from the main party to the minor party, which represents voters seeking to enforce accountability.

In fact, even if the parties do not formulate a deal it would mean that the largest party would have to form a minority government where legislation would only be passed on an issue by issue basis. In either case, the largest party is forced to work with other parties – be it on a formal basis (coalition) or on an ad-hoc basis (minority government). The advantage of the proportional representation system is that if the main party reneges on its agreements, the minor party can pull out of the coalition and therefore collapse the government as a whole. To the extent that politics is about power, politicians from the main party will thus fulfil the deals that they made during the pre-coalition negotiations.

This form of accountability is exactly what happened to South Africa's African National Congress party. After the 2016 Municipal elections, the ANC went into a coalition with the African Independent Congress (AIC) in order to govern Ekurhuleni, a metropolitan municipality in Gauteng province. The AIC was a political party that was formed after the small municipality of Matatiele in southern KwaZulu-Natal was incorporated into the Eastern Cape Province. The incorporation of Matatiele into the Eastern Cape caused widespread discontent in the community, ultimately culminating in the formation of the AIC. Even though the party has other policy positions, the party's main reason for existing is for the purpose of reincorporating Matatiele into KwaZulu-Natal. The AIC's sole demand in coalition talks was for Matatiele to be reincorporated into KwaZulu-Natal (www.news24.com, 2007;

Whittles, 2017). In January of 2017, less than six months after the two parties entered into a coalition a deal was formed whereby Matatiele would be reincorporated into KwaZulu-Natal (Whittles, 2017). By unexpectedly incorporating the municipality of Matatiele into the Eastern Cape in 2007, the ANC became a mandate-breaking party to the people of Matatiele. Incorporating Matatiele into the Eastern Cape was thus an unannounced policy shift on the part of the ANC. This mandate breaking was rectified through the AIC entering the political sphere – more specifically the political sphere under the proportional representation system. It is highly unlikely that the AIC would have won representation in Ekurhuleni if there was no proportional representation element South Africa's local government elections.

South Africa's local government elections are the only election where there is a form of constituency-based representation, therefore, half of all councillors in the city council are PR councillor while the other half are directly elected ward councillors. Tellingly, all four of the AIC's councillors are PR councillors whereas none of them are ward councillors (www.ekurhuleni.gov.za, 2017). In fact, if one compares the ward councillors (elected using a majority system) and the PR councillors in Ekurhuleni only two parties, the ANC and the DA, are represented among ward councillors whereas nine parties are represented with PR councillors. Thus in the end, - real accountability is just as effectively achieved through a partial change in government where the smaller parties can keep the main party honest whereas this partial change can only be achieved through the PR system (Quinn, 2016: 2).

That being said, the PR system has been criticised for giving disproportionate power to smaller parties (Bogdanor, 2015: 9). Critics have argued that the "tail wags the dog" in that in that smaller are able to play the role of kingmaker to, in many cases, much larger political parties. Bogdanor (2015: 9) argues that this is not borne out of facts. As the larger of the two, "the larger party has most of the executive appointments and therefore more of an opportunity to use the power of government in line with its philosophy" (Bogdanor, 2015: 9). Small parties that overplay their hand can and are removed from power because the main parties, with their own supporters, do not want to be seen as cajoling to the smaller third party. Furthermore, small parties only dictate the terms when the electorate does not give any one party the majority. Therefore, in depriving any one party the majority the electorate is directly saying that no one party should uniformly and ubiquitously implement its manifesto. A majority can therefore only be gained when two or more parties enter into a coalition. A coalition government represents a situation where the combination of those two (or more) parties represents the majority of the electorate.

The effectiveness of the proportional representation system is that there is constant accountability *between* elections because, on the one hand, the smaller party will want to exert as much influence

and implement as much of its agenda on the government for the benefit of its voters, on the other hand, the bigger party, with its own group of voters, will only agree to the demands to the smaller party to the extent that those demands do not fundamentally undermine their own manifesto. Furthermore, the smaller party would not want to overplay its hand and thus risk collapsing the government and in the process not achieve any of its goals. What this shows is that under the PR system, the incentives are effective in ensuring that coalition partners do not break their mandates. The PR system is thus better equipped to deal with the dynamics of effectively holding mandate breaking-parties to account. This is primarily because of its mechanism of being far more open and conducive to smaller parties representing voters that are unhappy with the parties supported in previous elections. Bertus De Villiers' assertion in chapter two that "some systems encourage, or even enforce, the formation of political parties" rings true in this sub-chapter. While De Villiers did not specifically mention which electoral system encourages or enforces the formation of political parties it is clear from this sub-chapter that it is the proportional representation system.

3.3 The Myth of Accountability via a "Direct Relationship" Between Voters and their Representatives in Majority Systems

The salient issue that this paper seeks to address is that of the lack of critical thinking around the issue of "electoral reform" in South Africa. This is especially true with regards to the issue of accountability. The reality of politics all over the world, regardless of the electoral system employed is that politicians vote overwhelmingly with their party. This is especially true in today's highly politicised and polarised environment. Today's society is far more politicised than it was fifty years ago. Media and politics have become more polarised than it was decades ago. Research has shown how in the past 50 years political partisanship has increased markedly. Additionally, evidence suggests that, far from there being a "direct" relationship between the voter and her representative in the majority system, the extent to which the representative can accurately represent his district is distorted by a party bureaucracy that includes party leaders including the caucus leadership, donors, lobbyists and special interest groups.

In Australia, the single transferable vote, which is also a proportional representation system, is designed to differ from the *list* PR system by empowering voters by leaving the choice of candidates up to the electorate and not party leaders, however, political parties issue out "how to vote cards" in order to indicate a preferred order of candidates (Friedman, 2015: 11). Australia is not the only country, as Friedman writes:

> In Ghana during the Rawlings presidency, a constituency system did not prevent his governing party leadership from controlling its elected representatives: of the 133 constituencies it won in 1996, at least 53 objected to the sitting MP for such reasons as corruption and inaction over the last four years. But the party leaders in Accra still went ahead and ignored their

constituents, who it was said would elect 'inappropriate candidates if allowed to do so' (Friedman, 2015: 11).

This undermines the spirit of accountability. The voters, however, still elected the representatives that were imposed upon them by the party at central office, despite their overt objections. There is no reason to believe that this will not happen in South Africa where many people identify strongly with their parties as seen by relatively low levels of political party change that has taken place in the country. This is especially true at provincial and national level. Therefore, far from there being a "direct relationship", between voters and their representatives, the relationship appears to be complex and layered.

An illustration of the role that exogenous forces play in the relationship between the voter and the representative can be seen in the Manchin-Toomey Bill which that sought to do background checks on all people buying firearms in the United States (Moorhead, 2013; Raju and Bresnahan, 2013). Following the shooting at Sandy Hook Elementary in 2013, 90 percent of Americans were in favour of expanding criminal background checks for gun owners (Dickinson, 2013; Bolton, 2013; Bauer, 2013). Current laws around the purchasing of firearms in the United States have many loopholes, such as the fact that firearm sales on the internet, as well as at gun shows, do not require criminal and mental health background checks (Sherman, 2016). The Manchin-Toomey Bill would also have made it easier to track firearms once they have been sold. The bill was initiated after intense campaigning from then president Barack Obama after the mass killing of twenty schoolchildren and six adults at Sandy Hook Elementary in the state of Connecticut (Cohen, 2012). Polls show that 90 percent of the electorate supported the bill. (Dickinson, 2013; Bolton, 2013)

However, the piece of legislation was defeated in the United States Senate (O'Keefe, 2013). The reason was that the Republican Party, one of the main parties in the United States, has styled itself into a party that believes very strongly in the rights of citizens to own a firearm. This is regardless of what the electorate believes. The real reason why the Republican Party is vehemently in favour of firearms is because the party, as well as its members in Congress, receive a large amount of financing from the National Rifle Association (NRA), a special interest group whose aim is to promote the interests of the firearm industry across the value-chain including firearm manufacturers, dealers, gun equipment suppliers, firearm clothing apparel suppliers as well as gun owners themselves. The organisation, using its considerable financial resources, has thus made the Republican Party subject to its will.

Recall that nine out of ten Americans favoured this law as well as any law that expands background checks. However, members of the United States Senate elected directly by constituents voted against the bill largely on party lines in a move that reflected the wishes of the NRA as well as the Republican

Party as opposed to the people they represent. All in all, five Republicans broke with the party line in order to vote for the Manchin-Toomey Bill, therefore 91 percent of Republicans in the Senate voted *against* the Bill whereas 90 percent of Americans were in *support* of the Bill. Democratic Party Senators, on the other hand, voted 91 percent *for* the Manchin-Toomey Bill. It is worth noting, this was not a Bill that was going to any way impede the sale, distribution or the promotion of firearms, only to conduct *criminal* background checks on buyers. In the end, the Bill failed 54 – 46 votes, it needed 60 votes to pass the Senate without a filibuster. This example clearly illustrates how party donors rejigged the political process and undermined the constituents, through their lobbying and political donations in order to achieve their own interests. Thus the end result is that there is no direct relationship between voters and "their" representatives.

Below is an image depicting the relative proportion of campaign contributions made by the NRA to members of the different parties that are running for Congress.

Graphic 12: NRA political spending on Congressional races, 2012 Election cycle
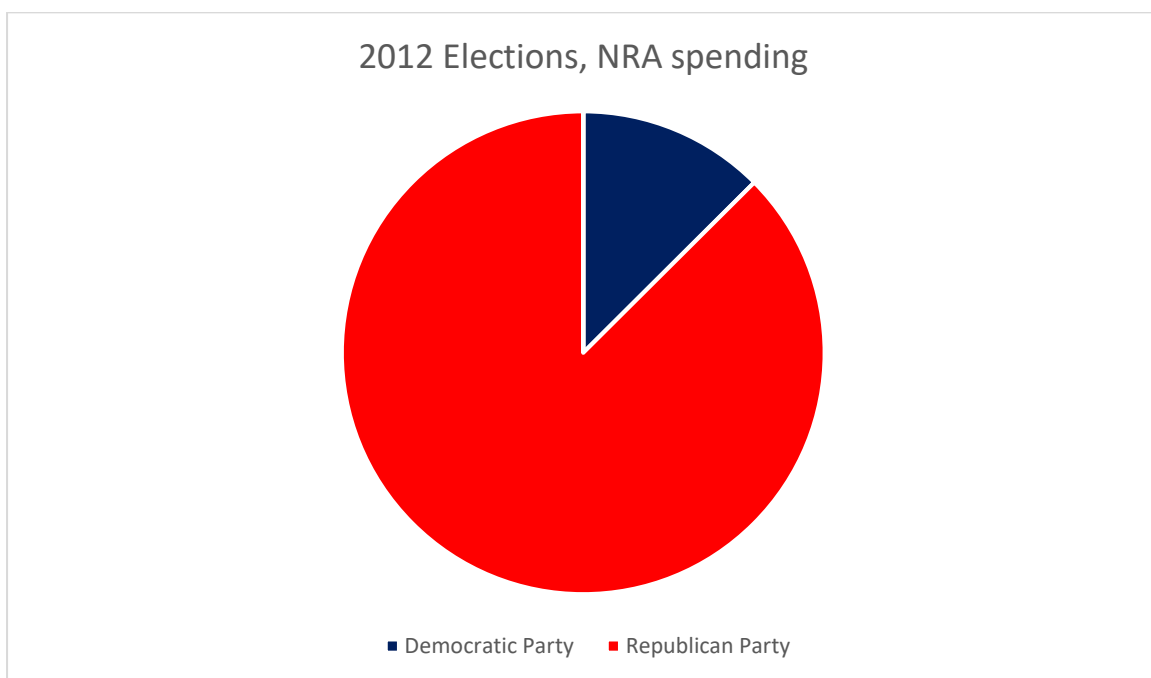
Source: Sam Musa, 2012

In the election directly before the Sandy Hook Elementary shooting, the Lion's share of the NRA's Congressional funding went to Republican candidates for office. Candidates running under the Republican Party received 87 percent of the funding from the NRA whereas in the 2014 midterm Election cycle, the election cycle after the shooting, the NRA seems to have doubled down on their support for Republican candidates, where Republicans received 95 percent of the NRA's funding. The researcher's point is that such money stands in the way of real accountability, regardless of whether

the representatives are elected directly or in a list PR system. Therefore the argument that direct election of MPs leads to more accountable representatives is fallacious.

Graphic 13: NRA spending, 2014 election cycle

2014 Election cycle NRA Donations

■ Democratic Party ■ Republican Party
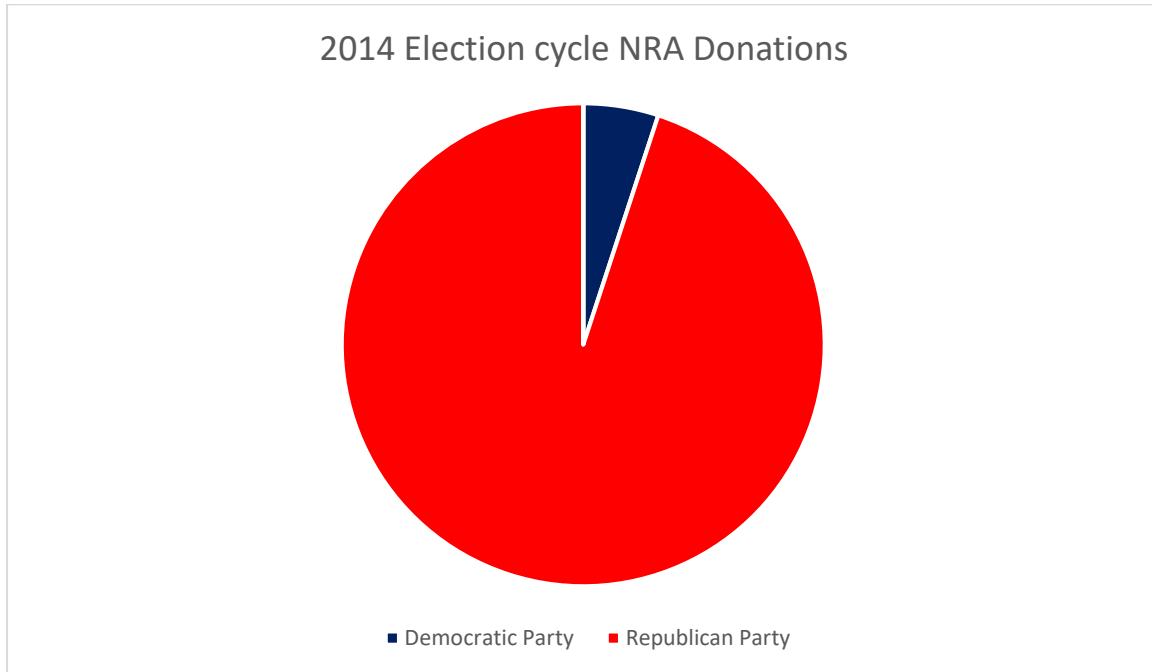
Source: Sam Musa, 2012

This goes to show that whether politicians are elected directly or on a party platform, they overwhelmingly vote according to party lines. This, in turn, teaches us that the argument that in South Africa, parliamentarians will more directly "represent" their district if they are elected directly is not borne out of objective facts. This is one of many illustrations showing how the majority system fails voters by not being as transparent and accountable as proponents of the system claim it is.

Interestingly, the Republican Party increased their share of seats in both chambers of Congress in the midterm elections. In fact, Republicans won enough seats to Control the senate. This highlights the central failure of the majority system: because the system typically allows only two parties to participate, *it limits voter choice*. This places the voter into the following conundrum: do Republican voters punish the Republican Party for not voting to expand background checks by voting for Democrats in the next election? The bind is exactly as described in the sub-chapter "throwing out the Rascals"; voting for the Democratic Party reduces the Republican Party voter's expected utility because the Republican Party voter is still conservative (centre-right) whereas the Democratic Party is a liberal party (centre-left). The Republican Party voter concludes by still voting for the Republican Party because he or she still identifies with the party on issues as wide-ranging as immigration, fiscal policy, abortion, trade policy, same-sex marriage, affirmative action and healthcare. This Republican

voter most likely disagrees with the Democratic Party on these issues and hence still votes for the Republicans.

3.3.1 The Party does not Change

What many misunderstand about the proportional representation system is that it reduces the scope for politicians to misrepresent their record or make excuses for their actions. Under the majority system, a politician running for president under Party A which, during the preceding term in government, became a mandate breaking party can distance him or herself from the party. The politician can claim that, even though he is running for president under the same party as the previous mandate-breaking president, his policies are different.

In 2008, the Republican nominee for president of the United States, John McCain claimed that he was not George Bush and that his policies are different from that of George Bush, the then unpopular president. However, upon closer inspection, McCain, who was a United States Senator during Bush's presidency, had voted with Bush at least 90 percent of the time. This means that he predominantly agreed with Bush's policies. Most Americans do not follow politics to the extent that they know voting records. The truth is that under the majority system, voters vote for the person who is a party's nominee. This means that politicians can and do publicly disagree with their party leaders on issues without risking their jobs, this also, however, opens the door to politicians exaggerating the extent to which they disagree with their own party on issues for political purposes.

The proportional representation system provides less opportunity for such disingenuousness. This is because under the proportional representation system one runs as a *party* and not as an individual. Therefore under the proportional representation system, the situation mentioned directly above where politicians misrepresent their record should not happen as voters vote for a party and not individuals. Under PR, politicians are not free agents but are instead, representatives of the party. Under the proportional representation system, there is no scope for such political opportunism as it is the party that deploys politicians into public office and there is no scope to disagree with the party position since it is the party that deploys the politicians.

Therefore, under the PR system, a politician that breaks the party line can easily be removed. A mandate breaking political party under the PR system cannot distance itself from its previous term of government because under the PR system, politicians are deployees of a party and party leaders can remove their deployees at any time. Hence, under the proportional representation system, one votes for a constant entity and that is the party, this is unlike the majority system where the entity (candidate) one votes for potentially changes with each elections. Under the proportional

representation system, the party at central office would have an incentive to make sure that its representatives execute the party mandate according to the party platform. The PR system is therefore an excellent conduit for accountability since voters are only to look at the party for any poor performance since the party is what voters voted for, and since it is the party that deploys politicians.

Therefore, the PR system provides a useful check against politicians that are not doing their job since they can be removed at *any* time, whereas should a political party under a PR system break its mandate, the voters would be fully justified in voting for a different party as the party they had trusted was ill-equipped to remove underperforming deployees. The PR system proves to be a more accountable system since voters vote for one national party platform which never changes, meaning that political parties can be held onto account for once and for always.

3.3.2 "The Context is More Important than the System"

Stephen Friedman writes that "accountability is not nearly as straightforward as these 'common sense' views claims. Friedman further writes "evidence does not support the view that direct election of representatives automatically ensures accountability – there are cases in which it does, but others in which it does not" (Friedman, 2015: 7). Friedman is of the view that advocates of greater accountability need to look beyond the electoral system in order to find ways in which to keep people accountable. Reynolds agrees with Friedman's view by arguing that "electoral systems may be key to conflict resolution in a divided society, but even their power can be submerged by the bundle of other institutional structures and political practices which combine together to form a nation's democratic type" (Reynolds, 1999: 105). According to Reynolds (1999: 105), when it comes to the issue of accountability, those who think that changing the electoral system is a panacea to accountability problems are mistaken.

The United States, the United Kingdom, Ghana, Zimbabwe and Kenya all use the same majority system but with different outcomes. This, according to Friedman, points to the fact that one needs to look beyond the system in order to enforce accountability more rigorously (Friedman, 2015: 7). Clearly, there are additional factors at play when it comes to ensuring that accountability takes place. Regardless of the electoral system, it is clear that accountability is compromised when institutions such as the courts, the parliament, the prosecuting authorities, extra-parliamentary institutions, universities and civil society are compromised or undermined. These factors help explain the difference between a Zimbabwe and a United States or between the United Kingdom and Kenya.

In 2017 alone, President Donald Trump tried on three different occasions to issue out an executive order that would ban people from seven Muslim-majority countries in the Middle Eastern and North

African countries from entering the United States (Zapotosky, 2017; Bixby, 2017). Unfortunately for president Trump, all three of those executive orders were stopped by three different courts, this was on the basis that such an order violates the Constitution (Bixby, 2017). The courts were, therefore, an accountability mechanism to president Trump that did not include the electoral system. In Zimbabwe, President Robert Mugabe had been president since the country became independent in 1980 until he was forced to resign by the military (McKenzie, Dewan and Swails, 2017). He was accused of vote rigging, stealing state resources, silencing the opposition and muzzling the press (www.economist.com, 2017). However, unlike in the United States, Zimbabwe does not have the robust institutions that the United States has to hold government to account, and as a result, President Mugabe was allowed to accumulate power around himself as well as his loyalists. The only way Robert Mugabe was removed – 37 years after he became president – was through the military (McKenzie, Dewan and Swails, 2017). Zimbabwe gives one the most potent illustrations of how mistaken it is to make the argument that the majority system is more accountable.

Ironically, many South Africans are critical of Zimbabwe, while at the same time, calling for the same electoral system that has failed Zimbabwe. Friedman writes "this raises the possibility that the context is more important than the system and that efforts to achieve accountability might be more effective if they concentrated on the context rather than the system of election" (Friedman, 2015: 11). Bantu Holomisa, a fierce advocate of electoral reform in favour of the MS, made an interesting statement when he said, towards the end of a speech he gave about the need to reform the electoral system:

> Whilst electoral systems in themselves do not secure deliberative participation and direct accountability to citizens, putting a face to a representation, and placing political accountability to communities through the election of identifiable individuals who are accessible between elections, would benefit South African democracy (Holomisa, 2015).

By unwittingly stating that electoral systems do not "secure" direct accountability, Holomisa affirms Friedman's research that changing electoral systems does not make the difference that proponents of the majority system claim it will make. Holomisa, however, states that such a change "would benefit South African democracy". Unfortunately, he does not elaborate how exactly the change that he is advocating for would benefit South African democracy. If his argument is that merely "putting a face to a representation" in and of itself benefits South African democracy, then that argument is undermined by his own admission that electoral systems do not secure deliberative participation and direct accountability. It is statements such as "putting a face to representation" leading to a benefit to "South African democracy" that leads the researcher to be of the view that many commentators' comments are lacking in critical thought and, as a result, are shooting from the proverbial hip when it comes to the debate about electoral systems.

3.3.3 Accountable for What, to Whom? Can Accountability be achieved in a Heterogeneous Society?

The graphic below shows just how far political parties in the United States have diverged from each other over the past few decades. The graph shows how in the in the 1950s, 1960s, 1970s and 1980s, there was a high degree of convergence between the two main parties; the Republican Party and the Democratic Party. However, in the 1990s, the two parties started to diverge quite markedly and as a result, there was less overlap between the two parties. Hence there has been relatively less bipartisanship since the 1990s.

Table 3: Levels of bipartisanship in the United States, 1949 - 2011
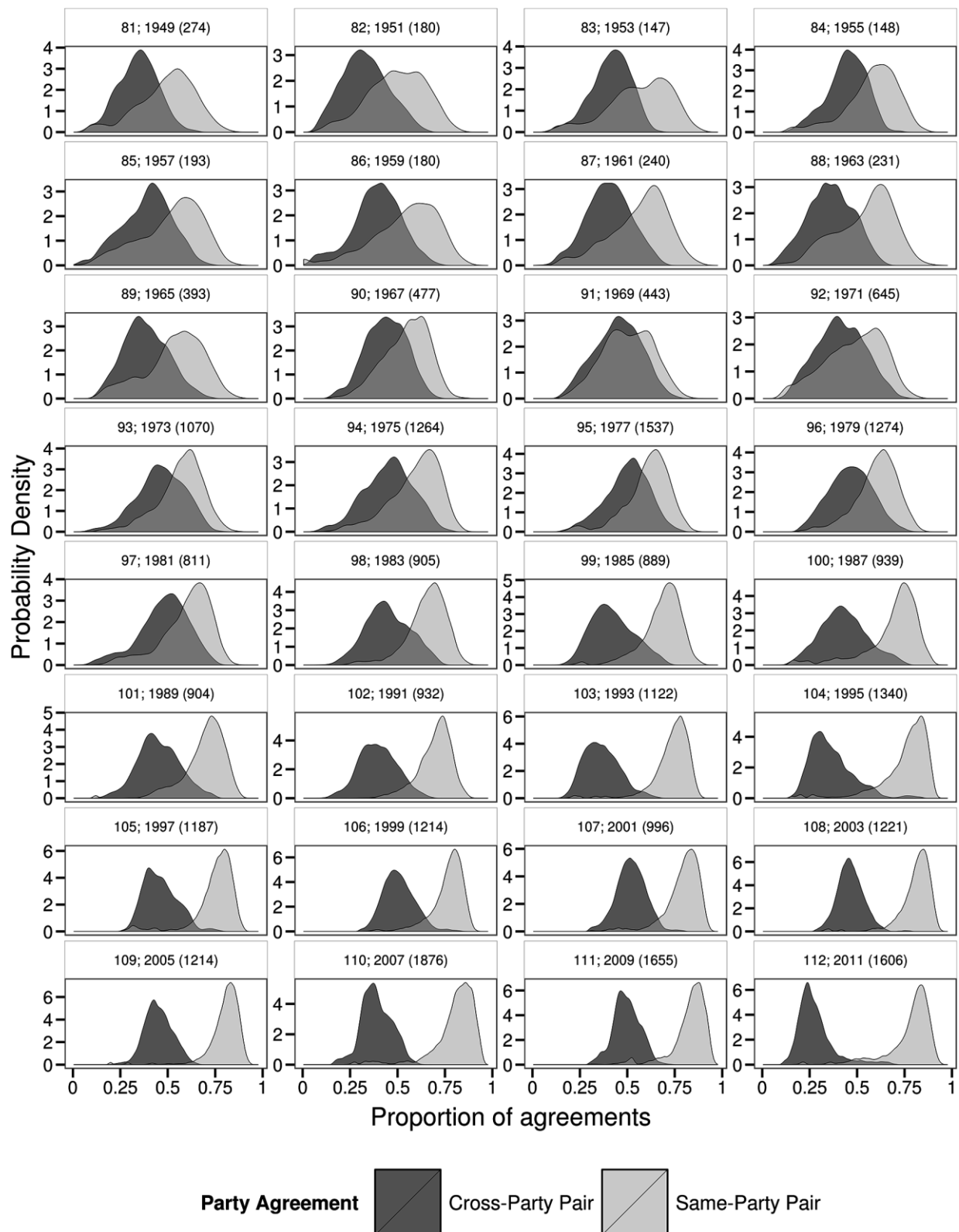
Source: www.Realclearscience.com, 2007

What the graphic shows is that there was a high degree of party convergence or "bipartisanship" in the 1950s, 1960s, 1970s and 1980s and to a lesser degree, the 1990s. By the time the 21st century

came, there was very little bipartisanship as seen by the twin peaks. These differences in the level of bipartisanship are due to a changing social, economic and cultural landscape and as a result a changing political climate in the United States. The changing social landscape combined with a more pluralistic cultural sphere in the United States as well as increasing economic inequality has led to a situation where many Americans have become anxious about their future. This kind of uncertainty has become a breeding ground for the kind of extremism and identity politics which has become a hallmark of politics in America. The point is that under the majority system, where voters vote for a politician who runs primarily as himself *but is also* a member of a party, either the Republican Party or the Democratic Party (or the Green Party or the Libertarian Party), this kind of extremist politics is more likely to be encouraged. This will more likely lead to lack of accountability as more and more politicians will look to account only to the specific voters in their district that voted for them and not pay heed to the voters in their district who did not vote for the particular politician, nor will the politician be of the view that he has a responsibility to voters outside that politician's particular district. Hence the point is made that an increasingly diversifying country, combined with an electoral system that encourages politics of division, leads to a gridlocked government and therefore less accountability.

