

‘PERSISTENT LOSING’ & ELECTORAL DEMOCRACY IN THREE WORLD CITIES

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ABSTRACT

This thesis proposes a new analytical framework by which to assess electoral democracy and tests this theory in three world cities. Asserting that any investigation of electoral democracy requires a tight coupling of philosophical concepts and measurement methods, the first section shows that very few studies genuinely attempt to accommodate both elements and those that do contain significant normative and empirical inconsistencies. Combining this preferred ‘tip-to-tail’ approach with the contractualist writings of Thomas Scanlon and Brian Barry produces a new theory by which to evaluate electoral fairness. The *theory of persistent losing* argues that electoral rules can be reasonably rejected if they consistently impose higher participation costs for some-and-not-other community members committed to collective action. The theory is operationalized and tested on local election results in Stockholm, London and New York. Detailed statistical measures show that some small parties can reasonably reject the electoral formula in all three cities as these parties are permanently or almost permanently disadvantaged in how votes are converted to seats. Voting stage tests reveal that where persistent losing is unlikely in Stockholm, it is probable in New York and is shown to exist in London boroughs where participation costs are frequently higher for some geographically-based groups. Finally, prevoting stage results show that where women are persistent losers in Stockholm, their disadvantage is very slight and likely to go unchallenged. Although women’s absence from New York City Council is persistent, this absence cannot be directly linked to discriminatory rules. The rules by which parties select candidates in London can be reasonably rejected as women’s persistent absence is tied to institutional bias.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	1
ABSTRACT.....	2
TABLE OF CONTENTS.....	3
TABLES	4
FIGURES	5
INTRODUCTION	6
1 – ELECTORAL DEMOCRACY	13
1.1 – Studying Electoral Democracy.....	13
1.2 – Normative-Leaning Studies.....	16
1.3 – Empirical-Leaning Studies.....	26
1.4 – Tip-to-Tail Studies	32
1.5 – Summary	49
2 – PERSISTENT LOSING AND ELECTORAL FAIRNESS	52
2.1 – Reasonable Rejection, Systematic Disadvantage and Persistent Losing.....	53
2.2 – Operationalizing Persistent Losing	68
2.3 – Understanding How to Assess Electoral Fairness	77
2.4 – Summary	80
3 – NEW YORK, LONDON AND STOCKHOLM.....	82
3.1 – Case Selection	82
3.2 – New York	85
3.3 – London	92
3.4 – Stockholm	97
3.5 – Summary	105
4 – POSTVOTING: REJECTING DISPROPORTIONALITY	106
4.1 – Evaluating Electoral Formulae.....	106
4.2 – Identifying Persistent Absence in Three World Cities	108
4.3 – Identifying Persistent Losing in Three World Cities.....	114
4.4 – Discussion	124
5 – VOTING: REJECTING ELECTORAL WASTELANDS.....	129
5.1 – Testing for Persistent Absence	130
5.2 – Concentrated Persistent Absence in London	139
5.3 – Testing for Institutionalized Discrimination in London	143
5.4 – Conclusions	155
6 – PREVOTING: REJECTING SELECTION BIAS.....	157
6.1 – Women, Society and Legislative Representation.....	157
6.2 – Analytical Considerations	162
6.3 – Women’s Persistent Absence in Three World Cities	166
6.4 – Persistent Losing in New York	169
6.5 – Persistent Losing in London.....	181
6.6 – Conclusions	194
7 – WORLD CITIES AND PERSISTENT LOSING	197
7.1 – World Cities	197
7.2 – Persistent Losing	203
APPENDIX 1 – DATA SOURCES.....	206
APPENDIX 2 – PARTY SUPPORT IN LONDON BOROUGH.....	207
APPENDIX 3 – CALCULATING VOTER TURNOUT	213
APPENDIX 4 – TURNOUT MODELLING NOTES	215
BIBLIOGRAPHY	218

TABLES

Figure 1: Electoral Democracy Study Components.....	14
Figure 2: Public Policy Formation Process.....	69
Figure 3: Elections as Preference Filters.....	72
Figure 4: Identifying Persistent Losers	73
Figure 5: Investigating Electoral Fairness.....	80
Figure 6: New York's Five Boroughs.....	86
Figure 7: London Boroughs	93
Figure 8: City of Stockholm (District Councils Boundaries).....	101
Figure 9: Deviation from Proportionality Trends in Three World Cities (1961-1998).....	111
Figure 10: Voter Turnout in Three World Cities (1961-1998)	133
Figure 11: Women in European Union Legislatures.....	158
Figure 12: Proportion of Women Councillors in Nordic Countries (1945-1990).....	159
Figure 13: Percentage of Women Seat Holders in Three World Cities (1961-1998)	168
Figure 14: Candidate-Share-to-Vote-Share Proportionality (1961-1997)	175
Figure 15: Women's Awareness of New York City Politics (1993).....	180
Figure 16: Vote to Seat Proportionality in London (1964-1998).....	183
Figure 17: Candidate-to-Vote Proportionality in London (1964-1998).....	186
Figure 18: Percentage of Women Candidates in London (by Party (1964-1998).....	190
Figure 19: Women Candidates in London Borough Elections (1964-1998)	191
Figure 20: Women Labour Candidates in London Borough Elections (1964-1998)	193
Figure 21: Percentage of Voting Age Population Registered (1961-1998)	213
Figure 22: Scatterplot of Model 1 Residuals.....	216
Figure 23: Scatterplot of Model 2 Residuals.....	216
Figure 24: Scatterplot of Model 3 Residuals.....	217

FIGURES

Table 1: Deviation from Proportionality (DV) Scores in Three World Cities (1961-1998) ..	110
Table 2: Distribution of Stockholm City Council Votes (1962-1998)	112
Table 3: Stockholm City Council Vote-Seat Discrepancy (1962-1998)	116
Table 4: Seat Distribution – New York City Council (1961-1997)	119
Table 5: New York City Council Vote-Seat Discrepancy (1961-1997)	119
Table 6: Seat Distribution – London Borough Councils (1964-1998)	121
Table 7: London Borough Councils Vote-Seat Discrepancy (1964-1998)	121
Table 8: Wandsworth Vote-Seat Discrepancy (1964-1998)	123
Table 9: Voter Turnout in Three World Cities (1961-1998)	132
Table 10: Ward Turnout Rate Correlations (1986-1998)	140
Table 11: Percentage Turnout in Ten London Borough Wards (1986-1998)	141
Table 12: Regression Variables	144
Table 13: Mean and Hi/Low Ward Statistics for London Boroughs (1990-1998)	147
Table 14: Multivariate Analysis of 1998 Turnout Rates (Model 1)	148
Table 15: Multivariate Analysis of 1998 Turnout Rates (Model 2)	149
Table 16: Multivariate Analysis Turnout Rates (Model 3: 1990-1998)	150
Table 17: Correlations of Previous Race Closeness (1986-1998)	154
Table 18: Percentage of Women Seat Holders in Three World Cities (1961-1998)	167
Table 19: Women's Vote-to-Seat Proportionality in New York (1961-1997)	170
Table 20: Candidate-Share-to-Seat-Share Proportionality in New York (1961-1997)	174
Table 21: Women as Seat Holders and Candidates in New York (1961-1997)	177
Table 22: Women as Party Primary Contestants and Winners (1982-1997)	178
Table 23: Women's Vote-to-Seat Proportionality in London (1961-1998)	182
Table 24: Women Candidates by Party (1964-1998)	184
Table 25: Women's Candidate-to-Vote Proportionality in London (1964-1998)	185
Table 26: Women as Winners and Candidates in London (1964-1998)	187
Table 27: Candidates in London Borough Elections (1964-1998)	207
Table 28: Perfect Estimation Scenario	208
Table 29: Popular Candidate Scenario	209
Table 30: One Additional Candidate from One Party Scenario	210
Table 31: One Additional Candidate from Three Parties Scenario	210
Table 32: Incomplete Slate for One Major Party Scenario	211

INTRODUCTION

Those living in large communities elect leaders to disperse decision-making power. Choosing to replace lineage- or privilege-based appointments with elected officials marks a critical first step away from monarchy or oligarchy toward democracy. But it would be a mistake to believe that elections and democracy are synonymous as the first is only one means by which the latter, however defined, can be facilitated. In addition, since there are an infinite number of possible regulatory arrangements by which representatives can be selected, each with the potential to produce different effects, it follows that some electoral systems will promote democracy better than others. Thus those interested in electoral democracy face two key challenges: to define democracy in a convincing and measurable way and to use this definition to identify electoral arrangements that promote or inhibit democracy.

Political theorists devote considerable thought to what democracy means, the values democratic institutions ought to promote and the reasons why certain institutions should be supported over others. Their empirical colleagues demonstrate how different rules and processes affect human behaviour and condition and develop generalized ideas about how different electoral systems work. But one of the major flaws in the modern studies of electoral democracy is that there is often gap between norms and numbers. Many political theorists have written why particular actions and efforts may be considered more or less democratic, but while often illustrated and informed by anecdotal evidence, these ideas are rarely measured in any systematic way. On the other side of the divide, hundreds of social scientists have explained, for

example, how accurately electoral formulae translate votes into seats, what proportion of legislative seats are held by women or minorities or levels of voting turnout, and further, what institutional or social factors cause variation between cases.¹ However underspecified questions, definitions, and explanations often leave readers directionless and wondering how these results should be interpreted. It might be, for example, possible to discover which variables most impact a person's tendency to vote, but these discoveries can only be fully understood when convincingly linked to deeper reasons why low voter turnout may or may not be problematic.

The weakest point in many studies of electoral democracy is where normative ideas are *operationalized* for empirical study. It is during this crucial phase that foundational principles are defined in such a way as to allow for meticulous testing. A study where the core definition of democracy is properly operationalized to accommodate investigation of electoral democracy not only requires a thorough understanding of philosophical concepts, but also of empirical theories regarding the intricacies of elections and electoral systems. Normative works often provide thorough discussion of competing meanings and reasons for democracy, but leave thoughts of evaluating actual electoral systems to the final chapter if they are included at all. Empirically-dominated studies often borrow simple definitions of democracy, dedicate a few introductory paragraphs explaining how concepts can be measured, and then proceed to conduct elaborate qualitative or quantitative assessments.

Few scholars treat normative theory, operationalization and empirical measure with equal regard and those interested in electoral democracy are often forced to choose between general philosophical discussions of democracy with some vague

¹ According to Richard Katz, by 1989 1500 studies of electoral systems had been published. This number had risen to 2500 by 1992. See Katz, R. (1989), 'International Bibliography of Electoral Systems', *International Political Science Association*, Comparative Representation and Electoral Systems Research Committee and Katz, R. (1992), 'International Bibliography of Electoral Systems', *International Political Science Association*, Comparative Representation and Electoral Systems Research Committee.

connection to voting or complex, yet mostly undeciphered, statistical accounts of electoral processes. However a few scholars offer ‘tip-to-tail’ investigations in which comprehensive normative and empirical components are linked by rigorous attempts to ensure measurement matches the philosophical concepts. Perhaps the most famous such study is Robert Dahl’s *Democracy and Its Critics* in which the author methodically connects well-argued normative concepts with detailed statistical calculations. Another is the *Democratic Audit of the United Kingdom*, a study based on extensive collaboration between some of the country’s top normative and empirical researchers. While still open to criticism on a number of points, these studies provide a path to follow.²

One other problem with the election literature is that it mostly concerns national elections with only a handful of scholars investigating electoral democracy in even the largest cities. This is unfortunate, but perhaps understandable. Municipal governments are often portrayed as ‘creatures’ of central or state governments beholden to the whims of their political masters.³ While in many cases upper-tier governments have formal power over lower-tier governments, there is much evidence to suggest that the ability of local governments to generate policy independent of senior governments through the use of informal powers and convention is often underestimated.⁴ In addition to this policy flexibility, the largest cities have budgets and populations many times the size of small nation states. For example, at USD \$52 billion, the City of New York’s operating budget is

² Dahl, R. (1989), *Democracy and Its Critics*, New Haven: Yale. Weir, S. & Beetham, D. (1999), *Political Power and Democratic Control in Britain*, London: Routledge.

³ See, for example, Crawford, K. G. (1954), *Canadian Municipal Government*, Toronto: University of Toronto Press.

⁴ Smith, P. & Stewart, K. (forthcoming), ‘Beavers and Cats Revisited: Creatures and Tenants vs. Municipal Charter(s) and Home Rule, in Young, R. & Lazar, H. (eds.), *The State of the Federation 2004*, Kingston: Institute of Intergovernmental Relations at Queen’s University.

approximately 25 times that of Iceland – a country often included in comparative studies of democracy.⁵

Although local level democracy has been investigated in some cities, in others voting records have never even been compiled, let alone rigorously scrutinized or compared.⁶ Not only can investigating elections in some of the world's most important cities – deemed 'world cities' from herein – help inhabitants decide whether to opt for electoral change, these new data sources can help shed light on how all electoral systems operate. From a normative perspective, the size of community or governmental power should not affect how electoral systems are viewed as the fundamental principles underlying democracy ought not be circumstantial, or at least not to the extent that local and national elections are judged by very different standards.

In sum, this study of electoral democracy in world cities presents and operationalizes a definition of democracy on which empirical measure is strictly based. Not only is a consistent analytical framework constructed and defended, but also employed to evaluate actual electoral systems. Where possible, normative ideas and measurement techniques have been borrowed from existing studies, but innovation is offered when necessary. It is hoped that the study will not only illuminate the quality of electoral systems in world cities, but also how electoral democracy can be understood in other environments. The rest of the introduction provides an overview of each chapter and a brief summary of findings.

⁵ See, for example, Lijphart, A. (1999) *Patterns of Democracy*, New Haven: Yale University Press.

⁶ The lack of data is especially acute in federal countries where local government records are not centralized. On this, see Darcy, R., Welch, S. & Clark, J. (1994), *Women, Elections & Representation*, Lincoln: University of Nebraska, p. 30.

Chapter Structure and Findings

In searching for an appropriate framework by which to evaluate electoral democracy

Chapter 1 reviews a number of leading studies in this field. The chapter begins by explaining that since electoral democracy contains normative and empirical components, both elements are essential to any proper study of this topic. However, it is shown that most studies are either normative- or empirical-leaning, and few provide tip-to-tail investigations where philosophically sound definitions are operationalized to facilitate rigorous measurement. The few existing tip-to-tail investigations of electoral democracy are shown to have a number of flaws that prevents their direct application to evaluating elections in world cities.

Chapter 2 provides the analytical framework used in the rest of the study. The chapter builds the framework from the ground up, starting by examining the moral foundations on which a definition of democracy can be built, moving through matching concepts from political philosophy, and ending with a the core evaluatory rule by which electoral systems are later judged. Siding with a number of prominent democratic theorists who reject utilitarianism as the core premiss by which the key democratic principle of political equality can be assessed, this thesis adopts the alternate views of Thomas Scanlon and Brian Barry. The new framework builds from Scanlon's idea that an act is wrong if the process by which it is generated could be reasonably rejected by community members committed to collective action, and Barry's addition that it is 'reasonable' for community members to reject processes under which they are subject to systematic disadvantage. The theory of persistent losing asserts that community members committed to collective action can reasonable reject electoral rules that place them at a permanent or almost permanent disadvantage during the process through which candidates are elected to office.

Subsequent chapters move from the normative to the empirical – testing this idea in Stockholm, London and New York City Council elections. **Chapter 3** justifies why these three cases have been chosen for this study as well as describes the demographic, structural and electoral process details of each city. **Chapter 4** examines how political parties fare during the postvoting stage where votes are translated to seats. Starting by calculating deviation from proportionality scores, it is shown that small parties in all three cities can reasonably reject the electoral formula as they are continuously placed at a disadvantage. That small parties are subject to systematic disadvantaged under plurality systems in New York and London matches findings by other scholars, but that the same occurs under Stockholm's much more proportional system may surprise some.

Chapter 5 moves to examine voting stage results in the study cities, with particular focus on voter participation. An overview of turnout in all cities shows that only Stockholm can be nearly certain that persistent losing does not occur, where this condition is likely in New York. A much more detailed investigation of voter turnout in 32 London boroughs demonstrates that the system can be reasonably rejected by some geographically-based groups as the incentives created by the electoral formula places those in some wards at a disadvantage. In combination with the theory of persistent losing, the multivariate regression analysis counters of the traditional claims made about the multi-member plurality electoral system in the UK capital.

The fate of women in world city elections is examined in **Chapter 6**. Where women's disadvantage is only slight in Stockholm, the bulk of the chapter attempts to identify why women are persistently absent from local councils in New York and London. In New York it is shown that the current system allows neither parties nor voters to discriminate against women candidates, but demonstrates that it is women's

reluctance to enter local political contests that causes their persistent absence. However in London, it is suggested that women are absent because the current electoral rules allow sometimes biased local selection committees to discriminate against women candidates. As such, women can reasonably reject the current method by which candidates are selected to run in London borough elections. **Chapter 7** provides a summary and final thoughts about empirical findings and the new framework though which they were generated.

1 – ELECTORAL DEMOCRACY

In building and using indicators of democracy we necessarily move from the language of orientation of justification and evaluation – in the jargon of contemporary political science, normative theory – toward more empirical discourse.⁷

This study seeks to create a comprehensive framework by which to analyze the selection of officials in world cities, with the larger goal of providing new ideas about how normative theories can be operationalized to facilitate empirical investigations of elections. It is argued that because normative discussions and empirical testing inform each other, the most effective studies of electoral democracy adopt a ‘tip-to-tail’ approach in which both components are given adequate attention. Chapter 1 illustrates the merits of the tip-to-tail approach by critiquing well-known national-level studies of electoral democracy including those by Charles Beitz, Pippa Norris and Joni Lovenduski, the United Kingdom’s Democratic Audit Team and Robert Dahl. It is shown that normative-leaning scholars often fail to provide ideas as to how their essential foundational definitions and principles can be effectively measured while empirical-leaning studies are often ambiguous because the reasons why particular results might or might not be considered significant have not been adequately explained. The reviewed tip-to-tail studies have normative and empirical inconsistencies that undermine their effectiveness, but provide the basic form for the new analytical framework developed in Chapter 2.

