An Evaluation of D'Hondt Method with Country Barrage in Terms of the Principle of Fairness in Representation and Government Stability

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Abstract
Elections are the indispensible rituals of representative democracies and it is possible in this context to talk about various election systems throughout the world, varying from each other depending on the administrative system and democratic traditions of the country concerned. However, electoral systems can categorically be studied in three groups. First group is the majority systems, second group is proportional representation systems and third group is mixed electoral systems. In this context, this study covers d'Hondt method with country barrage, one of the proportional representation systems that has been practiced in Turkey since 1995, and starting from the election results, tries to evaluate the system in terms of the relationship between fair representation and governmental stability.

Key Words: Electoral (election) systems, d'Hondt Method, Fair Representation, Governmental Stability

INTRODUCTION
Elections are one of the tools of democracy and competitive elections are the sine qua non of the democratic political system (Powell, 2000). In this context, the electoral systems in the world inevitably tend to have a complex and crowded nature and thus an electoral system in any country is by no means similar to the electoral system in another country (Farrell, 2001). However, the absolute point that all present election systems want to attain is to provide fairness in representation without undermining governmental stability while trying to do so.

Turkey has also sought for new systems since the initiation of competitive elections in its history and in our time when either fair representation or governmental stability comes to the fore depending on the preferences of the period, it can be seen today that governmental stability is one step ahead of fair representation. Within this context, to what extent present electoral system manages to secure the principles of governmental stability and fair representation will be analyzed in this study in accordance with the results of certain elections.

1. A General Overview of Electoral Systems

Comparative studies indicate that electoral systems are shaped by the party systems within a country, the formation of the executive power (single party or coalition) and the relationship between legislation and execution (Lijphart, 2006). The majority system, which constitutes the first of the three categories that have previously been made as regards the electoral systems, is the system in which either the candidate himself or the straight ticket that takes the majority of the votes wins the elections. In other words, this system gives the priority to governmental stability rather than to fair representation.

The second system is the mixed electoral system which aims to compensate for the negative effects of majority and proportional electoral systems by introducing proper methods and techniques to the system (Atar, 1990). For this reason, mixed electoral systems are in favor of compromise and thus unwanted and unexpected circumstances cannot be seen in this system (Shugart and Wattenberg, 2001). As for the distinctive features of mixed systems, the geographical application of rules, the structure of voting, double candidacy, single-candidate region, proportional allocation of seats through proportional representation and the ratio of seats to votes can be listed (Ferrara et al, 2005).

The third electoral system is the proportional representation system, which aims to enable political parties to function in the parliament or in relevant assemblies in direct proportion with their political powers (Türk, 1997). In this context, proportional representation systems can be classified into two sub-groups as the highest median (denominator) and the largest balance (quota) systems. The first major type in proportional representation systems is the largest balance (quota) system (Özbudun, 1995). The systems of Hare, Droop and Imperiali can be stated as examples for this system. The second type of proportional representation system which is already in use is the system of largest median, such as d'Hondt and modified Sainte-Lague systems (Özbudun, 1995). Out of these systems mentioned above, d'Hondt method with country barrage has practiced in Turkey since 1995.

2. D'Hondt Method with Country Barrage and the Principle of Fair Representation

In this system, the country barrage of 10% and total votes parties have received are divided into 1, 2, 3, 4, etc. and then the results obtained are listed from the highest to the lowest without making any special discrimination in favor of any party. The number of deputies for each political party is allocated in accordance with the order of these figures from the highest to the lowest (Özbudun, 1995).

Like other proportional representation systems, d'Hondt method with country barrage also brings fair representation more to the forefront than do majority systems (Yavaşgel, 2004). Fair representation indicates the reflection of the number of valid votes to the parliament in the form of representation.

In this context, the 67th Article of the Constitution regards fair representation as something that serves to maintain balance. This article rules that election laws are to be arranged in such a way as to harmonize fair representation and governmental stability. While fair representation gives utmost importance to the fair reflection of the will of voters to the parliament, governmental stability gives priority to the stability in the executive power.

However, considering all the possible examples of election systems throughout the world, one point that should not be neglected is that there is no silver system which ensures absolute fairness in representation. As a result, while the representation of any group of parties in the parliament maybe above their vote rates, the representation of others may remain below their vote rates. When the number of seats obtained in the legislature is higher than the vote rate, this is called *overrepresentation (= number of seats / vote rate),* and when it is lower, it is called *underrepresentation (= vote rates / number of seats).* While overrepresentation or underrepresentation rates are smaller in systems which prioritize the principle of *fair representation*, these rates tend to rise in election systems which bring *governmental stability* to the forefront (Tuncer, 2006).