The above statement wades into a philosophical question about whether politicians serving in parliament from a particular district are accountable only to voters in their district or whether they have a responsibility to the entire nation, seeing as the decisions and votes they make affect the entire country. The researcher takes a view that politicians that are elected via a majority system are, to at least some extent, also accountable to the entire country even though they come from, and are elected by voters from a particular district. Former MP Edmund Burke, who represented the Bristol area in the House of Commons in the 1700s seems to suggest that MPs from districts represent the whole nation, as opposed to representing only their district. In a speech to electors, he says:

> You choose a member indeed; but when you have chosen him, he is not member of Bristol, but he is a member of *parliament*. If the local constituent should have an interest, or should form an (*sic*) hasty opinion, evidently opposite to the real good of the rest of the community, the member for that place ought to be as far, as any other, from any endeavour to give it effect (Bohn, 2000)

On this very issue, Friedman writes, "in Ghana, ethnic cleavages ensure the politics of patronage serve to weaken representation and broader accountability. Presidents and MPs see themselves as accountable to those regions and communities where their support base is strongest" (Friedman, 2015: 23). He further writes that "this has contributed to the public sentiment that public representatives do not account to the diverse constituencies of the nation'" (Friedman, 2015: 23). The kind of polarisation, combined with voter anxiety, which leads to extremism and identity politics, leads

to an accountability failure, as politicians start looking inwards to the detriment of a cohesive national agenda.

Such a situation where politics lacks a unified party identity and becomes purely localised, factionalised and lacking in cohesion can and does lead to a situation where politics is disjointed to the detriment of accountability (Samuels, 1999: 507). While it is not possible to make the claim that societies are divided because they make use of the MS system, it is possible to argue that the MS exposes these divisions and allows politicians to take advantage of them. The MS acts as a feedback effect, as it incentivises the exploitation of such divisions, which contrasts with the PR system, which incentivises politicians to reach out beyond their base since every vote counts.

Kenya is an excellent example of how the majority system fails ethnically diverse societies. In 2007 thousands of people died in post-election violence in an election that was very much based on identity. In Kenya, the divisions were between the then Party for National Unity (PNU) as well as the Orange Democratic Movement (ODM). Writing about Kenya, Jacqualine Klopp and Prisca Kamungi (2008: 12) state that "politicians used ethnicity to mobilize votes and deliberately create divisions between the Kikuyu, who voted largely for the Party for National Unity, and the Luo and Kalenjin, who voted largely for the Orange Democratic Movement".

Ten years later in 2017, similar issues of arose. Although 2017 had far less violence, the themes were similar; political strongmen, both with fervent supporters based on ethnicity, contesting the results of the election. In 2017, the divisions were so deep that one of the main parties went to court in order to have the election results overturned, that effort succeeded and Kenya's Constitutional Court overturned the election results. This underscores just how divisive the majority system is. Kenya and South Africa are alike in many ways in that both countries are racially and ethnically diverse, both are post-colonial societies and both were part of the British Empire. Directly after independence, both had a form of consociationalism between the protagonists through power sharing[4], and both have a constitution with an independent judiciary (as has been seen by a Kenyan court nullifying a presidential election, a first for Africa) (Peralta, 2017). Where the two countries differ is the type of electoral system that they employ; South Africa uses a PR system whereas Kenya uses a winner-takes-all majoritarian system where politicians ascend to power by being elected from a particular district. The researcher posits that, if Kenya had a more inclusive electoral system which encourages campaigning beyond narrow ethnic and racial divides, Kenya would very well have not have had these

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[4] Jomo Kenyatta, Uhuru Kenyatta's father and, Jaramogi Oginga Odinga, Raila Odinga's father, were both involved in a government of national unity after Kenya won independence from the British.

issues. The researcher is convinced because the problems which beset Kenya during the two periods of election violence happened directly after the elections.

Raila Odinga, one of the main protagonists in Kenya's 2007 post-election violence represents Langata, a relatively wealthy suburb but with a huge slum component where most of his voters are found (Klopp and Kamungi, 2008: 12). It therefore seems that, even though there has long been ethnic tensions and divisions, the first-past-the-post electoral system exacerbated the situation as it encourages a winner takes *all* culture, this winner takes all culture is unhelpful in divided societies. This means that in districts where 65 percent of the people are Kikuyu whereas the remaining 35 percent are Luo, politicians who happen to be of Kikuyu ethnicity can mobilise on the basis of ethnicity, since identity politics is such a powerful motivating force such a strategy would likely prove successful. The Luo, who would feel that one of their own would never be elected to represent the district given the demographics, would then seek to have their voices heard using other methods. This explains a large part of Kenya's 2007 as well as 2017 post-election violence and also confirms Bogdanor and Butler's assertion that "the plurality system is found to be the least workable in such divided societies" (Bogdanor and Butler, 1983: 4). At issue is this: the proportional representation system incentivises campaigning in areas where your core supporters are not in abundance whereas the majority system does not incentivise politicians from campaigning in areas where they are unlikely to win more votes *unless* that politician's plurality is in jeopardy. De Villiers' observation that electoral system and constitutional framework may encourage or discourage coalition building, diffuse or generate ethnic conflict, protect or ignore minorities, and may lead to a consensual political process or a political process that encourages a "winner-takes-all attitude" thus seems to be playing out in Kenya. Notwithstanding how optimistic one is, one would have to concede that South Africa is a divided country and therefore, at least according to Bogdanor and Butler, the MS would not be the most ideal system for South Africa.

3.4 Identity Politics

The next issue is linked to the above and is perhaps a strong and potent reason why changing electoral systems will not bring about accountability in South Africa. A feature of South African politics is identity. Many, if not most South Africans vote on identity and not on the issues, the issues are secondary and identity is primary. However few people will admit this and will instead provide an issues based justification for their vote. These identities are based on race, culture and geographic location. Thus in South Africa, people's votes are a reflection of who they are. Even when voters change their party they still migrate to parties which confirm who they are. When EFF voters voted for the EFF they voted for the EFF because they could change their votes (from the ANC) without compromising who they were (Friedman, 2015: 33). The same can be said for white voters who

switched from the National Party to what eventually became the Democratic Alliance, the DA would never have become the party of choice for white South Africans if they did not see the DA as an extension of who they were as white people (Friedman, 2015: 33). Similarly, with the IFP, it is no coincidence that more than 90 percent of its votes come from KwaZulu-Natal, particularly northern KwaZulu-Natal, their voters are voting on the basis of identity. Thus even when former IFP voters leave the IFP in order to vote for the then newly formed National Freedom Party (NFP), they are in a position to change their vote only because it does not compromise who they are as Zulu speakers from northern KwaZulu-Natal.

The above pours cold water on the claims of accountability that many commentators seem to think the majority system will bring if implemented in South Africa. If the IFP breaks its mandate in Nquthu or Ulundi municipality or if the DA breaks its mandate in Stellenbosch or Theewaterskloof, their voters would keep voting for those parties even if they are unhappy with certain or even significant aspects of their performance. This is also true of ANC voters in southern KwaZulu-Natal or Mpumalanga. Voters would rather stay home as opposed to voting for a party which they do not *identify* with, as was the case with ANC voters in Gauteng in the 2016 municipal elections (Laterza and van Wyk, 2016). Friedman writes "they (voters) change when they are able to shift to a party which enables them to retain their identity" (Friedman, 2015: 22) Therefore, rather than keeping parties accountable by changing their votes where necessary, voters under the majority system are more likely to keep returning the same politicians because they feel that "*he speaks for me*" (Friedman, 2015: 22). The proportional representation system is more honest in that it recognises these cleavages and tries to accommodate them by encouraging coalition building between different parties (and therefore between different sections of the South African population) where one party does not receive more than 50 percent of the votes. Thus the proportional representation system incentivises different sections of society, through their political parties, to work together. There is no better illustration of this than seeing a centre-right Democratic Alliance, coming together with the more radical Economic Freedom Fighters to govern Tshwane and the City of Johannesburg.

3.5 Concluding Remarks

No one disputes that accountability is important, furthermore, no one disputes that different electoral systems have different virtues and vices. However, this chapter does dispute the refrain that the majority system aids accountability. Thomas Quinn's research shows that it is, in fact, the proportional representation system that aids accountability. Lower barriers to entry under the PR system make it easier for smaller parties to break into the political systems and take on a mandate breaking main party. One of the big take-homes from this chapter is that political parties need not necessarily be kicked out of government in order to encourage them to amend their behaviour in office. Instead, by

merely denying political parties a majority and thereby forcing them into a coalition, political accountability can be enforced. It therefore seems that, the main differentiator, and advantage, of the PR system is that it truly gives equal value for one vote. This in contrast with the majority system, where, after the candidate gains enough votes to win the district (an amount equal to or less than 50 percent plus one vote) the rest of the votes do not matter and are effectively wasted. Furthermore, one should not take for granted that the coalition building that the PR system encourages is a significant source of accountability long after Election Day.

The fact that under the majority system, voters are voting for candidates, not parties, means that accountability suffers as individual politicians can more easily make excuses for their mandate breaking. Furthermore, comparative research from other countries shows that countries that use the majority system can either be functional democracies with checks and balances (USA, UK) or be marred with a situation where there is widespread distrust and political violence (Kenya, Zimbabwe). This points to the fact that accountability is far bigger than the electoral system and that accountability will not occur if other robust democratic institutions are not in place including a strong parliament, independent judiciary, an effective media and civil society.

Identity politics does not help the situation either, under the majority system; voters in divided countries will be preoccupied with getting their "own" people into elected office rather than seeking accountability, regardless of the politician. One of the most potent illustrations of an accountability fail is in Kenya where political campaigning is about identity as opposed to being a referendum on the previous term of government.

Therefore, the "accountability" that is called for in the Constitution is advanced by the PR system, and not the majority system as many commentators claim, furthermore the fact that the Constitution does call for a "multi-party" system should not be lost on us and does need to be considered when deciding on the future of South Africa's electoral system. Last but not least the idea of accountability does need to be critically examined. Does society, regardless of electoral system, allow for equal accountability from politicians for all the citizens of South Africa regardless if they are rich or poor, unemployed or business owner and regardless of whether they have easy access to the courts and the media? This is an important question that needs to be asked since, if the answer is "no", then, regardless of electoral system, that society will have no accountability.

Chapter 4: Electoral systems and Representivity

> *"And sometimes our differences run so deep, it seems we share a continent, but not a country"* – President George W. Bush, Inauguration speech, 2001

Representivity is a central issue in this research. Section nine, part two of the Constitution deals with equality and states the following:

> The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth (www.justice.gov.za, 1996; 6).

Based on this, the researcher argues that it is incumbent on the state to introduce an electoral system that does all it can to promote such values. This research argues that the Proportional Representation system is structured in such a way that it aids racial, gender as well as other forms of representation. The researcher argues that the way the majority system is set up necessarily leads, in divided and pluralistic societies such as South Africa, to the underrepresentation of smaller, minority parties in parliament. This is because, in countries such as South Africa, many political parties are based primarily on ethnicity and/ or religion. Given that the MS makes it harder for smaller parties to be represented, minority groupings, which these parties typically represent, will be underrepresented or not at all be represented in parliament. Seeing that parliament is a deliberative body where representatives decide on the future of the country, the MS leads to the systematic discrimination of the groups that are underrepresented in parliament. This discrimination can practically manifest when laws passed do not cater or have input from the groups that are politically underrepresented due to the majority system.

Writing about the issue of representation, Alexius Amtaika writes that the political parties at CODESA adopted the Proportional Representation system "principally to promote power-sharing between the black majority and other minority racial groups" (Amtaika, 2014: 101). Recall that under the list-proportional representation system, the entire country is one big district where the votes are collated and doled out according to the percentage of the vote the parties receive. With regards to representation, the researcher argues that the closed list nature of the proportional representation system that is used in South Africa aids representation of different societal groups. This is because, under the list PR system, parties can put people on their list which reflect a wider array of South

Africans. Most notably the ANC, as per its Constitution, has taken advantage of the party-list PR system to ensure that there is a significant number of women on its list for parliament (Nkala and Ogunnubi, 2015: 139).

The rest of this chapter will proceed as follows: Section 4.1 will write about the two electoral systems and investigate which of the two electoral systems are a fair and accurate reflection of the voters' wishes. Section 4.2 will write about how it is that one of the electoral systems leads to a situation where politicians can be elected to parliament even though they were chosen by a minority of voters. Section 4.3 will ask which of the two electoral systems will lead to more religious and racial minorities as well as women in parliament. Section 4.4 will ask the question: which electoral system leads to there being more political parties being represented in parliament. Section 4.5 will write about how the majority came about and how and why it has survived in today's democracy. Section 4.6 will be the concluding remarks.

4.1 Electoral Systems and Vote-To-Seat Allocation

Imagine a country, Country A, and Country A was to hold elections in a majority system between Party X and Party Y, the main two parties in this democracy. Country A has 300 parliamentarians and therefore 300 single-member districts where each parliamentarian hails from one single-member-district. The results of the elections are as follows, Party X's candidates receive 49 percent of the vote in each district and, by definition, Party Y's candidates receive 51 percent of the vote in each district. The results would, lawfully, and in following the rules of the FPTP majority system, mean that all the parliamentarians would come from Party Y. Therefore, 300 out of 300 MPs would come from one party. In other words, *all* the MPs in the country's elected assembly would come from this one party. This clearly is an injustice to the voters of party X since half the country would have voted for party candidates running under party X.

This example is extreme and is highly unlikely to ever occur however it highlights the inherent unfairness in this particular electoral system. Much of this unfairness has an impact on representation since the nature of the way voting happens under the majority system advantages parties which have geographic density within a particular district.

In the 1931 UK elections, the Conservatives won 55 percent of the vote but gained more than 75 percent of the seats in the House of Commons (Lakeman, 1970: 30). In the 1929 British elections, the Liberals won just under 24 percent of the vote but only gained 10 percent of the parliamentary seats. Clearly, the Liberals, with a quarter of the vote, had support throughout Britain. The problem was that their supporters were too spread-out throughout the country. This shows how the majority system turns something one would think would be a virtue – popular and widespread support – into a vice.

What this means for representivity is that the political views of a large swathe of the electorate are not taken into consideration or not taken seriously as they are not represented or are severely underrepresented in parliament. If one were to take the example of Country A, it will mean that the political views of roughly half the voters (Party X) would not be taken into account when enacting laws. This would mean that the constitutionally enshrined goal of representivity that is found in the South African constitution would not be not advanced since the parliamentarians in Country A all share similar political views as they are from the same party. Apart from having an impact on representation, this would also have an impact on the quality of laws passed as there would be homogeneity and therefore little diversity of political thought among elected representatives.

There are many other actual case studies where the majority system has produced results that do not reflect the will of the people in their entirety. In 1999, in Grenada, for instance, the ruling New National Party won *all* the seats with 63 percent of the popular vote with the National Democratic Congress United Labour party receiving no seats despite having 36 percent of the vote (Reynolds, 2006: 10). In St Lucia in 1997, the St Lucia Labour Party won every seat save one with 62 percent of the vote (Reynolds, 2006: 10). In the UK 2015 elections, the United Kingdom Independence Party (UKIP) received 12.6 percent of the vote, but, in spite of this, UKIP received only one seat in the House of Commons (www.electoralcommission.co.uk, 2017).

Writing about the British elections, Lakeman writes "among elections from 1885 onwards, only two can be found (1892 and 1923) that do not seriously distort the representation of the major parties as well as the minor ones" (Lakeman, 1970: 32). In 1918, a mere 52 percent popular vote majority gave the coalition 78% of the seats whereas in 1931, a coalition which consisted of parties which won 68 percent of the votes received 90 percent of the seats (Lakeman, 1970: 32). This is depicted graphically in the table below.

Table 4: 1918 and 1931 UK election results; coalition vs anti-coalition

	Coalition		Anti-Coalition	
	Votes	Seats	Votes	Seats
1918	5 101 167 = 52%	472 = 78%	4 674 007 = 48%	130 = 22%
1931	14 539 403 = 68%	554 = 90%	6 865 330 = 32%	61 = 10%

Source: Enid Lakeman, 1970

In South Africa – which used the majority system until the 1994 elections – the 1948 whites only elections resulted in the Malan parties (Nationalist Party and the Afrikaner Party) receiving 78 seats compared to the Smuts Parties' (United Party and the Labour Party) 60 seats. This was despite the fact that the Smuts Parties received 105 000 more votes in an electorate consisting of 1 066 000 voters

(Lakeman, 1970: 41). Four years later in the 1953 general elections, the distortion was even greater where the Nationalists received 92 seats and the Smuts Parties, at 43 seats, received less than half the seats even though marginally more people voted for the Smuts Parties (Lakeman, 1970: 74). This shows just how the MS fails when it comes to the issue of representivity. The reason why the Smuts Parties did badly was because they received huge majorities in the districts in which they won while "most Nationalist candidates slipped into their seats by small majorities", therefore, the Nationalists' support base was more strategically spread out. (Lakeman, 1970: 74). The researcher is thus of the view that *the problem with the majority system is the single-member districts* where there is an irrational premium on having a certain concentration of voters within a specific district. Under the proportional representation system, the barrier that is the district is removed and the country is effectively considered one district. Candidates running for president would therefore be incentivised to campaign in a region regardless of whether that region is a traditional stronghold for their party.

Writing about the majority system, Lakeman writes that "the first-pass-the-post system frequently fails to reflect in the elected assembly the various opinions of the electorate, or the main political tendencies when these are represented by two parties or coalitions" (Lakeman, 1970: 53). Lakeman cites a situation in which an entire general election may depend on a few votes where "if the contest is close, it may be decided by a small turnover of votes in certain marginal districts. On the other hand, in 'safe' constituencies a considerable fluctuation will make no difference" (Lakeman, 1970: 53). A sizeable fluctuation in some constituencies may very well make no difference to who gets elected in the end and therefore that the majority system fails to capture *changes* in political opinion whereas the PR system, being more proportional, would more likely reflect the change. Lakeman argues that a party which loses seats in a marginal constituency can be "unjustly penalised" despite the fact that it may have made considerable gains in other "safe" constituencies (Lakeman 1970: 53). Because changes in political opinion countrywide may not be reflected in the elected assembly, the majority system lacks effective capacity to reflect accurate representation.

Furthermore, a change in representation can take place without any change in opinion. In the 1964 elections, Labour's majority of four seats depended on a majority of seven votes in the Kemptown division of Brighton district and twenty-seven vote in the Ealing North district (Lakeman 1970: 53). Labour's majority in the House of Commons would not have occurred if four and fourteen voters respectively had instead voted for the Conservative Party in those two seats respectively (Lakeman 1970: 53). This majority would also not have occurred if eight Conservative voters in Brighton lived in the Pavillion area as opposed to the Kempton division, or if 28 Conservative voters in Ealing lived in the neighbouring North as opposed to South. This shows that, in the majority system, who gets elected

into parliament depends not only on how the electorate votes, but also on *where the electorate lives* (Lakeman, 1970: 54).

This means that it is possible for a party's total number of votes to remain unchanged from one election to another but for the number of seats they win to change (Lakeman, 1970: 54). In the UK 1923 elections, Labour candidates, on average, received 2.8 percent more votes than their previous average, but their representation in the House of Commons grew by 36 percent. In the 2017 UK snap elections called by Prime Minister Theresa May, the Conservative Party *lost* their absolute majority in the House of Commons despite a 5.5 percent *increase* in their share of their popular vote (Garland and Terry, 2017: 1). Lakeman concludes that, in large part, the British elections "contains a large element of the gamble" as the amount of seats a party receives depends on other factors including:

(i)   Whether that support is evenly or unevenly distributed.

(ii)   Which district a gain or a loss in votes is made.

(iii)   Whether a third party intervenes effectively and *where* it chooses to contest seats. (Lakeman, 1970: 55).

With the PR system all these factors are nullified because

(i)   Whether a party's support is evenly or unevenly distributed is not relevant as all the votes in the country are pooled and apportioned accordingly,

(ii)   There are no single-member districts as the entire country is one big district and,

(iii)   A third party can also intervene in the PR system, however the election of the third party to parliament under the PR system will be because the electorate wants it to be there.

Therefore unlike the MS, the PR system does not have the unintended effect of distorting the representation between the electorate and the elected representatives by syphoning votes away in some districts from one of the major parties to the undeserved benefit of the other main party as was the case with the UK and New Zealand illustrations of chapter three. Lakeman writes that

> The first-past-the-post system is thus seen to be unreliable as a means of attaining any of the objects held to be desirable. It cannot be relied upon, either to give a parliament reflecting all the main trends of opinion, or to place in power a government backed by a majority of the electorate" (Lakeman, 1970: 55).

Lakeman writes a damning indictment on the British system and, by extension, all majority systems by stating "whatever may be our views of the purpose of elections, the existing British system fails to meet them with any certainty" (Lakeman, 1970: 55).

4.2 Minority Members

A further issue of salience that has come up in this research is that of minority members. These are MPs who get elected by a minority of people in that district. The 1966 elections results of a particular district in the UK are reflected in the table below.

Table 5: District results in 1966 election

Candidate	Party	Votes	Winner
Wilson	Conservative	18 701	**Yes**
Scott	Labour	17093	No
Hosking	Liberal	10 450	No

Source: Enid Lakeman, 1970

As shown above, more people voted against the eventual winner (27 543) than voted for the winner (18 701). In other words three out of every five voters preferred one of the winners' opponents to be the winner of the election in the district. If democracy is understood to be a system of majority rule then a situation where a candidate is sent to Parliament with only 40 percent of the district's vote is untenable, and certainly not democratic. This situation may very well occur if South Africa adopts a majority system.

The following two tables represent a hypothetical South African scenario in a district in northern KwaZulu-Natal where a minority candidate gets elected to public office because of the peculiarities of the majority system. The first table represents the first election conducted in the year 2009 between the two main parties in that area; the Inkatha Freedom Party and the African National Congress.

Table 6: 2009 hypothetical election results between two parties in KZN 1st district between two main parties

Candidate	Party	Number of Votes	Percentage	Winner
S Khuzwayo	Inkatha Freedom Party	26 854	59	**Yes**
J Ndlovu	African National Congress	18 095	41	No

Source: Thembelani Mazibuko, 1970

The second election, held five years later in the year 2014, features the same two candidates running under the same two parties, however this time with the addition of candidate M Maphumulo. Candidate M Maphumulo was running under the newly formed National Freedom Party (NFP), a third party that broke away from the IFP.

Table 7: 2014 Hypothetical election results in KZN 1st district between the two main parties as well as a breakaway third party

Candidate	Party	Number of Votes	Percentage	Winner
J Ndlovu	African National Congress	18 402	40	**Yes**
S Khuzwayo	Inkatha Freedom Party	15 752	35	No
M Maphumulo	National Freedom Party	11 251	25	No

Source: Thembelani Mazibuko, 2017

In table six, showing the results of the hypothetical 2009 General elections, S Khuzwayo, the IFP candidate emerged victorious with 59 percent of the vote whereas the ANC candidate, J Ndlovu, was defeated with 41 percent of the vote.

However, in table seven, illustrating the hypothetical 2014 elections, a new breakaway party emerges as a result of infighting in the IFP. This new party is then in a position where it is able to contest the 2014 General elections. This party attracts a sizeable number of former IFP voters, who would have otherwise voted for the IFP. The result of the inclusion of the NFP is that it takes votes away from the IFP, which opens the door to a victory by the ANC. Note how the ANC's share of the vote has remained constant at 40 to 41 percent of the vote whereas votes which previously went to the IFP have now been shared between the IFP and the NFP. The net result of this is that the IFP and NFP now have to share votes which previously would have gone almost exclusively to the IFP candidate. This means that this district sends to the National Assembly, a representative (J Ndlovu of the ANC) who is not elected by the majority of people.

One way to get around this situation would be for the main party that is likely to lose votes as a result of the insurgency to try and induce the third party candidate to step down so as to rally all the votes for the main party candidate. This method however runs the risk of the minor party candidate refusing to step down. Furthermore, asking political parties to step down goes against the spirit of democracy, as political parties represent a group of people organising for change in their own country. Asking a candidate to step down might also anger the candidate's supporters and as a result they might refuse to vote or they may vote for the other party.

In terms of the 1966 district election results depicted in table 5, the defeated Labour Party candidate Scott blamed his loss on the presence of Hosking, the Liberal Party candidate. The difference between the Conservative Party candidate and Scott was 1 608 votes. The researcher takes the view that Scott was justified in citing the presence of the Liberal Party candidate in his election loss. This is because past elections have shown that the Labour Party was allowed to contest certain working class

constituencies without a Liberal Party candidate so as to defeat the Conservative Party candidate. This was a tacit and express acknowledgement that the two parties have largely overlapping supporters.

Therefore, Scott was justified in his thinking that he was going to prevail were it not for the presence of the Liberal Party candidate. Even if only half of Liberal Party voters voted for Scott that would have been more than enough to hand Scott an easy victory. Scott still would have won, even if, discouraged by the absence of a Liberal Party candidate, most Liberal Party members abstained from voting. Calculations done by the researcher show that the Labour Party's candidate only needed 16 percent of the voters that voted for the Liberal Party in order to win.

Another reason to believe that Liberal Party voters were going to vote for the Labour Party is because both the Labour Party and the Liberal Party are much closer to each other on the left-right political continuum.

Graphic 14: Graphic showing how the Labour and Liberal Party are ideologically closer than the Conservative Party
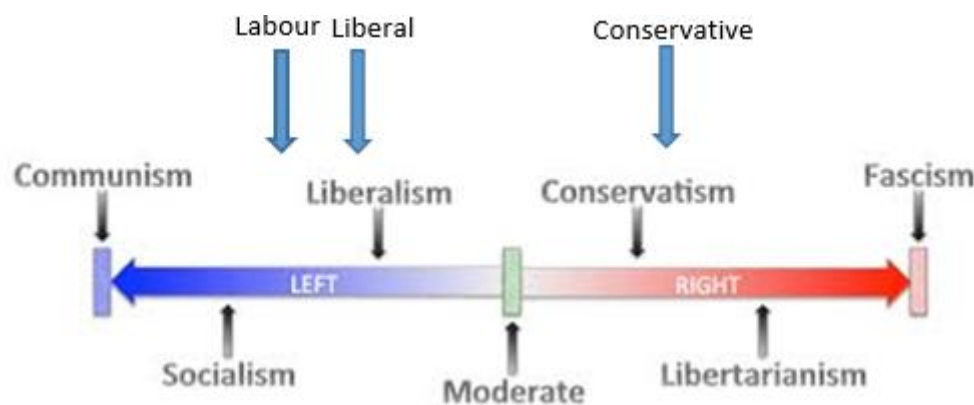
Source: www.mtnresq.com; Thembelani Mazibuko, 2017

However, because of the use of the FPTP majority system, a Conservative candidate with minority support was elected in a constituency where most people are to the left of the political spectrum. If democracy is understood to be a situation of majority rule, how then are constituencies sending representatives to Parliament that have not won a majority of votes in their districts? This seems fundamentally undemocratic.

The table below represents seats won on a minority vote in the UK between 1918 and 1966.