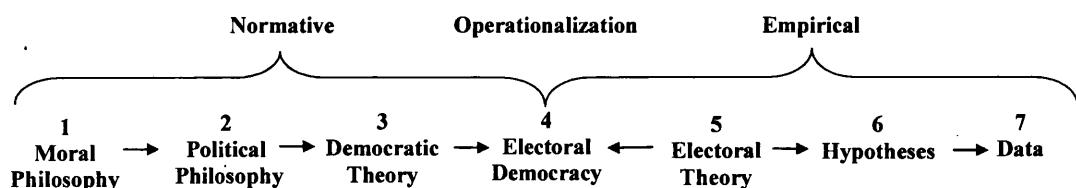
1.1 – STUDYING ELECTORAL DEMOCRACY

Most modern political scholars would probably admit that Harold Laswell only got it partly right when he described politics as the study of ‘who gets what, when and

⁷ Dahl, R. (1989), *Democracy and Its Critics*, p. 6.

how'.⁸ In addition to these descriptive elements, those of an empirical bent now seek to discover *why* resources were allocated in such a way, while normativists investigate whether or not the distribution was just. In fact, because norms and measures are intertwined, contemporary researchers must not only describe who gets what and why during collective decision-making, but also explain whether the distribution is morally defensible. The most sophisticated statistics lose significance if no direction has been given to determine whether results can be seen as 'right' or 'wrong'. The most logical definition becomes irrelevant if core ideas are immeasurable. These two core elements of any study are connected by a third – how core principles are operationalized in a way directly relevant to the study subject.

Figure 1: Electoral Democracy Study Components



As shown in Figure 1, the normative, operationalized and empirical elements of a study of electoral democracy can be further broken down into seven distinct sub-components – all of which are necessary to generate an effective understanding of this topic. The normative element contains explorations of (1) *moral philosophy*, or general discussions about what is right or wrong or good or bad. Moral principles provide boundaries for (2) *political philosophy*, through which it is established whether or not collective actions are or are not legitimate. Building on the work of political philosophers, *democratic theory* (3) attempts to outline specific processes by which communities should make binding collective decisions. On the empirical side, (5) *electoral theory* represents generalized observations about how the institutions

⁸ Lasswell, H. (1936), *Politics: Who Gets What, When and How*, New York: McGraw-Hill.

associated with elections affect individual or group behaviour. This theory is developed by proposing and testing (6) *falsifiable hypotheses* by gathering (7) *qualitative or quantitative data*. *Electoral democracy* (4) marks the point where normative ideas about democracy and empirical theories about how electoral systems intersect and are operationalized for systematic testing.

As illustrated in this chapter, to some extent all studies of elections define, operationalize and measure, but rarely are all three elements given adequate attention. Normative-leaning studies often leave readers wondering what to do with concepts and definitions as attempts to operationalize these ideas for systematic measurement are almost completely absent. In their rush to crunch numbers, many empirical-leaning scholars undermine the significance of their findings by paying mere lip-service to normative ideas and their operationalization. As Richard Katz laments, '[d]emocratic theory and the study of elections are two fields of inquiry that ought to be connected intimately but that, in fact, have tended to proceed independently, each acknowledging the importance of the other and then blithely ignoring it.'⁹

The following sections use the work of well-known authors to demonstrate the gap between normative- and empirical-leaning studies of electoral democracy, but also how a few authors have attempted to provide tip-to-tail investigations that include at least parts of all seven sub-components shown in Figure 1. Charles Beitz's *Political Equality* provides good example of a normative-leaning study of electoral democracy, where Lovenduski and Norris' *Political Recruitment* is an equally strong empirical-leaning effort. The UK Democratic Audit Teams' *Political Power and*

⁹ Katz, R. (1997), *Democracy and Elections*, New York: Oxford University Press, p. 4.

Democratic Control in Britain and Robert Dahl's *Democracy and Its Critics* offer two of the most comprehensive attempts in this field.¹⁰

1.2 – NORMATIVE-LEANING STUDIES

While informed and prompted by real world events, normative-leaning studies of democracy are often almost completely devoted to discovering foundational aspects of this topic. The most common approach is for theorists to explore different streams of thought about democracy in order to convince the reader why a particular definition should be accepted. Normative-leaning authors usually defend their preferred definition and corresponding set of principles after dissecting the assertions of a sometimes large range of authors. Perhaps the most well known contemporary writers in this field are Charles Beitz, Tomas Christiano, G.D.H. Cole, Robert Dahl, John Dryzek, David Held, Paul Hirst, James Hyland, C.B. Macpherson, Carole Pateman and Joseph Schumpeter.¹¹

There are very few comprehensive normative-leaning studies specifically devoted to *electoral* democracy, as political theorists tend to include both electoral and extra-electoral mechanisms and processes in their discussions about democracy. Perhaps the most well known work in this field is Charles Beitz's *Political Equality: An Essay in Democratic Theory*. *Political Equality* sits between works such as James Hyland's *Democratic Theory: The Philosophical Foundations* and, say, Robert Dahl's

¹⁰ Beitz, C. (1989), *Political Equality*, Princeton: Princeton University Press; Norris, P. & Lovenduski, J. (1995), *Political Recruitment: Gender Race and Class in the British Parliament*, Cambridge: Cambridge University Press; Dahl, R. (1989), *Democracy and Its Critics*; Weir, S. & Beetham, D. (1999), *Political Power and Democratic Control in Britain*.

¹¹ See, Beitz, C. (1989), *Political Equality*; Christiano, T. (1996), *The Rule of the Many: Fundamental Issues in Democratic Theory*, Colorado: Westview Press; Cole, G. (1921), *Guild Socialism: A Plan for Economic Democracy*, New York: Frederick A. Stokes Company; Dahl, R. (1956), *A Preface to Democratic Theory*, Chicago: Chicago University Press; Dryzek, J. (2000), *Deliberative Democracy and Beyond: Liberals, Critics, Controversies*, New York: Oxford University Press; Held, D. (1996), *Models of Democracy*, Stanford: Stanford University Press; Hirst, P. (1994), *Associative Democracy: New Forms of Economic and Social Governance*, Cambridge: Polity Press; Hyland, J. (1995), *Democratic Theory: The Philosophical Foundations*, Manchester: Manchester University Press; Macpherson, C. (1977), *The Life and Times of Liberal Democracy*, New York: Oxford University Press; Pateman, C. (1970), *Participation and Democratic Theory*, Cambridge: University Press; and, Schumpeter, J. (1996), *Socialism Capitalism and Democracy*, London: Routledge.

A Preface to Democratic Theory. While rich and enlightening, Hyland's work makes almost no effort to operationalize his philosophical constructs, where Dahl's *Preface* focuses on operationalizing a less rigorously justified account of democracy with heavy emphasis on elections. No empirical data is systematically tested in any of these three studies.¹² Beitz's work is reviewed below not only to provide a high-quality normative-leaning example, but also because of his general contribution to the understanding of electoral democracy.

1.2.1 – Charles Beitz's *Political Equality*

In the preface of *Political Equality*, Beitz refers to a host of (what were in 1989) recent Supreme Court-ordered changes to US electoral law. He states his while these changes have been defended on the basis that they promote political equality, there is little 'no consensus about the meaning of this principle'. Thus his book aims to arrive at a systematic theory of political equality designed in a way that 'illuminates matters about which people actually argue...'. For Beitz, any adequate philosophical theory 'should at least identify central values at issue and provide a structure that informs their application,' and to this end he seeks to show 'how the dispute about the meaning of political equality is reflected in contemporary disagreement about how the institutions of democratic politics should be arranged and to illustrate how the theory of political equality that I set forth would influence our judgment about these questions.'¹³ As discussed below, the aims set forth in his preface mark a course from the normative to empirical discovery.

¹² As is shown later, Dahl's (1989) *Democracy and Its Critics* is one of the only true tip-to-tail accounts of electoral democracy, much of which stems from the ideas contained in Dahl, R. (1956) *A Preface to Democratic Theory*.

¹³ Beitz, C. (1989), *Political Equality*, pp. x-xi.

Normative Definition

The first half of *Political Equality* contains the definition and analytical framework used for Beitz's second-half empirical investigations. For Beitz, the *role* of a theory of political equality is to serve 'as the chief regulative principle of democratic competition by defining fair terms of participation in it', where its *content* is to identify and justify 'fair terms of participation.'¹⁴ In order to construct the content of his theory of political equality Beitz critiques four ideas about fairness used by other authors: 'simple view', 'best result', 'popular will' and 'procedural'. After showing why he finds all to be lacking in one way or another, Beitz offers reasons why readers should accept his 'complex proceduralism' as the core meaning of political equality and the rule by which different types of electoral arrangements should be judged.

Beitz begins his theoretical journey by dismissing what he deems the 'simple view', or the idea that 'political preferences as expressed by each citizen should receive equal weight in the decision making process.'¹⁵ The view is 'simple', 'generic' or even 'naïve' as there is no attempt by authors to further reduce of this initial concept. 'Political equality' is seen as synonymous with 'procedural equality', a position Beitz rejects because 'it too readily identifies the abstract idea of political equality with the more precise, institutional standard of procedural equality and because it wrongly portrays the latter as an unambiguous and univocal requirement.'¹⁶ Beitz argues that because different electoral mechanisms produce different effects, some criterion is necessary for selecting among them because 'not all of the possibilities are equally acceptable.'¹⁷ Thus the simple view is inadequate because it does not provide a general rule for selecting between competing institutional

¹⁴ Beitz, C. (1989), *Political Equality*, p. 17.

¹⁵ Beitz, C. (1989), *Political Equality*, p. 5.

¹⁶ Beitz, C. (1989), *Political Equality*, p.16.

¹⁷ Beitz, C. (1989), *Political Equality*, p.17.

configurations and it is not attached to more complex moral or philosophical principles.

Beitz's substantive definitional efforts begins with a critique of 'best result' theories that associate 'fair terms of participation with those likely to produce the most desirable outcomes – that is, outcomes that maximize social welfare, however understood.'¹⁸ Drawing on the work of John Stuart Mill, Beitz characterizes those promoting best result visions of political equality as endorsing governmental structures that allow communities to realize the highest possible overall utility. Beitz largely rejects outcome-oriented, best result theories because 'in proceeding from the point of view of society at large rather than from that of each individual affected, all such views adopt a standpoint that is inappropriate to the subject of political fairness.'¹⁹ However he does admit that 'the propensity of the procedure to yield desirable results is a relevant consideration in determining the procedure's fairness without being the *only* consideration.'²⁰

As described by Beitz, 'popular will' theorists maintain that the collective preferences of all citizens are sovereign and together make up the 'general will' of the people. Proponents of this idea argue that because a general will already exists within any given community, 'the goal of decision-making institutions is to identify it as closely as possible.'²¹ When individual preferences stand in conflict, 'the conflict ought to be resolved in a way that counts each person's preference equally.'²² In this sense then, outcomes are the key gauge of fairness where political procedures are only of instrumental significance – and only valuable in that they produce some 'predictable and consistent relationship to the array of individual preferences that

¹⁸ Beitz, C. (1989), *Political Equality*, p. 31.

¹⁹ Beitz, C. (1989), *Political Equality*, p 40.

²⁰ Beitz, C. (1989), *Political Equality*, p.48. Emphasis in original.

²¹ Beitz, C. (1989), *Political Equality*, p.50

²² Beitz, C. (1989), *Political Equality*, p. 49.

come to exist in society and that are actually expressed in the political process.²³ But Beitz asserts that procedural qualities other than preference aggregation are important to consider including: the conduct and quality of public debate; the prospects for political stability; the coherent administration of policy; the transparency of the procedure; and, the degree to which citizens find decision-making processes accessible. More strongly, he argues that to ignore these other qualities is to embrace a ‘dogmatic belief, induced by unreflective acceptance of a technical conception of social choice that has no clear normative justification.’²⁴ Beitz concludes that popular will theories are inadequate as ‘the fairness of democratic procedures must consist in something other than their tendency to yield outcomes that give equal weight to the political preferences of citizens.’²⁵

It is through a review of ‘procedural’ ideas that Beitz establishes a base from which he builds his own vision of political equality. Proceduralists ‘identify equal treatment with the provision of equal opportunities to influence outcomes, whatever these outcomes turn out to be like.’²⁶ In seeking to find an account of the demands which community members are justified on making on one another during the process of decision binding-making, Beitz further defines proceduralism by breaking the idea into two separate two streams: ‘fairness as compromise’ and ‘fairness as impartiality’. Fairness as compromise between community members is rejected as it ‘allows judgments about procedural fairness to be influenced by the initial demands and power relations of the parties.’²⁷ Beitz then moves to build on the work of political philosopher John Rawls who provides a rationale for justifying decision making procedures that provide ‘a mechanism for adjudicating among contending views of

²³ Beitz, C. (1989), *Political Equality*, p.74.

²⁴ Beitz, C. (1989), *Political Equality*, p.74.

²⁵ Beitz, C. (1989), *Political Equality*, p. 50.

²⁶ Beitz, C. (1989), *Political Equality*, p 75.

²⁷ Beitz, C. (1989), *Political Equality*, p. 84.

social good without presupposing the truth of any,’ by ensuring that procedures are ‘justifiable to each person affected by them.’²⁸ Borrowing heavily from the moral philosophy of Thomas Scanlon, Beitz explains his conception of political equality as ‘complex proceduralism’:

Institutions for participation should be justifiable to each citizen, taking into account the interests that arise from both aspects of citizenship. We should be able to regard the terms of participation as the object of agreement that it would be reasonable to expect every citizen to accept. Institutions that satisfy this condition can be said to be egalitarian in the deepest sense: being equally justifiable to each of their members, they recognize each person’s status as an equal citizen.²⁹

Operationalization

Beitz’s adaptation of Thomas Scanlon’s Rawlsian-based alternative to utilitarianism represents an innovation in the study of democracy. Beitz’s ideas about political equality and democracy stand in stark contrast to the other four reviewed by earlier. Offering more detail than the ‘simple view’, complex proceduralism incorporates the consequentialist arguments of ‘best result’ and ‘popular will’ theory with ‘procedural’ ideas. But as discussed in more detail in Chapter 2, Beitz does little to elaborate on Scanlon’s core idea of ‘reasonableness’ stating that deciding whether or not a particular institution or set of institutions violates the principle of complex proceduralism ‘must be treated as a freestanding moral issue to be worked out more or less intuitively in a way that takes account of the historical circumstances...’.³⁰ Instead, Beitz introduces what he describes as three ‘regulative interests of citizens’ that must be considered when evaluating decision-making process: ‘recognition’, ‘equitable treatment’ and ‘deliberative responsibility’.

Recognition involves identity conferred by mechanisms of participation. For Beitz, the rules which frame participation are reasonable if they do not directly

²⁸ Beitz, C. (1989), *Political Equality*, pp. 87-95.

²⁹ Beitz, C. (1989), *Political Equality*, p. 99. By ‘both aspects of citizenship’ Beitz is referring to citizens as both ‘makers’ and ‘matter’ of politics.

³⁰ Beitz, C. (1989), *Political Equality*, p. 106.

exclude or confer inferior status on a specific group of people. Political institutions satisfy *equitable treatment* if ‘over time, they promote (or do not systematically detract from) a distribution that accords with the requirement of justice, which are themselves to be worked out from a point of view in which each person’s prospects be taken equally into account.’³¹ By this Beitz infers that acceptability is related to outcomes, and not the procedures by which they are generated. Institutions are deemed unfair not because they fail to maximize social welfare or efficiently aggregate preferences, but rather because they foster and perpetuated ‘serious and recurring injustices’ when alternative arrangements would not have so done.³²

Finally, *deliberative responsibility* refers to two elements of institutions by which citizens resolve political issues. In the first instance, ‘deliberation should not be constrained by the exclusion of positions that would gain substantial support if they were sufficiently exposed to public scrutiny.’³³ Not only is this exclusion not acceptable to those whose views are suppressed, but also those denied information about alternative courses of action. The second element refers to the quality of the deliberation in that citizen should make informed and reflexively generated decisions and institutions are only acceptable to the degree that they foster these two deliberative elements.

Beitz proposes that there may be times when all three regulative interests cannot be upheld and balance must be struck. However, much like the definitional component of his study, Beitz provides few ideas as to what this balance might be. Thus, the three regulative interests and the theory of complex proceduralism only provide general guidelines, as opposed to specific requirements, by which real-world decision-making procedures can be evaluated. While important to consider, the three

³¹ Beitz, C. (1989), *Political Equality*, p. 112.

³² Beitz, C. (1989), *Political Equality*, p. 113.

³³ Beitz, C. (1989), *Political Equality*, p. 115.

regulative interests and the reliance on individual researchers' intuition about how complex proceduralism should be applied provides little in the way of specific guidance as to how the electoral system should be evaluated in the United States, and this failure to properly operationalize the core definition renders empirical measurement difficult.

Empirical Measurement

According to Beitz, a theory of political equality should 'provide a persuasive philosophical interpretation of the ideal of democratic equality and it should be capable of illuminating controversial matters of institutional design.'³⁴ To this second end, Beitz devotes four chapters of *Political Equality* to exploring various components of the US electoral system. His three sub-themes of recognition, equitable treatment and deliberative responsibility are used to evaluate the electoral formula, legislative districting, the political agenda and campaign finance. How Beitz investigates the US electoral formulae demonstrates the general approach by which he suggests others draw conclusions about electoral arrangements. Of specific interest to Beitz in the matter of fair legislative representation is the 'proportionality principle', or the tendency for proportional representation (PR) to afford 'every voter an equal share of control over legislative seats' in a way that a single-member plurality (SMP) system does not.³⁵ Although he explores PR using all three normative sub-themes, his discussion of *recognition* – or whether the rules which frame participation directly exclude or confer inferior status on a specific group of people – provides an adequate example of Beitz's overall approach.

Relying on secondary sources, many of which are based on evidence from other countries, Beitz dismisses the importance of generating equal opportunity for

³⁴ Beitz, C. (1989), *Political Equality*, p. 123.

³⁵ Beitz, C. (1989), *Political Equality*, p. 132.

each citizen to vote for a winning candidate by making the empirical claim that even if prospects are unequal, ‘public expression will be given the equal status of all voters as participants in decision making, each will have procedural opportunities to overcome the exactly the same amount of resistance.’³⁶ However, Beitz admits that it is possible to imagine circumstances where PR would be superior for ‘ensuring representation for significant positions otherwise unlikely to be represented at all or for groups that have been objects of particularly invidious treatment,’ although ‘districting systems might be manipulated to accomplish substantially the same ends.’³⁷ Despite this caveat, Beitz concludes that ‘the interest in recognition combined with considerations arising from a society’s peculiar circumstances obviously will not strengthen any general conclusion about the relative fairness of proportional representation.’³⁸ Further:

...although it may be true that proportional representation achieves one kind of equality that will not normally obtain in district systems (sic), it is a kind of political equality in which there is no general reason to take interest. Hence there is no reason to reject a system of representation simply because it does not adhere to the proportionality principle. Of course, it does not follow that district systems are always to be preferred. In many cases, the most that can be said may be that either type of system could be fair... We have only established the negative conclusion that considerations of fairness do not always favour proportional systems.³⁹

There are a number of fundamental problems with this conclusion. First, Beitz rejects the proportionality principle – equal control over legislative seats – as one in which there is no general reason to take interest except perhaps when under-represented groups are oppressed. One does not have to drift too far back in US history to find examples of states and national legislatures in which few if any women, African-Americans or those of low income held legislative seats – all groups that could be said to have suffered ‘invidious treatment’ at one time or another. This

³⁶ Beitz, C. (1989), *Political Equality*, p.133.