With its 135 year old election history, Turkey has practiced Proportional Representation system in six different ways since 1960 with the intention of maintaining fairness in representation (d'Hondt with

Regional Barrage, National Surplus, d'Hondt without Barrage, d'Hondt with Double Barrage, d'Hondt with Double Barrage + Quota and d'Hondt with Country Barrage). Within this framework, fairness in representation will be evaluated here in accordance with the election results based on the d'Hondt System with Country Barrage, which has been practiced since 1995.

3. An Evaluation of Elections Since 1995 within the Framework of the Principle of Fairness in Representation

Taking into account their own national realities and experiences, most countries have sought to revise their election systems since the initiation of competitive elections in order to allow the participation of smaller parties in the democratic system as much as possible as well as providing somehow the representation of all the parties within the legislative body while also taking governmental stability into consideration.

To this end, d'Hondt Method with Country Barrage has been practiced in Turkey since 1995. In this parallel, the results of the 1995 elections and over and under representation levels have been presented in Table 1.

Table 1 - The Results of the 1995 General Elections

Number of Total Voters (including those at the Customs)					34.155.981
Number of Voters who have voted (including the Customs)					29.101.69
Election Participation Rate					%85,2
Number of Valid Votes					28.040.392
Number of Valid Votes at the Customs					86.601
Total Number of Valid Votes					28.126.993
Parties	**Votes received**	**Vote Percentage (%)**	**Number of deputies gained**	**Ratio of seats in the parliament (%)**	**Over/Under Representation (+ /-)**
ANAP	5.527.288	19,6	132	24	+4,4
CHP	3.011.076	10,7	49	8,9	-1,8
DSP	4.118.025	14,6	76	13,8	-0,8
DYP	5.396.009	19,2	135	24,6	+5,4
HADEP	1.171.623	4,2	---	---	-4,2
IP	61.428	0,2	---	---	-0,2
MP	127.630	0,5	----	---	-0,5
MHP	2.301.343	8,2	---	---	-8,2
RP	6.012.450	21.4	158	28,7	+7,3
YP	36.853	0.1	---	---	-0,1
YDH	133.889	0,5	---	---	-0,5
YDP	95.484	0,3	---	---	-0,3
Independents	133.895	0,5	---	----	-0,5
Total	**28.126.993**	**100.0**	**550**	**100.0**	**-0,1**

Source: Official Gazette no. 22512 republished on 03/01/1996

In the 1995 elections, the overall voter participation rate turned out to be 84,5%. In other words, only 15,5% of the will of voters could not find the opportunity of representation in the parliament. In the first elections during which d'Hondt Method with Country Barrage was practiced, MHP with 2,301,343 valid votes and HADEP with 1,171,623 valid votes couldn't find the opportunity of participation in the parliament, which can be regarded as a great shortcoming in terms of fairness in representation.

In the following Table 2, the results of 1999 elections have been presented together with over and underrepresentation rates.

Table 2 - The Results of the 1995 General Elections

Number of Voters	37.495.217
Number of Voters who voted (including Customs)	32.650.070
Election Participation Rate	% 87,1
Number of Valid Votes	31.119.242
Number of Valid Votes at Customs Stations	65.254
Total Number of Valid Votes	31.184.496

Parties	Number of Votes Received	Vote Percentage (%)	Number of Deputies Gained	Ratio of Seats in the Parliament (%)	Over/Under Representation (+ /-)
ANAP	4.122.929	13,2	86	15,6	+2,4
BBP	456.353	1,5	---	----	-1,5
BP	78.922	0,2	---	---	-0,2
CHP	2.716.094	8,7	---	---	-8,7
DBP	24.620	0,1	---	---	-0,1
DEPAR	37.175	0,1	---	---	-0,1
DP	92.093	0,3	---	---	-0,3
DSP	6.919.670	22,2	136	24,7	+2,5
DTP	179.871	0,6	---	---	-0,6
DYP	3.745.417	12	85	15,5	+3,5
EMEP	51.756	0,2	---	---	-0,2
FP	4.805.381	15,4	111	20,2	+4,8
HADEP	1.482.196	4,7	---	---	-4,7
IP	57.607	0,2	---	---	-0,2
LDP	127.174	0,4	---	---	-0,4
MP	79.370	0,3	---	---	-0,3
MHP	5.606.583	18	129	23,4	+5,4
ÖDP	248.553	0,8	---	---	-0,8
SIP	37.680	0,1	---	---	-0,1
YDP	44.787	0,1	---	---	-0,1
Independents	270.265	0.9	3	0,6	-0,3
Total	**31.184.496**	**100.0**	**550**	**100.0**	**+ / - 0.0**

Source: Official Gazette no. 23678 republished on 27/04/1999

The elections of 1995 failed to maintain not only fairness in representation but also governmental stability. From 1995 elections to 1999 elections, five new cabinets (52nd to 56th governments) were formed. All of these formations were coalition governments. In the four-year period between two elections, five new governments were formed, which is a clear indication that these elections failed to establish fairness in representation as well as governmental stability.