Table 8: UK election results between 1918 and 1966

Year	Conservative	Labour	Liberal	Others	Total	Percentage of minority support
1918	51	12	21	10	94	$^{94}/_{650} = 14.5$
1922	95	54	17	10	176	$^{176}/_{650} = 27.1$
1923	96	70	49	1	216	$^{216}/_{650} = 33.2$
1924	78	31	9	2	120	$^{120}/_{650} = 18.5$
1929	149	125	40	1	315	$^{315}/_{650} = 48.5$
1931	21	4	7	1	33	$^{33}/_{650} = 5.1$
1935	32	17	7	2	58	$^{58}/_{650} = 9.2$
1945	95	74	2	6	177	$^{177}/_{650} = 27.2$
1950	106	76	5	0	187	$^{187}/_{650} = 28.8$
1951	25	14	0	0	39	$^{39}/_{650} = 6.0$
1955	25	11	1	0	37	$^{37}/_{650} = 5.7$
1959	47	31	2	0	80	$^{80}/_{650} = 12.3$
1964	153	72	7	0	232	$^{232}/_{650} = 35.7$
1966	126	41	11	0	178	$^{178}/_{650} = 27.4$

Source: Enid Lakeman, 1970

During the period 1918 to 1966, as the table shows, a significant number of MPs represented a district where they did not receive a majority of the vote. In the 1929 elections, for example, over 48 percent of MPs were not chosen by the majority of constituents in their district. The majority system is unique in this regard in that candidates can be elected to parliament by *merely* receiving more votes than their opponents, as opposed to getting the majority of the votes in the district.

4.3 Racial and Religious Minorities as well as Women in Parliament

Another feature of the proportional representation system is that it assists in bringing about diversity in the elected assembly. The proportional representation system allows the party at central office to craft the list in such a way that the parliamentary representatives are more representative of the country's demographics. This is achieved by including more women as well as other religious and racial minorities.

South Africa's parliament is currently regarded as one of the best in terms of female representation (Nkala and Ogunnubi, 2015: 136). Most of the countries that have a high number of women in their parliament make use of the proportional representation system (Ballington, 1998: 78). In South

Africa's case, equitable gender representation is not only achieved through the PR system, but is also called for in the constitution. However, there is no explicit law which legally mandates a certain quota for women in elected office.

There are numerous reasons why a majority system yields a more homogenous group of candidates. Chief among these is the district magnitude. The district magnitude is defined as the number of representatives elected in a district (Lijphart, 1994:10; Salmond, 2006: 177). The first-pass-the-post majority system has a district magnitude of one, which is a low district magnitude. The pure proportional representation system has a high district magnitude as a high number of politicians can be elected from one district. In South Africa's case, South Africa is effectively one big district. However, in other PR systems such as the multi-member plurality, there may be multiple districts where each district may have between three to as much as seven or more MPs. Thus a low district magnitude refers primarily to districts where there is only one elected representative whereas a high district magnitude refers to a district where there is a high number of elected parliamentarians per district. The primary reason why the proportional representation system yields a higher number of women and minorities is because a high district magnitude allows party bosses to diversity candidates that come from a particular district.

This is unlike the first-pass-the-post majority system which, as Reynolds writes "creates an incentive for party bosses to stand lowest-common-denominator candidates in geographical districts; these rarely turn out to be women or minorities" (Reynolds, 1999, 555). Bogdanor writes that party bosses will choose to put forward safe candidates who will be "as near to an identikit model of an MP as it is possible to find. With regards to western countries, Bogdanor writes, "the candidate will be white, middle-aged – and male" (Bogdanor, 1984:113). Wilma Rule argues that "favourable societal conditions will not substitute for unfavourable electoral systems for women to reach their optimal representation in parliament and local legislatures. But unfavourable contextual conditions including cultural biases and discriminatory practices can be overcome to a great extent by alternative electoral systems" (Rule, 1994: 689). This is because party bosses can deliberately alter the list to include more women, as well as minority groups.

In the case of the majority systems, there is only one candidate and that candidate is either a man or a woman, either a racial or religious minority candidate or not and there is no scope for what is referred to as ticket-balancing. Ticket-balancing is done in order to broaden the general appeal of the team ticket by adding candidates who have historically not been part of the political appeal (Rule, 1984: 479). Ticket-balancing is done with the understanding that, since there is more than one seat per district, major parties can expect to win multiple seats per district. However, in single-member

districts, having a female candidate necessarily entails unseating a male incumbent. Party leaders may very well be reluctant to promote this, especially if they are of the view that the benefits of simply bringing in a female candidate will not outweigh the cons, which, in this case, concerns the loss of the established male incumbent who has built a relationship with the voters of that particular district.

As the district magnitude rises, ticket balancing becomes easier (Salmond, 2006: 177). With PR systems with a low but more than one DM, such as the multi-member plurality, ticket-balancing is possible albeit on a limited scale. As the DM rises (from for example three to six), such balancing acts become easier since "demands for representation of women, rural communities and ethnic groups are less likely to be in opposition to each other" (Salmond, 2006: 177).

The ANC as well as the Mozambique's Liberation Front (FRELIMO) are two political parties that have successfully promoted women candidates in their lists (Karberg, 2015: 7). South Africa, moreover, has had two female deputy presidents. All South Africa's speakers, barring Max Sisulu, have been women. One speaker, Frene Ginwala, was not only a woman but was also a racial and religious minority. This contrasts sharply with the United States, which uses the majority system. The United States has only ever had one female speaker for the House of Representatives and is yet to elect a female president. The United States has, however, elected a racial minority as president. However, other than President Barack Obama and Speaker Nancy Pelosi, all presidents and speakers of the house have never been minorities of any type. In other words, apart from President Obama and Speaker Pelosi, all speakers of the House of Representatives as well as presidents (and vice presidents) of the United States have been white, male and Christian. From the above analysis about district magnitudes under the majority system, it is clear that underrepresentation of minority and women candidates is because there is no pipeline of such minority candidates coming from lower offices. This is due to the single-member districts that are used in the majority system. This illustrates that while the MS does not prohibit the election of women and minorities into high office, the MS does make it harder for women to gain representation. Below is a table of countries ranked in terms of women representation in Parliament.

Table 9: Countries with the most women in parliament in their elected assemblies

Rank	Country	Total number of Seats	Women	Percentage of women	Type of Electoral System
1	Rwanda	80	45	56.3	List PR
2	Andorra	28	14	50	List PR and Block Vote
3	Cuba	612	299	48.9	MMP
4	Sweden	349	157	45	List PR
5	Seychelles	32	14	43.8	List PR and FPTP
6	Senegal	150	65	43.3	MMP
7	Finland	200	85	42.5	List PR
8	Nicaragua	92	39	42.4	List PR
9	Ecuador	137	57	41.6	MMP
10	South Africa	400	163	40.8	List PR

Source: Nkala and Ogunnubi, 2015

As can be seen, of the top ten countries with most women in parliament, half of them use purely list PR systems whereas some use list PR systems together with another electoral system (Andorra, Seychelles) whereas the rest use multi-member plurality (MMP) where one district can choose numerous representatives, typically between two to seven representatives. The MMP, for the sake of clarity, is also a PR system since the higher district magnitude allows some form of proportionality for the seat allocation of the different parties (see graphic 3). With regards to the above table, what is most noteworthy is that none of these countries uses just the first-pass-the-post majority system as its electoral system. Therefore, out of the ten countries which have the highest percentage of women in parliament, all of them use some form of proportional representation system in electing at least some of their MPs.

Another reason why PR systems are directly associated with more women in parliament is because higher district magnitudes are associated with a higher turnover between parliamentary terms where lower DMs mean that there is a lower turnover which makes it more difficult for newer members to gain representation into parliament (Anderson and Thorson, 1984: 143). In a society that has historically been dominated by men, it is women as well as minorities that suffer the most from this low turnover.

Germany's electoral system consists of a hybrid system where representatives can get elected either from constituencies or from party-lists. Half of the elected officials elected into the *Bundestag* are elected from constituencies whereas the other half are elected from party-lists.

Graphic 15: Number of women in the *Bundestag*
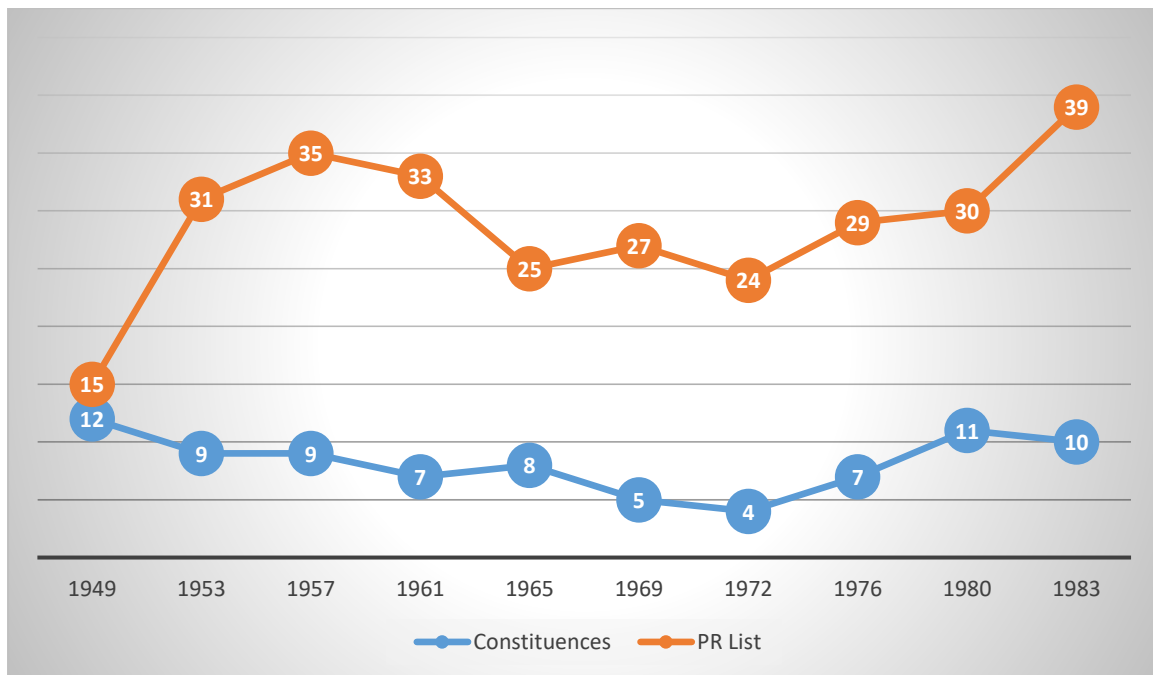
What the above graph clearly shows is that women are more likely to be elected onto the *Bundestag* when they are in a party-list. In a complete reversal, the highest number of females elected from single-member constituencies in the years under consideration was in the year 1949 (the first election under review) whereas under PR it was in 1983 (the last election under review). In other words, the highest number of women from constituencies never increased above the year 1949 in all of the years under review. With the PR system, on the other hand, the number of women has increased progressively, even though not in a linear manner. In the 1953 elections, the number of women in the *Bundestag* from the PR list doubled from 15 (in the 1949 elections) to 31 while women from constituencies decreased from 12 to 9. This is a stark illustration of the differences between the two systems.

This seems to suggest that, under the MS, female representation is more vulnerable to other factors. This is not to say that, under the PR system, female representation will increase without any fluctuations. However, the fluctuations under the PR system are not as devastating to the overall number of female MPs as under the MS. This is because, under the PR system, there are already more females, and any fluctuations will not be as devastating to overall female representation. Germany's *Bundestag* is a particularly suitable comparative case study as it is a hybrid system and all other variables that accompany cross-national comparative research are therefore controlled. The trend of

having a low number of female MPs under a first-pass-the-post majoritarian system is not only exclusive to Germany's *Bundestag* but can also be seen in the United Kingdom's House of Commons.

Below is a graphical depiction of the number of females in the UK's House of Commons depicted in the same period as the above case study of Germany's *Bundestag*. The blue line represents the *number* of MPs whereas the orange line represents the *percentage* of MPs in the House of Commons.

Graphic 16: Number and percentage of women in the House of Commons
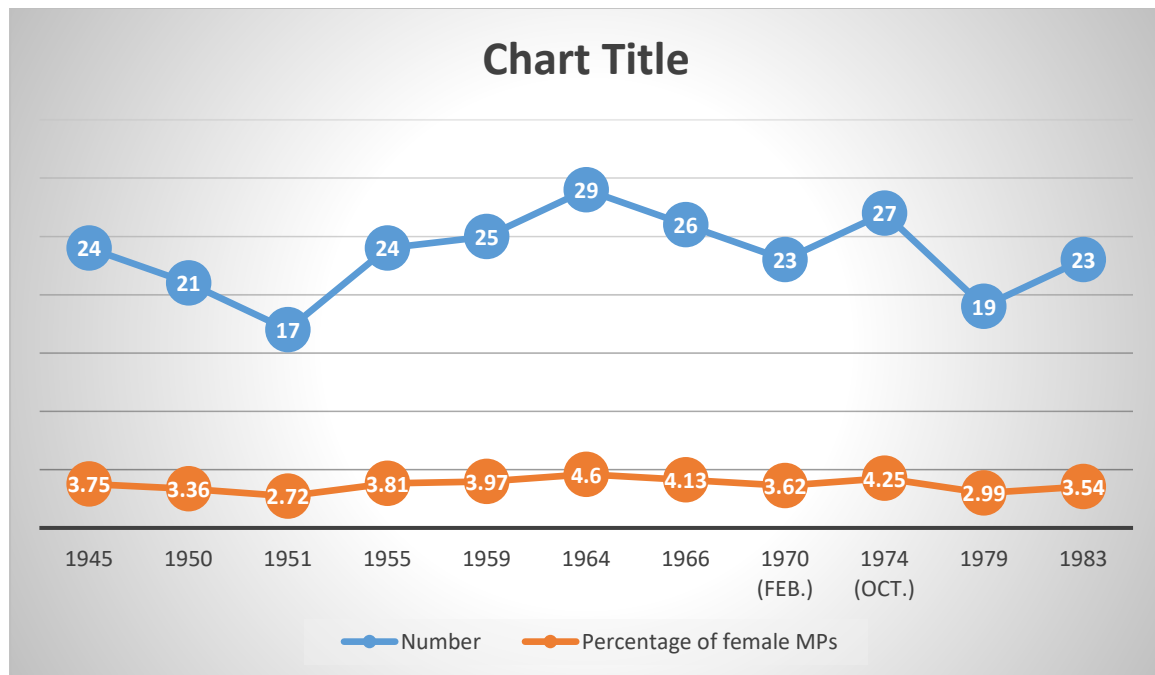
Source: Vernon Bogdanor, 1984

As can be seen with the UK's House of Commons, the number of female MPs is characterised by fluctuations within a very narrow band of 1.9 percent in the House of Commons, this is similar to the *Bundestag* where the fluctuation was in a band of a mere 2.46 percent. A similar theme arises in the years under review as none of the two houses break the 5 percent mark of females MPs from constituencies (Bogdanor, 1984: 111). In other words, in the years under review, in both the UK's House of Commons and in Germany's *Bundestag*, more than 95 percent of the MPs chosen from constituencies are male. This is a damning indictment on the majority system's ability to elect women to parliament in two supposedly "advanced" democracies.

According to Vicky Randall, who was quoted in Matland and Donley, where there has been an increase in the number of women in elected office in recent decades in countries such as the UK and the US which use single-member-districts it has been as a result of "second-generation feminism", which speaks to cultural changes (Matland and Donley, 1996: 708). Randall's statement refers, in the 1992

election cycle in the US, a higher than average number of women were elected in what was seen as a direct response to the Anita Hill incident which referred to Anita Hill's allegations of sexual misconduct allegations against the judge Clarence Thomas who was, at the time, being nominated by president Herbert Walker Bush to the United States Supreme Court. The Anita Hill incident served as a wake-up call with regards to the seriousness of the scourge of sexual misconduct in the United States but was also a wake-up call with regards to how seriously the issue of sexual harassment was being taken and subsequently dealt with. Therefore, what increased the number of women was not the allegations of sexual misconduct *per se*, but was the way in which the allegations were mishandled by the males who were on the Senate judiciary committee. The site of a young, attractive women being aggressively questioned by a group of males was a particularly jarring site. That scenario put sexual harassment and women's issues in general in the front and centre of the national media. As a result, this led to a consciousness among women to be more represented in elected office and to be present in the corridors of power in what can only be seen as a national act of feminism. Thus the increase in female representation in the US Senate in the 1990s had nothing to do with the electoral system and had everything to do with cultural factors.

Graphic 17: How the Anita Hill saga has led to "second generation feminism", leading to more women in the Elected Assembly

Sources: Associated Press, 1991 Bill Snead, 2011; Brad Markel, 1991 and Luke Prazza, 2016

The above Anita Hill montage shows how the perceived lack of sensitivity that the fifteen male Senators had for this young woman led to a consciousness among women's groups. This consciousness, as a result of the large media coverage, was felt throughout America thus leading to a new wave of feminism which, in turn, led to more women in Congress. The 1992 election cycle; which is the election cycle directly after the Anita Hill saga was dubbed the "Year of the Women" due to the high jump in the number of women elected into Congress (Green, 2013). The 1992 election cycle saw the single biggest single jump in the number of women elected in the House of Representatives in history, from 33 (7 percent) to 55 (12 percent). Hence Randall's analysis is indeed correct and that where there has been an increase in female representation in majority systems, it was due to other factors (second generation feminism) but not the majority system that America uses. Hence, as late as the 1990s, women only accounted for 7 percent of members in the House of Representatives. In 2017, the number of women, at 19.3 percent is still below 20 percent. Clearly the majority system, at best, leaves a lot to be desired when it comes to the representation of women.

In 2017, Joe Biden, who was the chairperson of the Senate judiciary committee at the time, apologised for his lack of sensitivity in the manner he conducted the hearings (Vagianod, 2017).

82

Below is a graph depicting the percentage of women in different countries in a similar time period (1978 – 1981).

Graphic 18: Number of women in different countries around the world
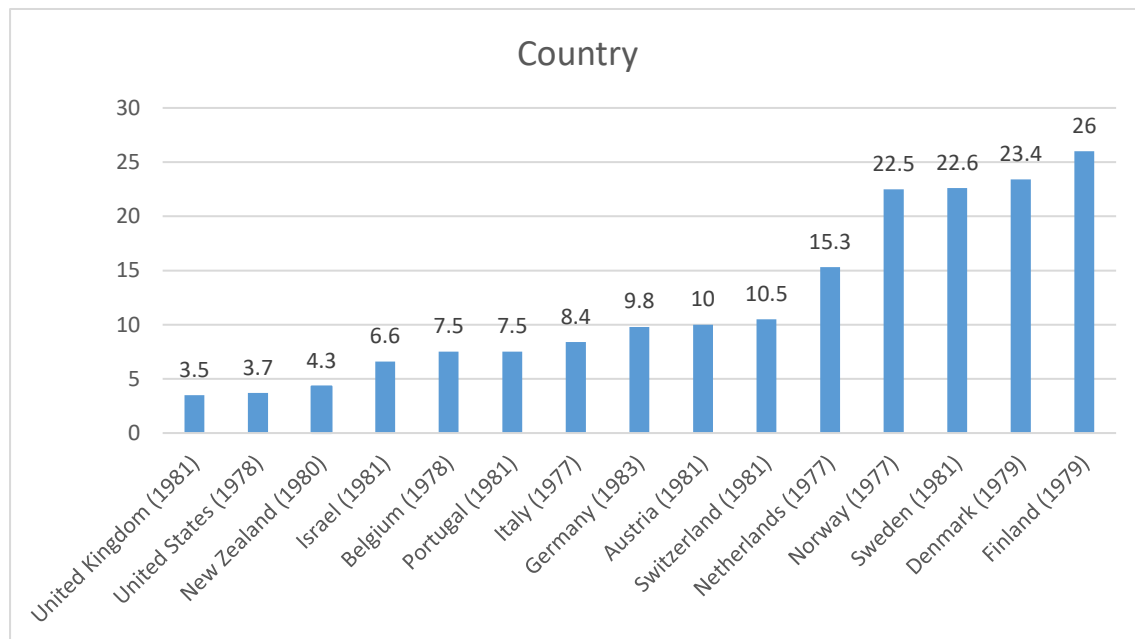
Source: Vernon Bogdanor, 1984

The US (3.7 percent) and the UK (3.5 percent) compare unfavourably with their PR counterparts including the Netherlands (15.4 percent), Norway (22.5 percent), Sweden (22.6 percent), Denmark (23.4 percent) and Finland (26 percent). In the comparative cross-national study of different countries, Bogdanor makes the observation that *all* of the countries with party-lists have a larger percentage of women in their legislature than *any* country using single-member districts (Bogdanor, 1984: 114). The United Kingdom, the United States, and New Zealand (before they changed to a more proportional system in the 1990s) all used the MS whereas they rank the lowest, out of fifteen countries, with regards to female representation.

It is important to note that cultural and social factors also influence the representation of women in legislatures. This can be seen in the Nordic countries (Norway at 22.5 percent, Sweden at 22.6 percent and Denmark at 23.4 percent and Finland at 26 percent), having a markedly higher representation of women, even among the countries which use the PR system. This points to the fact that, while the electoral system is a decisive factor in the representation of women in parliament, it is not the only factor. However, it can prove difficult, even in a country with progressive cultural and social landscape to break the glass ceiling of women representation if the electoral system is not conducive. For example, New Zealand, which was the first country to give women the right to vote, in the 1980s only stood at 4.3 percent in terms of female representation in parliament.

Andrew Reynolds, in applauding South Africa's adoption of the PR system compared to the previous regime's use of the majority system, describes how minority representation would have suffered under the majority system. He writes "as only five districts, out of over 700 in South Africa, had white majorities, because of the vagaries of FPTP voting, the ANC, with 50 to 60 percent of the popular vote, expected they would easily win 70-80 percent of the parliamentary seats" (Reynolds, 2006). This projection is entirely conceivable when one looks at South Africa's voting patterns geographically. According to Reynolds, it is probable that smaller parties such as the FF+, the DP, the PAC and the ACDP would have failed to win a single seat. This assertion is also expressed by Friedman who, as written in chapter two, said that only the ANC, IFP and NNP would have been represented had South Africa used a majority system.

Therefore, due to the adoption of the PR system, a larger plurality of political parties was represented in the National Assembly. These parties ranged from being religious fundamentalists (ACDP) to the white nationalist (FF+), as well as Black Nationalist (PAC, AZAPO) political parties. What the PR system does is that it gives these parties a voice appropriately acknowledging their minority status while simultaneously acknowledging the majority status of the ruling party. Reynolds writes, that while these parties which would not have received representation were it not for the PR system, together represented only 6 percent of the National Assembly after the 1994 elections, their influence in both the parliament and the government far outweighed the six percent that these parties received (Reynolds, 2006). Reynolds posits:

> In direct contrast to South Africa's troubled history, black sat with white, communist with conservative, Zulu with Xhosa and Muslim with Christian. To a significant extent, the diversity of the new National Assembly was a product of the use of PR list. The national, and unalterable, candidate list allowed parties to present ethnically heterogeneous groups of candidates, which, it was hoped, would have cross-cutting appeal. The resulting National Assembly was 52 percent black (including Ndebele, Pedi, Shangaan, Sotho, Swazi, Tswana, Venda, Xhosa and Zulu speaking), 32 percent white (English and Afrikaans speaking), 8 percent Indian and 7 percent coloured (Reynolds, 2006: 23).

4.3.1 Contagion from the Left Effect

Another virtue of electoral systems with a high DM (which is associated with the PR system) is that they also have a higher number of political parties participating in the political process. In addition to allowing parties to broaden their appeal through ticket-balancing, having a high DM enables the proliferation of small left-leaning parties that make social justice a centre-focus of their campaign. Such parties typically emphasise egalitarianism as a point of difference between them and the main centre-left party, and, as such, these kinds of parties stress female representation. This gives rise to what is referred to as the "contagion from the left" effect on the bigger political parties (Matland and

Studlar, 1996: 712). This contagion from the left effect works in a number of ways. Firstly, by nominating female candidates for high office, such smaller parties show bigger parties that there is no disadvantage at the polls when it comes nominating women candidates (Darcy and Schramm, 1977: 8). Secondly, and as a result of the first reason, larger parties will come under increased pressure both internally and externally to be seen to be promoting female candidates; this is especially true of the larger party that is ideologically closer to the female-promoting small party (Matland and Studlar, 1996: 9). Research done in the 1970s and 1980s in western democracies has shown that fears of electoral disadvantage due to having female candidates are baseless (Darcy and Schramm, 1977: 10). Because of the pressure to increase female representation in parliament, all parties will start electing an appreciable number of women in a type of feedback effect to show they "put their money where their mouth is" when it comes to the issues of equal representation.

Alfred Matland and Margaret Studlar are of the view that this process will occur with political parties which operate in both single-member (majority system) and multi-member (proportional representation) systems, however they also add that "the process will be more effective in bringing women into office and spread more quickly in proportional representation systems" (Matland and Studlar, 1996: 9). There are a number of reasons why the "contagion effect" tends to be stronger in proportional representation systems and weaker under the majority system. In single-member districts, which, are typically associated with the majority system, there is typically a dearth of smaller parties. All it takes is one party in order to set the contagion process in motion as this pressurises other, larger parties, to do the same, if only as a way of not losing votes.

However, in MS, where there is less scope for new parties to enter the political process, the contagion effect will be harder to mobilise. In South Africa's case, there has been little evidence of a contagion effect because the main centre-left party, since it came into power in 1994, has always had significant female representation. This speaks to the other virtues of the PR system, as well as to a progressive stance on the election of women by the ruling ANC party. As a result, the first parliament in 1994 had 25 percent women in parliament whereas the fifth parliament in 2014 has 41 percent of MPs who were female (www.statssa.co.za, 2010).

The final reason why the contagion effect is greater under PR is because losing each and every vote tends to be more consequential, this is because seats are apportioned proportionally to the number of votes a party receives. This is different under the single-member majority district where the margin of victory in each district is completely irrelevant. Under the MS, the overwhelming, indeed only concern, is finishing first. Therefore, if a minor party tries to contest under a single-member district,

that minor party will *only* be a worry if it threatens to syphon off enough votes in enough districts to put the *relative* majority of the incumbent in danger.

An illustration of the above phenomenon can be seen with the results of the United Kingdom's 2015 general election. While there are only 650 seats, there were 3971 candidates. This means that, on average, there were 6 candidates per district. In England (not to be confused with the UK), all of the focus is on the Labour Party, the Conservative Party and in some districts, the Liberal Democrat Party and UKIP. However, there are over a hundred other parties contesting for power including the UK Pirate Party, the Population Party, the Respect Party and the Cannabis is Safer than Alcohol Party (www.politicsresources.net, 2015). In Safron Waldon, a safe seat for the Conservatives, the Conservative Party received 32 000 votes, the other main party, the Labour Party received 6000 votes (www.electoralcommission.co.uk, 2017). However, the second biggest party with 7000 votes was the UK Independence Party (UKIP), a party whose primary reason for existing is to have the UK removed from the European Union (hereafter referred to as Brexit). The UKIP is a classic example of a third Party which came about due perceived mandate breaking by the two big parties. Even though the third party won enough votes to overtake the main opposition Labour Party, it was still very far from winning the Safron Waldon seat. There was, in fact, a margin of 25 000 votes between the Conservative Party and UKIP. Clearly, the advent of UKIP did not have a contagion effect on Alan Haselhurst, the winning Conservative Party candidate who in fact campaigned for the UK not to leave the EU during the Brexit referendum (www.electoralcommission.co.uk, 2017). The UKIP, which was officially founded in 1993, could have had a faster and quicker contagion effect if the UK used a more proportional system

Thus, the surge of UKIP was not enough to force the incumbent to change his stance on Brexit. This effectively illustrates the argument about the bottlenecks of the contagion effect on the majority system as compared to the PR system. Under a more proportional system, the 7000 votes that UKIP received may very well have, depending on the district magnitude, been enough to secure a seat for at least one UKIP candidate on the list. This seat would have been at the expense of a Conservative Party MP whose members have a significant number of backbench MPs who want the UK to leave the EU.