³⁷ Beitz, C. (1989), *Political Equality*, pp.133-4.

³⁸ Beitz, C. (1989), *Political Equality*, p.134.

³⁹ Beitz, C. (1989), *Political Equality*, p. 140.

evidence alone should open a general challenge to SMP. In addition, even the most elementary empirical research into US electoral history shows that there are ‘safe districts’ in which either Republican or Democrats are almost guaranteed to win over the long-term because of the high percentage of supporters contained therein. It could be argued that minority dissenters rarely (or sometimes never) have an opportunity to elect a member who better represents their views and that voters’ ability to overcome resistance is not equal as it is dependent on levels of party support with individual constituencies.

However, the point here is not to dispute Beitz’s argument against PR, but rather to stress the flaw in Beitz’s approach to empirical investigation. The above illustration shows that Beitz is not reviewing whether current patterns of legislative representation in the United States could be ‘reasonably rejected’ by citizens, but rather using broad and hypothetical evidence to explore whether or not a general case can be made for PR over SMP. While he does so using his operationalized definition, the omission of hard empirical evidence and failure to test if citizens of the United States can reasonably reject the institutions through which they currently elect representatives is faulty. Working to establish ‘the negative conclusion that considerations of fairness do not always favour proportional systems’ tells us nothing about whether or not the current electoral system is reasonably rejectable by US citizens. Where Beitz has hinted at how his theory could be applied, his explanation does not provide enough detail to guide how data can be systematically gathered and assessed either over time or comparatively.

1.2.2 – Summary

In presenting political equality as complex proceduralism, Beitz draws on recent trends in moral and political philosophy to develop a new theory by which to evaluate

electoral democracy. These efforts represent a significant and welcome contribution to what is as an under-theorized field. Moreover, Beitz's attempt to operationalize the definition moves the idea closer to empirical testing. However, the power of his study fades in the later chapters as his operationalization does not provide enough detail to construct a framework by which actual election systems can be convincingly assessed. While Beitz does bridge the normative and the empirical divide by offering a workable theory of electoral democracy, it is a bridge that at the very least needs reinforcement. In addition, the empirical segment of his study does little to incorporate actual US electoral data, but rather relies on mostly a non-systematic review of (mostly foreign) secondary literature. As the next section shows, there is a rich array of data and assessment techniques available in this field that could be adopted to better evaluate Beitz's core normative ideas.

1.3 – EMPIRICAL-LEANING STUDIES

Compared to those of a normative bent, empirical-leaning studies of electoral democracy are plentiful. In these works analysts attempt to demonstrate how the rules of the game and/or social characteristics affect collective action by examining patterns of behaviour under varying conditions. Hundreds of articles and books attempt to explain, for example, why some people vote and some do not, why some groups are under-represented in legislatures, and the effect of various electoral formulas on party competition. All rely on systematic measurement and comparison of data, including those gathered by survey, interviews or electoral results. More well-known authors include Gary Cox, Bernard Grofman, Arend Lijphart, G. Bingham Powell, Rein

Taagepera & Matthew Shugart, Pippa Norris and Joni Lovenduski.⁴⁰ The rest of this section provides a comprehensive review of one such study to demonstrate the general strengths and weaknesses of empirical-leaning studies of electoral democracy. As with Beitz's work, Pippa Norris and Joni Lovenduski's *Political Recruitment* has been chosen because of its popularity as well as relevance to the rest of this study. The purpose of the review is to show how the authors define, operationalize and measure their initial concepts. *Political Recruitment* also serves as typical example of an empirical-leaning study of electoral democracy – a quality that allows for generalization about similar works.

1.3.1 – Pippa Norris and Joni Lovenduski's *Political Recruitment*

At the heart of Norris and Lovenduski's study lies the issue of legislative recruitment in Britain, or, more specifically, who gets selected to sit in the British legislature and why; who selects these representatives and how; and whether or not social bias matters to democracy. The authors state that there are several reasons why such questions need answering. First, there is very little examination of how recent changes to electoral rules and internal party selection processes have affected political recruitment. Second, examination of the attitudes of those engaged in the process of selecting, and being selected as candidates has been sparse. Finally, few studies have established whether social backgrounds of politicians has a significant effect on their behaviour within the legislature – a link that would seem critical to understanding whether institutional arrangements are furthering or stymieing democracy. After undertaking a thorough investigation of these problem areas, Norris and Lovenduski

⁴⁰ Cox, G. (1997), *Making Votes Count*, Cambridge: Cambridge University Press; Grofman, B. & Lijphart, A. (eds), *Choosing an Electoral System: Issues and Alternatives*, New York: Praeger; Lijphart, A. (1999), *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries*, New Haven: Yale University Press; Powell, G. (2000), *Elections as Instruments of Democracy: Majoritarian and Proportional Visions*, New Haven: Yale University Press; Taagepera, R. & Shugart, M. (1989), *Seats and Votes: The Effects and Determinants of Electoral Systems*, New Haven: Yale University Press; and, Norris, P. & Lovenduski, J. (1995), *Political Recruitment*.

conclude ‘until Westminster includes greater social diversity, reflecting the electorate at large, it will fail to be a parliament of all talents.⁴¹ The rest of this section examines how the authors came to this conclusion in terms of their normative definition, operationalization and empirical measurement.

Normative Definition

As *Political Recruitment* is primarily an empirical study it is perhaps unfair to demand detailed normative discussion of the reasons why legislatures should reflect society. Nonetheless, this type of discussion is crucial to constructing and interpreting empirical efforts. To their credit, Norris and Lovenduski do provide a brief glimpse as to why their key theme ‘demographic representation’ – that each relevant sub-group of society gains a corresponding share of legislative seats – might be normatively important. In briefly referring to Jeremy Bentham and other utilitarians it appears that the authors’ belief in demographic representation is related to the idea that legislative outputs adequately or accurately reflect the demands of the community. However it is unclear whether the in the end Norris and Lovenduski are concerned that under-representation distorts what in the last section Beitz called ‘best result’ or ‘popular will’. Norris and Lovenduski avoid offering an explicit explanation why demographic under-representation might be important by stating that work on this topic is needed because, ‘the concept of demographic representation is a pervasive one which permeates much popular thinking, and therefore deserves full examination.’⁴²

To illustrate the seriousness Norris and Lovenduski’s normative omission it is perhaps fruitful to guess how the authors’ would justify their calls for reform if they found that no women were being elected to the British parliament because of prohibitive institutional or social conditions. For example, would reforms be justified

⁴¹ Norris, P. & Lovenduski, J. (1995), *Political Recruitment*, pp.247-8.

⁴² Norris, P. & Lovenduski, J. (1995), *Political Recruitment*, p.95.

because policy outcomes are not reflective of women's preferences? Or perhaps measures like quotas should be instituted because overall social welfare is not being maximized? This core reasoning for these reforms is never made clear, nor is a proposition made as to what percentage of women and minorities is or is not enough. In failing to address these basic matters it is difficult to decide if the analytical framework accurately reflects core concerns or how the results should be interpreted. It would appear that Norris and Lovenduski share the concerns of Beitz and other normative theorists in that legislative representation is linked to democracy and political equality, but beyond this general link the reader is left to guess as to the deeper significance of their empirical findings.

Operationalization

Despite a virtually non-existent normative justification, Norris and Lovenduski provide some ideas of how their mostly intuitive concept of democracy can be measured. As suggested by the earlier quote, the authors suggest that if various social groupings do not receive their fair share of seats in the legislature then the system is not fair and must be changed. But it is here that the lack of a strong normative base is most apparent. If, for example, systems are to be judged by 'best result' then it would seem that what should be measured is not if the proportion of seats held by women, ethnic minorities, or people of low socio-economic status is equal to their proportion of the population, but rather whether social welfare is being maximized. If 'popular will' is the basis for assessment, then what should be measured is if the preferences of the aforementioned groups are fairly translated to policy outcomes. However neither of these concepts is discussed by the authors and little attention is paid to operationalizing key concepts for measurement.

Empirical Measurement

If indeed there are reasons to study demographic under-representation it would be hard to find a more thorough study of such phenomenon. Norris and Lovenduski use data from the 1992 British Candidate Survey in which participants were asked up to 75 questions about political background, selection experience, political attitudes and personal background. Interviewees included: 1634 Labour and Conservative activists; 1,320 Members of Parliament and prospective parliamentary candidates from a wide range of parties; 361 failed candidates; 39 hour-long interviews with Members of Parliament and failed candidates. In addition, the authors reviewed official documents, observed meetings, and included data from the British Election Survey, the national census and actual election results.

After providing a detailed explanation of the process through which members of the community move from candidates to elected members, the authors track who gets elected and then test why certain groups are under-represented. For example, they claim that while 63 British MPs elected in 1992 were from the working class, 249 were needed if the House of Commons is supposed to reflect society at large.⁴³ In terms of educational representation, the authors conclude that '[i]f parliament were as ill-educated as the nation, it would include only 46 university educated MP's, not 426.'⁴⁴ Regarding gender equality, '[i]f women were represented in proportion to their numbers in the electorate, after the 1992 general election there would have been 339 women in the House, not 60.'⁴⁵ Finally, they demonstrate that visible minorities are also under-represented, 'if today's parliament reflected the social balance in the electorate we would expect the Commons to include at least thirty six MPs of black or

⁴³ Norris, P. & Lovenduski, J. (1995), *Political Recruitment*, p. 99.

⁴⁴ Norris, P. & Lovenduski, J. (1995), *Political Recruitment*, p. 101.

⁴⁵ Norris, P. & Lovenduski, J. (1995), *Political Recruitment*, p. 102.

Asian origin, not six.⁴⁶ After extensive analysis to why this deficit occurs, authors conclude that:

Parliament includes a social bias toward the younger, better educated and those in brokerage occupations, in large part because this reflects the pool of applicants. This mirrors the well-established socio-economic bias in political participation in other forms of political activity. If other types of applicants came forward, this suggests probably more would be selected.⁴⁷

Through extensive survey work and other data Norris and Lovenduski go on to examine the causes of under-representation including investigations of the attitudes of party ‘gatekeepers’, candidate resources and candidate motivation. These investigations demonstrate that ‘[i]mputed rather than direct discrimination is the main barrier facing black and Asian candidates’, and further that ‘gatekeepers attitudes are not the main reason for the lack of women in parliament...’.⁴⁸ The authors also found that financial resources made no difference in who was recruited by political parties, although in some cases time spent contributing to political parties; political experience; and, the extent of social networks played some role in determining who was selected.⁴⁹ Finally, the authors note that the strategy chosen by candidates to gain party endorsement is more important than personal drive to reach office.⁵⁰ In reviewing this and other information, the authors suggest a way forward:

...adopted candidates usually reflect the pool of entrants who come forward. The gap between the lives of grassroots party members and applicants is far greater than the difference between the applicants and candidates. This is clearest with the class and educational bias of the legislative elite, which can be attributed to the way well-educated, professional ‘brokerage’ jobs provide the career flexibility, financial resources, occupational security, and work conditions which facilitate the pursuit of a political career.

The pattern is more complex in terms of gender and race. Older women are the backbone of activists in the Conservative party but...few come forward as applicants. In contrast, in the Labour party more younger and middle-aged women are seeking candidacies, although they face difficulties securing inheritor seats. There are few black activists within the Conservative ranks...while in the Labour party applicants from the ethnic

⁴⁶ Norris, P. & Lovenduski, J. (1995), *Political Recruitment*, p. 106.

⁴⁷ Norris, P. & Lovenduski, J. (1995), *Political Recruitment*, p. 122.

⁴⁸ Norris, P. & Lovenduski, J. (1995), *Political Recruitment*, p. 142.

⁴⁹ Norris, P. & Lovenduski, J. (1995), *Political Recruitment*, p. 164.

⁵⁰ Norris, P. & Lovenduski, J. (1995), *Political Recruitment*, pp. 176-182.

minorities may face problems from selectors, largely because of concerns about their electability. The power to pick the real winners who get into parliament ...lies largely in the hands of grassroots Conservative and Labour party members rather than the electorate. But these members exercise choice within constraints, with supply-side factors [the reasons why candidates do or do not come forward] tending to drive the outcome.

It follows that policy options directed at changing the resources and motivation of potential applicants, which encourage party members to consider seeking a parliamentary career, will probably be most effective....⁵¹

1.3.2 – Summary

Norris and Lovenduski's work serves as a good representative of empirical-leaning studies of electoral democracy for two reasons. First, *Political Recruitment* demonstrates the depth of detail needed to conduct high quality empirical research. Not only does it uncover the extent to which Parliament is not reflective of British society, but based on extensive empirical research, the study presents convincing reasons why this may be so. Second, like many empirical studies of electoral democracy, the authors devote little discussion to the normative-side of the research equation or operationalizing key concepts. This omission is problematic as without an operationalized definition the study drifts. Not only might the indicators not match concepts of concern, but convincing interpretation is also thwarted. Readers of the Norris and Lovenduski study are still left to figure for themselves why Parliament should reflect society and whether the data is even normatively relevant. The lesson to be learned is that studies of electoral democracy need solid empirical and normative components that speak to one another, a demanding tip-to-tail requirement attempted by but a few scholars in this area.

1.4 – TIP-TO-TAIL STUDIES

As shown in the last sections normative- and empirical-leaning studies have can make a significant contribution to understanding electoral democracy, but their effectiveness is undermined by the absence of the other. This section reviews two tip-

Norris, P. & Lovenduski, J. (1995), *Political Recruitment*, p. 248.

tip-to-tail studies that attempt to link both normative justifications and empirical measurement through adequate operationlization of definitional foundations. As is shown below, this is accomplished either by assembling a team of researchers that include normative and empirical experts or a single scholar working over a long time period. Where the UK Democratic Audit Team's *Political Power and Democratic Control in Britain* includes the work a large collection of normative and empirical academics, Robert Dahl's *Democracy and Its Critics* is primarily the work of one person. Both are reviewed below to show how the effective combination of normative and empirical work can better illuminate problems associated with electoral democracy.

1.4.1 – UK Democratic Audit's *Political Power and Democratic Control in Britain*

As presented in *Political Power and Democratic Control in Britain*, the work of the UK Democratic Audit Team is an impressive and innovative endeavour. Conceived in 1993 by Lord Smith of Clifton, Kevin Boyle, Stuart Weir and David Beetham make up the core of the team with contributions from scores of leading scholars and practitioners. At the core of the research sits an attempt to perform a systematic assessment of democracy in the UK by rating institutional performance against agreed standards. This audit is not aimed only at evaluating electoral system performance, but also includes a review of extra-electoral mechanisms and processes – such as Parliament, courts, public audit, the ombudsman, civil liberties, political rights – and aspects deemed important to a democratic society including social capital and inclusion, and the accountability of economic institutions. Thus, the Democratic Audit Team offers a comprehensive account of democracy in the UK, not just electoral democracy. However, because the audit has been constructed using a tip-to-tail

approach and the fact that electoral democracy makes up a large part of their study renders it appropriate for review.

Normative Definition

The Democratic Audit Team bases its empirical work on a definition of democracy that rests on the ideas of popular sovereignty and political equality – with public control of decision-makers and equal distribution of power between citizens being the key criteria for determining the extent to which a country is more or less democratic. Hence democratic performance centres on the idea that ‘everyone should be given equal consideration in public policy, and equal opportunity to influence it’. For the authors democracy does not automatically mean majority rule, but rather that ‘the conditions for popular control over government and for political equality should be secured on an ongoing basis.’ Demanding that democracy requires ‘popular authorization, public accountability, government responsiveness, the representativeness of public bodies, reflecting and promoting equality of citizenship’, adds meat to the theoretical bones, as does the statement that one of the core indicators of political equality is ‘the degree of *representativeness* to which political institutions and of public bodies of all kinds, and in degree to which they reflect the diversity of pluralism of society, not just in respect to political opinions, but of social composition and identities.’⁵²

The definitional section of the *Political Power* is more robust than that offered by Lovenduski and Norris, but lacks the philosophical depth of Beitz’s work. In fact, the normative basis of this work represents only a slightly more vigorous version of what Beitz deems ‘the simple view’. Because a more refined direction is offered readers know that a wide variety of institutions and processes will be evaluated in

⁵² Weir, S. & Beetham, D. (1999), *Political Power and Democratic Control in Britain*, pp. 7-9.

terms of who participates and the effects of this participation. However, because 'democracy' is still mostly left open for interpretation it is more difficult to definitively assess whether British institutions could be made more democratic. In other words, the definitional premiss of the study is not effectively connected to deeper ideas about moral or political philosophy. As shown below, the under-specified nature of the Audit Team's core definition causes operational and measurement problems.

Operationalization

The Democratic Audit Team moves from the normative to the empirical by operationalizing its definitional concepts. This is done by constructing 30 key questions, six of direct concern to electoral democracy:

1. How far is appointment to legislative and governmental office determined by popular election, on the basis of open competition, universal suffrage and secret ballot: and how far is there equal effective opportunity to stand for public office, regardless of what social group a person belongs to?
2. How independent of government and party control and external influences are elections and procedures of voter registration, how accessible are they to voters, and how free are they from all kinds of abuse?
3. How effective a range of choice and information does the electoral and party systems allow the voters, and how far is there fair and equal access for all parties and candidates to the media and other means of communication with them?
4. To what extent do the votes of all voters carry equal weight, and how closely does the composition of Parliament and the programme of government reflect the choices actually made by the electorate?
5. What proportion of the electorate actually votes, and how far are the election results accepted by the main political forces in the country?
6. How far is there systematic opportunity to vote on the measures of basic constitutional change?⁵³

While these questions form the basis of measurement, they are fairly open-ended in terms of expectations. That is, the reader is left to more or less intuitively gauge how these questions can be answered and what are and are not acceptable

⁵³ Weir, S. & Beetham, D. (1999), *Political Power*, pp.11-12.

answers. Asking, for example, ‘what proportion of the electorate actually votes?’ gives an indication that voter turnout might be important for electoral democracy, but not what might be an appropriate level. This ambiguity affects what attributes are measured and how results are interpreted.

Empirical Measurement

The authors generate their assessment of the six electoral questions from a wide range of statistics, interviews and a large number of reports by academic experts in various fields from across the country over a six-year period. Rejecting aggregation of various scores into a single score as an arbitrary and contestable exercise, they instead choose to present their findings on a point-by-point basis. Of particular relevance to electoral democracy are assessments of: representing ‘natural communities’ in Britain; the influence of party on fixing boundaries; making votes for parties equal in the effect; measuring the distortions of British elections; measuring the electoral squeeze on third parties; wasted votes; marginal seats and tactical voters; the choice between single member plurality and proportional representation systems; and the representation of social groups.