In the 1999 elections, while 81,4% of the valid votes have been reflected to the parliament, 18,6% remained outside the parliament. CHP with 2,716,094 votes, HADEP with 1,482,196 votes and BBP with 456,353 votes couldn't gain any seats in the parliament. As a result, on account of the high country barrage (10%), the d'Hondt Method with Country Barrage, which was practiced in the 1999 elections, failed to establish fairness in representation. In addition to fairness in representation, the principle of "governmental stability" had also failed and thus a three-party coalition government was found following these elections. Despite the country barrage, voters in both 1995 and 1999 elections preferred to vote for their first choices rather than for second or third parties, taking into account the country barrage. As a result, 14,5% of the votes in 1995 elections and 18,6% in 1999 elections could not be represented in the parliament. Despite this failure in fairness of representation, the parties which did not face any barrage problem in these two elections chose to swallow the votes of smaller parties that are very close to their own political views in the political spectrum by retaining the present country barrage rather than making any positive step to include these small parties to the system.

In the following Table 3, the results of 2002 elections have been presented together with over and underrepresentation rates.

Table 3 - The results of the 2002 Elections

Number of Voters	41.407.027
Number of Voters who voted (including Customs)	32.768.161
Election Participation Rate	% 79,1
Number of Valid Votes	31.414.748
Number of Valid Votes at Customs Stations	114.035
Total Number of Valid Votes	31.528.783

Parties	Number of Votes Received	Vote Percentage (%)	Number of Deputies Gained	Ratio of Seats in the Parliament (%)	Over/Under Representation (+ /-)
AKP	10.808.229	34,3	363	66	+ 31,7
ANAP	1.618.465	5,1	---	---	-5,1
BBP	322.093	1,0	---	---	-1,0
BTP	150.482	0,5	---	---	-0,5
CHP	6.113.352	19,4	178	32,4	+13,4
DEHAP	1.960.660	6,2	---	---	-6,2
DSP	384.009	1,2	---	---	-1,2
DYP	3.008.942	9,5	---	---	-9,5
IP	159.843	0,5	---	---	-0,5
GP	2.285.598	7,3	---	---	-7,3
LDP	89.331	0,3	---	---	-0,3

MP	68.271	0,2	---	---	-0,2
MHP	2.635.787	8,4	---	---	-8,4
ÖDP	106.023	0,3	---	---	-0,3
SP	785.489	2,5	---	---	-2,5
TKP	59.180	0,2	---	---	-0,2
YP	294.909	0,9	---	---	-0,9
YTP	363.869	1,2	---	---	-1,2
Independents	314.251	1,0	9	1,6	+0,6
Total	**31.528.783**	**100.0**	**550**	**100.0**	**+ / - 0,0**

Source: Official Gazette no. 24932 dated 10/11/2002

While 54,7% of the votes found the opportunity of representation in the parliament according to the results of 2002 General Elections, 45,3% could not find a place in the parliament. This picture appears to be very tragic in terms of the principle of fair representation. DYP with 3,008,942 votes, MHP with 2,635,787 votes, GP with 2,285,598 votes, DEHAP with 1,618,465 votes and ANAP with 785,489 votes remained out of the parliament.

Nearly half of the total votes cast throughout the country were not represented in the parliament as a result of the d'Hondt Method with Country Barrage. However, the new assembly which consisted of two parties and the one-party rule brought in governmental stability. Considering the fact that one of the main functions of election systems is to maintain the balance of fair representation and governmental stability, the election system presently in use obviously does not serve to this purpose.

In the following Table 4, the results of 2007 elections have been presented together with over and underrepresentation rates.