The Safron Waldon seat is one of many examples where UKIP won a considerable percentage of the votes but did not win representation because it did not win the most votes *within the district*. In fact, in the 2015 elections, UKIP won 12.6 percent of the vote whereas UKIP only won one seat in the House of Commons, if the seats were proportionally apportioned via a list PR system then UKIP would have received in the region of 81 seats and as a result the UKIP would have had a quicker and stronger

contagion effect on British political parties. Due to the higher threat of losing a seat under PR, incumbent political parties are more responsive to a third party challenge simply because every vote counts. Therefore, whether it is the issue of copyright and licensing laws (Pirate Party UK), controlling the country's population (Population Party), being anti-war and anti-imperialism (Respect Party) or advocating for the legalisation of marijuana (Cannabis is Safer than Alcohol Party) or increasing female representation in Parliament, the contagion effect is more effective under a PR system as opposed to a majority system.

4.4. Electoral System and Number of Parties

Recall the assumption that South Africans want a parliament that is as diverse as possible, it, therefore, stands to reason that South Africans would prefer more parties, representing diverse groups of people. The question, then, is which of the two electoral systems helps facilitate more political parties to be represented in parliament. Various scholars have come up with formulas that are designed to determine the effective number of parties in a country in order to measure the number of parties in parliament. Arend Lijphart writes "the practical problem in measuring the number of parties is how to count parties of unequal size and, in particular, how to count very small parties" (Lijphart, 1994: 67). Scholars have, for a long time, understood that there needs to be some sort of weighting necessary to account for differences in party size. Secondly, in order to get the total effective number of parties, these formulas only use parties represented in parliament. This is because there can be no limit to the number of parties registering to contest elections. In South Africa, twenty-seven parties registered to contest in the 2014 General elections nationally; however, only twelve made it into parliament. While it may be correct to say that there are twenty-seven national political parties in South Africa, this does not mean that this is the number of political parties that people can *viably* vote for. This is where the measure of Effective Number of Parties (N) becomes useful. The effective number of parties uses the share of each party's seats in order to come up with the value N which this research will use to represent the "effective number of parties".

$$N = {}^{1}\!/_{(Sum \ of \ the \ proportion \ of \ each \ party's \ number \ of \ seats)^{\ 2}}$$

It is rational to use the proportion of seats each party wins as opposed to using the proportion of votes in order to measure the proportion of seats as this provides a natural cut-off for parties that are too small to gain entry into that particular electoral system. Using the proportion of votes is misleading because a party can gain a sizeable proportion of votes but gain no representation in parliament. Using the seat share thus suitably captures the differences between the effective number of parties in the proportional representation and the majority system.

Having established the formula, one can now determine the ENP for South Africa using the 2014 general elections results.

Table 10: Results of South Africa's 2014 election results

Party	Number of votes	Percentage of vote	Number of seats	Percentage of seats
ANC	11 436 921	62.15	249	63.25
DA	4 091 584	22.23	89	22.25
EFF	1 169 259	6.35	25	6.25
IFP	441 854	2.4	10	2.5
NFP	288 741	1.57	6	1.5
UDM	184 636	1.00	4	1.0
FF+	165 715	0.9	4	1.0
COPE	123 235	0.67	3	0.75
ACDP	104 039	0.57	3	0.75
PAC	37 784	0.21	1	0.25
APC	30 676	0.17	1	0.25

Source: www.elections.org.za, 2017

$$N = 1 \Big/ (0.63^2 + 0.22^2 + 0.06^2 + 0.03^2 + 0.02^2 + 0.01^2 + 0.01^2 + 0.01^2 + 0.08^2 + 0.08^2 + 0.03^2 + 0.03^2)$$

$$N = 2.15$$

Based on the 2014 General elections, he ENP for South Africa is 2.15. This is a relatively low ENP for a vibrant multiparty democracy that uses a list PR system. However, this low ENP can be explained by the fact that the leading party, the ANC with 62 percent of the vote, enjoys a large amount of support from the electorate. If one were to take the ANC's 62 percent and break it down it in half, in such a way that the 62 percent is broken down into two parties that are of the same size, the ENP rises to four.

This is the advantage of the PR system, while it makes it easier for new parties to break into the political system, it also does not mandate a high number of parties if the electorate overwhelmingly favours one party over others. Because South Africa is not divided into 400 districts, it cannot be 100 percent known how many parties there would be if South Africa had used a MS, but we can estimate with a very high degree of confidence that the parties such as the EFF, UDM, FF+, COPE, ACDP, Agang SA, PAC and APC would not be represented in parliament if South Africa had used such a system (Friedman, 2015 22; Reynolds, 2006: 22). As such, we can conclude with a high degree of confidence that the ENP for South Africa would be lower if South Africa had used a majority system.

It is irrefutable that the ANC and DA would have been represented in parliament while the emergence of the regionally based NFP in northern KwaZulu-Natal means that districts which would have been

solidly won by the IFP could have either been IFP, ANC or NFP plurality districts[5]. Based on knowledge as well as information on how the vote is distributed, in all likelihood, the ANC was going to at the very least 75 percent of the seats in Parliament, the researcher posits that the DA would have won seats where their supporters are highly concentrated in the suburbs of major metropolitan cities however in smaller towns outside of the Western Cape where the is a minority population of between ten to twenty percent, those votes would have been "wasted" as those towns would typically house large ANC communities. This would have resulted in DA votes from these areas being "wasted". Hence it can be argued that, under the MS, the DA would have received between fifteen to twenty percent of the vote, whereas the rest of the opposition seats would have been shared between the IFP and NFP.

Below is a rough estimate, based on the 2014 election results of how many seats each party would have won if South Africa had used the MS.

Table 11: Table showing a hypothetical seat allocation under a majority system based on the 2014 general election results

Party	Number of votes	Percentage of vote	Number of seats	Percentage of seats
ANC	11 436 921	62.15	300	75
DA	4 091 584	22.23	68	17
EFF	1 169 259	6.35	0	0
IFP	441 854	2.4	24	6
NFP	288 741	1.57	8	2
UDM	184 636	1.00	0	0
FF+	165 715	0.9	0	0
COPE	123 235	0.67	0	0
ACDP	104 039	0.57	0	0
PAC	37 784	0.21	0	0
APC	30 676	0.17	0	0

Source: Thembelani Mazibuko, 2017

As high as these estimate might seem, the ANC receiving 75 percent of the seats on the back of 62 percent of the vote is completely plausible if one looks at the *distribution* of the ANC's support base, it is by far more widespread than any other party in the country. In fact, the researcher thinks that even 75 percent might even be conservative. Recall that Andrew Reynolds predicted the ANC, in 1994, would have won 70 to 80 percent of the parliamentary seats on the back of 50 to 60 percent of the vote. Also recall how the Nationalist Party won over 75 percent of the seats with just over 50 percent of the vote. This is why it is possible that the ANC would have won so many seats. Recall that the

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[5] See table 3 – 1 and table 3 – 2

Malan parties had support in the more rural areas of South Africa whereas the Smuts parties had a disproportionately high concentration of voters in urban areas; this is the situation today but it is the ANC that has that has the support in the rural areas whereas the DA's support is far more concentrated in urban areas, this is especially true outside of the Western Cape. Below is a graphical depiction of South Africa's 2014 General election results. Note how widespread the ANC's vote distribution is as represented by the green (ANC majority) and light green (ANC plurality) colouring. The ANC dominates across the country while the DA has pockets of support as seen by the blue (DA majority) and light blue (DA plurality) colouring. From the graphic it seems as if *most* MPs for the DA under the majority system would come from the Western Cape and Gauteng whereas the only other opposition parties, the NFP and IFP, would be fighting for a handful of seats in northern KwaZulu-Natal, as represented by the red (IFP majority), orange (NFP majority) and pink (IFP plurality) colouring.

Graphic 19: The vote distribution based on the 2014 election results
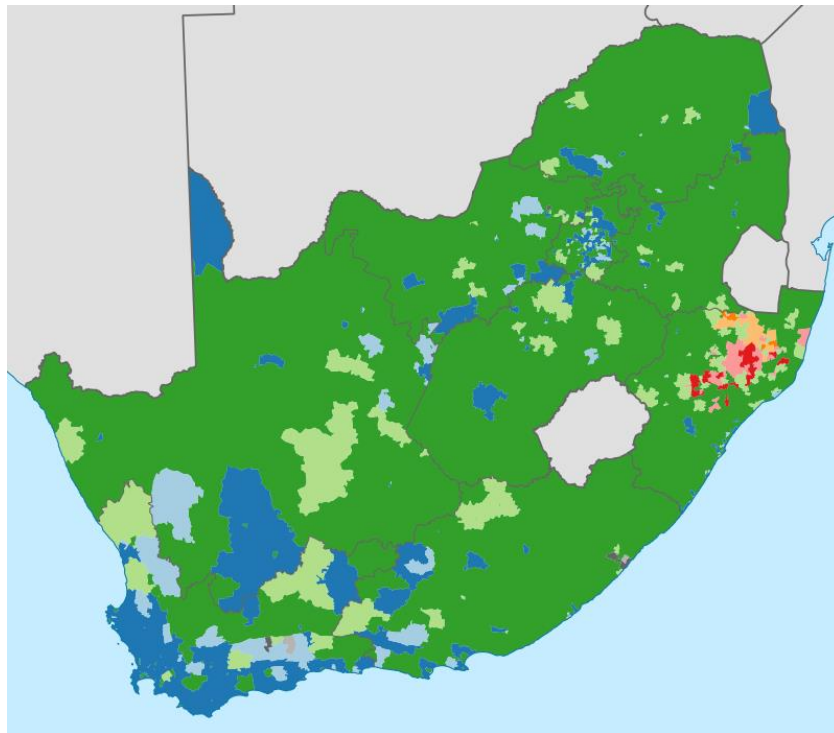
Source: Independent Electoral Commission, 2017

Furthermore, it is not as if ANC has no support in urban areas, as of 2017, half of the country's metropolitan municipalities were run by ANC mayors. Having said that, the DA's 17 percent of seats could possibly be overestimated because comparative research has shown that parties that command strong majorities in more urban areas waste more votes in safe seats compared to parties that receive strong majorities in rural areas (Bogdanor and Butler, 1983: 50).

This partly explains why the Republicans in the United States and the Conservative party in the United Kingdom have a comparatively higher proportion of seats than votes than the more urban Democratic Party and Labour Party. Another way of putting it would be to ask: If South Africa used a majority system with 400 single-member districts in the 2014 general elections, is the DA's support *widespread* enough across different districts that it can win a plurality of the vote in 68 out of 400 districts, equalling 17 percent of the Parliamentary seats? It is relatively certain that the DA would have accumulated a large number of wasted votes because, as shown with the local government elections, the party typically wins with at least 80 to 90 percent in many of the wards that it wins.

Under the majority system, any votes above 50 percent plus one are wasted and hence do not count. Needless to say, the ANC is also subject to the same situation where it wins votes by very high margins, but this is countered by the fact that ANC supporters are numerically more than DA supporters *and* are more geographically spread out. This is the advantage for smaller parties of the proportional representation system; because the country is one big district, all the votes are put into one pot and doled out proportionally. This has worked very well for the DA as well as for every other smaller party in South Africa.

If South Africa had used a majority system in 1994, research shows that only the Inkatha Freedom Party, African National Congress and the National Party would have gained seats in the National Assembly (Friedman, 2015 22; Reynolds, 2006: 22). This would have potentially been a blow to an extremely fragile democracy in a fragile time in the country's history. In the years leading up to the 1994 elections, socialist Chris Hani was assassinated, thousands of people died especially in KwaZulu-Natal due to political violence and three members of the *Afrikaner Weerstandsbeweging* (AWB) were shot and killed during an invasion of *Bophathatswana* which resulted in the killing of 43 people. From the above-mentioned incidences the far left, through the killing of Chris Hani who was anti-capitalist and wanted the nationalisation of important industries, to the far right-wing, through the killings of the AWB members, were antagonised and had demands which they wanted to see play out. If these groups did not feel that their views were represented after the 1994 elections there would be a significant chance that they were going to make their voices heard outside of state institutions.

However, due to South Africa adopting the proportional representation system, both these groups, and more, were represented in the National Assembly. People who were angry about the killing of Chris Hani would have felt represented through parties such as the Pan African Congress (PAC), as well as the ANC, which Chris Hani was a member of, in addition to the South African Communist Party (SACP). People who supported the AWB would have felt represented though the Freedom Front Plus

(FF+), whereas some of the more pragmatic members of the AWB would have been heartened by the Government of National Unity (GNU), which included FW De Klerk as a second deputy president.

This kind of representation for smaller parties would not have been possible under a majority system. Adopting a proportional representation system clearly aided in bringing about a consociationalism which would have been curtailed if democratic South Africa used a majoritarian system. Clearly the proportional representation system in the South African context aided the representation of smaller parties and, in the process, facilitated in nation-building through a National Assembly that was pluralistic and diverse. This was in addition to the diversity within the ruling party, something which again was facilitated, in no small part, by the proportional representation system. Therefore, from the above analysis it can said that if South Africa had used a majority system, the ENP would be even lower since the ANC would have an even higher proportion of parliamentary seats. Hence if South Africa had used a majority system, South Africa would very much effectively be a one party state with very little scope for new political parties, and therefore new political thought, to emerge.

4.4.1 Number of Parties: over and underrepresentation, and the UK

In the 2015 United Kingdom General elections, 128 political parties contested for power. Few people, especially few scholars of political science, would say that the UK has 128 political parties, as most of those 128 parties have no chance of being represented in the House of Commons as they have very little support. In fact, only twelve political parties were elected in the 2015 UK General elections. Of those twelve parties, only three (Labour Party, Conservative Party, Scottish Nationalist Party) received more than ten seats in the House of Commons. Of those that did not receive more than ten seats, only two (Liberal Democrats, Democratic Unionist Party) received more than five seats whereas the rest of the parties received under five seats.

Table 12: 2015 UK full election results

Party	Total seats	Percentage of seats	Total votes	Percentage of the vote
Conservative Party	331	50.92	11 334 226	36.9
Labour Party	232	35.69	9 347 273	30.4
SNP	56	8.62	1 454 436	4.7
Liberal Democrats	8	1.23	2 415 916	7.9
DUP	8	1.23	184 260	0.6
Sinn Fein	4	0.62	176 232	0.6
SDLP	3	0.46	99 809	0.3
Plaid Cymru	3	0.31	181 704	0.6
Ulster Unionist Party	2	0.15	114 935	0.4
UKIP	1	0.15	3 881 099	12.6
Green Party	1	0.15	1 118 425	3.6
Independent	1	0.00	101 897	0.3
Alliance	0	0.00	61 556	0.2
Scottish Green Party	0	0.00	39 205	0.1
Trade Unionist and Socialist Coalition (TUSC)	0	0.00	36 490	0.1
Traditional Unionist Voice	0	0.00	10 538	0.1
National Health Action Party	0	0.00	12 999	0.0
The Respect Party	0	0.00	9 989	0.0
Independent Kidderminster Hospital	0	0.00	7 211	0.0
Yorkshire First	0	0.00	6 811	0.0
People Before Profit Alliance	0	0.00	6 798	0.0
Cannabis is Safer than Alcohol	0	0.00	6 531	0.0
English Democrats	0	0.00	6 531	0.0
Mebylon Kernow	0	0.00	5 675	0.0
Lincolnshire Independents Lincolnshire First	0	0.00	5 407	0.0
Other	0	0.00	65 537	0.0
Total	650	0.00	30 693 710	100

Source: www.electoralcommission.org.uk, 2017

The above table is a representation of the performance of the different British political parties. The Labour Party and the Conservative Party were the two main parties in an election that saw the beginning of a terminal decline of the Liberal Democrat's standing as the main third party of the UK. Predictably, many of the same issues and themes that have been touched on in this chapters are underscored in this table. The common issue of over as well as underrepresentation of political parties

is well illustrated here. Notice that the two major parties, the Conservative Party as well as the Labour Party, with 36 percent and 30 percent of the votes respectively, received 50 percent and 35 percent of the seats respectively. This means that the two major parties received 85 percent of the seats with only 66 percent of the votes. The Scottish Nationalist Party (SNP), with only 4 percent of the vote received 56 seats whereas the Liberal Democrats, with 7.9 percent of the vote, received only 8 seats in the House of Commons. The DUP received only a fraction of the vote (0.6 percent) that the Liberal Democrats received (7.9 percent) but received the exact same number of seats that the Liberal Democrats received. The biggest loser was UKIP, which received 3 800 000 votes but only won one seat. This means that despite winning more than twice the number of votes than the SNP, UKIP only managed to gain a single seat whereas the SNP won over fifty seats.

Based on the results of the UK 2015 General elections, the minimum number of votes that each of the parties would need in order to gain representation in the House of Commons is represented in the table below.

Table 13: Number of votes needed for one seats for each party, 2015 general election

Party	Number of the votes needed for one seat
Conservative Party	34 242
Labour Party	40 289
SNP	25 972
Liberal Democrats	301 989
DUP	23 032
Sinn Fein	44 058
SDLP	33 269
Plaid Cymru	60 568
Ulster Unionist Party	57 467
UKIP	3 881 099
Green Party	1 118 425

Source: Thembelani Mazibuko, 2017

What this table shows is that the Conservative Party needed 34 000 seats in order to gain one seat in the House of Commons. The Conservative Party needed another 34 000 seats to gain a second seat and the trend continued until it reached 11 million votes, which gave the party 331 seats. The Labour Party needed 40 000 seats to win a seat in the House of Commons. This is 6 000 more votes than the Conservative Party. Seeing that the Labour Party is one of the two big main parties, such a margin is quite significant as it means that having a higher threshold limits the number of seats it wins. The SNP, whose voters are exclusively from Scotland, needed 25 000 votes in order to gain one representative in parliament, whereas the DUP, whose voters are exclusively from Northern Ireland, needed 23 000 voters per seat. The Green Party, another one of the big losers in the election, needed over a million voters for its one seat. The Liberal Democratic Party needed over 300 000 votes per seat. Parties such

94

as UKIP and the Green Party, whose supporters are geographically spread out are severely disadvantaged compared to parties such as the SNP and the DUP whose support base is regional and therefore heavily concentrated. This shows just how inequitable the first-pass-the-post majority system is.

Bogdanor (1984; 5) suggests the following about the 1983 elections which produced characteristically unequal outcomes:

> Not every vote cast in a British general election, therefore, is of equal value; the votes cast for some parties are worth more than the votes cast for others. Britain enjoys political equality in that every person over the age of 18 not otherwise disqualified has one vote. But it does not have political equality in the sense of every vote having equal value (Bogdanor, 1984: 5).

At the very least, the British general elections violate the "equal *value* for each vote" principle that De Villiers refers to in the beginning of chapter two. Writing about the 1983 elections, Bogdanor writes how two parties with 70 percent of the votes gained 93 percent of the seats while the 30 percent of the electorate which did not vote for the "two main parties" received only seven percent of the seats in the House of Commons. Bogdanor writes about how visitors to the House of Commons would notice the Conservative Party MPs in the government benches as well as the Labour Party MPs in the opposition benches and that "unless they were unaware of how many votes were cast for each party, they would not appreciate that a miniscule grouping in the Commons – the Alliance with its 23 MPs – actually enjoyed the support of over a quarter of the voters" (Bogdanor, 1984; 5).

Bogdanor conducted an experiment where he took the results of the 1983 elections and superimposed them on a PR system.

Table 14: UK 1983 election results and seat simulation of a hypothetical 1983 results with a PR system

UK 1983 election results			
Party	Seats won	Number of votes won	Percentage of vote
Conservative	397	13 012 315	42.4
Labour	209	8 456 934	27.6
Liberal/ SDP Alliance	23	7 780 949	25.4
Scottish National Party	2	331 975	1.1
Plaid Cymru	2	125 309	0.4
Northern Ireland parties	17	764 925	2.5
Other Parties	0	203 689	0.6
UK 1983 elections under a hypothetical PR system			
Party	Seats won	Number of votes won	Percentage of vote
Conservative	276	13 012 315	42.4
Labour	179	8 456 934	27.6

Liberal/ SDP Alliance	165	7 780 949	25.4
Scottish National Party	7	331 975	1.1
Plaid Cymru	3	125 309	0.4
Northern Ireland parties	16	764 925	2.5
Other Parties	4	203 689	0.6

Source: Vernon Bogdanor, 1983

The number of seats won under a hypothetical PR system is vastly different. While both Labour and the Conservatives lose seats, the gap in the number of seats between the two parties narrows considerably. At the same time, their share of the vote is not exaggerated by virtue of the fact that their voters are more ubiquitous across the many districts. The most dramatic change is the number of seats won by the Alliance, which under the PR system, increases by more than 700 percent. As a result, the Alliance goes from having 23 seats to having 165 seats and as a result, the Alliance goes from being spectators under the MS to having a real voice, regardless of whether they would have entered into some sort of a coalition.

It is clear that the majority system does lead to over and underrepresentation of some groups. The researcher is then clearly in a position to state that the majority system, at best, undermines the Constitution by ensuring that not all votes cast are of equal value. In South Africa, the person who votes for the PAC, ACDP, EFF or FF+ could have their vote not count whereas the voter that votes for the ANC, or perhaps the IFP, would have greater value for their vote in terms of seat allocation. Since most South African parties are based on identity as opposed to ideology (not that they do not have an ideology), these disparities would necessarily mean that entire sections of South African society would not be represented, including black nationalists (PAC, AZAPO and APC), white nationalists (FF+), socialists (EFF) and religious fundamentalists (ACDP).

A key question that arises from the research is the following: is there any reason; be it political, social, practical or philosophical, why parties that have voters that are concentrated within a region are more deserving of representation than parties whose supporters are dispersed. In other words, can a party whose supporters are concentrated claim more legitimacy than a party whose supporters are dispersed? Is a party with 500 000 supporters almost exclusively in the Manchester or Liverpool area or in Cape Town or Bloemfontein claim more legitimacy and therefore claim to be more worthy of representation than a party whose 500 000 supporters are spread out between hundreds of districts in England, Scotland and Wales? Is the Scottish Nationalist Party with 1 400 000 votes and 56 seats more legitimate than the Liberal Democrats who have 2 400 000 votes and only 8 seats.

On the face of it, the majority system seems to endorse a view of parties with strong geographic concentration being more worthy of representation than parties with a more dispersed geographic support. The researcher is of the view that the concentration of voters should not be an advantage or a disadvantage for any political party. However, the FPTP majority system inadvertently rewards such concentration of votes. This suggests that the MS belongs to a time where politics was more localised in a City-State or a more feudal system and is thus not suited to today's modern, cosmopolitan and digitally connected states where individualism, ideology as well as politics of identity is playing a much more significant a role.

The PR system, which rewards representation regardless of where voters are, is more appropriate as an electoral system. This is because it gives equal representation to political parties for an equal number of votes, regardless of where in the country those voters are located. The British system, as well as other majoritarian type systems, thus seems to ensure that some voters are more represented than others. The 180 000 voters that voted for the DUP have the same number of representatives (eight) in the House of Commons than the 2 400 000 voters that voted for the Liberal Democratic Party. This means that the views of the voter in Northern Ireland that votes for the DUP are more represented in the House of Commons than the views of a voter in southern England that votes for the Liberal Democratic Party. In real terms, it means that voters in Northern Ireland have a disproportionately big sway on policies as far-reaching as taxation, fishing quotas, defence spending, minimum wage, anti-trust regulation, immigration and a whole host of other economic and social policies.

This kind of discrepancy goes against the *spirit* of democracy. In South Africa, if such a situation were to exist it would not only go against the spirit of democracy but also the spirit *and* letter of the Constitution, the supreme law of the land. If the majority system produces outcomes that are so unfair, why then has the system persisted and continues to persist in many of the most "advanced" democracies including France, the United States, Canada, and the United Kingdom. The answer may lie in research that has been done by Joseph Colomer, among others.

4.5 First-Pass-the-Post System as a Historical Vestige

In a seminal comparative study of changes in electoral systems in no less than 87 countries throughout the 20th century, Joseph Colomer makes the claim that it is the political parties that choose electoral systems (Colomer, 2005:1) The research states that political parties choose electoral systems that will be most electorally advantageous to the party and therefore the politicians. Colomer writes:

> Thus, it can be expected that only in situations in which a single large party is institutionally dominant and expects to obtain or maintain most voters' support, will restrictive rules based

97

on majoritarian requirements be chosen or maintained. Since this type of electoral rules tends to produce a single absolute winner, they can give the largest party more opportunities to remain as and retain control (Colomer, 2005: 3).

Conversely, when political parties feel that their support is becoming eroded, and are as a result uncertain about their political future, they change electoral rules in order to have a less risky, more inclusive, PR system. The PR system, according to Colomer, is "more likely to be promoted and established by the currently powerful actors in their own interests" (Colomer, 2005: 3). This in an effort to minimize their possible losses (Colomer, 2005:3). Colomer eloquently sums it up in the following way:

> In this approach the presumed line of causality is double. Majoritarian rules induce the formation of two large parties, but two-party configurations also maintain or choose majoritarian rules. Proportional representation permits the development of multiple parties, but multi-party systems also tend to establish or confirm proportional representation rules (Colomer, 2005: 4).

This echoes Rod Hague and Martin Harrop's viewpoint that party politics is the main determinant of the type of electoral system a country uses. Therefore, instead of it being a one-way cause and effect where the electoral system affects the number of parties, the cause and effect relationship goes both ways. In his research, Colomer uses historical perspectives and writes about how societies went from a situation where they were governed via a unanimity rule (where everyone has to agree to a decision) to a majority system (where the absolute majority have to agree to a decision) and that, as society develops, the natural next step is towards a proportional representation system of government (Colomer, 2005: 3). In fact, a central point of Colomer's research is that, over time, as political parties decide which electoral system best serves their interests, the trend eventually leads to the proportional representation system, this is due to a diversifying societies and therefore new strands of political thought, and therefore political parties, emerging. Colomer's research on the evolution of how people vote is useful as it provides insight into the reasons why some countries still use the MS to this day – as well as why some western societies ended up with the majority system in the first place.

4.5.1 From Unanimity to Majority Rule

Members of a community or society are most likely make use of the unanimity rule when there is a very high degree of homogeneity, whether this is in the form of demographics, values, interest or tastes. In today's context, the unanimity rule can include friends, family, club members, urban gangs, or even small trade unions. In terms of governing society, the unanimity rule was used in ancient and medieval local assemblies where decisions were made by a (homogenous) group of men with similar backgrounds and values. Should the groups' homogeneity, either in terms of interests, values, and

demographics begin to diverge and a general agreement cannot be attained, the enforcement of the unanimity rule becomes more and more difficult as decision making becomes more complex (Colomer, 2005: 4). The survival of the group itself also becomes tenuous as the pattern of the voting reveals that the members are no longer in agreement. The basic premise of the group gets undermined, and as a result, depending on the nature of the group, a divorce, split, secession or withdrawal takes place.

In a political setting, unanimity was conducted by acclamation: in the House of Commons, representatives would shout "yay" or "nay" without counting the votes, this was done in order to maintain uniformity as well as to minimise dissent (Colomer, 2005: 4). In the medieval assemblies and kingdoms as well as the early Christian Church, there were multiple strategies used in order to manufacture unanimous consent and to minimise disagreement on certain decisions. This was done to ensure effective action on a decision made. These strategies included silent acquiescence and submitting to authority on some decisions, as well as asking dissenters to kneel. In Nordic as well as Danish law, dissenters were threatened with fines; in Iceland, they were threatened with expulsion whereas in Russia they were threatened with violence (Colomer, 2005: 4).

The change from unanimity rule to majority rule begins to happen when there is more than one party, when the ENP tends towards two. In other words, when there is no more unanimous consent among the group of decision makers. A more majoritarian system politically becomes the next best and most strategic political alternative. Under the unanimity system, a group of decision-makers will find it difficult to make decisions that are agreed upon by all the people as there are at least two distinct strains of political thought. Thus, a majoritarian system is the best and most rational system to be used where all a group of decision makers needs in order to implement a binding decision is 50 percent plus one vote.