The most extensive empirical review of electoral democracy in *Political Power* relates to Question 4 – ‘the extent to which votes carry equal weight, and how closely the composition of Parliament and the programme of government reflect the choices actually made by the electorate’. ‘Equal weight of votes’ is tackled by tracing the number of votes needed to elect candidates in different geographic regions, from different political parties, and under different competitive circumstances. ‘Parliament reflecting the choices of the electorate’ is addressed by tracing how votes shares are translated into parliamentary majorities and by calculating ‘deviation from

proportionality' scores. 'Government policy reflecting the choices of the electorate' is audited by examining data related to manifesto promises.

The 'equal weight of votes' is substantiated by assessments of: (a) deviations from electoral quotas in UK constituencies and, (b) the average support needed to elect candidates from the three main political parties. On (a), it is demonstrated that in 1997 'four constituencies are either 30 percent above or below an aggregate electoral quota for the UK as a whole; 52 deviate by 20 percent or more; and 226...are adrift by 10 percent or more.' This deviation means that certain constituencies include either thousands more or less voters than average, diluting or inflating a individual voters ability to influence the election outcome. On (b), the authors demonstrate that it sometimes takes more votes to elect candidates from certain parties than it does from others. In 1997, an average of 32,370 votes were requires to elect a Labour MP, 58,185 to elect a Conservative and 113,729 to elect a Liberal Democrat. Based on this statistical evidence and a short discussion of party tactics provided from a single newspaper article, the authors to claim that British electoral system is flawed and 'encourages the parties to concentrate their electoral platforms and on a minority of perhaps half a million voters out of an electorate of 43 million in the 100-120 marginal seats on which the elections in Britain normally turn. They are therefore likely to have more influence on the content of manifestos than other electors.'⁵⁴

'Parliament reflecting the choices of the electorate' is measured by (a) the quality of first-past-the-post elections in the UK and (b) deviation from proportionality. Measure (a) uses examples to illustrate the sometimes perverse effects of the current UK electoral system. For example, in 1951 Labour won 250,000 more votes than the Conservatives but was awarded 26 fewer seats, resulting in an

⁵⁴ Weir, S. & Beetham, D. (1999), *Political Power*, pp. 49-76.

overall Conservative majority of 17 seats. Likewise, while winning 225,789 fewer votes than the Conservatives in 1974, Labour emerged with four more seats and a minority government. This perversity is explained in more detail by calculating deviation from proportionality (DV). Calculated by the totaling the percentage of vote-to-seat deviations for all parties within a single election, DV represents the percentage of elected members ‘not entitled to their seats in terms of their party’s actual share of the national vote.’ For example, with a DV score of 21 percent, one in five MPs did not deserve their seats in the 1997 British General Election. In national elections since 1945, DV scores have ranged from four percent in 1955 to 24 percent in 1983 – scores which are ‘the largest on record among liberal democracies in the past 25 years.’⁵⁵ Election results are even less proportional when examined on a regional basis. According to the Democratic Audit Team, this evidence proves ‘both that the electoral system fails to ensure that the composition of Parliament reflects voters’ party choices; and that it denies people votes of equal value.’⁵⁶

Finally, the third sub-component of Question 4 examines ‘government policy reflecting the choices of the electorate’. This is measured by investigating whether or not various British governments have honored their manifesto promises. Mainly tested through a brief discussion of anecdotal evidence, the Audit Team declares ‘[t]hat there is evidence that the contents of the manifesto do influence future government policies, but governments may also be “blown off course”.’ But, continue the authors, ‘even those governments which do honour their manifestos can by definition be sure of satisfying only a relatively large minority of the public who voted for the governing party, and their policies will not generally reflect the choices of the majority. Thus, under first-past-the-post elections, the mandate system cannot

⁵⁵ Weir, S. & Beetham, D. (1999), *Political Power*, p. 56.

⁵⁶ Weir, S. & Beetham, D. (1999), *Political Power*, p. 58.

fulfill its democratic promise.⁵⁷ It is not clear what alternate arrangements, if any, would remedy this failing.

Summary

A comprehensive audit of democracy is ambitious, especially an audit that seeks to base measurement of operationalized normative principles. In terms of breadth, the project generates and compiles an impressive collection of information about a wide range of institutions and processes. However, the connections between the normative and the empirical leave something to be desired. As shown above through an exploration of Question 4, the links between the normative concept and operationalized definition and operationalized definition and the empirical measures are weak. For example, the authors provide no reason as to why it might be important that the composition of parliament reflect the choices of the electorate, but leave the connection to the reader's intuition. Is the composition of parliament important because of it better maximizes social welfare, better manifests popular will or because it reflects fair procedures? No connection to these deeper ideas of political equality is made.

The link between the operationalized question and the empirical measures are also weak. Although DV scores effectively describe how much an electoral formula distorts how votes are translated into seats, it is difficult to interpret the generated figures. The question of 'when is a system proportional enough?' is never answered. So while the British electoral system is perhaps the worst in Europe, there is no connection with their normative idea that would allow a precise judgment of whether or not it is so bad to be discarded or which of the many available systems would be an adequate enough replacement. The lack of connection to the normative leaves much

⁵⁷ Weir, S. & Beetham, D. (1999), *Political Power*, p.115.

to intuition and audit results would have more clout if the normative definition was more robustly operationalized. These criticisms aside, the overall scope and collaborative approach used by the UK Audit Team is groundbreaking and there is much that could be incorporated into future studies.

1.4.2 – Robert Dahl’s *Democracy and Its Critics*

While Robert Dahl’s contribution to the study of democracy can be traced back to his 1940 Ph.D. dissertation, his most comprehensive work to date is *Democracy and Its Critics*.⁵⁸ Written in 1989, *Democracy and Its Critics* contains a tip-to-tail exploration of democracy, much of which relates to elections. After explaining how the roots of his analytical framework correspond to various conceptions of justice, Dahl then operationalizes definition in order to empirically explain why some countries do or do not develop into polyarchies.⁵⁹ As illustrated below, *Democracy and Its Critics* offers perhaps the most complete study of electoral democracy to date.

Normative Definition

In *Democracy and Its Critics*, Dahl uses four of the book’s six sections to develop his idea of democracy. Based on the notions ‘the people’ and ‘rule’, Dahl constructs what he deems a ‘Strong Principle of Equality’ on which his whole notion of democracy rests:

- If the good or interests of everyone should be weighed equally, and if each adult person is in general the best judge of his or her good or interests, then *every adult member* of an association is sufficiently well qualified, taken all round, to participate in making binding collective decisions that affect his or her good or interests, that is, to be a *full citizen* of the demos. More specifically, when binding decisions are made, the claims of each citizen as to the laws, rules, policies, etc., to be adopted must be counted as valid and equally valid. Moreover, no adult members are so definitely better qualified than the others that they should be entrusted with making binding collective decisions. More specifically, when binding decisions are made, no citizen’s

⁵⁸ In an interview with Nelson Polsby, Dahl describes the various writings over 60 years of study as ‘all one book’ and ‘a kind of a soap opera’. Polsby, N. (1991), ‘Interview with Nelson W. Polsby’ in *Toward Democracy: A Journey Reflections 1940-1997, Volume One*, Berkeley: Institute of Governance Studies, pp. 17-32, p. 27.

⁵⁹ Dahl, R. (1956), *A Preface to Democratic Theory*; Dahl, R. (1971), *Polyarchy*, New Haven: Yale; Dahl, R. (1989), *Democracy and Its Critics*; and Dahl, R. (1998), *On Democracy*, New Haven: Yale.

claims as to the laws, rules and policies to be adopted are to be counted as superior to the claims of other citizens.⁶⁰

One its own the Strong Principle of Equality reads much like Beitz's 'simple view' in that political equality is associated with equal input into collective decision making, but Dahl adds detail to this initial definition by using dialogues between imagined political theorists. While agreeing with traditional utilitarians that a democratic system should promote a common good based on 'the good of all persons affected', he does not concur with their view as to what 'common good' substantively means. Critically, Dahl states from a moral perspective that 'it seems to me misguided to search for the good exclusively in the outcomes of the collective decisions and ignore the good that pertains to the arrangements by which they are reached.'⁶¹ This argument that the common good should not be judged solely by outcomes marks a clear break with tradition utilitarians. Dahl further detaches 'common good' from assessments based on outcomes, arguing:

Our common good, then...consists of the practices, arrangements, institutions and practices that...promote the well-being of ourselves and others – not, to be sure, of "everyone" but of enough persons to make the practices, arrangements, etc. acceptable and perhaps even cherished.⁶²

Not only is this definition is similar to Beitz' complex proceduralism, but like Beitz, Dahl also runs into the same problem of underspecificity. For example, nowhere does Dahl exactly specify the meaning of 'enough persons' or 'acceptable'. This leaves the reader to guess whether 'enough' refers to a majority, minority or supermajority of community members, and whether it applies to all types of decisions or varies under particular circumstances and when a practice would or would not be not be 'acceptable'. As Dahl himself admits, his normative definition is 'much too

⁶⁰ Dahl, R. (1989), *Democracy and Its Critics*, p. 105.

⁶¹ Dahl, R. (1989), *Democracy and Its Critics*, p. 306. Emphasis in original.

⁶² Dahl, R. (1989), *Democracy and Its Critics*, p. 306.

loose and nonphilosophical to convince political theorists and philosophers'.⁶³ Breaking with a strict utilitarianism interpretation of political fairness leaves Dahl in the difficult position of endorsing basic utilitarian principles but rejecting the general rule by which they judge decision-making processes.⁶⁴ Because his alternate lacks detail consistent operationalization is difficult if not impossible.

Operationalization

In operationalizing his definition of democracy Dahl stresses that all decision-making processes are multi-staged and should be assessed as such. As far back as his 1956 work *A Preface to Democratic Theory* Dahl describes the decision-making process as a four-staged. In chronological order, 'Prevoting' is the stage during which the agenda is set, 'voting' is when votes are cast and translated to seats, during the 'postvoting' stage governments are formed, and, finally, during the 'interelection' period all decisions are made by elected officials or referendum. Tied to his definition, in a fully democratic system any member is allowed to place items on the agenda, express their preference as to what option is superior, and have these expressions of preference considered equally when final decisions are made.⁶⁵

Dahl's multi-staged view of decision-making is reflected in the five criteria by which he evaluates all decision-making procedures. He states that the five criteria 'fully specify the democratic process' and further, 'to the extent that the criteria are not met, then persons could hardly be said to be politically equal.'⁶⁶ They five include:

1. **Inclusion** – The demos must include all adult members of the association except transients and persons proved to be mentally defective.
2. **Control of the Agenda** – The demos must have the exclusive opportunity to decide how matters are to be placed on the agenda of matters that are to be decided by means of the democratic process.

⁶³ Dahl, R. (1989), *Democracy and Its Critics*, p. 84.

⁶⁴ For more criticism of Dahl's theoretical underpinnings, see Saward, M. (1998), *The Terms of Democracy*, Cambridge: Polity Press, pp. 16-18.

⁶⁵ Dahl, R. (1956), *A Preface to Democratic Theory*, p. 84.

⁶⁶ Dahl, R. (1989), *Democracy and Its Critics*, p. 130.

3. **Enlightened Understanding** – Each citizen ought to have adequate and equal opportunities for discovering and validating (within the time permitted by the need for a decision) the choice on the matter to be decided that would best serve the citizen's interest.
4. **Voting Equality at the Decision Stage** – At the decisive stage of collective decisions, each citizen must be ensured an equal opportunity to express a choice that will be counted as equal in weight to the choice expressed by other citizens. In determining outcomes at the decisive stage, these choices, and only these choices, must be taken into account.
5. **Effective Participation** – Throughout the process of making binding decisions, citizens ought to have an adequate opportunity, and an equal opportunity, for expressing their preferences as to the final outcome. They must have adequate and equal opportunities for placing their questions on the agenda and for expressing reasons for endorsing one outcome rather than another.

Not only does Dahl's recognition that what options are available and who participates are as important as questions about how preferences are tabulated when evaluating a decision-making process, these factors add a richness that is sometimes missing from other accounts of democracy – especially those that merely focus on how elections systems aggregate votes. Where his definitional foundation may not be fully convincing, it is hard to find fault with Dahl's reasoning that all decision making stages should be included in a comprehensive evaluation of democracy.

Of more importance to this study is Dahl's own recognition that his base definition is not suited for measurement. In order to determine whether government actions reflect the community's 'urgent political concerns', policy outcomes must be compared 'with evidence showing what citizens want their governments to do or not to do.'⁶⁷ Instead of offering a method by which this might be achieved, Dahl offers a compromise solution suggesting comparisons of:

⁶⁷ Dahl, R. (1989), *Democracy and Its Critics*, p. 95.

...the *opportunities* that the democratic process (both in ideal form and in actuality) provides the majority of citizens for influencing the government to attempt to satisfy their urgent political concerns with the opportunities that a non-democratic government, both in ideal form and in actuality, would provide....Among other things we would need to specify the institutions that, in practice, the democratic process requires.⁶⁸

Thus to empirically evaluate democracy Dahl chooses to measure *opportunities* for influence rather than *actual* influence. To do so he invents 'polyarchy' – a more practical version of his democratic principles that denotes a polity in which (1) that citizenship is extended to a relatively high proportion of adults and (2) the citizens have the right to oppose and vote out the highest officials in the government.⁶⁹ Dahl claims polyarchy allows him to more easily 'distinguish modern representative democracy from all other political systems, whether non-democratic regimes or earlier democratic systems.'⁷⁰ In moving even closer to empirical measure, Dahl matches the previously discussed five conditions of democracy with seven (in earlier works eight) institutions that must exist for a country to be considered a polyarchy:

1. **Elected Officials** – Control over government decisions about policy is constitutionally vested in elected officials.
2. **Free and Fair Elections** – Elected officials are chosen in frequent and fairly conducted elections in which coercion is comparatively unknown.
3. **Inclusive Suffrage** – practically all adults have the right to vote in the election of officials.
4. **Right to Run for Office** – Practically all adults have the right to run for elective offices in the government, though age limits may be higher for holding office than for suffrage.
5. **Freedom of Expression** – Citizens have the right to express themselves without the danger of severe punishment on political matters broadly defined, including criticism of officials, the government, the regime, the socio-economic order, and the prevailing ideology.

⁶⁸ Dahl, R. (1989), *Democracy and Its Critics*, p. 95. Emphasis added.

⁶⁹ Dahl, R. (1989), *Democracy and Its Critics*, p.220.

⁷⁰ Dahl, R. (1989), *Democracy and Its Critics*, p. 218.

6. **Alternative Information** – Citizens have a right to seek out alternative sources of information. Moreover, alternative sources of information exist and are protected by laws.
7. **Associational Autonomy** – To achieve their various rights, including those listed above, citizens also have the right to form relatively independent associations or organizations, including independent political parties and interest groups.

Dahl stresses that the seven statements must be more than written on paper, but rather they should characterize actual rights. In essence these seven institutions establish the threshold over which a polity must pass on the trip from non-democracy to polyarchy.

The difficulty in substituting the *opportunities* to have one's interests considered for *actually* receiving equal consideration is that Dahl side-steps the core of his definitional base. As Dahl admits, what is presented is a listing of institutions required for what can be considered only a second-best assessment of political equality. If democracy is a process that facilitates a greater goal then the only way to proclaim whether or not a polity is democratic is to assess whether or not the specified goal has been reached.

There are also problems within the list of seven requirements. For example, while Dahl's definition of democracy is *active* in that it demands that interests be equally *considered*, he offers mainly *passive* measures of decision-making. Dahl's first four criteria – inclusion, control of the agenda, enlightened understanding and voting equality – are rights-oriented conditions which merely demands researchers identify whether or not specific rules defending these rights have been enacted, but not whether the rights conditions are actually met. This passive measurement stands in contrast to his core definition that requires measurement of institutional *performance*. That certain rights exist does not guarantee that they are respected or that other, less obvious rules are not interfering with people exercising their rights. The fifth condition – effective participation – demonstrates that Dahl himself is not

altogether convinced that mere rights-oriented conditions are extensive enough to determine whether interests are being given equal consideration. As with the five conditions, the seven institutional traits require a mixture of passive and active measures: (1) constitutional vesting of power with elected officials, (3) inclusive suffrage, (4) the right to run for office, (5) freedom of expression, and (7) the right for groups to assemble, are all passive traits that could be established by simply examining the constitution or appropriate laws. But, (2) the absence of coercion during elections and (6) the existence of alternate forms of information require active measures. Dahl's mixture of passive and active conditions to assess an active definition is problematic and, as shown below, the confusion spills over into his attempts to measure democracy.

Empirical Measurement

Over the years Dahl has broken a larger set of countries into groups of polyarchies and non-polyarchies and compared these lists with a number of other factors to determine why polyarchy develops in some countries and not in others. While his work on why some countries do or do not develop and maintain democratic institutions is valuable, it is Dahl's initial classification of countries that is of direct relevance to this study. Dahl generates little original data to classify countries, but instead bases his assessments on data sets borrowed from other scholars. Most recently Dahl has based his empirical assessments on information provided by *Tatu Vanhanen*.⁷¹ In *Prospects of Democracy* Vanhanen calculates levels of participation and competition in 119 (later 172) countries, combining these indicators into an overall Index of Democratization (ID). *Participation* is the percentage of the total

⁷¹ In *Democracy and Its Critics* (1989), Dahl uses data from Vanhanen, T. (1984), *The Emergence of Democracy: A Comparative Study of 119 States 1850-1979*, Helsinki: Finnish Society of Arts and Letters. Vanhanen later updated this work published as Vanhanen, T. (1997), *Prospects of Democracy: A Study of 172 Countries*, London: Routledge.

population that cast votes in a particular election, where *Competition* is ‘calculated by subtracting the percentage of votes won by the largest party from 100.’⁷² Participation and Competition calculation are multiplied and then divided by 100 to provide the ID index score. In using the ID Index for his work, Dahl equates his seven conditions of polyarchy with voter turnout and party competition.