Table 4. The Results of the 2007 Elections

Number of Voters	42.799.303
Number of Voters who voted (including Customs)	36.056.293
Election Participation Rate	%84,25
Number of Valid Votes	34.822.907
Number of Valid Votes at Customs Stations	226,784
Total Number of Valid Votes	35.049.691

Parties	Number of Votes Received	Vote Percentage (%)	Number of Deputies Gained	Ratio of Seats in the Parliament (%)	Over/Under Representation (+ /-)
AKP	16.327.291	%46,6	341	62	+15,4
ATP	100.982	% 0,3	---	---	-0,3
BTP	182.095	% 0,5	---	---	-0,5
CHP	7.317.808	% 20,9	112	20,4	-0,5
DP	1.898.873	% 5,4	---	---	-5,4
EMEP	26.292	0,1	---	---	-0,1
GP	1.064.871	% 3	---	---	-3,0

HYP	179.010	% 0,5	---	---	-0,5
IP	128.148	% 0,4	---	---	-0,4
LDP	35.364	0,1	---	---	-0,1
MHP	5.001.869	%14,3	70	%12,7	-1,6
ÖDP	52.055	% 0,2	---	---	-0,2
SP	820.289	% 2,3	---	---	-2,3
TKP	79.258	% 0,2	---	---	-0,2
Independents	1.835.486	% 5,2	26	% 4,7	-0,5
Total	**35.049.691**	**100.0**	**549[1]**	**100.0**	**+ / - 0,0**

Source: Official Gazette no. 26598 dated 30/07/2007

In the 2007 elections, while 81,8% of the valid votes found the opportunity of direct representation in the parliament, 5,2% indirectly gained the right of representation by taking part in the elections with independent candidates rather than under the umbrella of their own parties. As a result of this, a total of 86% of the votes were reflected into the parliament. In the previous elections (1995, 1999 and 2002) where d'Hondt Method was practiced, the traditional HADEP-DEHAP-DTP-BDP groups chose to take part in the elections with their independent candidates rather than under the umbrella of their party groups and sought to set up a group in the parliament by this way. As it can be understood from the results of the elections, this political tradition is a bypass solution invented mainly by these groups to overcome the high country barrage. Even when the general results of the elections and the relative success of the independents are taken into account, 14% of the votes failed to be represented in the parliament and DP with 1,898,873 votes, GP with 1,064,871 votes and SP with 820,289 votes remained outside the parliament. This 14% is not a tolerable level in the framework of the principle of fair representation. The one-party government which was formed according to the results of the 2007 elections maintained governmental stability; however, as Mr. Dursun stated (YeniŞafak Newspaper dated 04.01.2005), "Justice is fundamental to everything" and the legitimacy of an election system that is bereft of the principle of fair representation is therefore questionable.

In the following Table 5, the results of 2011 elections have been presented together with over and underrepresentation rates.

Table 5 - The Results of the 2011 Elections

Number of Voters					52.806.322
Number of Voters who voted (including Customs)					43.914.948
Election Participation Rate					%83,16
Number of Valid Votes					42.813.896
Number of Valid Votes at Customs Stations					127.867
Total Number of Valid Votes					42.941.763
Parties	**Number of Votes**	**Vote Percentage**	**Number of Deputies**	**Ratio of Seats in the**	**Over/Under Representation**

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[1]Cihat Özönder, MHP deputy for Istanbul, died on the way to Ankara to receive his certificate. For this reason, the parliament was formed by 549 deputies.

	Received	(%)	Gained	Parliament (%)	(+ /-)
AKP	21.399.082	% 49,83	327	% 59,4	+9,6
BBP	323.251	% 0,8	---	---	-0,8
CHP	11.155.972	% 25,98	135	% 24,5	-1,5
DP	279.480	% 0,7	---	---	-0,7
DSP	108.089	% 0,3	---	---	-0,3
DYP	64.607	% 0,15	---	---	-0,15
EMEP	32.128	% 0,1	---	---	-0,1
HEP	124.415	% 0,3	---	---	-0,3
HASP	329.723	% 0,8	---	---	-0,8
LDP	15.222	% 0,04	---	---	-0,04
MP	60.716	% 0,14	---	---	-0,14
MHP	5.585.513	% 13	53	% 9,6	-3,4
MMP	36.188	%0,1	---	---	-0,1
SP	543.454	% 1,3	---	---	-1,3
TKP	64.006	%0,15	--	---	-0,15
Independents	2.819.917	% 6,57	35	% 6,3	-0,3
Total	42.941.763	100.0	550	100,0	+ /- 0,0

Source: Official Gazette no. 27973 dated 23/06/2011

88,8% of the total votes cast in the 2011 elections directly found the opportunity of representation in the parliament while 6,5% indirectly found this chance as BDP took part in the elections with its independent candidates rather than under the party umbrella. As a result, with the inclusion of BDP, 95,3% of the total votes was represented in the parliament. In other words, only 4,7% of the total votes could not find the opportunity of representation in the parliament. Such a level can be regarded as a positive reference within the framework of the principle of fair representation. Furthermore, the one-party government that was formed as a result of these elections created a picture befitting the principle of governmental stability.