Colomer formally puts it in the following way:

> When there is a single 'party' or a large dominant party able to gain the acquiescence or beat the resistance of the minority, unanimity rule can be chosen as an effective rule of decision-making. However, when the dissident members or the minority group are sufficiently large or determined and can effectively resist the imposition of the dominant group's will, unanimous decisions may become impossible to make, thus making unanimity rule fail. Such a situation, in which the effective number of parties increases beyond one, initially approaching two, will encourage the adoption of less-then-unanimity, typically majority rule (Colomer, 2005: 6).

Having understood from a historical point of view that political parties, for their *own* narrow party interests, move from unanimity systems to majoritarian systems, we are in a better position to understand why political parties behave in the way that they do and in what circumstances electoral systems change – be it from a more majoritarian system to a more inclusive (proportional) system, or

indeed, from a proportional system to majority system. According to Colomer, electoral systems change from majoritarian to PR if no party has T percent of the vote (Colomer, 2005: 7). The method to formally calculate the exclusion threshold T can be calculated using the following formula, where M is the magnitude of seats per district, i.e. the district magnitude:

$$T = 100/(M + 1)$$

In a single-member district, the district magnitude is one (one elected official to parliament per district), therefore:

$$T = 100/(1 + 1)$$

$$T = 100/2$$

$$T = 50$$

Therefore, under a majoritarian single-member district, the exclusion threshold T below which parties tend to go for more inclusive systems, is 50 percent (Colomer, 2005: 7). Therefore, when no one party receives more than 50 percent of the vote, political parties would then start looking towards implementing a more proportional system in order to safeguard their future. Colomer concedes that, under a FPTP plurality system where a majority in a district is not needed to win a seat, parties can still win a majority of the seats with less than T. He cites the UK elections where, since 1945, the absolute winner has, on average, obtained around 43 percent of the vote in order to have a governing majority. In 2017, in the UK general elections all parties, except, rather tellingly, the then governing Conservative Party, supported reforming the electoral system in order to have a more proportional system (www.ukip.org, 2017; www.snp.org, 2017; www2.partyof.wales, 2017; www.libdems.org.uk, 2017; www.labour.org.uk, 2017; www.conservatives.com, 2017; www.greenparty.org.uk, 2017). Thus the Conservative Party, expecting to reach the exclusion threshold needed to form a governing majority, did not support reforms towards a more inclusive system whereas the other parties, not expecting to reach the threshold, all supported a move towards a more inclusive system of elections.

Upon testing the hypothesis against the 87 countries which did change their electoral system, Colomer found that for countries using a majoritarian system, there is more than 50 percent chance that political parties change the electoral system when the ENP goes towards four. In fact, the percent goes as high as 61 percent. Colomer writes that "the result is consistent with the deductive model previously presented, where I hypothesized that majoritarian electoral systems were more likely to be maintained when the effective number of parties is below four" (Colomer, 2005: 13). Colomer also concludes that changes from the proportional representation system to the majority system have

failed despite various attempts to try to do so: according to him, such changes are "very rare in reality" (Colomer, 2005: 14).

This has obvious implications for this particular research paper and further proves the researcher's initial claim that calls to have South Africa adopt a majoritarian system are heavily misguided. Thus the reality is that the calls that the critics of the PR system are calling for go counter to both theoretic and empirical research, which is that the trend goes towards more inclusivity and proportionality when it comes to deciding electoral systems. Additionally, because South Africa has a Constitution that stresses inclusivity and proportionality, it would be difficult for the two big political parties (perhaps joined by the IFP) to shift to a MS for political reasons, as they would have to contend with a constitution that emphasises otherwise. Additionally, if this were to take place, smaller parties may very well mount a Constitutional Court challenge in order to stop such a move. As such, smaller parties might very well prevail, as an inclusive electoral system is almost built into the Constitution.

This did not happen automatically, during the CODESA negotiations, the ANC, knowing it was certainly going to win a majority of the vote, wanted a majoritarian system. Note how the ANC's desire for a majoritarian system is consistent with the overall thesis of Colomer's argument that parties that are certain will get more than the exclusion threshold (T = 50 percent) are going to opt for a majoritarian system. It was NP (along with the then Democratic Party (DP)) that preferred a proportional type system. For the NP, this marked a break away from the previous decades where the NP had used and maintained a majoritarian type system when they were in power. Clearly the certainty that, under the new South Africa, the NP was to receive less than the exclusion threshold of 50 percent propelled them to push for a more inclusive system, just as Colomer's research explains. South Africa's CODESA thus illustrates that, when it comes to electoral systems, it is indeed the political parties that decide. Thus, the ANC settling for a PR system was thus a concession on its part, one of numerous concessions made by the party during the negotiations.

Taking all of this into consideration, it is now possible to answer the question posed earlier in this chapter: If the majority system produces outcomes that are so unfair, why then has the system persisted and continues to persist in many of the most 'advanced' democracies including France, the United States, Canada, Australia and the United Kingdom. The truth is that parties (read: the political elite) will only change the system when it suites their political future. Colomer cites the UK case in particular where there had been multiple failed attempts by fringe groupings to introduce a more inclusive system (Colomer, 2005; Bogdanor, 1984: 2). Colomer cites the fact that this was amid a period of low multipartyism which meant that was no incentive for the politicians in the two main parties to comply with such calls. In the years preceding 1997 and 2001, the Labour Party promised to

consider the issue of electoral reform with an eye to introducing a more proportional system of voting. Colomer argues that this promise was on the back of "relatively high degrees of multipartyism in the preceding elections" (Colomer, 2005: 14) However the 1997 and 2001 elections happened where the Labour party received a huge majority in the House of Commons (it scored 418 seats out of 650 seats with 43 percent of the vote) and the promise of electoral reform was never discussed during Labour's thirteen year rule.

In New Zealand, as a result of Labour constantly receiving below T = 50 percent of the vote, Labour lobbied hard for a more proportional system and soon after the 1993 election, New Zealand changed its electoral system (Quinn, 2015: 130). This again is consistent with Colomer's research since there was an increase in the number of parties (Greens, NewLabour) and one of the major parties was constantly receiving less than T = 50 percent of the vote.

This idea that the MS is a historical hangover is supported by findings of Vernon Bogdanor and David Butler titled in their book, entitled "Democracy and Elections: Electoral systems and their political consequences". According to these critics, countries which still use territorial representation were heavily influenced by their British colonial past (Bogdanor and Butler, 1983: 3). Back then, representation referred to the representation of communities as opposed to the representation of individuals. Accordingly, "MPs represented not segments of opinions, nor of course political parties, but constituencies. They were attorneys seeking the redress of grievances before committing their constituencies to the payment of the expenses of government" (Bogdanor and Butler, 1983: 3). Therefore, the reason why countries including the USA, Canada and India, have historically used a territorial system of electing representatives is because of their British colonial past, and thus, because of the influence that British politics had on these nations.

Moreover, the reason that these countries *keep* making use of constituency-based systems is because the effective number of parties is less than four. The important aspect to understand here is that historically, in colonised towns and counties, countries such as present-day USA had a large degree of autonomy and back then "government" was more adversarial than it is in today's nation-state where certain inalienable rights are protected, the communities were also largely homogenous. Therefore, it was in the communities' best interests in the past to have their own representative whom they could trust to make their voices heard in the assembly. Since the representatives would be representing homogenous communities to a central authority that they experienced as being parasitic and hostile, the constituency-based system made sense.

However, it would not make sense in today's society where political thought is varied, where individual districts are more diverse and heterogeneous and where in any one district in London, Johannesburg, Quebec or California could include Christians and Muslims, immigrants and native born, black and white, middle class and working class, nationalist and socialist and college educated and high school dropout.

This kind of plurality represents a shift away from a district representing a homogenous group of like-minded people. It represents a break away from what Colomer would refer to as a "common will" (Colomer, 2005: 5). The problem with a constituency or district-based system is that it predates the rise of the party; it is, in other words, a system that was established for a different kind of political environment and society. As time went on, as society began transitioning away from more mediaeval forms of representation, the idea of territorial representation came under increasing scrutiny as early as the eighteenth century. Bristol MP Edmund Burke was quoted as saying:

> Parliament was not a Congress of ambassadors from different and hostile interests, which interests each must maintain as an agent and advocate against other agents and advocates; but Parliament is a deliberative assembly of one nation, with one interest, that of the whole, where, not local purposes, not local prejudices ought to guide, but the general good, resulting from the general reason of the whole (Bogdanor and Butler, 1983: 3).

4.6 Concluding Remarks

In conducting comparative analysis in this chapter, the researcher mainly used South Africa and the United Kingdom. South Africa uses the proportional representation system whereas the United Kingdom uses the majority system. It is clear that a country's electoral system can have an effect on the representation of the elected assembly. It is also clear that it is the PR system that aids such representation. Whether it is the representation of women or minorities, the closed list PR system advances representation. Apart from allowing parties to balance their candidate lists, the PR system incentivises the proliferation of new parties, and it also seems to adopt easier to the needs of an evolving society.

There is definitely an element of gamble when it comes to the majority system since not all votes cast are equal in terms of value. Furthermore, the peculiarities of using the MS could mean that voters either vote for a mandate breaking party, or risk voting for a third party which may gain a critical mass of votes but not gain the representation needed to effect the change voters want, this is where the gamble comes in because a dissatisfied voter may be of the view that a third party will not win enough votes in her district to be competitive; however, the only way the third party will be competitive is if voters like her vote for the third party candidate.

The central question that needs to be asked, then, is whether there is any basis for parties to be rewarded for having their supporters in close geographic proximity to one another. The research done by Colomer *et al* points to the historical genesis of the MS whereas research also shows why the MS endures today even though those historical conditions that gave rise to the MS are no longer present in contemporary society. Furthermore, Colomer's research also shows that the survival of the majority system today is in order to preserve the political elite of the two main parties.

It is thus clear that when it comes to advancing the constitutionally enshrined value of representation, by making it easier for smaller parties to be elected, the PR system is more in line with the Constitution. Seeing that so many of the political parties represented in South Africa are ethnically or racially based, it, therefore, seems that, the MS, at the very least, indirectly discriminates on the basis of race or ethnicity by making the election of smaller parties more difficult.

Chapter 5: Electoral systems and Private Money

> *"You see a Congress twisted and pulled in every direction by hundreds of well-financed special interest"* – President Jimmy Carter, 1979, Crises of Confidence speech

An important yet underestimated aspect of politics in South Africa and around the world is the corrosive effect that money and other sources of outside influences have on the body politic. What often happens is that politicians that have been elected to serve the interests of the people are, through the influence of money, often coerced into serving the interests of powerful special interests. This is reflected in the fact that, as of 2016, only 21 percent of Americans trusted the federal government, whereas only 9 percent of Americans trusted Congress (McAuliff, 2016). There is therefore a widespread belief that politicians are not working on behalf of the American voter (www.economist.com, 2017; Dugan, 2015). To this end, most Americans view members of Congress as being "corrupt, beholden to special interests and out of touch" (Dugan, 2017).

Very often the interests of the poor, the working class and ordinary people are diametrically opposed to the interests of wealthy individuals and big corporations. Consumer protection law is a good case in point. When government puts restrictions on what companies may do in the interests of protecting consumers and/ or promoting free and fair competition, it increases the utility of consumers while decreasing the utility of the existing companies.

The very first line of section one of the Constitution states that "the Republic of South Africa is one, sovereign, democratic state" (www.justice.gov.za, 1996: 3). The presence of money in the political system undermines the opening line of the Constitution in two interrelated ways, firstly the presence of money undermines the sovereignty of the country where people or organisations emanating from other countries could, using their financial muscle, seek to influence internal political processes, this could then undermine the "democratic" part of the state in that, instead of elected officials accounting to citizens, elected officials are forced to account to those foreign financial interests that finance their campaigns. All this then undermines the "democratic state" since, in a real representative democracy, politicians are accountable to the electorate, not donors. This issue of foreign influence of elections is exactly what is being investigated in the so-called "Russia investigation" in the United States in the aftermath of the 2016 presidential elections (Mak, 2018; Schor and Cheney, 2018 and Thomson-

Deveaux; 2018). Given the above, the researcher posits that *even if the money does not emanate from outside the country's borders, the sovereignty of the state is still undermined*. The globalised nature of financial markets and capital in a small open economy such as South Africa means that even South African-based companies, through foreign shareholders, are very much open to overseas influence. The researcher is therefore of the view that it is best to choose an electoral system which mitigates as much as possible against the influence of money. The researcher argues that the presence of money means that politicians will always be somewhat conflicted and therefore that the sovereignty of the country will be undermined, regardless of where the money comes from.

The rest of this chapter will proceed as follows: section 5.1 will show how the presence of money presents lawmakers with a serious conflict of interests where the interests of constituents are diametrically opposed to those of the donors. Section 5.2 will explain how easier it is for money to infiltrate the political process under the majority system as compared to the proportional representation system. Section 5.3 will write about the real consequences of money under the majority system. Section 5.4 will be the concluding remarks.

5.1 Lawmakers' Possible Conflicts of Interest

The first anti-smoking law that the South African government passed was the Tobacco Products Control Act of 1993. The law provided that health warnings be placed on tobacco adverts in order to warn South Africans on the dangers of smoking tobacco products (Yach and Paterson, 1994: 838). Since the Tobacco Products Control Act, the government has passed various amendments in order to broaden the scope of the 1993 law so that today; all tobacco advertising, sponsorship and promotion is banned and there are numerous restrictions on where people may smoke (www.tobaccocontrollaws.org, 2015). Even tobacco products themselves are by law required to have wealth warning displayed prominently on the packaging (www.tobaccocontrollaws.org, 2015). Before the Tobacco Products Control Act of 1993, tobacco companies were found to be have been actively targeting the most vulnerable groups of society including women and black people through in particular magazines and outdoor advertising (Yach and Paterson, 1994: 838). Research shows that, since restrictions were further tightened in the 2000s, smoking by 25 to 16-year olds has decreased by 26 percent whereas smoking has decreased by 33 percent among adults (Hirsch, 2013).

By banning the advertising of tobacco products, the government increased the utility of the consumers and decreased the utility of tobacco companies, as well as the related advertising value chain. There is indisputable proof that banning the advertising and marketing of tobacco products is an effective measure when it comes to reducing tobacco consumption. This has been seen in countries such as Canada and New Zealand where bans on tobacco products have been associated with "rapid" declines

in the consumption of tobacco products. (Yach and Paterson, 1994: 838). What this suggests is that the government did its job and protected vulnerable consumers by avoiding a looming public health disaster with regards to cancer and related tobacco illnesses through the banning of tobacco marketing. The question that is to be asked in this research is, what if the government is pressured, bribed or coerced by big corporations into not following through on a measure that would impact negatively on the profit margins of corporations. With regards to the above example, that would be the tobacco companies as well as the advertising value chain which stood to benefit.

5.1.1 Case Study One: Defective Lawmakers do the Bidding for Sub-Standard Cars

In the 1970s in the United States, the Federal Trade Commission (FTC) began working on a ruling which would compel used-car dealers to reveal to potential customers any possible defects which dealers that car dealerships are aware of (Stern, 1983: 43). Millions of potential motor vehicle customers would have benefitted from such legislation, known as, the "Lemon Law" (Stern, 1983: 43).

On the other hand, there were the dealers, who in their mind, were going to lose out by having to spend money fixing the defects themselves, or risk a potential loss of sales if they were to be forced to tell consumers about any issues the vehicles had before a sale (Stern, 1980: 43). This created a situation where the needs of millions of consumers were pitted against those of thousands of dealerships. Because of the proposed law, the National Automobile Dealers Association (NADA) formed what is referred to as a Political Action Committee (PAC) for the purposes of lobbying against the Lemon Law (Stern, 1980: 4). A PAC is an organisation of like-minded people (members of labour unions, professional or trade groups) that may dole out money to candidates for political office (Stern, 1980: 4). Just as there is a limit to the amount of money an individual may donate to a candidate, there is also a limit to the amount of money a PAC may contribute to a candidate, however there is no limit to the amount of money a PAC may raise in total, nor is there a limit on the number of candidates that a PAC may donate money to.

By 1976, NADA PAC had collected R21 246 725 which it had distributed to 270 candidates. By 1980, four years later, NADA PAC's contributions to Congressional members had more than tripled. The following is a typical sequence of events, albeit using involving Congressman Mickey Edwards as an example:

1. 19 August 1981: Congressman Edwards received R90 351 in campaign contributions from the National Automobile Dealers Association Political Action Committee, even though it is not an election year.

2. 22 September 1981: Congressman Edwards signs up as one of the cosponsors of the resolution killing the FTC used car lemon law.

3. 19 October 1981: Congressman Edwards receives an additional R7 228 for his campaign from NADA PAC.

4. 26 May 1982: Congressman Edwards votes for a resolution killing the FTC used-car rule.

5. 30 September 1982: Congressman receives a further R68 086 from Nada PAC (Stern, 1980: 44).

This brings to R271 014 the total amount of money NADA PAC has given to Congressman Edwards. Edwards was not the only one, there were literally hundreds of other lawmakers who had a similar schedule or who had received a similar or even more money from NADA PAC. The main question that is asked in this research paper is the following: Does the NADA PAC's contributions, as well as the contribution of other special interest in general, influence the votes of lawmakers? There is evidence which infers as much. The table below shows the relationship between the amount of money members of Congress receive and how members of Congress voted on the Lemon Law. It shows that there is a positive relationship between the amount of money received and the likelihood of a politician voting against the Lemon Law, and therefore in favour of the wishes of the NADA PAC.

Table 15: Relationship between money received from NADA PAC and the percentage of lawmakers that voted against the Lemon Law

Amounts members of Congress received from NADA PAC from 1979 to 1982	The percentage of Congressmen/ Congresswomen that voted against the Lemon Law
More than R136 161	90.2 percent
R34 046 to R102 129	88.3 percent
R34 to R34 046	68.0 percent
Zero	34.2 percent

Source: Philip Stern, 1980

As the table shows, the more money a politician received from the NADA PAC, the higher the likelihood of voting against the Lemon Law and therefore, for special interest. Professor Larry J. Sabato writes:

> A few thousand car dealers prevailed over millions of car buyers in both houses by greater than two-to-one margins – first in the Senate, 69 – 27, and then in the House, 286 – 133. Apparently something had gotten in the way of strict one-person-one-vote democracy (Stern, 1980: 45).

Sabato then concludes that this something is money. Even after that particular vote, the NADA continued giving campaign contributions. Of the 251 lawmakers who voted with the dealers, 89 percent of them received further financial assistance from the NADA with campaign contributions averaging R78 298. Meanwhile, of those who did not vote against the Lemon Law, only 22 percent

received money from the National Automotive Dealers Association, even then, they, on average, received less than half of the money that those who voted against the Lemon Law received (Stern, 1980: 45).

5.1.2 Case Study Two: Milking the System to the Benefit of Dairy Farmers

In 1985 there was another such face-off in Congress, this time between 200 000 dairy farmers and tens of millions of consumers (Stern, 1980: 45). Lawmakers were on the verge of deciding whether to continue a government program of supporting dairy farmers that would literally cost the consumer more, R7.98 more for each gallon of milk by the year 1990 (Stern, 1980: 45). In addition to the direct cost of higher milk prices, consumers would also be paying their share of the R35 billion in taxes in order to keep the subsidy going (Stern, 1980: 46). As a result of this impending change in the law, the three biggest dairy cooperatives, through which the dairy farmers sell their milk, were able to dole out money in the form of campaign contributions to no less than 327 candidates running for a seat in Congress (Stern, 1980: 46). The dairy farmers paid their dues by having their individual PAC contributions withheld from the monthly cheques the farmers received in exchange for selling their milk to the cooperatives, who in turn sell the milk to the retailers (Stern, 1980: 46). In total, the milk lobby was able to dole out a total of R43 million to candidates running for a seat in the House of Representatives (Stern, 1980: 46). This money, tellingly, also went to representatives who represented big urban areas and therefore represented thousands of urban consumers of milk. Stern writes:

> Dallas's Democratic Representative Martin Frost offers an illustrative case study of the dairy PAC's generosity to such an urban representative. His largely big-city district contains, at most, three dairy farmers – and some 527 000 dairy consumers. Many of the latter have incomes below the official government poverty line and can ill afford to pay the higher dairy prices the government subsidy program almost surely causes. Therefore, in voting for the higher subsidy level, Congressman Frost sided with the three dairy farmers in his district against the interests of the hundreds of thousands of consumers (Stern, 1980: 46).

Representative Martin Frost received a total of R1 375 428 from the dairy lobby. He was not the only one. Unfortunately for the consumers, the United States Congress voted to continue the subsidy program with a 78 vote margin in the House of Representatives. In a truly democratic system with tens of millions of consumes versus less than a quarter of a million farmers, with everything else being equal, the consumers should have easily prevailed where lawmakers would have removed the program thereby increasing the utility of consumers who are the majority of their constituents (Stern, 1980: 46). Unfortunately, this is not the case since, when it comes to money, everything else is not equal and the dairy farmers had large amounts of money which ordinary consumers did not have.

Therefore, similar issues arise in this case study as with the NADA PAC. On a one-person-one-vote reckoning, consumers should have prevailed, but like with the NADA PAC and the Lemon Law, there was a factor that allowed a distortion to happen, again this was money

The table below shows that there is a positive relationship between the amount of money received by lawmakers and the likelihood of a politician voting for continuation of the diary subsidies.

Table 16: Relationship between lawmakers receiving money from the Dairy lobby and voting for the dairy subsidies

Amounts members of Congress received from Dairy lobby from 1979 to 1986	Percentage of lawmakers that voted for dairy subsidies in 1985
More than R899 210	100 percent
R599 469 to R899 210	97 percent
R299 502 to R599 469	81 percent
R74 935 to R299 502	60 percent
R30 to R74 935	33 percent
Zero	23 percent

Source: Phillip Stern, 1980

As was the case with the NADA PAC and the Lemon Law, the higher the amount of money received by a lawmaker, the higher the likelihood is that the politician will vote for what the special interest wants, which in this case was a subsidy from the government. From the data above, it seems that if the dairy lobby wants to make 100 percent sure that a lawmaker will vote for its proposal, the numbers suggest contributing an amount of R899 210 into the lawmakers' campaign.

The Oxford Dictionary defines the act of bribery as being to *"dishonestly persuade (someone) to act in one's favour by a gift of money or other inducement"*[6]. The conduct of these PACs as well as hundreds of other PACs which currently exist in America falls squarely in the definition of bribery and therefore corruption. These examples illustrate why societies ought to strive to reduce the role of money politics.

What is most noteworthy is the extent to which these "campaign contributions" are worth every cent; the milk lobby spent R43 million in total whereas the farmers gained R35 billion in subsidies from the government. This means that for every R1 the milk lobby spent (or rather, invested) on campaign contributions, the milk lobby received R813 back as the passage of the law was stopped. In addition to the monies received from government, milk farmers were going to gain more from the artificially high prices that the consumers were going to pay at the till, thereby further increasing their return on

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[6] This is according to the Oxford dictionary, www.oxforddictionaries.com

investment. While it is impossible to quantify how much money used car dealerships saved by not having to spend on fixing defects or by not forfeiting a sale due to a defect since the whole point of the NADA PAC's lobbying was to not disclose that information, the return on investment would also have been dramatically high for NADA PAC and its members; the car dealerships. Journalist Elizabeth Drew asked a Congressman why he and his colleagues in the House of Representatives had voted against the Lemon Law, he replied by saying," of course it was money. Why else would they vote for used car dealers?" (Stern, 1980: 45).

This chapter argues that the type of electoral system plays a role in reducing the influence of money in politics. More specifically, this research will argue that the majority system is more vulnerable to outside influence as opposed to the PR system. For the sake of clarity, the issue in this chapter is not the existence of money more than the *source* of the money as well as the *amount* of money. Political candidates need funds to run their campaign, however, the problem comes when special interests use their large amounts of money to bribe politicians into following their agenda. In other words, it is the source of the money, together with the amount of the money that is the problem. Some may argue that a big corporate company may donate money without wanting anything in return and thus take issue with the fact that the source of the money is the problem. This view is naive and not borne out in fact. Corporations whose job it is to maximise profit and increase shareholder value do not give away money to politicians for the sake of it.

However, even if there is no explicit favour that is being solicited at the time, it is often implied that the donor get something in return for their money. Furthermore, research by Stern (1980: 77) has also shown that PACs give money in order to have audience directly with the lawmaker when they need to. In order to convince the corporation's shareholders or senior managers to give away company money, a corporation will see the donation as an investment in the future whereas the politician will equally understand the donation is for something in return lest he or she loses out on future donations.

5.2 How Special Interest Money Works under the Majority System

When ordinary people give small amounts of money to candidates such as Senator Bernie Sanders' campaign to win the Democratic Party primary in 2016 or in any other campaign, they are doing so because they support that particular candidate and want to contribute funds to that candidate's campaign. Therefore, ordinary citizens are hoping to contribute to candidates in the hope that they win the race. The logic of the special interest, however, is different. Special interest money such as PACs give money in order to gain influence *after* the election. To this end, special interest money does what, to many, would seem completely illogical:

1. **Contributing money to a candidate that has no opponent.** Special interest groups make the seemingly irrational decision of contributing funds to a campaign that has *no* opponent and therefore has a 100 percent chance of winning.

2. **Contributing money to a candidate that disagreed with you on every issue you deem very important.** In 1986 General Electric's Political Action Committee (GE PAC) gave incumbent Senator Alan Cranston money even though his views were less pro-business than that of his opponent, Edward Zshau.

3. **Contributing money to both opposing candidates.** In the 1986 midterm elections GE PAC gave money to opposing candidates in nine Senate races.

4. **Giving money to one candidate during the race and if that candidate loses, giving money to the opponent.** In races where they backed the "wrong" horse, GE PAC then gave money to the winning candidate after the race, in other words, the candidate they tried to defeat.

In 1986, General Electric's Political Action Committee, GE PAC, gave campaign funds to thirty-four House of Representative candidates that faced *no* opponent (Stern, 1988: 31). GE PAC also contributed funds to candidates that, in their last Congressional race, won by at least a three-to-one margin, in other words, those candidates won at least 75 percent of the vote in their district. In the 1986 election cycle, incumbent Senator Alan Cranston had received an average approval rating of 12.8 percent from the American Chamber of Commerce (AMCHAM) whereas Congressman Edward Zshau, his challenger for the Senate seat, during his time in Congress had an 81 percent approval rating from the Chamber of Commerce.

The Chamber of Commerce represents businesses such as GE. It would, therefore, make sense to support the candidate whose voting record showed was more pro-business. The reason why GE PAC gave money to the candidate that is less pro-business was because Cranston was the incumbent and because special interest money is, in fact, bribing politicians *under the guise* of contributing to a campaign. That is why special interest gives money in the manner depicted in points 1 to 4 above. Therefore given this understanding, it is completely logical for special interest groups to conduct themselves in the manner in which they do. In other words, special interest groups, especially corporate money, are, for the most part, non-ideological. For these groups, the main criterion is not whether a politician is liberal or conservative; Democrat, Republican or Independent, the criterion is whether or not that candidate is willing to take their money in order to do what the special interest groups say. Therefore in South Africa's case, these groups would not care if a politician is ANC, DA, UDM, IFP or EFF, all they would care about is whether the politician is willing to do their bidding. Given

this knowledge, it makes sense that a PAC such as GE PAC would fund the incumbent 98.6 percent of the time. Stern writes:

> Most PACs don't know precisely what they want or when they may want it. But they assume that they will want a lawmaker's attention on some future occasion. When that moment arrives, they want to be sure as possible of being able to make their case directly to the pivotal representative and Senators themselves, and not to some junior assistant. Moreover, when the legislative machinery shifts into high gear, especially in the hours before Congress adjourns for the year, the time to see the lawmaker is now. Tomorrow – or even three hours from now – won't do. By then the vote will be over, and it will be too late (Stern, 1988: 34).