These measures are problematic as they do not adequately capture the institutional traits Dahl wishes to assess. Where Dahl is primarily interested in constitutional (i.e. passive) structure, Vanhanen’s ID Index is based on two indicators of democratic performance – voting turnout and party competition. Voting turnout statistics do not measure constitutional rules but rather how many people cast ballots in each election. Party competition does not indicate particular rights but rather how many parties contest each election. Thus Dahl’s conditions of polyarchy and Vanhanen’s data would appear mismatched. Dahl acknowledges this divergence and warns that Vanhanen’s ID Index, ‘does not necessarily reflect the legal and constitutional situation of a country or a satisfactory level of institutional achievement of polyarchy’, and confirms his preference for passive measures of democracy by stating he would rather assess countries ‘based on legal suffrage and the institutions of polyarchy’.⁷³ Ironically Vanhanen’s own preference would be to assess passive traits of various countries.⁷⁴

Summary

In sum, Dahl’s approach to defining and evaluating democracy is thorough, but it is undermined by inconsistencies and core problems. The first, and perhaps most serious problem for comparative study is that Dahl does not provide a consistent general

⁷² Vanhanen, T. (1997), *Prospects of Democracy*, p. 34.

⁷³ Dahl, R. (1989), *Democracy and Its Critics*, p. 240. (fn).

⁷⁴ For Vanhanen democracy is ‘a political system in which different groups are legally entitled to compete for power and in which institutional power holders are elected by the people and are responsible to the people.’ Vanhanen, T. (1997), *Prospects of Democracy*, p. 31.

evaluatory rule by which it can be determined whether decisions are acceptable to 'enough people'. That Dahl's assumption that any evaluation of democracy should be based on a combination of outcome and procedural factors is consistent with the work of Charles Beitz and a number of prominent political philosophers suggests Dahl is wise to avoid basing his assessment on traditional utilitarianism. However, not specifying how to evaluate outcomes and process leaves too much the discretion of individual scholars. While Dahl's abandonment of one important components of traditional utilitarianism does not mean he rejects this school's core belief in political equality, he does not provide an adequate substitute for those wishing to adequately operationalize his definition.

Dahl's insistence that complete assessments of democracy require consideration of all stages of decision-making is a valuable contribution to operationalizing the concept of democracy as it serves as a reminder that collective choice is not just about outcomes but also includes agenda setting and participation during decision making. However, it is questionable whether the five conditions of democracy that he offers to make this assessment would prove an accurate measure of his key factor of 'equal considerations of interest'. Although it would appear that 'consideration' is an activity – that is it would require measures of performance – Dahl suggests that consideration should be assessed through the almost exclusive use of passive measures – by strictly considering constitutional and other legal arrangements. This point is driven home when Dahl measures polyarchy in various countries. While he uses performance based data Dahl notes his discomfort with his measures and states he would prefer assessment based on more passive data. Where Dahl's has made considerable contributions to the study of democracy, there is room to improve aspects of his analytical framework.

1.5 – SUMMARY

In reviewing studies designed to facilitate a greater understanding of electoral democracy, Chapter 1 has uncovered a number of significant issues and details to be considered for future work in this area. In general terms, the chapter illustrates that a gap exists between normative concepts and empirical investigation. In failing to fully ready their definitions for measurement, the few existing normative-leaning scholars of electoral democracy risk being ignored as their work has little concrete to offer their empirical colleagues. For all their complex indicators and methods, empirical-leaning researchers who ignore normative concepts might well be measuring irrelevant concepts or at least risk generating uninterpretable results. Not only is there an issue of balancing these two aspects of any study of electoral democracy, but also ensuring that the two ends are firmly connected by a fully operationalized definition of democracy.

Charles' Beitz's *Political Equality* demonstrates the power of a high-quality normative-leaning study. Not only does Beitz set out the basic options that all who study electoral democracy must consider, his theory of political equality provides a convincing premiss by which to evaluate various electoral system components. But as shown above, because he falters in attempting to operationalize complex proceduralism his theory is not readily adaptable for systematic empirical measure. Not just apparent in Beitz's work, this shortfall is common to many normative-leaning studies of electoral democracy.

Norris and Lovenduski's *Political Recruitment* is an excellent example of a rigorous empirical-leaning study of electoral democracy and illuminates legislative underrepresentation in a way not seen before in the United Kingdom. The authors generate extensive and original descriptive data sources, and also take great care in

explaining why trends might be occurring in a way that lends itself to generalization. However, because the authors give very few reasons why underrepresentation should be considered problematic, at the end of the book readers are still left wondering why reforms are necessary. More seriously, readers might even wonder if the Norris and Lovenduski's indicators at all match with appropriate normative foundations. Norris and Lovenduski's failure to fill the normative/empirical gap with an adequately operationalized definition is a mistake common to many empirical studies of electoral democracy.

The lesson to be learned from the above examples is that the way forward would seem to lie with tip-to-tail studies of electoral democracy that include normative, operationalized and empirical components. Although few have been such projects have been undertaken, the UK Democratic Audit Team and Robert Dahl present some of the best work to date. In recognizing the difficulty in linking normative with empirical and setting their sights on a comprehensive audit of democracy in the United Kingdom, the founders of the audit opted for an innovative team approach. The amount and quality of the empirical information sets a high bar for all future studies of democracy in the UK or elsewhere. However, while some of the research is driven by the arguments set forth in the normative section, the links are often not strong enough to be convincing and much of the observed data is open to broad interpretation. In using a team to conduct a tip-to-tail study of democracy the UK Democratic Audit Team has broken new ground. However, in using an underspecified definition of democracy and failing to operationalize the definition more concretely the authors have repeated some of the same mistakes as their predecessors.

The final study reviewed in this chapter was Robert Dahl's *Democracy and Its Critics*. The originator of tip-to-tale research on electoral democracy, Dahl's work is perhaps the best offered to date on this subject. While Dahl offers a detailed definition of democracy, extensive operationalization of this concept and matching measurement methods, some critical flaws exist with the work. These include a definition that does not provide a distinct evaluatory rule, a mismatching of concepts during operationalization and measurement methods that do not accurately gauge critical components of the philosophical premiss. Despite these shortcomings Dahl's work is similar to other studies reviewed in this chapter in that it provides an abundance of ideas on which to build.

The purpose of this chapter was to review authors of note in order to discover how best to proceed with an analysis of electoral democracy in world cities. At the outset it was explained that because electoral democracy contains both empirical and normative components, an effective analytical framework must bring these two elements together by properly operationalizing the normative definition in order to evaluate elections and electoral systems. Thus the framework necessarily stretches from the realm of moral philosophy though political philosophy and democratic theory to systematic testing of empirical data. It was shown that without attention to all of these elements the best definitional efforts become irrelevant as they are immeasurable and the most elaborate data is rendered uninterpretable. It was also shown that although a few authors have attempted tip-to-tail studies of electoral democracy, these studies could be improved. Subsequent chapters adopt elements from all of these studies in order to develop and employ a more robust analytical framework.

2 – PERSISTENT LOSING AND ELECTORAL FAIRNESS

Chapter 1 provided a review of a number of contemporary works concerning electoral democracy. The chapter demonstrated that such studies require a tip-to-tail approach where well-defined normative premises are clearly operationalized for relevant empirical assessment. Not only does this approach provide consistency between principles and measures, but it also allows for more convincing interpretations of evidence. Problems in studies shown to have used this approach, such as the UK Democratic Audit Team and Robert Dahl, demonstrate that even these admirable efforts could be improved before they are used to construct a framework by which to study electoral democracy in world cities. The aim of Chapter 2 is to provide these normative and operationalizing improvements before moving onto measurement in later chapters.

Starting with the strongly supported notion that democracy and political equality are inextricably linked, this chapter pursues the normative arguments by Charles Beitz and Robert Dahl that procedures matter as much or more than outcomes in determining whether or not decision-making institutions promote political equality. After using the work of Thomas Scanlon, Thomas Nagel and Brian Barry to explore this idea in more detail, it is argued that a decision-making process is unfair – and hence undemocratic – if any who are bound by final policy outcomes can ‘reasonably reject’ the rules by which decisions are made. The core phrase of this definition is further elaborated by adding a new condition that rejection is only reasonable if it can be shown that decision-making processes produce ‘persistent losers’ – community

members who are permanently or almost permanently disadvantaged in any stage of the decision-making process because of institutionalized discrimination. The second half of the chapter operationalizes persistent losing by matching its key components with those inherent in electoral processes. Described as a filtration process where rules serve to narrow an infinite set of community preferences to a set of elected representatives, persistent losing provides the evaluatory rule by which to judge preference elimination in the prevoting, voting and postvoting election stages.

2.1 – REASONABLE REJECTION, SYSTEMATIC DISADVANTAGE AND PERSISTENT LOSING

In the last chapter it was shown that empirical studies of electoral democracy are often based, whether explicitly or implicitly, on the notion that evaluations of fairness should be based on outcomes. That is, electoral systems should produce outcomes that either maximize social welfare or are based on accurate preference aggregation in order to reflect the community's general will. It was also shown that two scholars who have written perhaps the most normatively-rich studies of electoral democracy, Beitz in *Political Equality* and Dahl in *Democracy and Its Critics*, feel that strictly outcome-based, consequentialist evaluations inaccurately captures the spirit of the core democratic notion of political equality. These authors argue that evaluations of elections and electoral systems need to be based on a truer theory of political fairness. Beitz and Dahl are not alone in their objections as 'the goal of most contemporary political philosophers is to find a systematic alternative to utilitarianism.'⁷⁵

Where the Dahlian alternative is somewhat ambiguous, Chapter 1 showed how Beitz's complex proceduralism draws on the work of philosophers often most attached to developing an alternative to utilitarianism: John Rawls and Thomas Scanlon. Writing in 1989, Charles Beitz did not have the advantage of drawing upon

⁷⁵ Kymlicka, W. (1990), *Contemporary Political Philosophy*, Oxford: Oxford University Press, p. 50.

later works such as Brian Barry's *Justice as Impartiality*, Thomas Nagel's *Equality and Partiality*, and T.M. Scanlon's later *What We Owe to Each Other*, all of which fortify the philosophical work underlying the evaluatory rule found in Beitz's *Political Equality*. The rest of this section explores the writings of these authors who support the idea of justice as fairness in order to solidify the normative foundations of this study.

2.1.1 Justice as Fairness and Reasonable Rejection

In offering the first 'systematic alternative to utilitarianism' in *A Theory of Justice* John Rawls asserts that utility maximization is an insufficient rule by which to judge whether or not acts respect political equality.⁷⁶ He instead argues that evaluations should focus on how fairly resources are distributed and forwards his idea of 'justice as fairness' – an evaluatory rule requiring a resource distribution scheme that allows the worst-off to gain most benefit. For Rawls, '[a]ll social and primary goods – liberty and opportunity, income and wealth and the bases of self-respect – are to be distributed equally unless an unequal distribution of all or any of these goods is to the advantage of the least favoured.'⁷⁷

Using an imaginary setting in which members draw up an agreement or social contract by which decisions will be made in their community, Rawls bases his argument for justice as fairness on his now famous 'veil of ignorance'. This heuristical tool forces readers to envision what decision-making rules would be chosen in the 'original position' when community members are oblivious to their own and others' defining characteristics and social positions. As the veil renders everyone equal when choosing the rules by which resources are later distributed, Rawls argues that under these conditions people would not endorse rules that allow inequitable

⁷⁶ Kukathas, C. & Pettit, P. (1990), *Rawls: A Theory of Justice and its Critics*, Cambridge: Polity.

⁷⁷ Rawls, J. (1971), *A Theory of Justice*, Oxford: Oxford University Press, p. 303.

distribution of resources because when the veil is lifted they may find themselves disadvantaged. For Rawls, the veil ‘ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances, and that rules are made to accommodate the least advantaged.’⁷⁸ Where, for example, some utilitarians evaluate political equality by assessing if the outcomes of a decision-making process produce the ‘best result’ by increasing overall utility, Rawls shifts the attention to the rules structuring how decisions are made. Thus political equality is not exclusively focussed on outcomes but rather built on considerations of fairness *during* the decision-making process.

A number of theorists have pointed out that while innovative, Rawls’ veil of ignorance is cumbersome as it is impossible to render ignorant all members of any existing community. Thomas Scanlon agrees with Rawls’ critique of traditional utilitarianism and premiss behind justice as fairness, but claims he is able to produce an evaluatory rule similar to Rawls’ without using the veil.⁷⁹ In its place Scanlon substitutes a single paragraph explaining when an act is ‘wrong’ and how decision-making processes should be judged:

An act is wrong if its performance under the circumstances would be disallowed by any rules for the general regulation of behaviour which no one could reasonably reject as a basis for informed, unforced general agreement.⁸⁰

This passage indicates that a decision-making process is inequitable and the acts it produces wrong if the decision is generated using procedures that could be reasonably rejected by a community member motivated by the desire to participate in collective decision-making. Here the imaginary veil is replaced by the more practical idea that community members can reject rules that are unfair. Scanlon’s idea of

⁷⁸ Rawls, J. (1971), *A Theory of Justice*, p. 15-18.

⁷⁹ See Scanlon, T.M. (1982), ‘Contractualism and Utilitarianism’ in, Sen, A. & William, B. (eds.), *Utilitarianism and Beyond*, Paris: Cambridge, pp. 103-128. For further elaboration see Scanlon, T.M. (1998), *What We Owe to Each Other*, Cambridge: Belknap.

⁸⁰ Scanlon, T.M. (1982), ‘Contractualism and Utilitarianism’, p.110.

‘reasonable rejection’ not only simplifies Rawls’ explanation of justice as fairness, but because, as in life, the involved parties are aware of their identities and interests Scanlon has given Rawls’ heuristic argument the practical roots it needs to be developed into a general rule by which actual decision-making procedures can be evaluated. Scanlon’s work has received support from those who challenge utilitarianism as the base principle of justice, including Brian Barry, who states that Scanlon’s work is ‘a more effective realization of Rawls’ objectives than his own original position could ever be.’⁸¹

‘Reasonable rejection’ has been adopted by a number of authors such as Beitz, Barry and Thomas Nagel who seek to develop an alternative to utilitarianism as the rule by which to evaluate decision-making fairness. Scanlon’s own purpose is not so much to provide specific ideas about how political institutions should be designed or even about justice in the broader sense, but rather to explain morality or, to be more specific, the ‘morality of right and wrong’.⁸² As demonstrated by the earlier review of Beitz’s work, further exploration and explanation Scanlon’s key phrase is required before the idea can be operationalized and used for practical assessment. Scanlon himself endorses this pursuit, suggesting that researchers ‘try to identify and describe more clearly what seem to be reasonable grounds for rejecting principles and, by doing this, to specify more fully the process of finding principles that no one could reasonably reject.’⁸³

In *Equality and Partiality* Thomas Nagel employs Scanlon’s moral philosophy to help devise solutions to political problems. In exploring Scanlon, Nagel adds detail to reasonable rejection in stating that ‘[w]hat makes it reasonable for someone to

⁸¹ Barry, B. (1995), *Justice as Impartiality*, Oxford: Oxford University Press, p. 67. See also Beitz, C. (1989), *Political Equality*; and Nagel, T. (1991), *Equality and Partiality*, Oxford: Oxford University Press.

⁸² Scanlon, T.M. (1998), *What We Owe to Each Other*, p. 6.

⁸³ Scanlon, T.M. (1998), *What We Owe to Each Other*, p. 246.

reject a system, and therefore makes it illegitimate, is either that it leaves him too badly off by comparison with others,... or that it demands too much of him by way of sacrifice of his interest or commitments by comparison with some feasible alternative.⁸⁴ While not providing a refined rule by which institutions could be empirically evaluated, Nagel injects into the discussion the idea of ‘feasible alternatives’, meaning that rejection is only reasonable if a community member would be less badly off under some other set of rules. As shown below this idea has important consequences for understanding electoral fairness.

The most detailed adaptation of reasonable rejection to the political realm is found in Brian Barry’s *Justice as Impartiality* in which Barry opens the discussion of Scanlon’s work by stating that he thinks Scanlon is ‘on to something’ before further elaborating on the idea of reasonable rejection. Barry explains that he believes that Scanlon is not insisting that each person have a ‘veto on all proposed principles for regulating social life,’ but rather that situations are imaginable in which ‘under some proposed rule people would suffer burdens that under an alternative feasible rule nobody need bear. These people could reasonably reject the first rule because of the availability of the second.’ Thus, ‘the rule imposing burdens ought to be disallowed because it could be reasonably rejected.’⁸⁵ Barry moves further, stating that it is crucial to establish how fairly community members are treated throughout a decision-making process, with a process being fair:

⁸⁴ Nagel, T. (1991), *Equality and Partiality*, pp. 38-39.

⁸⁵ Barry, B. (1995), *Justice as Impartiality*, pp. 69-70. It is worth noting that Barry is not convinced that a distinction always need be made between ‘acceptance and non-rejection’ and feels ‘reasonable agreement’ is sometimes more acceptable than ‘reasonable rejection’. However in this study of electoral system rejection is retained as community members are not seen to be operating under an existing set of rules that are either accepted as is or rejected for being unreasonable.

...to the extent that all those concerned are all informed and have their interests and perspectives expressed with equal force and effectiveness. It is fair to the extent that what counts as a good agreement does not depend on the social identity of the person making it. And it is fair to the extent that it aims at consensus where possible, and where not possible it treats everybody equally (e.g. by giving everybody one vote).⁸⁶

These conditions are similar to Beitz's 'regulative interests' as described in Chapter 1, conditions that were earlier criticized as underspecified. But Barry's more than Beitz's work provides extensive consideration of Scanlon's core idea of reasonable rejection. Critically, Barry explains that:

...if there is one thing that is straightforwardly contradicted by justice as impartiality, it is the creation of first- and second-class citizens according to ethnic identity. *For it is manifestly unreasonable to expect those who are systematically disadvantaged in this way to accept their inferior status.*⁸⁷

This vital passage offers an important clarification as to how reasonable rejection can be used to evaluate political institutions. Barry insists that participation in decision-making processes cannot be contingent upon the particular community member's core identity and each must have an equal voice during the proceedings regardless of their ancestry, etc. While second-class citizenship can be linked to characteristics other than ethnicity such as gender or income, more importantly, it is Barry's connecting 'systematic disadvantage' and 'reasonable rejection' that a provides route by which Scanlon's theory can be transformed into democratic theory and a general evaluatory rule by which to assess electoral democracy.

2.1.2 Systematic Disadvantage and Persistent Losing

For Barry, the rules by which decisions are made can be reasonably rejected if a community member's input into the decision-making process is unfairly curtailed and would be less so under alternative institutional arrangements. By adding the idea of systematic disadvantage Barry suggests that institutions judgements should be based

⁸⁶ Barry, B. (1995), *Justice as Impartiality*, p. 110.

⁸⁷ Barry, B. (1995), *Justice as Impartiality*, p. 114. Emphasis added.

on whether or not their rules and procedures inflict *recurring* bias on community members. Thus it follows that decision-making processes are assessed by examining behaviour of community members under a more or less *static* set of decision-making rules. While systematic disadvantage provides the detail needed to advance from moral to political philosophy, more explanation is needed to create a democracy theory by which elections can be evaluated.