The results of 2011 elections have turned out to be the highest level of political representation achieved so far with the d'Hondt Method with Country Barrage, which has been practiced since 1995. Nevertheless, this positive outlook cannot be interpreted as an introductory stabilization of the present election system in terms of a balance between fair representation and governmental stability. Although the independent candidates, most of whom were BDP-backed independents, received 2,819,917 votes in the elections, they were still unable to enter the elections under the umbrella of their parties and they therefore resorted to exceed the country threshold through these independent candidates. Moreover, country barrage also plays a significant role in the way voters make their choices and a group of voters tend to vote for other parties from the same political spectrum that may more possibly pass the threshold, thinking that their favorite parties may not be able to exceed the country threshold. This ultimately prevents the representative liberal democracy from functioning in a healthy manner. In the light of all these evaluations, it is inevitably necessary that the d'Hondt Method with Country Barrage should be revised to maintain the principle of fairness in representation.

CONCLUSION

During the formation process of election systems, it is essential that a sensitive balance be established between "fair representation" and "governmental stability" within the framework of representative liberal democracy. However, this theoretical view fails to fully function in practice. To this end, the long quest for an appropriate election system, which started with the majority system, later continued with proportional representation system and in the late 20th century, mixed electoral systems that aimed to close the gaps of these two systems with new methods and techniques came along. Including the d'Hondt Method with Country Barrage which has been practiced in Turkey since 1995, all the election systems practiced in countries where a true democratic system is dominant and competitive elections are successfully run emphatically draw attention to governmental stability. However, the 10% threshold which is still in practice in Turkey prioritizes the establishment of governmental stability.

The formation of the executive power and its stability afterwards is equally important for the democratic system to function properly. The principle of governmental stability is the principle that can be realized on the basis of both majority and proportional election systems. Even more important than this, fair representation should ensure maximum reflection of the will of voters to the parliament, and for this reason it is a sine qua non for the existence and functioning of the democratic system and is of vital importance. It is evident that one cannot speak of stability in a place where there is no justice.

For this reason, the reliability of the country barrage which is presently in use becomes far more questionable. Practically, all the election systems make use of some sort of thresholds to prevent smaller parties from sharing the seat of power in a just manner (Gallagher and Mitchell, 2005). Yet the threshold adopted in Turkey is far beyond the thresholds used in advanced democracy examples. This level appears to be an approach that brings governmental stability to the forefront rather than fairness in representation. With the barrage practiced in 1995 and 1999 elections, neither has fairness in representation been maintained, nor has governmental stability been achieved. In 2002 elections, even though governmental stability was eventually established, nearly half of the valid votes could not be represented in the parliament. Although the 2007 and 2011 elections, in comparison to the previous ones, set forth a positive picture in terms of fair political representation, d'Hondt Method with its high country threshold not only urged parties to enter the elections with independent candidates but also naturally affected the voting behavior of voters in the form of refusing to vote or choosing from among parties that have a higher possibility of going over the country threshold. For this reason, it is certainly necessary that the present election threshold should be lowered so as to maintain a reasonable balance between fairness in representation and governmental stability.

Another factor in the d'Hondt Method with Country Barrage which affects the principle of fair representation negatively is the inequalities in populations among different precincts. Big differences in the populations of precincts have long been a matter of controversy (Lowenstein and Hasen, 2004). In the same parallel, Alpay also underlined the fact that the unfair distribution of the number of voters in these precincts did not allow every citizen's vote to be evaluated equally (Zaman Newspaper dated 18.05.2006). For this reason, while a revision is being made in the electoral system to maintain fairness in political representation, a fair distribution of voters in precincts in direct proportion with the population in the area should certainly be provided.

For the last thing, in addition to reducing the country barrage in order to establish the principle of fair political representation in Turkey, 100 seats in the parliament should be allocated as Deputies of Turkey

for the parties that received more than 1% of the total votes in general elections, allowing them to be represented in the parliament with at least one member. Finally, these 100 seats will fairly be distributed among these small parties in accordance with the votes each party has received in the elections and the remaining 450 seats will fairly be shared by the precincts in Turkey and this will not inflict considerable damages to governmental stability. As a result, small parties will find the opportunity to take part in the system as actors of the democratic political system.

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