This is precisely the reason why PACs gave money to someone like John J Duncan, a Congressman representing Knoxville in Tennessee. In his last five elections, the Congressman had on average, won by, 80 percent of the vote. Furthermore the Congressman had no opponent and as a result, did not need to spend a cent to win re-election in his 1986 campaign. Yet, in the 1986 election, the Congressman received over R11 973 045 for his campaign, more than twice the amount he received in his previous campaign. There can be little doubt, then, that special interest money is not seeking to contribute to the campaigns of candidates but is instead seeking to buy influence from candidates that they view as most amenable. This helps explain why Congressman Martin Frost from Texas received so much money from the milk lobby despite having virtually no dairy industry in his district. This also explains why powerful committee chairpersons are often the beneficiaries of larger sums of campaign contributions than their colleagues. Committee chairpersons, because of their positions, are able to call hearings and generally get the process started when it comes to scheduling committee votes in order to get bills to the floor. As such, they are invaluable for groups that want to bribe politicians (Stern, 1988:35).

Therefore, under the MS, special interest money works by directly "donating" funds to political candidates. These funds, in other words, do not have to go through, nor do they need to be sanctioned, by the party at central office. Therefore in the majority system, a candidate's campaign is the responsibility of the candidate, not the party. However, the party at central office may support the candidate either financially, by sharing voter information or by paying for adverts in the candidate's district. This donating of funds to political candidates cannot happen under the list PR system since there *are no individual districts* and therefore candidates on the list PR system do not have to spend money running a campaign.

The same process cannot happen under the PR system. Since members on the list PR system *do not* run their own campaigns, there is no reason for them as individuals to be accepting political contributions since there is nothing to contribute to. This is the difference with the PR system; since voters vote for a *party* and not an individual, politicians do not solicit, nor do they have any excuse, to

113

be soliciting funds. However, the PR system is not immune to private influence since donors and private interest may go directly to the party at head office and seek to influence the political process from there. It is debatable, although not improbable, that many people would be as brazen enough to try and capture the *entire* party, even so, it takes much more money and effort to influence an entire party and its entire bureaucracy than it is to influence one politician. Hence if one considers what it would take to influence an entire party structure, including the higher risk of being caught since going through the party at head office involves more people, the PR system has significantly higher barriers in place when it comes to the influence of special interest than the MS. In the MS, politicians seeking to remain in office will want to ensure that they have the funds to run a campaign during the next election cycle whereas their challenger in the district would also like to be at a financial advantage and would, therefore, want to collect as much money as possible. The incumbent would be wanting to spend money on media (pamphlets, radio ads, billboards) in order to convince people why they should keep voting for her in the district whereas her challenger would also want to spend money on media trying to convince voters why they should vote for him instead. In the end, there are two candidates with two different messages but with one thing in common; they will need to raise money and would thus need to outbid their opponent in this regard.

5.3 Consequences of Special Interest money under the Majority System

The fundamental difference between the MS and the PR system is that, under the MS, there are hundreds of different elections whereas under the PR system there is only one election, the election of the party. Even though, in South Africa, voters receive two ballot papers (one for the lower house and another for the upper house), they are still voting for the same entity since it is the same party that will deploy politicians to both the lower and upper house. This contrasts with the US, which uses the MS. In the US on Election Day, which happens every two years, there are elections for 468 members of Congress (435 members of the House of Representatives and 33 Senators up for re-election at any one time) and then there is a separate election for the president which happens every four years[7]. Hence, on Election Day, most voters have at least two, if not three different choices to make. That voter has to choose her representative for Congress in her district, that voter has to choose her Senator and, during every other election, that voter has to choose their president. Therefore, at the federal level, there are hundreds of different races occurring all over the country at the same

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[7] Since Senators are up for re-election at different times, during any one election cycle, a third of Senators are up for re-election. There are 100 Senators each serving a six year term in 50 states. Combine that with the 435 members of the House of Representatives who are up for re-election every two years, one gets 468 people running for Congress in every cycle.

114

time[8]. With that, there are *hundreds of different ways of influencing (bribing) politicians* through campaign donations, keeping in mind that each race has at least two different candidates.

This is in contrast with South Africa which uses the PR system where deployees are deployed by the party at central office and where there is only one race: that of the different political parties. Due to the fact that it is a party system, there is only one entity that decides who will serve in *all* of the national (and provincial) structures; therefore, the party at central offices decides who will be deployed in Parliament and who will be the president. This means that the scope for the influence of money is much reduced. It is not eliminated, however, it is reduced. It is reduced because, unlike under the MS, there are not many different ways of influencing the political process through donating to the hundreds of different races in districts across the country.

This is because, under the MS, politicians run as themselves *representing* districts whereas under the PR system, politicians are deployees of the party who can be removed at any time if they act or vote against the instructions of the party[9]. Under the PR system, the party is a constant, never-changing entity whereas, under the MS, the politicians that voters vote for can change. The implication being that under the MS, a party that a nominee runs under can claim that certain politicians that voted for the wishes of corporate interests were not acting under the instruction of the party and therefore that they were not representing the party position. This is an entirely plausible statement because, under the MS, the representatives *do not* represent the party, they represent voters of their constituents even if they may be running as a particular party's nominee.

Under the threat of being recalled, PR politicians are not going to vote against the party line or for positions championed by corporations unless they are supported by the party at central office. It is precisely for this reason of politicians being deployed by the party that leads many to think that the PR system is less accountable, however it is, in fact, this reason that is responsible for PR systems being more sheltered from the influence of money than other types of electoral systems. Another bulwark, under the PR system, is that if voters think that the entire party is captured by corporate interests, they will leave *en masse* and, as has been seen in chapter three, it is easier to start and grow a new party under PR than it is under the MS.

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[8]Voters also have to choose state level officials such as their state Senator, treasurer-general, attorney-general and governor, as well as local office bearers including councillors, and their mayor. All these races are also heavily influence by money however the scope of the this research is limited to federal races, particularly the lower house

[9] For more, see the Constitution of the different political parties, www.anc.org.za; www.da.org.za; www.eff.org.za

Furthermore, since every vote counts, countries in list-PR electoral systems are far more sensitive to even perceptions that a party is corrupt since that will affect how many seats they receive. Recall that in MS the politician is merely incentivised to win the majority in the district whereas under the PR system parties are incentivised to maximise support since every vote counts. Thus it seems that *that* very fact seems to play a role in the proliferation of money. Under the MS, in a certain district, if a large, but not a majority of voters think that a certain politician is corrupt, that will not worry the politician unless it is the majority of voters that think that the politician has been corrupted by money. Therefore within a certain district, if 40 percent of voters think that their particular representative in parliament is corrupt it will not worry the representative in order for her to effect a change in her behaviour.

Imagine if this situation were replicable across the entire country among all the parliamentary districts. If this were to occur, then one would have a situation where a sizeable percentage of the country thinks that their representative is corrupt but there is nothing that they can do about it. However, in a more proportional system, if a sizeable percent of voters think that a certain politician is corrupt they could simply vote for an opposition party with a high degree of confidence that that party will gain seats in the elected assembly since the barrier of having to gain a high concentration of voters within a district is removed. Under the PR system, the fact that there exist any voters who think that their party is corrupt will more instantly cajole parties to remedy the situation or, better still, prevent the situation from occurring.

In politics, perception is everything. This is especially true in a political system where it is the party, as opposed to individuals, that are at the centre of the political system. As such, parties do not want to be seen to be corrupt, this will further incentivise parties under the PR system to safeguard against corruption allegations as even rumours of corruption associated with the party will reverberate throughout the entire party precisely because voters vote for the party, and not the individual. Therefore, under the MS, even proven allegations of corruption can be contained within a certain district and will less be toxifying to the entire party because voters across the country are voting for different entities even if they are a nominee of the same party. In other words, an act of corruption by a Democratic Party politician found guilty of soliciting bribes in a district in Texas will not automatically be associated with a Democratic Party politician in another district in Texas. This is because a Democratic Party voter, in voting for a candidate as opposed to a party, would have voted for two *different* entities in those districts.

It is therefore completely plausible that bribery by a Democratic Party politician in the first Congressional district in Texas is viewed by voters to be completely independent of the activities of

another Democratic Party politician in the second Congressional district of Texas. Under the PR system, this is completely different because Democratic Party voters, either in New Mexico, Texas or as far afield as Alaska all vote for the same entity (the party), hence voters, regardless of where in the country they are, have their relationship with the party and not with an individual, district-defined politician. Therefore allegations of corruption by a political party arising from anywhere in the country are noticed by voters of that party, regardless of where the voter is, since all voters know is the party. This is what the researcher means when he writes that, under the PR system, the party is "a constant, never-changing entity". The implication being that allegations of corruption through bribery are a far more serious political concern under the PR system.

Proponents of the MS often cite the fact that any citizen of the district that is a registered party member can challenge an incumbent. Proponents of the MS claim that if an incumbent politician from a particular district is incompetent or is mandate-breaking, then someone from her own party can challenge her or him in a primary. Based on this fact, critics of the PR system would argue that the MS is a more transparent system where entry into the political process is not restricted to those who enjoy the favour of party leaders, unlike in the PR system. These critics argue that the system empowers citizens as well as voters in that citizens registered under a specific party can challenge an incumbent member of her own party whereas registered members of a particular party have, in the form of a primary, a choice of candidates to choose from *within* their own party before the general election takes place.

This cannot happen under the current closed party-list system which South Africa currently uses as it is the party at central office which decides who gets onto the list to elect members of the National Assembly. However, while what the proponents of the MS are saying about candidates being able to challenge the incumbent in a primary may be true in theory, it is not the reality. This is because campaign war chests that incumbents have built up over the years accumulate into sizeable amounts of money which end up discouraging would be opponents. Stern offers the following scenario:

> Suppose that a modern Andrew Jackson lived in Congressman Duncan's Congressional district or a new Martin Luther King in Congressman Charles Rangel's district. What chance would such historic figures have of successfully competing with Rangel or Duncan and their campaign war chests? (Stern, 1986: 37).

Congressman Rangel, who is African-American, typically received 96 percent of the vote in his district Harlem district in New York State (Stern, 1986: 4). Despite this, just like Congressman Duncan in Knoxville, his contributions from PACs tripled in the four years between 1980 and 1984, between 1984 and 1986, they then increased by half. Because of this, Congressman Rangel emerged from the 1986 campaign with a surplus of over R14 million. Ever since the PACs began in earnest, they have

consistently donated most of their money to incumbents. This is especially true in races for the House of Representatives where, by 1982, PACs gave 88 percent of their money to incumbents. This tendency of overwhelmingly favouring incumbents contributes to a situation where races become less and less competitive. In the US, in 1986, incumbents who sought re-election had a 98 percent success rate. While this may be due to several factors, including identity politics, the tendency for incumbents to amass sizeable war chests for their campaign is also a main contributing factor. Former Arizona Senator and 1964 Republican presidential candidate Barry Goldwater said the following:

> What are we doing? Are we saying that…only the people who have influential friends who have money can be in the Senate? We're excluding a lot of young people that I think would make damn good additions to this body by not giving them access to money (Stern, 1986: 38).

This bias of favouring incumbents has the effect of reducing competition as it narrows the spectrum of public discourse, ultimately reducing voter choice and therefore utility. These PAC-sponsored war-chests also protects corrupt lawmakers from serious challenges in that PACs may use their money to shape the race in their own image, as is evident in PAC sponsored political adverts, as opposed to dealing with the ethical issues of the incumbent. What this reveals is that PACs do not care about the ethics of the incumbent, only whether or not the incumbent will do their bidding. Therefore, the argument that the majority system is more accessible and accountable because the power to remove an incumbent lies with the voters either in a primary (in a situation where the unhappy voters are from his own party) or through the general election (in a situation where the unhappy voters are constituents of the incumbent's district) is not true in reality since the money they raise make incumbents a more formidable opponents, regardless of their track record in office.

This reveals another way in which the MS is more prone to outside influence when compared to the PR system: if one lawmaker refuses to do the bidding of a PAC, they can simply go to the next lawmaker, and if that lawmaker also refuses to do the bidding of the PAC, the PAC can then go to the next one. In fact, PACs would have hundreds of other candidates to try and bribe. In the extremely unlikely event that all lawmakers refuse to be bribed, the PACs may simply increase their offer. This increase would be a drop in the ocean for the benefit their PACs and their members receive when the lawmakers do their bidding. The fact of the matter is that even a relatively small amount of money will be hard to turn down given just how expensive it is to run a campaign.

It can, therefore, be argued that the MS incentivises the taking of money from outside sources such that even the most well-meaning and idealistic young politician will be left with little choice but to take money from PACs and other such groups. In other words, politicians are forced to take money in order to run an effective campaign in order to be re-elected. They are left, then, in a dilemma: if they

don't take the money their opponent in the district, in all likelihood, will take the money, and even if the presumptive challenger in the district refuses to take money from outside groups, then the PACs will, in a primary race, prop up another candidate who is willing to take their money in order to do their bidding. This is how money infiltrates the majority system since the barriers to preventing money from entering the political system are low if not nearly non-existent. These are the kind of loopholes that people such as UDM leader Bantu Holomisa and James Selfe are not taking into account when they call for a system of direct election for the election of lawmakers.

5.3.1 The Dramatic Increase in the Costs of Running a Federal Campaign in the United States

As the television became a primary source of dispensing information in the early 1970s, the costs associated with running a campaign rose significantly. As a result, the methods of fundraising had to evolve from being somewhat informal to being highly organised and efficient. The table below shows the average costs of running a campaign for (i) the House of Representatives and (ii) the Senate.

Table 17: The average amount spent on each Congressional and Senate race, 1976 - 1986

Year	House of Representatives	Senate
1976	R4 774 736	R34 611 955
1978	R6 348 617	R59 935 591
1982	R8 953 330	R69 233 709
1986	R10 640 799	R91 440 475

Source: Phillip Stern, 1986

As can be seen, the costs for winning a race in the House of Representatives have increased dramatically from what was an already high figure of R4 774 736 in 1976. Between 1976 and 1986, the costs of running a Congressional race have increased by more than 100 percent, while the costs of running a Senate race have increased by 270 percent. These increases are not organic or related to inflation.

These increases can only be explained by an artificial increase in money funded by outside groups. There have been efforts to reform the system however they have been met with resistance from lawmakers, particularly lawmakers from the Republican Party (Blumenthal, 2016; Bolton, 2012; Lynch, 2012). Such reliance on PAC money makes lawmakers even more vulnerable to PACs as well as other outside groups. By 2012, the average amount had skyrocketed to R24 142 027 which meant that in order to win a seat in the House of Representatives, candidates needed to raise R33 077 a day (Knowles, 2013).

"We'll buy a ticket to anyone's fundraising event, as long as he didn't vote the wrong way on trucking issues", these were the words of the director of the American Trucking Association's PAC (Stern, 1988: 7). This sentence lays bare the problem and is the reason why the researcher is of the view that the source of the money is the main problem. The director of the PAC is essentially saying that if a politician wants their money, then they can receive it – as long as they do as the PAC says (i.e. they do not vote the *wrong* way). Politicians are then left in a bind: they must choose whether to take the money from a PAC and vote for best interests of the trucking association or take the money and hope constituents do not find out that he or she potentially voted against their best interests.

Politicians must also take into consideration that if they refuse the money, then a PAC might fund a rival candidate through a party primary, or if the primary challenge fails, then the PACs have a choice of funding his rival during the general election. The politician might reason that it is not worth it to be idealistic and vote for the best intentions of the constituents as she as the incumbent might get defeated in a primary or a general election and lose her job. In such a situation the politician might reason – without fear of contradiction – that taking the money is the *best* option for constituents because she, as an incumbent, has more clout to be independent with some of the PACs and refuse to do some of their bidding as compared to a newly elected Senator whose main priority is getting the job and keeping it.

The incumbent lawmaker might thus console herself by reasoning that she is in a better position to make demands and receive concessions from the PACs even if she takes their money. Such lawmakers would be the 10 percent of lawmakers who took over R136 000 from NADA PAC and still voted against the Lemon Law. Challengers of incumbents, being new to the US Senate, will not be in a similar position to make demands on PACs as they will not have the confidence, clout, or moral authority to refuse many of the demands of the PAC that sponsored them since their election to Congress would have been at the expense of a lawmaker that refused to take special interest money. This points to a wider issue, and that is that the problem is not the politicians – it is the system, in particular, it is the (majority) system of election that allows such a proliferation of money to occur. Incumbent politicians, no matter how idealistic or morally superior they are, cannot compete against a challenger that has PAC funded money to positively market herself to constituents while misrepresenting and disparaging the incumbent's record. Therefore the answer lies in choosing the electoral system that does not encourage the proliferation of money in the electoral system.

5.3.2 The Rise of the Super PAC

Following the 2010 *Citizens United vs the Federal Election Commission* decision by the United States Supreme Court which found that corporations, unions, and other groups may spend unlimited

amounts of money during elections, super PACs became a more prominent feature of US political life (Christenson and Smidt, 2014: 414). Super PACs differ from PACs in that they are not allowed to give money directly to a political candidate either during a primary or during a general election. Super PACs can, however, spend an unlimited amount of money promoting a particular candidate, although such spending cannot be coordinated with any campaign of any candidate (O'Donnell, 2016).

In arriving at their decision, the Supreme Court found that this kind of expenditure constitutes "free speech" (Christenson and Smidt, 2014: 413). This was based on the understanding that corporations are people and that limiting money spent by corporations constitutes limiting the rights of people to exercise their rights to free speech under the first amendment. Therefore, while super PACs may spend money on "speech" including television, radio, pamphlets and online messaging, they may not spend money on campaign activity such as salaries and equipment hire for the benefit of a particular candidate (Christenson and Smidt, 2014: 420).

The reason why this is important is because unlimited amounts of money can either heavily benefit or heavily disadvantage a candidate. The whole idea of limiting coordination with campaigns is so that a campaign may not circumvent electoral laws by benefiting from super PACs which, unlike PACs, can spend an unlimited amount of money. However, there is ample evidence that super PACs do coordinate with individual campaigns in such a way that it benefits the politicians' campaign (Voorhees, 2015; Goldmacher, 2015; Gold, 2015; Bump, 2015).

Since the 2010 *Citizens United* decision, super PACs have exploded. Barack Obama, in his 2010 State of the Union address criticised the *Citizens United* decision by saying:

> Last week, the Supreme Court reversed a century of law that I believe will open the floodgates for special interest – including foreign corporations – to spend without limit in our elections. Well I don't think that American elections should be bankrolled by America's most powerful interests, and worse, by foreign entities (Jacobson, 2010).

Obama is not the only one to blame the *Citizens United* decision for the proliferation of super PACs. Former Republican Representative Reid Ribble, who represented Wisconsin's 8th Congressional District said that "the *Citizens United* was the Supreme Court decision that really opened up corporate dollars into the system". He later went on to say that "after the Supreme Court's Citizens United decision, a flood of outside money poured into super PACs" (O'Donnell, 2013). Former Representative Steve Israel, a Democrat from New York's 3rd Congressional district was head of the Democratic Congressional Campaign Committee (DCCC) until 2014. In his capacity as head of the DCCC, Israel was in charge of fundraising for the Democratic Party caucus. He said that before *Citizens United*, he would tell his members to put in an hour a day sometimes an hour and a half and at most two hours for

fundraising, "that's the way it went until 2010, when *Citizens United* was enacted. At that point, everything changed. And I had to increase that to two, three, sometimes four hours a day" (O'Donnell, 2013)

Despite his prior critique of the *Citizens United* decision, two years later, Obama had his "own" super PAC, called Priorities USA Action (recall that, while super PACs are not owned or run by the candidate, they are often run by people associated with the candidate and collude in various underhanded ways to the benefit of the candidate) (Miller, 2014). The presence of super PACs was all too prevalent in the 2016 presidential race between Hillary Clinton and Donald Trump, where an astronomical amount of money was raised. In fact, over $2 billion (R 27 billion) was raised between the two. This money can be broken down as follows:

- Hillary Clinton raised $1.4 billion (R19 billion), of which can be broken down the following:
    - $623.1 million (R8.2 billion) raised by the Hillary Clinton campaign primarily from political action committees (PACs);
    - $598.2 million (R8.1 billion) raised by the party as well as joint fundraising committees;
    - $204.4 million (R2.7 billion) spent on Hillary Clinton's behalf by super PACs for the sole purpose of "expressing themselves" for Hillary Clinton and "expressing themselves" against Clinton's opponents in both the primary and the general election.
- Donald Trump raised $957.6 million (R13 billion), of which can be broken down the following:
    - $334.8 million (R4.5 billion) raised by the Donald Trump campaign primarily from political action committees (PACs);
    - $543.4 million (R7.4 billion) raised by the party as well as joint fundraising committees;
    - $79.3 million (R1 billion) spent on behalf of Donald Trump from super PACs.

In the 2012 presidential election, both Barack Obama and the Mitt Romney campaign also raised over a billion Rands, with a significant amount of money raised from super PACs especially by the Romney campaign. This money can be broken down as follows:

- The Barack Obama campaign raised over $2 billion (R 27 billion), of which can be broken down as:
    - $733 million (R10 billion) raised by the Barack Obama campaign primarily from ordinary political action committees (PACs);
    - $289 million (R4 billion) raised by the party as well as joint fundraising committees;
    - $92 million (R1.3 billion) spent on behalf of Barack Obama from super PACs.

- Mitt Romney raised $1.18 billion (16.8 billion), of which can be broken down the following:
  - $479 million (R6.8 billion) raised by the Mitt Romney campaign primarily from ordinary political action committees (PACs);
  - $351 million (R5 billion) raised by the party as well as joint fundraising committees;
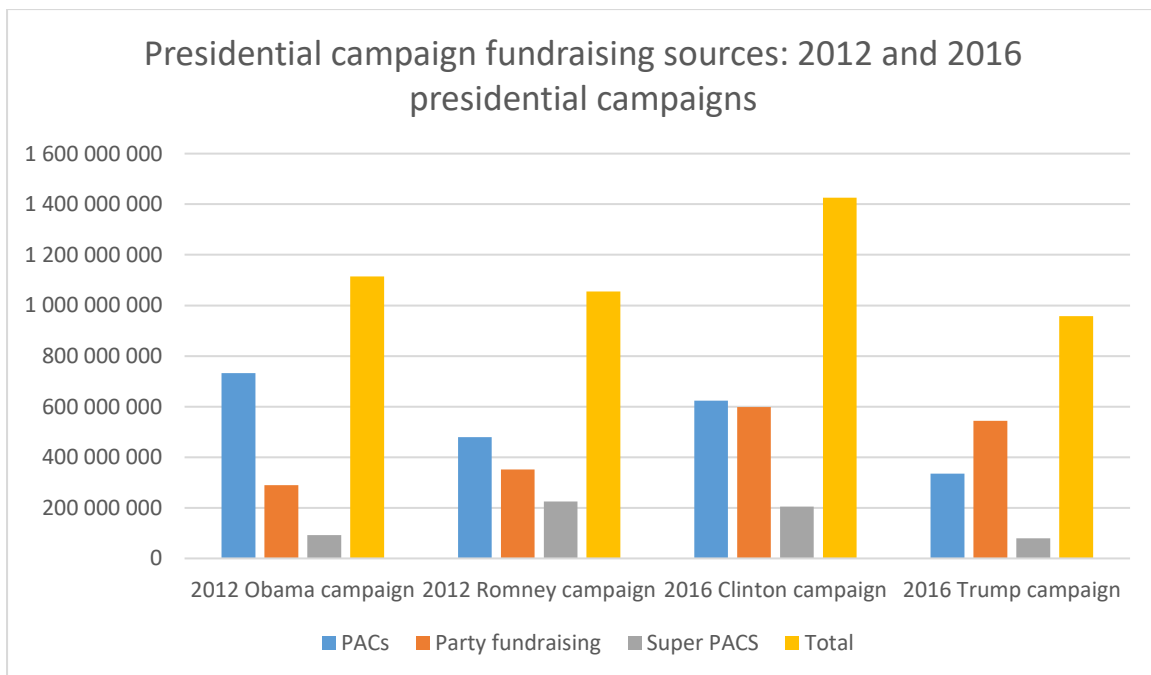 - $225 million (R3.2 billion) spent on behalf of Mitt Romney from super PACs.

A graphical representation of the fundraising sources of the 2012 and 2016 presidential campaigns is shown below.

Graphic 20: Representation of the fundraising sources of the 2012 and 2016 presidential campaigns

What this shows is that super PACs spending in presidential races is not insignificant. Super PAC spending is lower than money raised by the campaign itself as well as money raised by the party at central office, however, money raised by super PACs can only grow since there is no limit to the amount of money they can spend. Furthermore, the above research only shows super PAC spend by two campaigns per election season – the eventual Democratic and Republican nominees. There was, however, much more money raised by super PACs by candidates that did not end up winning the nomination of their parties. Below is a list of super PACs affiliated to different presidential candidates, from both parties, in the 2016 election cycle.

Table 18: Name of presidential candidates and their super PACs in the 2016 presidential cycle

Candidate	Name of super PAC
Rick Santorum (R – PA)	Working Again, Take America Back
Ted Cruz (R – TX)	Stand for Principle, Stand For Truth, Trusted Leadership PAC, Keep the Promise III, Keep the Promise PAC
Hillary Clinton (D – NY)	Priorities USA Action, Ready for Hillary, Local Voices, R4C16, Forward For A Better Future, Hard Hats for America, NCLR, Jews for Progress, Educators for Ohio, Iowans for a Prosperous & Safer America, America's Teachers,
Jeb Bush (R – FL)	Right to Rise
Marco Rubio (R – FL)	Conservative Solutions PAC, Florida First Project, American Opportunity PAC, Baby Got PAC
Ben Carson	National Draft Ben Carson for President Cmte, 2016 Cmte, Our Children's Future, Democracy, Love, BC For a Better Tomorrow, Let's Do Better America Action Fund
Jim Gilmore	Growth PAC
John Kasich (R – OH)	New Day Independent Media Cmte, New Day For America
Scott Walker(R – WI)	Unintimidated PAC
Chris Christie (R – NJ)	America Leads
Carly Fiorina (R – CA)	Unlocking Potential PAC, Carly for America Cmte, Character of Our Nation
Donald Trump (R – NY)	Future45; Rebuilding America Now; Our Principle PAC; Make America Number 1; Future in America; RALLYPAC; Patriots for Trump; Making America Great Again; Real People for America, Committee to Restore America's Greatness; Art of the Deal; Together Ready & United for More Prosperity; Keystone Commonsense PAC; Jewish Floridians for America's future; Bring Back American Opportunity.
Rand Paul (R – KY)	Ready for Rand; Forever Free PAC; Human Action Super PAC,
Mike Huckabee	Truth Squad 2016,
George Pataki	We the People, Not Washington
Lindsey Graham	West Main Street Values,
Bobby Jindal	Believe Again
Rick Perry	Opportunity and Freedom I; Opportunity and Freedom II
Martin O'Malley	Generation Forward
Bernie Sanders	Do the Right Thing; Pittsburgh Delegates for Bernie; Progressive Kick; Buffalo for Bernie; New York Capital Region for BERNIE, Las

	Cruces for Bernie; Collective Actions PAC, Silver City NM for Bernie, Citizens Against Plutocracy

This should give one an idea of the outsized role that super PACs play in US politics. There are *many more* super PACs that seek to promote candidates to the Senate and the House of Representatives, thus spending hundreds of millions of Dollars on their preferred candidate. What super PACs do is that they *increase the amount of money within the political system*. This money is typically used to purchase advertisement space on television, radio, print and online media. The majority system, where people run as themselves, creates an environment where the influence of super PACs can thrive. This is because, in a MS where there are primaries, candidates are going to have to promote themselves while simultaneously disparaging other candidates who are also seeking the party nomination. This is seen by the amount of money spent on negative attack ads. Furthermore, many of these ads are misleading or are downright false. Testament to this is the rise of fact-checking organisations such as Politifact, an organisation designed to check claims that political adverts make. Such negativity, especially on television and radio, have the effect of not only entrenching extremism within parties, but also sowing long-term distrust and factionalism as candidates desperate to win the party nomination appeal to the lowest common denominator. Super PACs, just like PACs, do not care about the wellbeing of a particular district or constituency in so much as they care about their candidate winning. If voters are more polarised by their adverts, super PACs will not care so long as their candidate wins the nomination and their political agendas are fulfilled. The PR system, the researcher argues, does not incentivise the formation of super PACs or similar groups or entities and therefore such a dramatic increase in money in the political system. Firstly, because the PR system does not have primaries and district races, there will be no super PAC and PAC money to be spent on adverts for or against a candidate. Additionally, since the country and its candidates are not divided up into individual districts, there is less focus on local issues and more focus on a national, and more unifying agenda. What this means is that there are no localised adverts and as a result, there is less scope for PACs and super PACS to use their money to run ads which divide communities to drive people to vote for their candidate (or against another candidate) as means to further their agenda.