Ironically, a problem that has consistently plagued utilitarianism adds detail to Barry's systematic disadvantage. The core utilitarian decision-making mechanism of majority rule has been attacked by some as unjust as majorities often tyrannize minorities. That is, enacting the will of a majority may greatly disadvantage or even harm the losing minority. Even more serious is the problem of what Tomas Christiano and others have deemed *persistent minorities* – minorities that are permanently or almost permanently denied their will over the long term because they either face a unified majority or entrenched discriminatory rules.⁸⁸ More serious still is the problem of long-term minority tyranny – such as under apartheid in South Africa – as it is the majority of community members whose preferences consistently lose out because of systemic bias.

While causing so many troubles for majoritarians, the concepts of majority and minority tyranny provide a guide as to how systematic disadvantage can be further refined. Taking a step back, it is important to recognize that all collective decision making entails reducing a sometimes infinite number of policy possibilities to a more finite set of collective decisions, and ultimately, collective actions. Options are reduced by employing sets of rules that impose participation costs on community

⁸⁸ For more on persistent minorities see Christiano, T. (1994), 'Democratic Equality and Persistent Minorities', *Philosophical Papers*, 23:3, pp. 169-90; Hyland, J. (1995), *Democratic Theory*; Barry, B. (1979) 'Is Democracy Special?' in Laslett, P. and Fishkin, J. (eds.), *Philosophy, Politics and Society*, Oxford: Basil Blackwell; and, Dahl, R. (1989), *Democracy and Its Critics*.

members. Such rules might limit the agenda size, impose time limits, or prescribe roles to certain community members. Thus all community members bear costs when participating in collective decision-making processes. As no collective decision process can be cost-free, it would be unreasonable for community members to reject a collective decision-making process simply because costs are imposed. But it seems entirely reasonable for a community member to reject a decision-making process if his or her voice is systematically subject to prohibitive or nearly prohibitive participation costs when less costly alternatives are available.

It is proposed that community members subject to unfair costs over time be deemed *persistent losers*. This designation allows the discussion of justice as fairness to move from the realm of political philosophy to a distinct democratic theory. More formally, the *theory of persistent losing* asserts:

Community members committed to collective decision-making are reasonable in rejecting the rules by which collective decisions are made if it can be shown that they are permanently or almost permanently disadvantaged during the decision-making process because of institutionalised discrimination.

This definition combines the core of Scanlon's theory with Barry's refinement. What is described here are the conditions by which it can be assessed whether or not those who are committed to collective action within a specific community reasonably reject the processes by which decisions are made. Unreasonableness is directly related to systematic disadvantage over the long term due to biased rules, with persistent losing providing a general rule by which to judge whether or not a decision-making process does or does not promote political equality and democracy.

2.1.3 Understanding Persistent Losing

Undoubtedly questions will arise as to whether or not the theory of persistent losing is an appropriate rule by which to assess decision-making, and ultimately electoral, fairness. Some readers might ask, for example, whether reasonable rejection could be understood in a different way. Others may raise more practical issues such as whether or not this rule applies to groups or individuals, how many times someone might lose before their rejections are reasonable, if claims made by persistent losers are tied to economic or other types of disadvantage, if rejection requires subjective or objective evidence or what it means to reject a decision-making process. These questions are addressed below in addition to thoughts about how the theory of persistent losing relates to other major theories of democracy. In addition to the discussion below, the new theory's effectiveness is demonstrated in later chapters when used to evaluate actual electoral systems.

As shown earlier, Scanlon suggests that the major challenge of his idea is to describe and test a number of possible reasons why rules might be rejected. Thus it is conceivable that reasonable rejection could be attached to evaluatory rules other than persistent losing. But where equating reasonable rejection with persistent losing might not be the only way to interpret Scanlon's key phrase, it would seem to be an acceptable link especially in light of arguments put forward by Nagel and Barry. Persistent losing certainly makes more use of reasonable rejection than Beitz's complex proceduralism which the author admits leaves 'so much to be worked out by moral reasoning of the ordinary kind'. In referring the only existing empirically-aimed application of Scanlon's take on contractualist theory, Beitz states that complex proceduralism might be seen 'not to contribute anything on its own' because his proposed regulative interests, not contractualism, does almost all the normative work

in his theory.⁸⁹ Thus while persistent losing might not be the only way to more fully explain when rejection is reasonable, it would seem to be the most fully developed practical interpretation of Scanlon's idea to date and follows the course set forth by a number of prominent political philosophers.

Perhaps the most important practical consideration relating to persistent losing pertains to the base unit of analysis. According to Scanlon's definition, it is individuals who reject unreasonable rules. But it may not be necessary to reduce every investigation of persistent losing to the individual level. Consider laws that discriminate against a single person. If it is explicitly stated that Sally Jones must take a literacy test before she is allowed to register to vote, then her rejection would be reasonable as this rule clearly impose higher participation costs her and no one else in her community. However such laws are rarely, if ever, enacted. Instead, the vast majority of actual procedural laws affect a number people with similar characteristics. For example, statutes stating that women cannot vote not only affect particular individuals, but also a whole category of people. At its core this study holds that individuals hold the right to reject a rule or system, but persistent losing can be identified by investigating how laws affect community members of similar character.

Extending the unit of analysis from individuals to groups raises some additional considerations. Analysis based on individuals means that the period of time for which assessment would take place is be limited to no longer than that person's lifetime. The situation changes with groups. Not only can a group outlive the individuals contained therein, but the membership of certain types of groups can also shift. For example, how women or minorities fare during elections could be traced for over a century in some countries, longer than the lifetime of the average member.

⁸⁹ Beitz, C. (1989), *Political Equality*, p.106.

Group membership can also change during the course of a lifetime, say, as children grow into adults. The non-discrete nature of groups raises challenges for measurement as the composition all groups can change over time, sometimes to a significant degree. Perhaps the best way to overcome this challenge is to initially assess well-established groups whose membership changes extremely rarely such as women, and various ethnicities and races. Analysis may be extended geographically based groups whose membership changes, but often infrequently or gradually over time. Groups eluding evaluation under the theory of persistent losing will be those that only form for a short time. These might include single-issue groups such as those protesting a particular piece of government legislation or policy. For members of these groups, whether or not a process is or is not fair will have to be judged on the basis other aspects of their persona fare through the process over the long term.

Readers might also raise the broad empirical question as to how many times losing might occur before disadvantage is considered ‘persistent’. As it is institutional effects that are being scrutinized, it would appear that a number of instances of discrimination be identified before the claim is made. In other words, as it is *patterns* of bias that are being sought, more than one instance need be identified. It is impossible to establish a pattern based on a single observation, and even adding one additional observation usually will not usually reveal whether the first is an anomaly or part of a larger trend. Thus, for a pattern to be established at least *three* instances of losing need be identified before a rule can be reasonably rejected as discriminatory, although more observations would more fully substantiate the claim.⁹⁰ This more technical interpretation as to when patterns of losing legitimates reasonable rejection moves required evidence from *subjective* objections to possible unfairness to more

⁹⁰ For a more detailed discussion of how many cases are enough see King, G. et al (1994), *Designing Social Inquiry: Scientific Inference in Qualitative Research*, Princeton: Princeton University Press, pp.213-16.

objective measurement of such occurrences. That persistent losing can be detected by finding three or more instances where a procedural rule imposes unequal participation costs not only allows for a party other than potential persistent losers to judge the fairness of a decision-making process and speak out for change, it also allows those who are subject to the discriminatory rule to make a stronger case for its removal. Thus, what needs to be observed to establish losing persistent are instances where a static set of rules impose higher participation costs on one individual or group more than another. These costs, that might include efforts or resource expenditure, are defined more explicitly later in the chapter.

The above clarification also partially illuminates whether persistent losing needs to be tied to economic or other types of disadvantage to be valid. Returning to Scanlon, the purpose of introducing reasonable rejection is to make Rawls' justice as fairness more practical by eliminating the veil of ignorance. Thus a groups' current economic or political standing can, but does not have to be the starting point of any investigation of persistent losing as those who are worst off or oppressed are the most likely to be disadvantaged by the process by which decisions are made. It would also be totally valid for an individual not of immediately apparent economic or political disadvantage to test whether his or her participation is made more difficult than others in the community, although they may not as apt to do so as those suffering economic or other hardship.

It is possible to imagine a scenario where no matter how equally their voices are considered or how fairly participation costs are levied, some community members are consistently and obviously on the losing end of resource and rights distribution. As Brian Barry states, '[n]o constitution can prevent a majority coalition hell-bent on

oppressing the other citizens from attempting to do so.⁹¹ Thus it is possible that perfect procedural justice will not result in perfect distributive justice, a tension to which reasonable rejection provides relief. Situations in which a specific community groups have been systematically disadvantaged in terms of outcome can simply be seen to undermine the desire the disadvantaged to live with those who are discriminating. If this is indeed the case, then one of Scanlon's key definitional components has been violated and the dissatisfied must then decide between living with the existing distribution or leaving the original group to form a community with different preference patterns, but the choice remains in the hands of the disadvantaged. Despite this example of outcome based considerations, the key to persistent losing still lies in the way in which decisions are made, not the outcomes:

Justice, as the old saw has it, must not only be done but be seen to be done. And that means that the decision must be arrived at fairly. Even if the decision itself is perfectly just, it is still tainted if the method by which it was arrived at was unfair...From an appropriate constituted original position then, fair procedures would be endorsed not only because of their tendency to bring about fair decisions but also because, where the justice of the decision is disputable (as may well quite often be the case), the fairness of the process leading to the decision will make it more acceptable.⁹²

Finally, if persistent losing is shown to exist, and those suffering higher participation costs deemed reasonable in their objections, what does 'rejection' entail? In the first instance, this condition provides the moral ground for the persistent loser to formally call for the abolition of the offending rule through extra-electoral participation mechanisms such as committees, commissions, or court if these avenues are available. If this call is not heeded or no extra-electoral mechanisms exist by which such concerns can be raised, then public protest would seem the next step – although it is difficult to say, for example, if violent protest or terrorism would be justified. These more extreme actions would seem to indicate that the community has

⁹¹ Barry, B. (1995), *Justice as Impartiality*, p.102.

⁹² Barry, B. (1995), *Justice as Impartiality*, p.111.

collapsed and Scanlon's condition of 'general agreement' has been broken. But extreme forms of protest may still be justified if, as explained above, persistent losing was also tied to extreme coercion, resource deprivation or physical harm.

The above issues will become clearer when the theory of persistent losing is applied empirically. Before doing so, it is worthwhile explaining how it stands in relation to the work of other democratic theorists, especially those in the wake of what John Dryzek calls 'a deliberative turn.'⁹³ Because persistent losing is built on the work of authors offering an alternative to utilitarianism, there is little doubt that it stands in opposition to those who embrace this concept. But as shown earlier, some prominent democratic theorists such as Robert Dahl and Charles Beitz reject utilitarianism as the primary theory underpinning democracy such authors would perhaps endorse persistent losing or at least some facet of the idea. It is more difficult to gauge what deliberative democrats – those asserting that decision-making processes only gain legitimacy to the degree which 'democratic control is engaged through communication that encourages reflection upon preferences without coercion...' – might say about persistent losing.⁹⁴ The element of non-coercion has a ring similar to that of Scanlon, as does the belief of deliberative democrats like Jon Elster who argue

⁹³ Dryzek, J. (2000), *Deliberative Democracy and Beyond: Liberals, Critics and Contestations*, Oxford: Oxford University Press, p. v. See also, Bessette, J.M. (1980), 'Deliberative Democracy: The Majority Principle in Republican Government', in Goldwin, R.A. and Schambra, W.A. (eds.) (1982), *How Democratic is the Constitution?*, Washington: AEI; Muir, Jr., W.K. (1982), *Legislature: California's School for Politics*, Chicago: University of Chicago Press; Bessette, J.M. (1994), *The Mild Voice of Reason: Deliberative Democracy and American Government*, Chicago: University of Chicago Press; Elster, J. (1998), 'Deliberation and Constitution Making', in Elster, J. (ed.) (1998), *Deliberative Democracy*, Cambridge: Cambridge University Press; Fishkin, J.A. (1991), *Democracy and Deliberation*, New Haven: Yale University Press; Gutmann, A. & Thompson, D. (1996), *Democracy and Disagreement*, Cambridge: Harvard University Press; Page, B.I. (1996), *Who Deliberates?*, Chicago: University of Chicago Press; Mansbridge, J. (1999), 'Everyday Talk in the Deliberative System' in Macedo, S. (ed.) (1997), *Deliberative Politics*, New York: Oxford University Press; Bohman, J. & Rehg, W. (eds.) (1997), *Deliberative Democracy: Essays on Reason and Politics*, Cambridge: MIT Press; and, Benhabib, S. (ed.) (1996), *Democracy and Difference: Contesting the Boundaries of the Political*, Princeton: Princeton University Press.

⁹⁴ Dryzek, J. (2000), *Deliberative Democracy and Beyond*, p. 8.

that democracy cannot be limited to mere preference aggregation as ‘the task of politics is not only to eliminate inefficiency, but also to create justice’.⁹⁵

But it would be a mistake to try and generalize too much about the connections between deliberative democracy and persistent losing as there is considerable disagreement among deliberative democrats about how non-coercive discourse might be best facilitated. Whether, for example, deliberation should take place within traditional state institutions – such as legislatures, courts, constitutional conventions and political parties – or extra-state lobby groups competing in civil society.⁹⁶ Some fully reject ‘the assimilation of deliberative democracy to liberal constitutionalism’ because ‘[i]f we give up on the pursuit of more authentic democracy, then democracy itself is impoverished. The deliberative turn promised to bring new energy to democratic development, and especially to the pursuit of democratic authenticity. If indeed it is accommodating itself too comfortably to the existing liberal state, the promise is not being fulfilled.’⁹⁷

However persistent losing would seem to be compatible with the ideas of most deliberative democrats as it is used to assess rules that structure any type of decision-making process, which would presumably include those within or outside of the state. Whatever the goal or good distributed by through a particular process, all will have rules that reduce an infinite set of ideas to a smaller set of agreements. It is how this narrowing occurs, and the costs imposed on participation, which is being scrutinized for reasonability. As all deliberative processes will have rules, it is conceivable that all can be assessed by determining whether some of these rules render participation more expensive for some than others.

⁹⁵ Elster, J. (1986), ‘The Market and the Forum’ in Elster, J. and Aanund, A. (eds.) (1986), *The Foundations of Social Choice Theory*, Cambridge: Cambridge University Press.

⁹⁶ Klosko, G. (2000), *Democratic Procedures and Liberal Consensus*, Oxford: Oxford University Press, pp. 238-9.

⁹⁷ Dryzek, J. (2000), *Deliberative Democracy and Beyond*, pp.27-29.

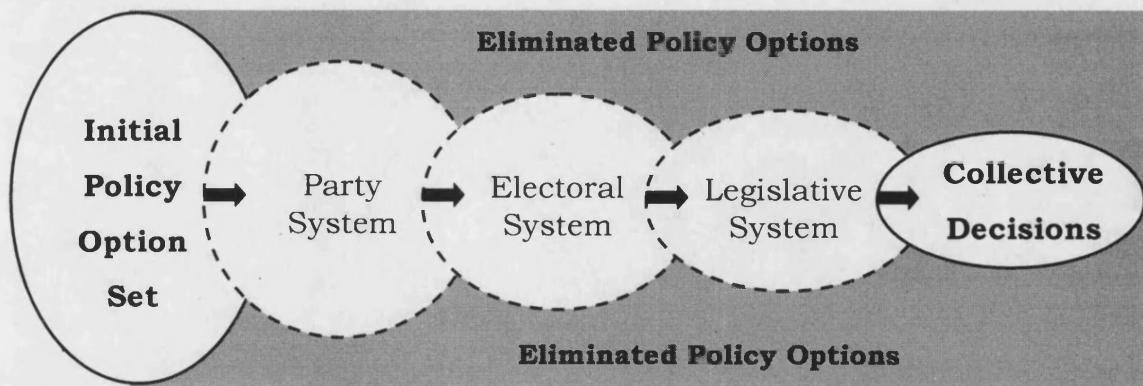
2.2 – OPERATIONALIZING PERSISTENT LOSING

Chapter 1 explained that a concise definition, operationalized for measurement, is required for any complete study of electoral democracy. Operationalization requires matching key components of the normative definition with conditions characteristics of the empirical subject – in this case elections and electoral systems. As described in the last section, the theory of persistent losing provides the core definition upon which rests this study of electoral democracy in world cities. As persistent losing is an original evaluatory rule, no existing studies can suggest how this normative concept can be made more conducive to empirical measures. This section outlines the structure of decision-making in large communities then offers a step-by-step explanation of how persistent losing can be empirically identified in any election stage. A summary provides the analytical framework used in the empirical chapters.

2.2.1 The Public Policy Process

As mentioned earlier, all political communities use multi-staged processes to reduce a finite number of potential collective actions to a more manageable set. Large political communities rely on a smaller group of officials to lead the policy process, with elections playing a large role in selecting these leaders. Revolving around elections, the policy-making process is composed of a number of connected sub-systems: party systems, electoral systems and legislative systems. The laws and conventions constituting these subsystems are the core factors to consider when determining whether the policy making process is or is not fair and democratic.

Figure 2: Public Policy Formation Process



As illustrated in Figure 2, through the *party system* a potentially unlimited number of policies and enormous number of candidates are narrowed to a more manageable set and presented to the public for consideration. Through the *electoral system* the set of candidates is narrowed to a smaller set of elected members. Finally, through the *legislative system* the demands of elected members are narrowed and specific policy decisions are executed. All systems are important to the policy process and all inextricably linked as candidates represent policies during elections and elected members make up the coalitions that decide policy in legislative settings. Thus where an assessment of electoral fairness must obviously include an evaluation of electoral systems, as there is clear overlap between a party system and electoral systems and an electoral system and legislative systems some aspects of these systems must also be included.

Where one subsystem begins and another ends is the subject of debate within the academic community. While some limit the electoral system to include only considerations of formulae that convert votes to seats, noted election specialist Gary Cox claims that electoral systems are wider set of 'laws and rules that regulate electoral competition between and within parties'.⁹⁸ In acknowledging that electoral systems are more than just the formulae that convert votes to seats, Cox at least

⁹⁸ Cox, G. (1997), *Making Votes Count*, p. 38.

partially dips into the party system domain. Richard Katz stresses that electoral systems are more than just formal laws ‘in that some aspects of the economy, culture, and social structure of a society bear *directly* on the real meaning of formal election provisions and so must be included in any complete description of electoral systems.’⁹⁹ Following Cox and Katz’s lead, as the party system forms at least part of the platform on which other election institutions stand, it should be part of any comprehensive study of electoral fairness. In addition, what parties do or do not do, regardless of whether or not they are currently subject to state regulation, should be at least considered in any review of electoral fairness.

There is often an overlap between electoral systems and legislative systems – especially those with a tradition of consociational executives where coalition building is an important part of the post-electoral policy process.¹⁰⁰ How legislative majorities are manufactured and maintained are critical factors to understand when attempting to discover what policies make it onto legislative agendas and are later passed into law. However, as with all academic projects limits have to be set, and this study does not examine elections beyond the point when votes are counted and seats distributed. These limits should no way imply that the theory of persistent losing is inapplicable to this segment of the policy making process, but rather that any proper investigation would require a separate study of its own as coalition building is so complex. In sum, this study considers electoral systems from the point where candidates come forward to when votes are translated into seats.

2.2.2 Election Stages

As shown in the last chapter, both Beitz and Dahl argue that like the policy process, electoral systems are also multi-staged. The most elaborate discussions of the

⁹⁹ Katz, R. (1997), *Democracy and Elections*, p. 108. Emphasis the original.

¹⁰⁰ For a discussion of consociational democracy see Lijphart, A. (1999), *Patterns of Democracy*.

electoral system stages is offered by Robert Dahl throughout the body of his work. Appearing first in *A Preface to Democratic Theory*, Dahl explains that ideal decision-making can be broken into four distinct stages – voting, prevoting, postvoting, and interelection:

During the voting period:

- (1) Every member of the organisation performs the acts we assume to constitute an expression of preference among the scheduled alternatives, e.g., voting.
- (2) In tabulating these expressions (votes), the weight assigned to the choice of each individual is identical.
- (3) The alternative with the greatest number of votes is declared the winning choice.

During the prevoting period:

- (4) Any member who perceives a set of alternatives, at least one of which he regards as preferable to any of the alternatives presently scheduled, can insert his preferred alternative(s) among those scheduled for voting.
- (5) All individuals possess identical information about the alternatives.

During the postvoting period:

- (6) Alternatives (leaders or policies) with the greatest number of votes displace any alternatives (leaders or policies) with fewer votes.
- (7) The orders of elected officials are executed

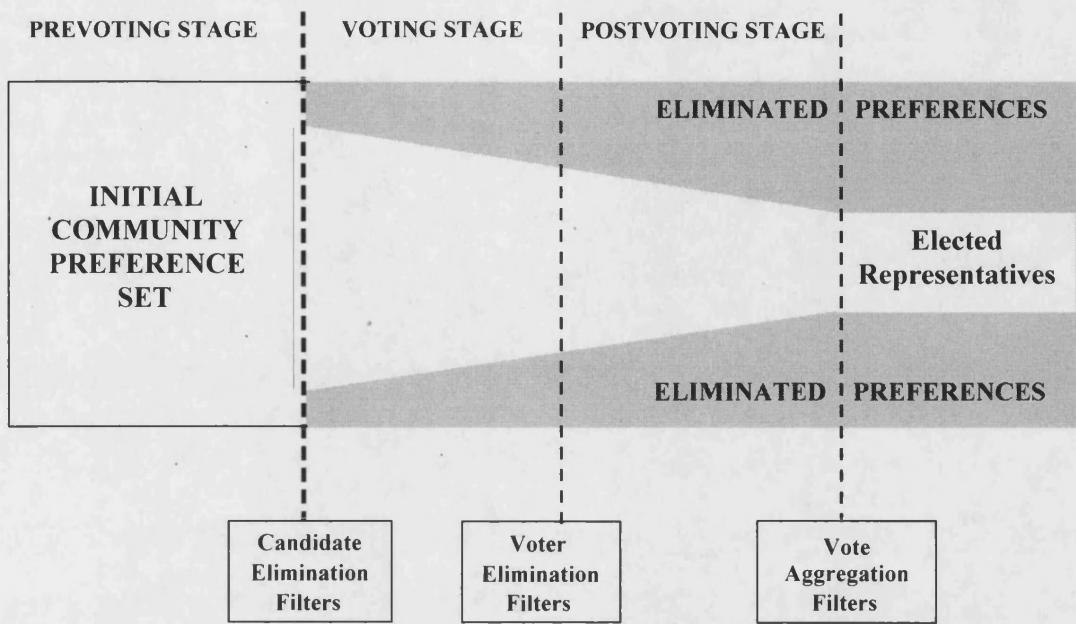
During the interelection period:

- (8a) Either all interelection decisions are subordinate or executory to those arrived at during the election stage, i.e., elections are in a sense controlling
- (8b) Or new decisions during the interelection period are governed by the preceding seven conditions, operating, however, under rather different institutional circumstances
- (8c) Or both.¹⁰¹

When coupled with the above definition of electoral systems, Dahl's elaborate description can be somewhat simplified to make empirical investigations more manageable. In keeping with the spirit of Dahl's more elaborate outline, elections can be more concisely described as a three stage preference elimination process. In the (1) *prevoting* stage options are offered to the political community; in the (2) *voting* stage community members choose between available options and indicate their preference(s); and, in the *postvoting* stage preference selections are translated into outcomes.

¹⁰¹ Dahl, R. (1965), *Preface to Democratic Theory*, pp. 67-84.

Figure 3: Elections as Preference Filters



As shown in Figure 3, each election stage contains sets of rules that constrain the behaviour of participants in order to filter down a large number of potential candidates and their respective policies to a smaller set of elected legislative members. In the prevoting stage the number of candidates running for office is narrowed by rules that structure who may enter electoral contests and under what conditions. These rules include who is allowed to run for office, costs associated with candidacy and candidate endorsement processes by political parties. Voting stage rules include those structuring voting registration, distribution of information during elections, ballot structure and ballot box location, where postvoting rules mainly pertain to the electoral formula that directs how votes are translated into seats. These rules by which preferences are eliminated during elections form the focal point for any investigation of electoral fairness. As explained below, those rules that produce persistent losing can be challenged as violating the core democratic value of political equality and are open to rejection by those finding themselves at disadvantage.

2.2.3 Identifying Persistent Losers

Operationalizing a theory of democracy for empirical study requires that normative principles be matched to the characteristics of the subject of study. To do so, a generic process by which persistent losing can be identified during any decision making process is offered before moving to customize this process for each of the three electoral stages described above. Specific measurement techniques are provided in later chapters.

Figure 4: Identifying Persistent Losers

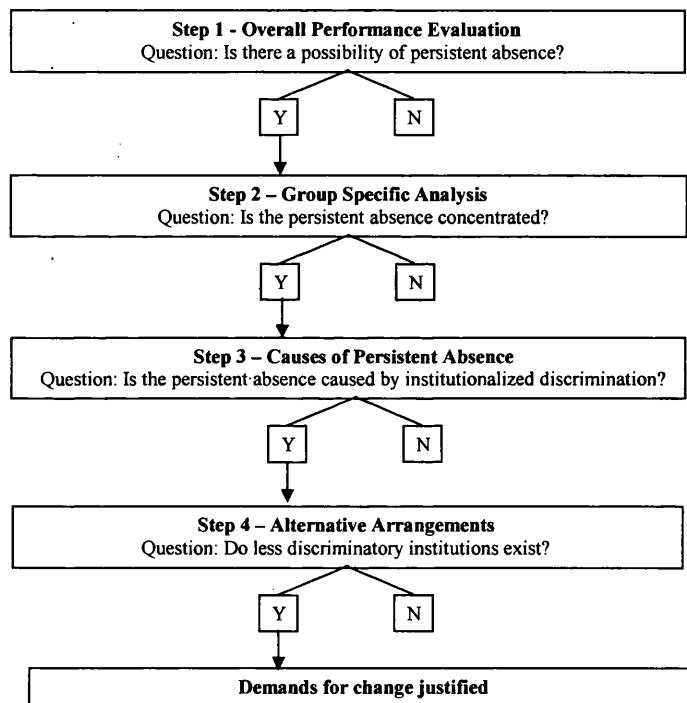


Figure 4 offers a four step process by which to identify persistent losers in any collective decision-making process. In evaluating a system's overall performance during one of the three decision-making stages, Step 1 asks if there is any possibility of persistent absence. That is, is there evidence that a large proportion of the community is absent from the decision making process over the long term. This step is necessary because if very few community members are absent then there is almost no chance that persistent absence will be concentrated among a particular group. If a

large proportion of the community is found to be absent, Step 2 seeks to identify whether persistent absence is randomly distributed or concentrated within a particular community group. If persistent absence is found to be concentrated, Step 3 asks if higher participation costs are imposed on the persistently absent group. If so, superior institutional arrangements have to be identified in Step 4 before rejection of these discriminatory rules can be deemed reasonable.

A simple example may help add flesh out this skeletal framework. In this imaginary scenario a group of ten people commit to pool their money and use the same method of decision-making to decide where they will eat dinner over a number of weeks. In deciding whether the group has made their decisions democratically, the theory of persistent losing does not help determine whether utility has been maximised within the group, but rather if any of the diners can reasonably reject the rules that structure how they make their choices. The example is fleshed out below through an investigation of agenda setting during what has been identified above as the prevoting stage.

As the group has decided to eat together – their monetary contribution signifying a commitment to collective action – **Step 1** demands investigation of the possibility of persistent absence when the collective initially compiles their list of possible restaurants. That is, evidence is sought to determine the *overall participatory health* during this stage of the decision-making process. If, say, only two venue suggestions are made on a particular evening, it is possible that 80 percent of the members have not had their preferences entered onto the list of possible choices. However this single instance of absence does not indicate the process is flawed, but only that the voice of some community members have been absent during the agenda-setting stage of a single decision.

Therefore before moving to Step 2 the investigation must be extended to three or more meetings as absence must be shown to be *persistent*. If during an investigation of the dining meetings the above pattern where eight of ten members are always silent is thrice repeated, then in the best-case scenario only six people (two people each week for three weeks) will have their suggestions entered on the agenda – leaving four who are permanently absent from this stage of the group's decision-making process. If, for example, nine or ten option were included each time options were presented then absence would not be persistent and investigations of procedural fairness in the prevoting stage could cease. In the worst-case scenario where the same two people make the suggestions every week, eight people are permanent absentees and the investigation would continue. Persistent absence does not on its own justify that decision-making rules be changed, but rather indicates that further evaluation is required.

More-or-less random absence does not violate the general evaluatory rule of persistent losing. As such, **Step 2** involves testing whether persistent absence is concentrated among a particular group. Imagining the worst-case scenario where the same two people suggest the venues for the dining collective – meaning eight of the ten members never have their preferences considered – indicates that the persistent absence is concentrated among the eight silent members. The result does not automatically suggest that the rules by which the collective decisions are made need to be changed as absence must be due to discriminatory rules. For example the eight absent members could be satisfied with the choices offered because the two dictators are gourmet chefs. However, acquiescence to superior knowledge must be confirmed and not just taken for granted.

If the absence is concentrated, **Step 3** assesses if the concentrated persistent absence is caused by institutionalised discrimination. In other words, this step examines whether identifiable disincentives to participation are imposed on the group of absentees. The idea here is that if the rules that frame the process raise participation costs to such a level that some struggle more than others to put forward their preferred options then rules have been identified that can be challenged as discriminatory and, hence, unreasonable. Returning to the example, if the eight members are silent because they defer to the expertise two gourmet chefs then the concentrated persistent absence is not caused by institutionalised discrimination but rather by deferment to expertise. In this case the system is not to blame and persistent losing is ruled out. However, if, the eight absentees do not enter alternative suggestions onto the collective's agenda because, say, two fund-holders schedule meetings at a time when the voiceless members are unavailable, then the claim of persistent losing becomes more substantiated. In this scenario institutions are discriminatory as participation costs are unfairly higher for the eight than the two.

Step 4 demands that less discriminatory rules be identified before persistent absentees are declared persistent losers. Returning to the dining example one final time, there are many fairer methods by which restaurant suggestions could be made. For example, meetings could be held at a more accommodating time. If the money holding members refuse to institute a less discriminatory agenda setting process those whose preferences who are persistently absent from the agenda are reasonable in rejecting the process by which collective decisions are being made and the process can be declared to violate the principles of political equality and democracy. Whether the other stages of the dinner club decision-making process – i.e. voting and postvoting stage – are also unfair requires separate investigation, but all three stages

must be free of persistent losing in order for the process to be considered fully fair and democratic.

2.3 – UNDERSTANDING HOW TO ASSESS ELECTORAL FAIRNESS

The last two sections provided a detailed explanation of the normative premiss used in this study and linked the idea four steps by which to identify persistent losing to three election stages. This section adds detail to the operationalized definition in preparation for measurement. Although the last section portrayed the preference filtering process as a more-or-less linear nature, empirical investigation does not have to follow this path. For an electoral system to be considered fair, institutionalized discrimination must be absent from each of the three election stages. But during the process of investigation, each stage is first evaluated in isolation. As such, it makes no difference as to what stage the investigation begins or ends. Assessment can centre on a single stage, on all stages chronological or on all stages in whatever order is deemed easiest for empirical reasons.

As described above, during the *prevoting* stage members of the community present themselves as candidates for office. As these candidates personify various policy options, it is through them that the agenda for the election is set. Thus it is with great care that the rules that limit their entry into election campaign must be scrutinized. As shown in Norris and Lovenduski's study reviewed in Chapter 1, of particular importance is the role played by political parties. How these organizations recruit, select, place and support candidates can critically impact what policy options are presented to the electorate. So not only do the state-based rules outlining what procedures must be followed during elections matter, so do the unregulated processes and procedures adopted by political parties. A proper assessment of electoral fairness will take into account the effect of rules in both settings.

In using the four steps to evaluate persistent losing during the prevoting stage, Step 1 requires investigating whether the candidates coming forward reflect the overall composition of the community. If, for example, candidates are mostly male, white or of high income in a more diverse community, then the persistent absence is possible. Step 2 investigations centre on whether or not, for example, women or minority groups are under-represented among those securing candidacies. If persistent absence is found to be concentrated, then participation costs are assessed in Step 3. If barriers to participation biased against the persistent minority are identified, Step 4 asks whether or less discriminatory rules exist. If all four steps are answered in the affirmative then the process by which candidates are selected can be rejected by those facing discrimination

Candidates cross into the *voting stage* as soon as their candidacies become official. Rules include those that determine access to the election marketplace by both candidates and voters. Not only do the rules control how information about candidates and their chosen policies is transferred to potential supporters, but also who is allowed to vote and how they do so. Both voting stage aspects require assessment in terms of electoral fairness, in that all none must be better-than-another able to promote their message or express their preference over the long-term. The theory of persistent losing can be applied to either candidates or potential voters during the voting stage. Whether or not rule favour certain candidates in terms of how they are able to get their message to potential voters, or if accessing the ballot box is more expensive for some rather than other community members are possible avenues to pursue. One the second possibility, Step 1 would assess overall voter turnout rates to determine if a large segment of the population does not vote. Step 2 identifies whether non-voting is concentrated among a particular segment of the population. Step 3 three investigates

whether the participation costs are higher for this persistent absentees than the rest of the community. Finally, Step 4 asks whether or not other rules would relieve any extra burden suffered by persistent absentees.

The main *postvoting stage* consideration pertains to the formula by which votes are translated into seats or how voiced preferences for particular policy options are aggregated. Persistent losers are those who suffer consistent disadvantage under a particular election formula whether because they are cheated as candidates or as voters. Candidates or voters can be cheated if they are individually discriminated against, or more commonly if they group to which they belong or support suffers over the long-term because of biases inherent in the electoral formula. Again, where no electoral formula will perfectly translate voters to seats, the key here is that no group consistently suffer more than another during this process. Evaluating persistent losing during the postvoting stage is requires investigating how fairly votes are translated into seats. Step 1 looks at the overall fairness by assessing, for example, deviation from proportionality. If it is discovered that the system significantly distorts how seats are distributed, Step 2 requires identifying whether or not this distortion affects one set of candidates more than another. If so, then Step 3 requires identifying the cause of the biased distortion, which will more than likely be the electoral formula. Step 4 requires less discriminatory alternatives to be found before the status quo is reasonably rejected.

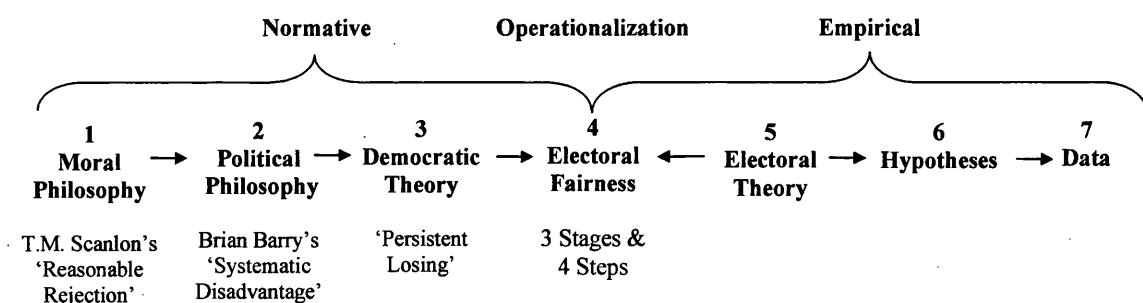
Before concluding the chapter, two issues of a generic nature should be mentioned. First, Step 1 investigations of all stages require a set of *at least three observations* in order to establish patterns of behaviour and institutional effect. A larger set of observations is helpful in establishing trends, but three is the minimum number. Second, it is important to remember that all three election stages are assessed

by what could be broadly considered the theme of *voice*. Any electoral rule is only fair to the extent that it is unbiased in how it imposes costs upon those presenting or selecting policy options regardless of individual circumstances, characteristics or ideologies. If unfair costs are shown to exist and possibilities for their removal are established, then those subject to the bias are reasonable in rejecting the offending rules as the system has rendered their voice less voluminous than others. As all community members are intrinsically equal, so too should be their access to the policy-making process.

2.4 – SUMMARY

Chapter 1 demonstrated that the most thorough studies of electoral democracy contain robust normative foundations operationalized to facilitate detailed empirical assessment. This chapter has outlined the normative and operationalized details by which the remainder of this study will proceed. As shown in Figure 5, the concepts explained and discussed in Chapter 2 can be attached to the components explained at the outset of Chapter 1.