Another reason why the PR system does not incentivise the formation of super PACs or similar groups is because, under the MS, candidates and their parties can afford to offend people in their district who they know would not vote for them and neither the candidate nor the party will be affected as long as the politician keeps getting the plurality of the vote in that particular district. Thus PAC and super

PAC sponsored adverts can afford to be so divisive since the *only* concern is making sure that their candidate finishes first in the district.

Perhaps others may argue that PACs and super PACs are a uniquely American phenomenon, it may also be argued that America's constitution places more emphasis on individual freedom and liberty as well as a spirit of free enterprise whereas South Africa's constitution is based on values of unity and nation building. The researcher would agree with those views and would further add that American politics represents the worst case scenario when it comes to the issue of money in politics. Having said that, what cannot be denied is that politicians running in individual districts will need money to run their campaign, it cannot be argued that the donors and those groups that will be donating money to politicians are not doing so in order to fund and further their own *agenda.* This is the crux of this chapter. Where public service and private money mix, there will be a conflict of interest and, unfortunately, it almost always will be the people who take the back seat as a result.

5.3.4 Dialling for Dollars: How Political Fundraising Robs Citizens of their Representatives

According to Senator Dick Durbin, who, as of 2017, was still in office, "Americans would be shocked—not surprised, but shocked—if they knew how much time a United States Senator spends raising money" (Blumberg, 2012). The fact is that political fundraising takes time, in fact, it is estimated that politicians in Congress spend between a quarter to half of their time fundraising in order to campaign for their next race. Former Senate majority leader Tom Daschle says that the time spent fundraising could be as much as 60 percent in the months leading up to an election (Bort, 2016; Grim and Saddique, 2013).

As a result of this, lawmakers must spend more of their time trying to fund their re-election campaign than on crafting legislation which benefits their constituents. The most effective method lawmakers use to solicit funds is the telephone which is used to call past and potential future donors, many of them complete strangers, in order to ask them to contribute towards their campaigns (O'Donnell, 2016). Since federal law forbids the exchange of money within the halls of Congress, both the National Republican Campaign Committee (NRCC) and the Democratic Congressional Campaign Committee rent out cubicles in an office a block away from the Congressional buildings for the sole purpose of lawmakers making phone calls to donors. In the hallway, there is a big white board upon which the names of all the party members as well as the amounts each member has raised are written (O'Donnell, 2016). Representative Rick Nolan from Minnesota, was first elected to the Senate in 1974, served in the House of Representatives for six years and returned to Congress in 2013 after a 32-year break. Upon his return, he remarked:

> I didn't recognise the place when I came back, it seems like I took a nap and I came back and I say, 'wow, what happened to this place? What's happened to democracy?' I mean, the Congress of the United States has hardly become a democratic institution anymore.

For this, he squarely blames the influence of money. The online news site *The Huffington Post* got a hold of, and published a leaked daily schedule, created by the DCCC that was used in a presentation to an incoming class of newly elected Democratic Party law makers. This schedule is displayed below.

Graphic 21: "Model" Daily Schedule for members of Congress

What the presentation shows is that members of Congress are expected by the DCCC to spend four hours a day on the phone raising money. This is likely done during office hours, which means that politicians are expected to spend half their official day making phone calls, the other half is to be spent on doing their actual job. According to other members of Congress, members of Congress are expected to spend thirty hours a week (six hours a day) on the phone "dialling for Dollars". (Saloman, 2016; Carlson and Sikorski, 2016). Former member of the House of Representatives Zach Wamp writes about how, as a chairperson of the "A-list" Appropriations committee, the Financial Services Committee or the Ways and Means committee, members were expected to raise R16 403 009 whereas "B committees" such as the Infrastructure and transportation committee and had to raise R 11 960 517 (Wamp, 2016). Wamp writes, "The current fundraising demands placed on members of

Congress are tantamount to a "committee tax," which interferes with the work of serving constituents and the country. No lawmaker should have to buy a position on any committee in Congress. That's just wrong".

We can surmise, then, that these fundraising demands distract members of Congress from their actual job, which is to solve the country's problems, and not to dedicate a large portion of their working week raising money for their re-election campaigns. As Wamp puts it, hours spent fundraising as part of unofficial second jobs as telemarketers for the NRCC or DCCC are time and energy diverted away from lawmakers' legislative responsibilities" (Wamp, 2016). In an interview conducted by CBS's Norah O'Donnell, former representative David Jolly said that they were told that raising money is their first job and that their daily target as members of Congress was R240 000 a day (O'Donnell, 2013). Below is a leaked NRCC call diagram instructing their members how to go about asking for funds when they do their telephonic fundraising.

Graphic 22: Flowchart showing how members of Congress should solicit funds
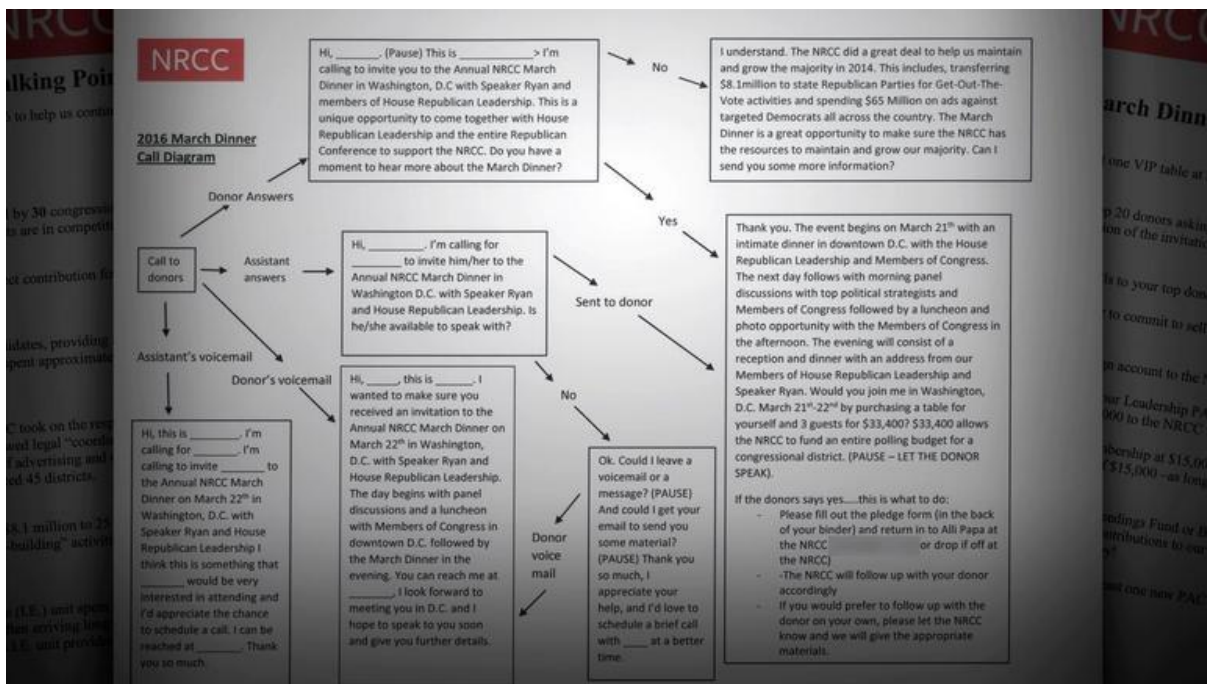
The flowchart depicts how lawmakers should systematically respond to the answers. The flowchart depicts how the lawmakers should respond depending on who answers whether it is (i) the donor, (ii) the donor's assistant, (iii) the donor's voicemail and (iv) the assistance's voicemail. It becomes clear that a lot of time and effort is spent conducting fundraising. Representative Jolly explains how the House schedule revolves around fundraising and that, as a result, one never sees a committee during certain times of the day since those are fundraising times (O'Donnell, 2016). In situations where
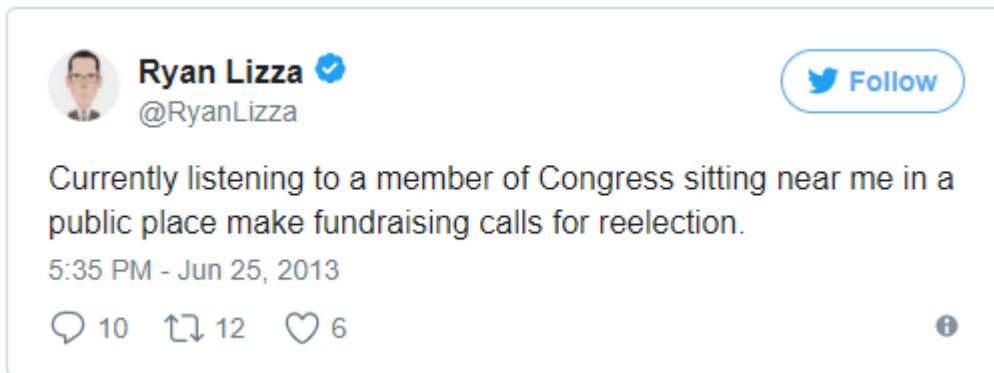
political fundraising and their Congressional activities clash, it is the fundraising that always wins the day. It is also considered "poor form" and borderline "self-indulgent" for Senators, especially junior freshmen Senators, to attend a committee hearing for extended periods of time since this is time that could be spent fundraising for the party (Grim and Siddiqui, 2013). Chris Dodd, a former Senator from Connecticut said:

> Politics is a complicated business, and learning how to do it well takes a lot of time and a lot of effort. You need to spend time learning about issues that you never even considered, much less studied. You need to spend time building relationships with your colleagues. You need to spend time meeting with your constituents and hearing their concerns. You need to spend time shuttling back and forth from your district. You need to spend time preparing for, and attending, committee hearings. You need to spend time searching for outside experts whose advice you trust. And you also, of course, need to spend enough time with your family and your old friends that you don't completely lose touch with your humanity. All that would be enough to fill a completely empty schedule. But all that's impossible if you're spending four hours dialling for dollars each day and another hour or two attending fundraising breakfasts and lunches. The fact is that fundraising is squeezing everything else out. (Klein, 2013)

It is also clear that the system is rigged when words and phrases such as "no one likes this system", "hate it", "soliciting", "nothing short of rigged", "the most painful thing" are words and terms politicians, whether Republican or Democrat, use themselves to describe the fundraising system (Grim and Siddiqui, 2016; O'Donnell, 2013). While the system is criticized by politicians, they have little choice but to persist with it because donor funding increases their chances of re-election. The evidence is clear that the more money politicians have for their re-election campaign the likelier they are to win re-election and keep their jobs (Christenson and Smidt, 2014: 421).

Below are a series of writings from award-winning journalist for the New Yorker magazine, Ryan Lizza, who happened to listen in on a Democratic Party politician conducting fundraising in a public place. Using the social media site Twitter, he relayed what he heard; the researcher shares the tweets below.

Graphic 23: Tweet depicting lawmaker soliciting funds

Ryan Lizza ✔
@RyanLizza

Follow

Currently listening to a member of Congress sitting near me in a public place make fundraising calls for reelection.

5:35 PM - Jun 25, 2013

💬 10   🔁 12   ♡ 6   ⓘ

Graphic 24: Tweet depicting lawmaker soliciting funds

Ryan Lizza ✔
@RyanLizza

Follow

Dialing for dollars seems almost as bad as living in the transit zone.

5:44 PM - Jun 25, 2013

💬   🔁 3   ♡ 1   ⓘ
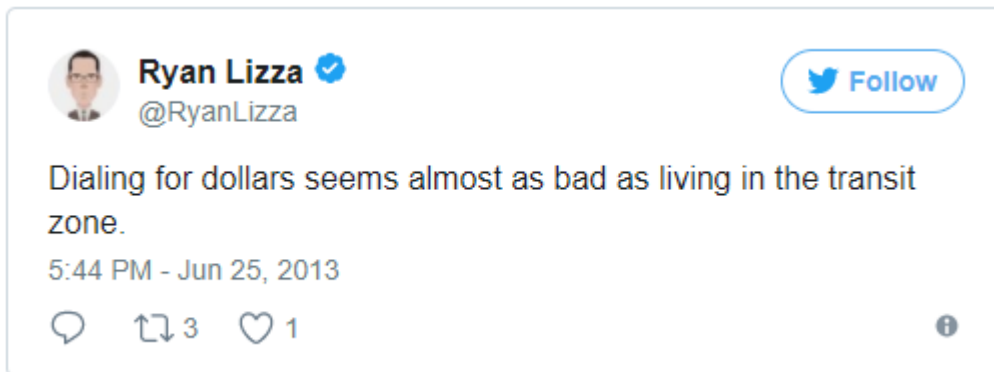
Graphic 25: Tweet depicting lawmaker soliciting funds

Ryan Lizza ✔
@RyanLizza

Follow

Member of Congress: "Sorry, I must have the wrong name. Who runs the PAC? [pause] OK, that's who I need to talk to."

5:52 PM - Jun 25, 2013

💬 2   🔁 4   ♡ 3   ⓘ

Graphic 26: Tweet depicting lawmaker soliciting funds

Source: The Atlantic, 2013

Note the desperation in the politician's words.

Graphic 27: Tweet depicting lawmaker soliciting funds

Source: The Atlantic, 2013

Graphic 28: Tweet depicting lawmaker soliciting funds

Source: The Atlantic, 2013

This "very heavy attack" is most likely funded by a super PAC, which can spend unlimited amounts of money on advertisement, as these are classified as "free speech".
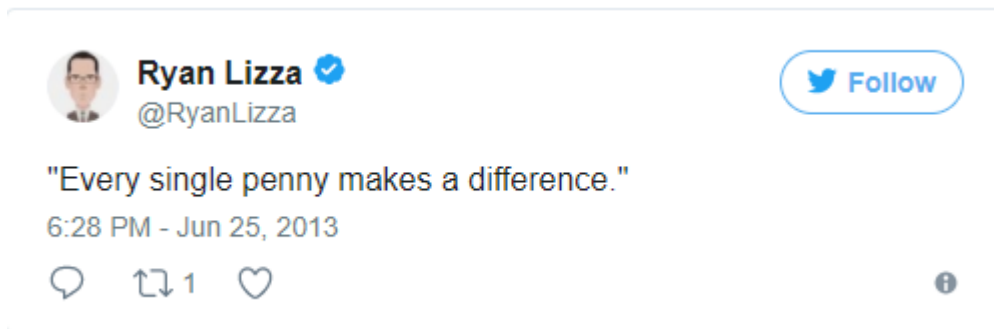
Graphic 29: Tweet depicting lawmaker soliciting funds

Making fundraising calls is a lot like reporting: Nobody takes your calls. Ratio of messages left to people contacted so far is about 10:1.

6:54 PM - Jun 25, 2013

Source: The Atlantic, 2013

Graphic 30: Tweet depicting lawmaker soliciting funds

[Leaving msg]: "I wanted to discuss immigration bill currently moving through Senate. You had some ideas for changes last time we talked."

7:23 PM - Jun 25, 2013
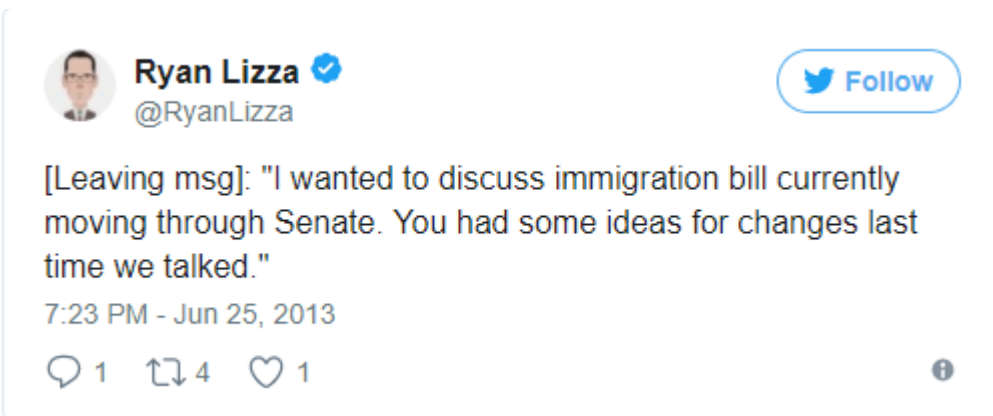
Source: The Atlantic, 2013

Note how the lawmaker is incentivising the donor to contribute to his campaign by offering to hear the changes that the donor has suggested be made to the "immigration bill" that is currently in the Senate (upper house). This underscores the point that politicians know that when they receive money, it is in return for something, even if it is not explicitly stated at the time.

Graphic 31: Tweet depicting lawmaker soliciting funds

"I'm running for reelection and running around with my hand out for help already. I know that sounds crazy."

7:27 PM - Jun 25, 2013
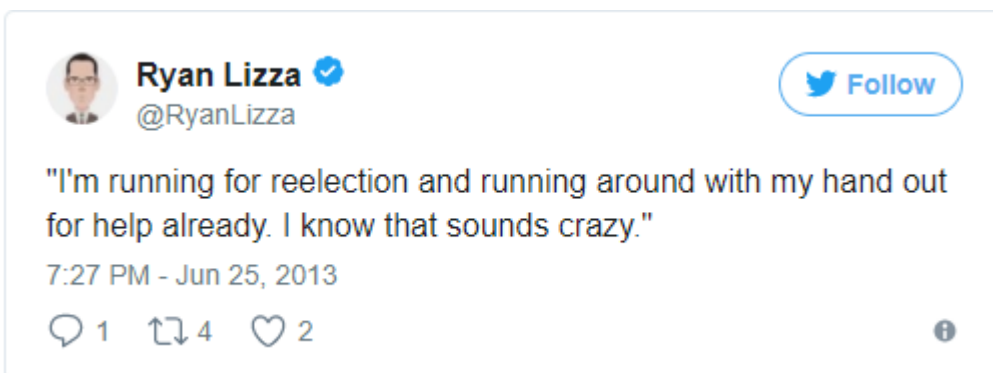
Source: The Atlantic, 2013

Again, note how the desperate tone of the Congressman.

Graphic 32: Tweet depicting lawmaker soliciting funds

> **Ryan Lizza** ✔
> @RyanLizza
>
> "I certainly understand that. I know. It's crazy. [long pause] You are not alone. I'll tell you what I'll do, you tell me when to call you."
>
> 7:31 PM - Jun 25, 2013
>
> ⟲ 2   ♡ 1
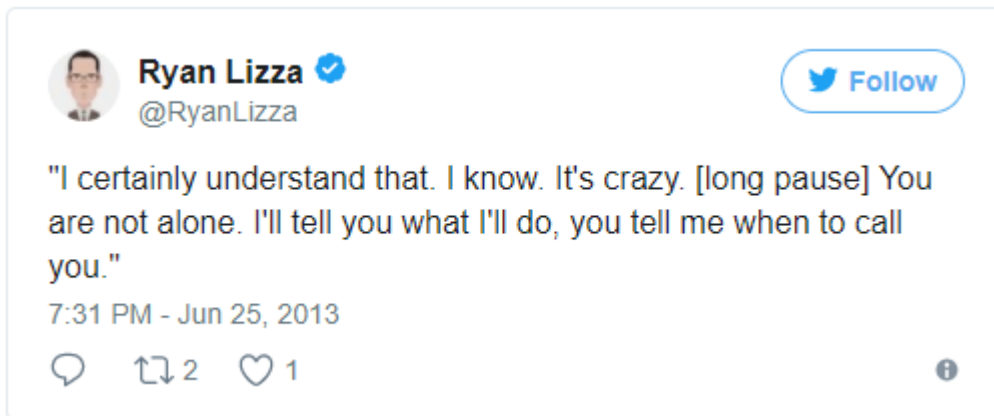
The lawmaker uttering the words "you tell me" has a lot of symbolism for this chapter. It underscores how it is donors who tell the politicians what to do and not the other way round.

Graphic 33: Tweet depicting lawmaker soliciting funds

> **Ryan Lizza** ✔
> @RyanLizza
>
> "The first year is all about the money. The second year is more about door to door."
>
> 7:37 PM - Jun 25, 2013
>
> 2   ⟲ 2   ♡
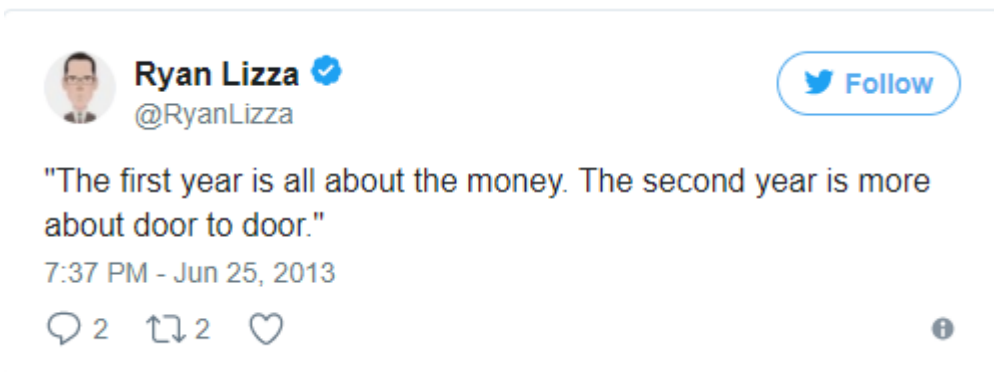
One would think that the first year would be dedicated to getting to grips with the issues important to the electorate, unfortunately, in a system where raising money is paramount, the issues of the voters clearly take second place.

Graphic 34: Tweet depicting lawmaker soliciting funds

Ryan Lizza ✔
@RyanLizza

Follow

"I wish we had a functioning 2-party system. It's ridiculous what they're doing. Shameful. In some ways it's embarrassing."

7:40 PM - Jun 25, 2013

4   4
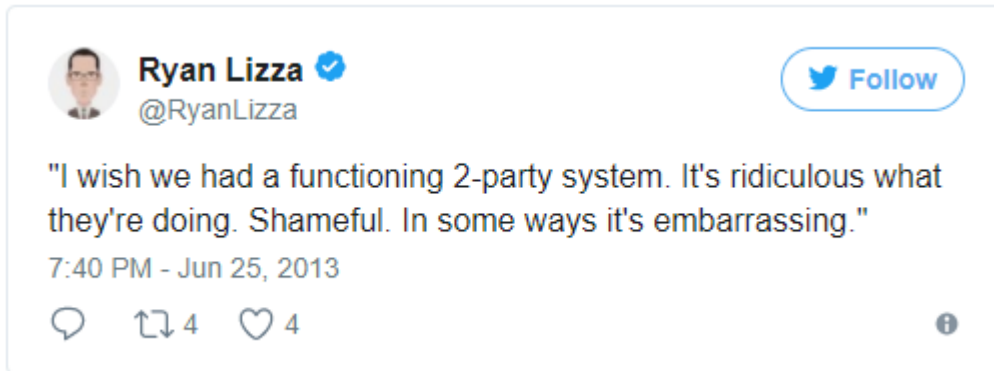
Source: The Atlantic, 2013

Graphic 35: Tweet depicting lawmaker soliciting funds

Ryan Lizza ✔
@RyanLizza

Follow

"They told me I have to raise over three million! It is ugly. I don't think we'll have a change until we have the majority."

7:40 PM - Jun 25, 2013

4   1
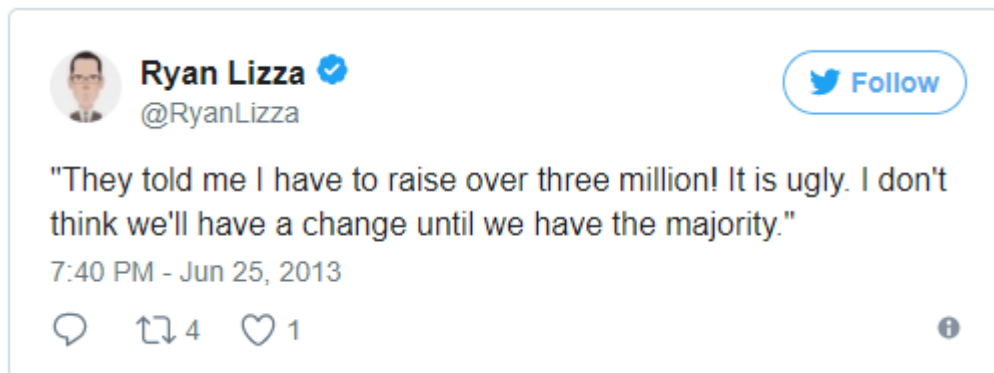
Source: The Atlantic, 2013

$3 million is equal to R42 million, bearing in mind that members of the House of Representatives run every two years, this means that R42 million has to be raised in 24 months.

Graphic 36: Tweet depicting lawmaker soliciting funds

Ryan Lizza ✔
@RyanLizza

Follow

"When it's closer, early next yr, I'll give u a call. How about that? I wrote myself a note, early '14 I'm going 2 call & ask 4 some help."

7:40 PM - Jun 25, 2013

2
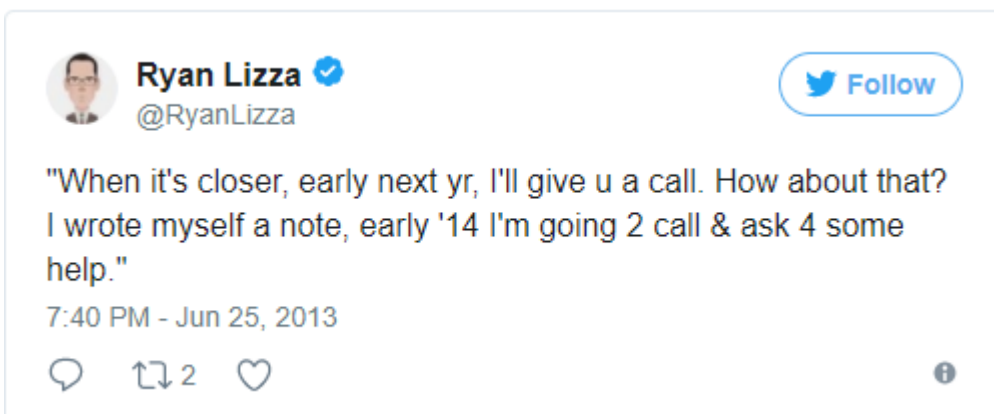
Source: The Atlantic, 2013

"Some help" in this context is money.

Graphic 37: Tweet depicting lawmaker soliciting funds

Ryan Lizza ✔
@RyanLizza

Follow

[Leaving msg]: "I know it sounds crazy but we're already running for reelection."

7:42 PM - Jun 25, 2013

↩   ⟲ 5   ♡
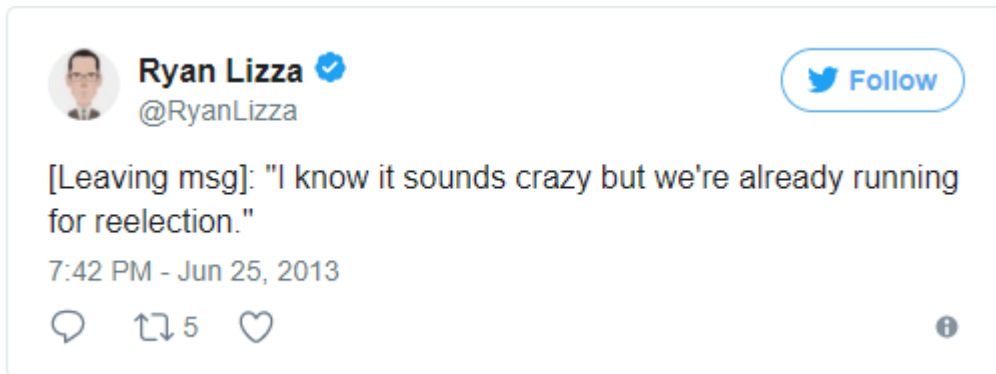
This statement is consistent with the one statement made by former Congressman David Jolly who said that they were told that their first job is raising money, since raising money is solely for the purpose of being re-elected.

Graphic 38: Tweet depicting lawmaker soliciting funds

Ryan Lizza ✔
@RyanLizza

Follow

[To aide]: "I ran out of calls."

7:43 PM - Jun 25, 2013

↩ 1   ⟲ 2   ♡
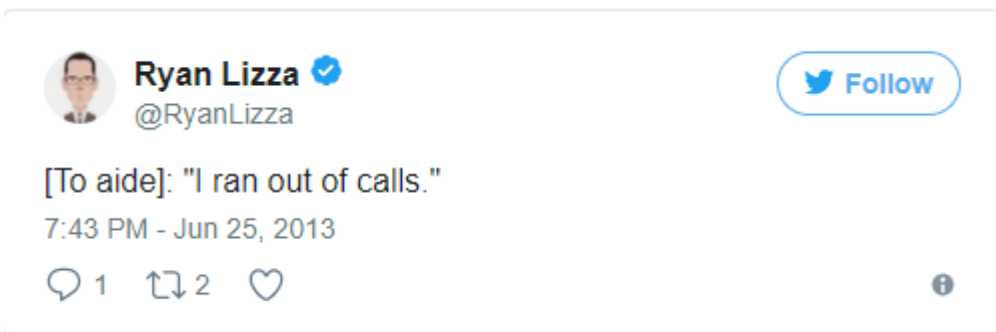
Graphic 39: Tweet depicting lawmaker soliciting funds

Ryan Lizza ✔
@RyanLizza

Follow

The End.

7:44 PM - Jun 25, 2013

↩ 8   ⟲ 1   ♡ 3

This particular fundraising session took at least 2 hours and 9 minutes, it in all likelihood took longer, unfortunately, it is impossible for the researcher to find out how long the lawmaker was making calls

before Ryan Lizza began tweeting. Clearly by the time Ryan Lizza started tweeting the lawmaker had already started.

Graphic 40: Tweet depicting lawmaker soliciting funds

> **Ryan Lizza** ✔
> @RyanLizza
>
> I now understand the case for public financing of congressional elections.
>
> 7:51 PM - Jun 25, 2013
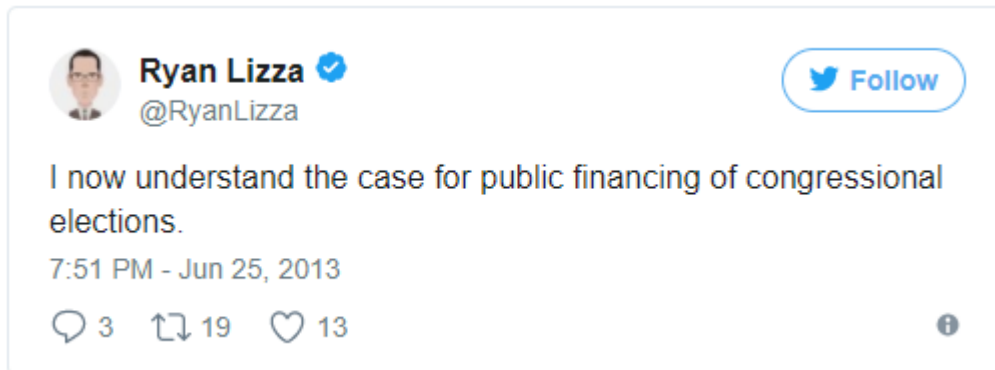>
> 💬 3   🔁 19   ♡ 13   ⓘ
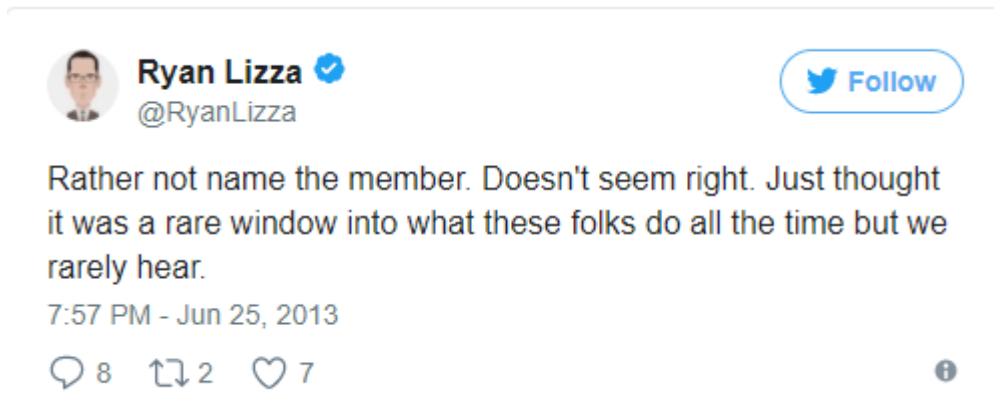
<p align="right">Source: The Atlantic, 2013</p>

What is interesting about this tweet is that it took hearing a lawmaker begging for money for the journalist to understand the dangers of the private financing of campaigns. This is even more significant because Lizza is someone whose job it is to cover politics. This leads the researcher to think that if most people heard what Ryan Lizza heard, they too would fully understand the dangers of private funding of elections. This leads the researcher to believe that most people, while they may be of the view that politicians serve donors and not them, as the Gallup polling shows, do not fully understand the ramifications of private donors and private money on their democracy and ultimately their quality of life. Most voters, understandably so as it takes a lot of time effort to do so, do not make the connection between private funding of elections and high milk prices or the connection between the private funding of elections and auto dealers being allowed to sell defective cars. This tweet inadvertently confirms the issue raised in the very beginning of this chapter that is not the existence of money as it is the *source* of the money that is the main problem. By having public financing of congressional elections, private money, and therefore the influence of private interests, is severely mitigated if not completely removed.

136

Graphic 41: Tweet depicting lawmaker soliciting funds

Ryan Lizza ✔
@RyanLizza

Follow

For those wondering, this is a freshman Democrat in a tough race.

7:53 PM - Jun 25, 2013

💬 2   🔁 4   ♡   ℹ

Source: The Atlantic, 2013

Graphic 42: Tweet depicting lawmaker soliciting funds

Ryan Lizza ✔
@RyanLizza

Follow

Rather not name the member. Doesn't seem right. Just thought it was a rare window into what these folks do all the time but we rarely hear.

7:57 PM - Jun 25, 2013

💬 8   🔁 2   ♡ 7   ℹ

Source: The Atlantic, 2013

The Manchin-Toomey Bill, the milk subsidy law and the Lemon Law were but only a handful of pieces of legislation where big money prevailed over the interests of citizens. In December of 2017, Congress passed a bill called the "Tax Cut and Jobs bill" which they claimed was to help the middle class get tax relief, but on closer inspection, gave most of the tax cuts to the rich (Golshan, 2017). In a way of an example, the corporate tax went from 35 percent to 21 percent, furthermore, while taxes on corporations and the very wealthy were made permanent, tax cuts on the middle class were made temporary (Golshan, 2017; Kertscher, 2017). According to a Quinnipiac poll, the bill had an approval rating of 29 percent (53 percent disapproval) whereas a Gallup poll also gave the bill a 29 percent approval rating (56 percent disapprove) (Bryan, 2017). An NBC/ WSJ poll, at 24 percent, gave the bill a lower approval rating (Harwood, 2017). In an ordinary democracy, such numbers would, at the very least, give the lawmakers pause to think in order to fundamentally change the bill. However, this is not what happens in a situation where politicians, such as the unnamed freshman Democrat, answer to donors and not voter.
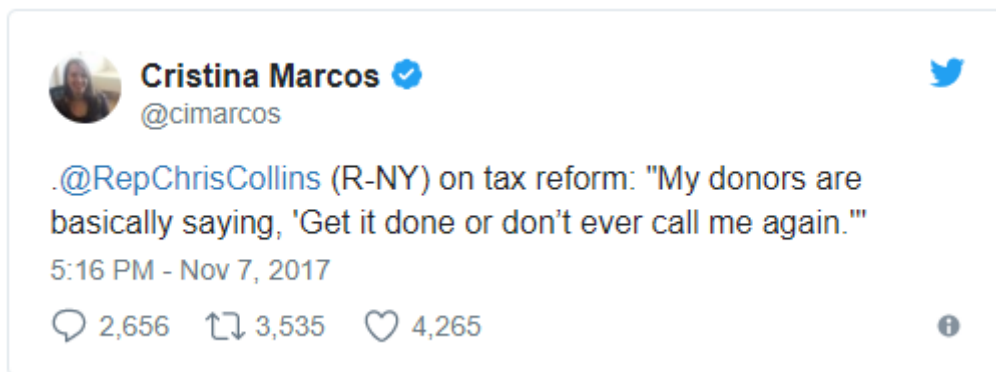
Graphic 43: Cartoonist Matt Wuerker depicting a common interpretation of the "Tax reform" bill

It is very difficult to exaggerate the extent to which the Tax Cut and Jobs bill favoured the very richest in society, in fact, Republican Senator Marco Rubio, who voted for the Bill, admitted less than a week later that the Bill probably went too far in favouring the rich (Fryer-Biggs, 2017). While many outsiders would be perplexed as to why lawmakers would pass a bill that would lead to government receiving less revenue – thus in the process making their jobs as lawmakers more difficult – it is understandable when one scrutinises the system*: lawmakers work for their donors, not their constituents.* With regards to the Tax Cut and Jobs Bill, donors, as admitted by lawmakers themselves, put intense pressure on Republicans in order to pass tax reforms. Below is a tweet by *The Hill* reporter Cristina Marcos who reported Congressman Chris Collins openly admitting that his donors are putting pressure on them to pass "tax reform".

Graphic 44: Tweet showing Chris Collins admitting his donors are pressuring him to do "tax reform"

Cristina Marcos ✔
@cimarcos

.@RepChrisCollins (R-NY) on tax reform: "My donors are basically saying, 'Get it done or don't ever call me again.'"

5:16 PM - Nov 7, 2017

💬 2,656   🔁 3,535   ♡ 4,265

Source: The Hill, 2017

Senator Lindsey Graham, a Republican from South Carolina also admitted to donor pressure by stating that "financial contributions will stop" if the party did not pass tax reform (Savransky, 2017). Conceivably, all Republicans legislatures, who are the majority, were facing huge financial pressure from their donors to pass this piece of legislation.

When Senator Lisa Murkowski of Alaska inserted a provision in the Tax Cut and Jobs Bill to allow for drilling in the Arctic – much to the opposition of many environmental groups – she claimed that it was because drilling in the Arctic, which is estimated to have as much as 16 billion barrels of oil, would be beneficial to her state (Fountain & Friedman, 2017). However, upon investigation, it seems that the real reason Senator Murkowski inserted the provision for drilling in the Arctic is because her donors stood to benefit from such a move. Below is a table showing Lisa Murkowski's top ten donors in her last election cycle in 2016. "Individual" refers to situations where executives or people directly affiliated to the said organisations (as a senior executive or member of the board of directors) donate funds to the Murkowski campaign whereas "PAC" refers to situations where the organisations form a political actions committee for the purposes of donating to politicians.

Table 19: Lisa Murkowski's campaign contributions, organised by sector

Contributor	Sector	Individual	PAC	Total
PG&E Corp	Oil and gas	R640 395	R146 300	R786 695
Cheniere Energy	Oil and gas	R518 700	R133 000	R651 700
Elliott Management	Financial services	R571 900	R0	R571 900
Energy Transfer Equity	Oil and gas	R441 560	R99 750	R541 310
ConocoPhillips	Oil and gas	R388 360	R133 000	R521 360
Pioneer Natural Resources	Oil and gas	R335 160	R133 000	R468 160
KKR & Co	Financial services	R466 830	R0	R466 830
Saltchuk Resources	Transportation	R332 500	R133 000	R465 500
Sempra Energy	Oil and gas	R328 510	R133 000	R461 510
Alaska Air Group	Transportation	R365 950	R93 100	R459 050

Source: www.opensecrets.org, 2017

Six out of her top ten donors are in the oil and gas sector. From what we know about the behaviour of donors including that special interest donates money in order to buy influence *after* the election. It can be concluded that such oil and gas companies donate in order to influence (read bribe) Murkowski to their own ends. From the experiences and admissions of her colleagues, combined with what is known about American politics, it would be naive to say that there is no relationship between Murkowski advocating for drilling in the Arctic and her biggest donors being in oil and gas. The League of Conservation Voters, for instance, in a statement, said that Murkowski's provision in the bill is "nothing more than a long-sought payout for Big Oil" (D'Angelo, 2017) Hence the researcher is of the view that a system where politicians have to individually raise money is a recipe for corruption. Under such a system it is the views of donors, not constituents, which matter whereas politicians become pawns for their rich donors. Under such a system, the rich have a direct (phone) line to politicians whereas the politicians are incentivised to curry favour for the rich.

A question that arises from the above is this: if the Tax Cut and Jobs bill is so unpopular, why won't the politicians at least give pause if not alter the bill in its entirety, if only to not lose their jobs? Polling shows that, on the back of the Republican Tax Cut and Jobs Act, Democrats in 2018 can take back the House of Representatives and even the Senate where Republicans hold a 51 – 49 majority. Apart from the reasons described above, including super PACs airing ads which divert attention away from the incumbent lawmakers, many politicians, should they get voted out of office, simply become lobbyists for the same corporations that paid for their campaigns (www.opensecrets.org, 2017; Arnsdorf, 2016; Drutman, 2016). In the 1970s, for instances, only 5 percent of politicians became lobbyists after leaving office, since 2008, that number has risen to 47 percent (Arnsdorf, 2016; Drutman, 2016). The Tax Cut and Jobs Act, for example, had 6243 lobbyists working on it (Lincoln, 2017: 3; Vogel and Tankersley, 2017). Therefore, even if they get thrown out of office or retire, they are financially secure

since they can become lobbyists. This makes politicians care less about what voters think and makes politicians even more disconnected from constituents. Andrea Campbell from the Massachusetts Institute of Technology (MIT) says:

> Overall public opinion doesn't matter. Instead, members of the House and Senate have to think about two groups when considering how to vote on legislation such as the Tax Cut and Jobs Act: their donors and their re-election constituency. To win re-election they need money and they need votes. But they only need votes from a subset of individuals in their districts or states; other voters' preferences can safely be ignored. So how do donors and GOP re-election constituencies feel about the tax bill? (Klein, 2017).

Notice how the two groups that Campbell refers to are unique features of the FPTP majority system. Since politicians run as individuals for office they have to worry about the first group, the donors. Furthermore, and secondly, the MS creates a situation where politicians do not have to be concerned with the views of a large minority within his constituency since all a politician needs is to win a plurality of the vote, not to appeal to as wide an audience as possible since the system does not incentivise that. Therefore notice how the majority system, through the donor – district nexus, has created a situation where detrimental legislation can be made into law.

A similar situation to the one described above might occur if South Africa adopts a majority system of election that allows for such a situation to happen. A situation where politicians are left to fend for themselves leaves them vulnerable to prey by people and organisations with money and want to influence the political process for their own benefit. In South Africa, a country endowed with lots of minerals, the mining companies could do the same in order to fund politicians desperately needing to fund their campaign. The mining companies are an ideal example as they are currently taking the minister of minerals and Energy to court as they oppose the mining charter (Groenewald, 2017). Clearly, they are willing to use their resources in order to get what they want. Having a situation where the minister of Minerals and Energy or people who sit on the Minerals and Energy portfolio committee have to potentially ask money from the industry is very dangerous for South Africa's democracy and this is not what Constitution (nor the founding fathers) envisaged for South Africa's (or America's) representative democracy.

5.4 Concluding Remarks

From the research offered in this chapter, it is clear that money has a corrupting influence on politicians. This ultimately leads to constituents leading a lower quality of life. The majority system's insistence on running individual races places a premium on fundraising, which in turn makes politicians vulnerable to those who seek to use their money to benefit their own sectarian interests.

The proportional representation system's rejection of individual districts and therefore individual races closes the gate to money both directly, through PAC like contributions, and indirectly, through super PAC type contributions. The PR system, however, does not completely remove money from politics since the party as an entity needs to campaign. However, the PR system, for several reasons, makes it more difficult for money to infiltrate since individual politicians do not run their campaigns as they are deployed by the party at central office. Another reason why private money is so detrimental under the MS is because the pressures of fundraising will invariably lead to the detriment of constituents, as they dedicate more time to fundraising and less time to the concerns of their country.

The amount of time taken to fundraise has only grown and should be highly concerning to all democrats, spending so much time with the top income earners can only affect politicians' view of the society, making politicians more elitist and less empathetic.

What is most noteworthy is the extent to which the investments made by private interest groups pay off. The amounts of money made by auto dealers and milk farmers as a result of their lobbying have paid off exponentially. The amount of money the oil and gas industry invested into Alaska Senator Lisa Murkowski's political campaign is a drop in the ocean when compared to the tens of billions of dollars in revenue such companies would gain over the decades of oil production. If South Africa had used an electoral system wherein money can be used to easily control politicians then a law such as the Tobacco Products Control Act of 1993 might not have come into existence, or perhaps the subsequent, more comprehensive laws would have not been enacted or would have been severely weakened as the legislators who drew up the legislation could very well have received political donations from tobacco companies. It is clear that South African society needs to be vigilant against the proliferation of money, as such the South African people should use an electoral system that shields politicians against having to solicit funds and therefore uphold the constitutionally enshrined goal of sovereignty.

Chapter 6: Conclusion

Democracy is not a perfect system. However, advocates of both the MS and PR system, as seen by these debates on how to carry out the democratic project, at least agree that democracy, as opposed to a dictatorship or a theocracy, is the best way to "elect" leaders. The question then, is how exactly does society aggregate the concerns of millions of people into one parliament, and government, that is accountable, representative and immune from private interests? The question is which of the two electoral systems under review best achieves these normative goals.

This research shows that it is the PR system which achieves all three of these goals. The research shows that, contrary to what the likes of Bantu Holomisa, Mangosuthu Buthelezi and James Selfe would like us to believe, the extent to which politicians elected from single-member districts can be held accountable by their constituents is contingent on many factors, including the electoral system, even then it is not the electoral system they advocate for. These other factors include the extent to which there is effective separation of powers, the extent to which there is an independent judiciary, the levels of press freedom and the extent to which civil society can effectively engage in the political issues of the day. These country differences explain the difference between the United States and Zimbabwe, both of which use the same electoral system but with very different cultures of political accountability.

Another factor which determines how accountability can be pursued is the perceived quality of the opposition. Thomas Quinn's research reveals that under the majority system, accountability is more difficult to enforce due to the structural makeup of the first-pass-the-post majority system. More generally, political parties can only be held accountable for their actions if the alternative party is seen by the majority as being a credible advocate for their interests. ANC voters in the KwaZulu-Natal will only vote for the official opposition party the DA if they believe that the DA has their best interests at heart, while DA voters in the Western Cape will only vote for the official opposition party, the ANC, if they believe that the ANC is a credible conduit for *their* interests. Until then, the ANC (or DA) will continue being elected, be it via the MS or PR system, until a credible, alternative opposition party emerges in the eyes of voters. That being said, under the PR system, political parties will necessarily work harder on keeping their image and branding credible in the eyes of voters since it is much easier for smaller parties to enter the political process.

Politics is about trust and if there is no trust then voters will not vote for the other party, even if the incumbent party is breaking its mandate. In fact, the MS makes it harder for citizens to enforce accountability in a two party system where both parties are mandate-breaking since the high threshold needed for winning elections makes it very difficult for new parties to emerge. There are

countless examples the world over of a small minority of voters in a district voting for a third party but only empowering the main party they despise the most because of the peculiarities of the MS.

Quinn's research shows how the PR system allows for "third parties" to be elected where the main two parties fail, this speaks to how the PR system enables accountability in a way that the MS cannot. In South Africa, the biggest proponents of political accountability in parliament, the DA and EFF, are parties which would not have been elected in the 1994 elections using a MS. The EFF was not even conceived a mere five years ago. This illustrates how agile and responsive the PR system is compared to the MS. Under the PR system, a party (the NP) that won over 20 percent of the vote in the 1994 elections no longer exists while a party that won 2 percent of the vote on 1994 is now the official opposition. Clearly, it is the PR system which is accountable and not the MS, notwithstanding the fact that with an MS you vote for politicians "directly".

Steven Friedman's research suggesting that each country's individual context be looked at instead of simply changing the electoral system provides a compelling reason why advocates of the majority system are misplaced and have most probably misdiagnosed the problem as they see it. Friedman's research suggests that functioning democracies such as the US and the UK are so due to contextual factors. These factors include the courts, prosecuting authorities such as the FBI and Scotland Yard, the fourth estate, civil society as well as other state institutions which seek to empower the state by advancing democracy and overall accountability. Conversely, Friedman finds that countries which suffer from chronic political challenges are so due to weak institutions as well as identity politics. Furthermore, Friedman finds that the majority system does nothing to help the situation.

Colomer's historical research shows just how outdated the MS is. Moreover, it highlights the circumstances which gave rise to the MS. Unfortunately, for advocates of the MS, the circumstances which give gave rise to the MS have evolved. In other words, the relationship between people and their central authority is different to what it was then. Politics is not based on local interests or even regional issues but more ideological issues. This means that a citizen living in Langa in Cape Town can have more in common with someone hundreds of kilometres away in Tembisa in Ekurhuleni than their fellow citizen living in Table View. Langa and Table View are less than twenty kilometres apart. Clearly, in today's society, interests are not regional, they are ideological, and informed by class as well as racial identification. It does seem that the majority system was indeed fortunate to be able to forge itself in a society where there are political parties, nevertheless, it is clear that the majority system is ill-equipped to cater to the needs of a diverse 21st century electorate.

It is crucial that a country such as South Africa employs an electoral system that caters to these ideological interests. Tellingly, Colomer's research predicts that as society continues to evolve from being a homogenous society with similar interests to being a more pluralistic one, so too will PR systems gain increasing favour with the political elite. Furthermore, by aiding the representation of women and minority groups as well as more fringe parties, the PR system ensures that different groups feel represented and feel that they have a good chance of being represented in the future. This leads to a situation where people do not go outside of the political system to air out their grievances. The research presented in this project also indicates how the effective number of parties under the PR system is higher, giving rise to more political parties and therefore a wider variety of political thought in the elected assembly. This can only be a good thing for a polarised country such as South Africa.

The issue of money in the political process represents an existential crises for any representative democracy. Unfortunately, it is an aspect of politics that does not get a lot of attention, in spite of the fact that it is the most insidious as well as the most debilitating threat to democracy. Since most people do not invest time in the political process apart from casting their ballot, it is important that there exists an electoral system that mitigates as much as possible against the influence of private money. From the research, it is clear that the PR system provides no incentive for individual politicians to collect "campaign contributions". The PR system also makes political parties at the central office think twice about the political realities of collecting money from special interest that seek to rejig the political system for their benefit and risk the whole party being seen as corrupt through being captured by elites.

The MS, on the other hand, would make political fundraising and soliciting funds the main priority to incumbents, as well as to people considering a run for political office. The astronomically high amounts quoted in this research from the American elections should be a warning bell to those in South Africa wanting to use the same electoral system. Although the figures in South Africa are likely to be considerably smaller, the use of the MS opens the floodgates to unlimited money in the political system. This will lead constituents to suffer because politicians' votes will be influenced by special interests and organisations which do not have the best interests of South Africans at heart. Furthermore, the more time spent doing fundraising, the less time will be spent writing laws and attending committee hearings.

Unfortunately, until most people become aware of the connection between their quality of life and money in politics, they will not understand of magnitude of this issue. Even if they theoretically know that collecting private money leads to the corruption of politicians, most people seemingly do not

145

understand the real effects and implications of such behaviour, as was the case with journalist Ryan Lizza. Making people see and fully understand the impact of money in politics will prove difficult since this type of behaviour is by nature secretive and clandestine. Moreover, the media, who society is meant to trust to expose the truth, may very well be owned by the same elite that gains from having money in politics; all super PAC, and a large amount of PAC spending go to media companies, especially radio and television companies. This goes back to the question that was asked in chapter two about whether a corporate owned media company can be relied upon to legitimately and sincerely air out the grievances of the poor, working class and majority black populace.

All this is not to suggest that the majority system is an inherently bad and corrupt system. Indeed, the majority system can be an effective system in countries where there is a largely homogenous population with a strong social fabric characterised by little to no income inequality. Furthermore, the majority system also needs strong institutions as well as proactive laws in order to curb the worst excesses of the presidential system. Unfortunately, most of these factors do not appear all at once in the vast majority of countries across the world

This research clearly shows that people such as UDM's Bantu Holomisa, who are calling for a majoritarian system of elections in South Africa are indeed misplaced. Contrary to what others may have us believe, the PR's insistence of voting for a party is a force for good in that it is the self-same party elites, who are often vilified, that end up ensuring diversity in their respective lists. This was supported in this project by the fact that the overwhelming majority of the most gender representative countries make use of PR electoral systems. It is the self-same party elites under the PR system that may fire an underperforming MP whereas the MS makes it impossible to get rid of an undesirable MP between elections, this undermines the argument that the MS is more accountable, further proving that it is the actually the PR system that is more accountable.

The strength and value of this research is that it is rooted in the South African Constitution; the research clearly shows that the constitutionally enshrined value of accountability is easier to enforce under the proportional representation system. The research also shows that it is the proportional representation system that, as the Constitution requires, does not "discriminate directly or indirectly" against anyone. By systematically discriminating against smaller political parties, the majority system indirectly, if not directly, discriminates against entire groups of people given how political parties in South Africa are based on identity. South Africa's constitutionally enshrined sovereignty as a representative democracy is also advanced by there being less money in politics under the proportional representation system. Furthermore, it is difficult to ignore that South Africa's own Constitution does contain the term "proportional representation", along with the term "multi-party

democracy". This proves how difficult it will be to implement any changes towards majoritarianism into South Africa's electoral system as it seems that proportionality is almost built into the fabric of South Africa's post-Apartheid democracy. This proves even further just how under-informed critics of the current system are. The researcher is of the view that the negotiating parties during CODESA emphasized representation, equity and equality, as well as accountability, precisely due to South Africa's past where many groups were underrepresented in parliament. Hence the researcher finds it concerning that it is political parties who are among the groups who are advocating for a political system that undermines representivity. This is what makes the researcher be of the view that such political parties, among other groups wanting to change the electoral system, are speaking from a position of genuine ignorance since it is this self-same electoral system that helps such political parties gain representation in parliament.

Therefore, in the final analysis, the researcher is of the firm view that, in a choice between the first-pass-the-post majority system and the list proportional representation system and, given the normative goals as well as South Africa's constitution, it is the proportional representation system that is most fit to "govern" South Africa's election process.

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159

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162