Figure 5: Investigating Electoral Fairness



As explained at the beginning of this chapter, Thomas Scanlon's idea of what constitutes a wrong act provides the moral foundation of which the rest of the study sits. Here it was explained that an act is wrong if it was derived through rules that could be 'reasonably rejected' by any member of the community committed to

collective action (shown as '1' in Figure 5). The idea of reasonable rejection was brought closer to the political realm by discussing the work of a number of political philosophers including Charles Beitz, Thomas Nagel, but especially Brian Barry. It is Barry's key idea of 'systematic disadvantage' (2) that facilitated 'persistent losing' (3) to be developed as the way in which it is determined whether or not a collective decision-making process is or is not democratic. A process is unfair if some absent community members are subject to higher participation costs than non-absentees over the long-term. When combined with characteristics and stages of electoral systems, a method by which electoral fairness (4) can be determined. What remains is to use this method to test electoral fairness in world cities, a task undertaken in the proceeding chapters. Chapter 3 describes the world city cases that will be tested for persistent losing. Chapter 4 pursues the four evaluative steps in the postvoting stage, Chapter 5 does the same in the voting stage and Chapter 6 in the prevoting stage. Chapter 7 examines the results from a number of different perspective, evaluates the analytical framework and offers thoughts for future research.

3 – NEW YORK, LONDON AND STOCKHOLM

The first two chapters set out an analytical framework by which to examine electoral democracy in any setting. Built on Thomas Scanlon's reasonable rejection and Brian Barry's systematic disadvantage, the theory of persistent losing provides a general rule by which to assess electoral fairness. This new theory was further operationalized by breaking the evaluatory rule into a four stage testing process to be conducted in the prevoting, voting and postvoting election stages. This chapter describes the cases to which the new framework is applied. The first section explains how the normative aspects of the analytical framework affect the case selection and why New York, London and Stockholm were chosen as cases. The remainder of the chapter provides relevant demographic and institutional details for each world city.

3.1 – CASE SELECTION

There are three approaches by which electoral systems have been studied at the national level. The first is to rank all possible cases from best to worst according to specific criteria. Studies of this nature include Tatu Vanhanen's *Prospects for Democracy* and Freedom House's *Freedom in the World* annual listings. The second approach is to select a smaller number of cases for ranking, such as used in Arend Lijphart's *Patterns of Democracy*. Finally, as shown earlier during the exploration of the UK Democratic Audit Team's work, there is the option of exploring a single case. Where comparison may be used to better illuminate the quality of electoral democracy within the single case, there is no specific intent to provide an overall ranking of all or a sub-set of cases.

The framework used to identify persistent losing falls into the third category. The first three of four steps outlined in Chapter 2 seek to identify the rules that impose higher participation costs on community members shown to persistently absent from any of the three election stages. This process takes place within a single case and no reference to other cases is necessary. However the fourth step needed to complete the claim of persistent losing and make the case for reasonable rejection demands less discriminatory rules to be identified, and, as such, is necessarily comparative. So while the analytical process used in this study is of an auditory nature, comparison is needed to fully realize the evaluation. This is much the approach used by the UK Democratic Audit in which the UK was the primary case, although comparisons with other countries was sometimes used to show how well or badly the system performs. The general implication of the framework is that it is unlikely to generate empirical theory that can be generalized. That is, the purpose of this study is not to determine whether one set of electoral rules is *categorically* more fair than another, but rather whether disadvantaged community members can call for discriminatory rules to be replaced by those that have been shown to be less discriminatory. While there is a chance that empirical theory may be realized along the way, it is not core aim of this study.

Using an analytical framework designed to evaluate a single case with limited comparative requirements implies that almost any world city could be selected. However, the theory of persistent losing does impose some additional constraints. First, and obviously, the city must actually elect officials, so places like Baghdad or Pyongyang would not qualify. Secondly, as the analysis must include at least three elections under the same set of rules the electoral system must be stable as significant variations in rules undermine a researcher's ability to track persistent trends. This

consideration is similar to that made by Arend Lijphart in that he does not evaluate democracy in a particular country, but rather is discrete electoral systems that he defines as 'sets of essentially unchanged election rules under which one or more successive elections are conducted.'¹⁰²

Even taking into account these minor conditions still leaves huge range of large, important cities which to consider. According to the United Nations, in 2000 there were 387 urban agglomerations with a population of over 1 million with that number set to grow to 554 urban agglomerations by 2015.¹⁰³ The detail required by the analytical framework limits the number of cities that could be covered by this study, but the large number of possible cases does not suggest a natural study set. As such while the case selection of New York, London and Stockholm is somewhat arbitrary, it is defensible. As shown later in the sections where each city is described in detail, New York and London are perhaps the most important urban centres in the world. As Paul Taylor and Peter Knox state in *World Cities in a World System*:

Cities such as New York, Tokyo and London are the centres of transnational corporate headquarters, of international finance, transnational institutions and telecommunications. They are the dominant loci in the contemporary world economy, and the influence of a relatively small number of cities within world affairs has been a feature of the shift from an international to a more global economy which had taken place during the 1970s and 1980s.¹⁰⁴

Thus it is worth understanding how decisions are made in these two cities, not only because they house large populations, but also set trends which other cities follow. The third study city, Stockholm, has not been chosen for its size or even overt influence on world affairs, although it has had more impact than one might initially suspect. Instead, Stockholm was chosen because it is often seen as one of the more democratic cities in the world. Thus the city serves as a potential bench mark by

¹⁰² Lijphart, A. (1994), *Electoral Systems and Party Systems*, Oxford: Oxford University Press, pg. 7.

¹⁰³ Population Division Department of Economic and Social Affairs United Nations Secretariat (2001), *World Urbanization Prospects The 2001 Revision Data Tables and Highlights*, p. 172.

¹⁰⁴ Paul J. Knox and Peter J. Taylor (eds.) (1995), *World Cities in a World System*, Cambridge: Cambridge University Press, forward.

which to gauge the New York and London electoral systems. In sum, New York and London have been selected because they are big and influential, and Stockholm because it has the potential to serve as a high water mark against which these two other cities can be measured, although this potential is uncertain and needs to be established.

Before moving to describe the details of the four cities the reader should be made aware because the basic structure of each system varies there exists an opportunity to examine elections for a variety of different posts in each city. For example, in New York the study could concentrate on mayors, public advocates, comptrollers, city councillors or other elected positions. However to keep comparisons consistent local councils are the centrepieces of this investigation. In addition, because of the multi-layers of government found in some cities – such as in New York where an individual citizen can find him or herself subject to federal, state, county or municipal law (which itself might be broken down further into local council and quasi-governmental regulation), this study focuses on the lowest level unit in each urban area (i.e. New York City Council, London Boroughs and Stockholm City Council). Institutional details of each city – including those key to the prevoting voting and postvoting election stages – are provided in the next four sections.

3.2 – NEW YORK

In the historical collection of urban dwellings, New York City is one of the most famous. Spread over an area of 322 square miles, almost 7.5 million people reside in the boroughs of Manhattan, the Bronx, Queens, Brooklyn and Staten Island. The intellectual and cultural centre of the East Coast, New York plays vital role in the economic and social development of the United States. One only need recall the catastrophic events of September 11, 2001 to gain an understanding of how the city

stands on the world stage. In short, New York is the archetypical world city because of its size and national and international importance. Anyone vaguely familiar with urban politics will be already acquainted with the early history of New York civic politics. For some, the mere mention of Tammany Hall still evokes images of machine politics and widespread corruption. However, things have moved a long way in New York over the last 125 years. This section briefly traces the more recent institutional history of New York City government, focusing on changes to the local legislative process then moving to discuss the local election process.

Figure 6: New York's Five Boroughs



3.2.1 – Governance Overview

The New York City Charter outlines the basic governmental structure of New York City. As with almost all municipalities, the Charter must conform to state law rendering the city a ‘creature’ of the state legislature, although as discussed earlier cities such of New York have significant informal power. For example, while fully within their jurisdiction, the New York State legislature has not amended the Charter since 1960, although the Charter has been locally altered through voter-approved

initiatives in 1961, 1975, 1983 and 1989. Other than the abolition of the Board of Estimate and instatement of campaign election finance legislation in 1989, the past 40 years has only brought minor changes to the scope and distribution of formal powers. Starting with the mayor, these changes are touched upon as they affect the various components of New York City government.

Unlike many cities where mayors are merely one member of a larger council, the Mayor of New York acts relatively independently of other bodies in a 'presidential' style arrangement. Elected city-wide, the chief power of the mayor is to prepare and administer the budget that in 2002 totalled \$52 billion.¹⁰⁵ The mayor also bargains with municipal employee unions and appoints commissioners and board members. Although New York had a 'strong' mayor before 1961, the charter revision of that year added additional power to this position. For example significant control over the preparation and administration of the capital and operating budgets from the Planning Commission was granted to the mayor, as well as increased power of appointment.¹⁰⁶

While the mayor has a very significant say over revenue collection/expenditure and appointments, other bodies and positions do check these powers and there have been numerous struggles for control since the 1960s. For example, the city also has a public advocate, a comptroller and a council president and each of the five boroughs has an elected president. There are also elected judges, district attorneys and school boards. While the powers of all these positions are minimal, the public advocate and comptroller are perhaps most worth noting. Filling an ombudsman role, the public advocate investigates public complaints about city

¹⁰⁵ City of New York, (2003), *The City of New York Executive Budget: Year 2003 - Budget Summary*, <http://www.nyc.gov/html/om/html/2002a/staffreduction.html>, p. 37.

¹⁰⁶ Brecher, C. & Horton, R. with Cropf, R. & Mead, D.M. (1993), *Power Failure: New York City Politics and Policy Since 1960*, New York: Oxford University Press, pp. 50-1.

services and assesses whether agencies are responsive to the public. The comptroller audits and examines all matters relating to city finances and conducts performance analysis to ensure governmental efficiency.¹⁰⁷ The five borough presidents act as local representatives and help prepare the budget.

The most important check on the mayor is New York's elected legislature – the city council. At least on paper, the current 51-member city council would appear as a strong counter to the mayor with its power to approve or reject the mayor's budgetary proposals, control over the land-use and various other legislative functions. However, this has not always been the case, nor is the council even as a formidable check as a reading of the current City Charter may indicate. In fact, city council has been characterized as a 'weak' legislature in the past and although it has gained powers the mayor is still maintains the majority of executive and legislative power.¹⁰⁸ Historically council's power has been limited. In addition to the mayor's ability to veto measures approved by many of the powers currently held by council were shared in New York's Board of Estimate council until it was abolished in 1989.

Created in 1902, the Board was composed of the mayor, council president, comptroller and the five borough presidents and was granted the power to adopt the city budgets, make most zoning and planning decisions and approve all city contracts over \$10,000. According to John Mollenkopf, the Board of Estimate 'largely eclipsed the city council'.¹⁰⁹ In 1963, a charter amendment eliminated the Board of Estimate's control over a variety of legislative functions and for the first time full legislative authority was conferred on the council although the Board of Estimate continued to share budget-making power with mayor. In 1989 the US Supreme Court ruled that the

¹⁰⁷ City of New York, (1998), *The 1998-99 Green Book*, New York: City of New York, pp. 20-3.

¹⁰⁸ Brecher et al, (1993), *Power Failure*, p. 54.

¹⁰⁹ Mollenkopf, J.H. (1992), *A Phoenix in the Ashes: The Rise and Fall of the Koch Coalition in New York City Politics*, Princeton: Princeton University Press, p. 72.

Board of Estimate violated the one-man, one-vote principle and abolition of the Board of Estimate was approved by popular referendum. The council then assumed many of its duties including land use and budget approval.¹¹⁰ The abolition of the Board of Estimate shows a gradual increase in the power of city council, especially since 1989. The most important check on the mayor's executive powers, city council is the main venue for local policy debate and, if New Yorkers are committed to democracy, should make decisions according to democratic principles. As elections hold the key to who participates in local debates, the process by which candidates are selected is discussed in detail below in preparation for empirical study.

3.2.2 – Election Process

The prevoting stage of the New York City Council election races mainly pertains to the selection of candidates. To appear on the ballot candidates must be officially nominated, but affiliation with a political party is not necessary. Independent candidates are required to collect 2700 signatures that can be signed by any registered voter living within the appropriate district provided he or she has not already done so on behalf of another candidate. However the normal route for most candidates is to seek support for a recognized party. Parties must have governing committees, but with the exception of some broad guidelines they are free to conduct their affairs as they wish.¹¹¹ Candidates who seek support of a party need 900 signatures from enrolled party members. If two or more candidates in the same district manage to gain the required number of signatures from members of the same party, a primary election is conducted.¹¹² Although party organisations have weakened over the last few decades, because they control access to the ballot they can still play an important role in

¹¹⁰ Mollenkopf, J.H. (1992), *A Phoenix in the Ashes*, 1992, p. 72.

¹¹¹ State of New York (1998), *Election Law*, New York: State of New York, pp. 7-14.

¹¹² State of New York, (1998), *Election Law*, pp.135-141.

selecting who hold city council seats. According to Esther Fuchs, ‘complex election laws and the burdensome task of gathering signatures on nomination petitions have assured many party-backed local officials an advantage at the early stages of the campaign process. Fuchs doubts whether arcane election laws promote democracy, but claims that ‘they are often the last bastion of party influence in elections that are increasingly dominated by the media, paid political consultants, and municipal employee unions.’¹¹³

The institutions connected to the voting stage of city structure how residents are identify which of the available candidates they prefer. In New York, as elsewhere in the United States, those wishing to cast a ballot must be registered – a process that is voluntary as opposed to compulsory or even state initiated. All citizens of the United States are eligible to register if they are 18 years old by the date of the election, have lived at their present New York address for at least 30 days before an election, are not in jail or on parole for a felony conviction, and have not claimed the right to vote elsewhere. If for some reason the person cannot register, affidavit and absentee ballots are available. Those registered are informed by mail of poll locations and the voting process is mechanized.

During the voting stage candidates and parties take seriously the task of marketing themselves and their platforms in order to gain votes. For example, in 1997 \$6,938,775 was spent on campaigning by 138 city council candidates – an average of over \$50,000 per contestant – with some candidates spending over \$200,000.¹¹⁴ These high expenditure levels have prompted election expense reforms that began in mid-1980s after incumbent mayor Ed Koch spent over \$6 million in the 1985 mayoral

¹¹³ Fuchs, E.R. (1992), *Mayors and Money: Fiscal Policy in New York and Chicago*, Chicago: University of Chicago Press, p. 234.

¹¹⁴ New York City Campaign Finance Board (1997), *1997 Candidates' Financial Summary*, New York: New York City Campaign Finance Board.

election. Three measures have been undertaken to reduce spending: voluntary contribution limits, voluntary spending limits and matching funds program. Matching funds are used to coax candidates to comply with voluntarily guidelines. According to the 2001 guidelines, council candidates who wish to receive matching funds must not receive a donation of over \$2500 from a single source and no contributions from political committees that have not registered with the New York City Campaign Finance Board. In addition, a candidate may not spend more than \$137,000 on election campaigning (and a similar amount on primary races). Finally, to receive matching funds the candidate must raise \$5000 from 50 or more New York City residents. If all these hurdles are cleared, the candidate is eligible for four dollars for every dollar raised up to \$250 per contributor – for a maximum in \$1,000 in public funds per contributor ($\$250 \times 4$). For example, a \$1000 contribution from a single resident is worth \$2000 to a candidate – \$1000 for the original contribution plus four dollars in matching funds for every dollar up to the first \$250 contributed.¹¹⁵

Finally, postvoting stage institutions structure how votes are translated into council seats. From 1949 to 1961 New Yorkers elected 25 city councillors through a single-member plurality system. In 1961 the City Charter was amended to allow ten more councillors to be elected on the basis of plurality from five two-member constituencies. Elections for these 10 new positions were held in 1963. According to Brecher et al, these positions were created so that a single party could only hold one of these two seats in order that there would be a broader representation on council. As the institution was notorious for one-party domination, this measure ensured that at least five council seats would not be held by Democrats.¹¹⁶

¹¹⁵ New York City Campaign Finance Board (1997), *1997 Candidates' Financial Summary*.

¹¹⁶ Brecher et al, (1993), *Power Failure*, p. 52.

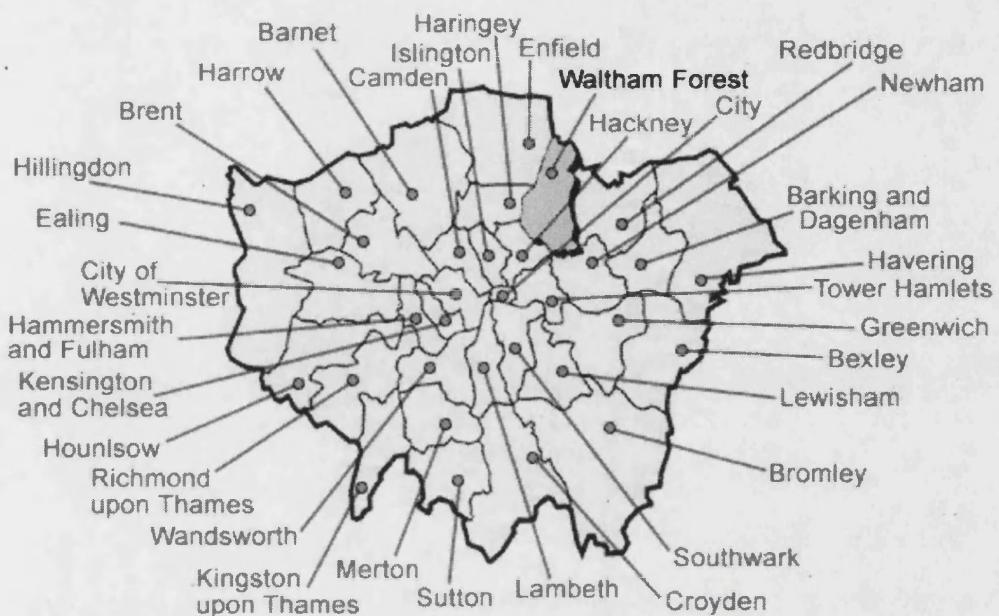
Due to reapportionment ruling by order of the Supreme Court, two more single-member seats were added for the 1965 election (37 in total). The number of councillors elected in single-member ridings was raised to 33 for the 1973 election, however the results of this election were overturned as the Supreme Court ruled that the constituency boundaries used in 1973 violated the *Voting Rights Act*. Another set of elections was held in 1974 using different district boundaries to elect the 33, single-member constituency councillors, although those councillors elected in the multi-member districts in 1973 were not forced to run again. 1981 elections were postponed due to further challenges under the *Voting Rights Act*. When eventually held in 1982, 35 single-member constituency seats were available. The multi-member seats were abolished prior to the 1982 election as they were found to violate the one-person, one-vote rule. 51 single-member district councillors were elected in 1991, 1993 and 1997.

3.3 – LONDON

Because of its central importance to the fortunes of Britain and the Empire, London has always commanded sharp attention from UK central government. Over the years a variety of government structures were put in place to allow residents to deal with the problems associated with massive urbanization in the capital. Stemming from a 1854 Royal Commission recommendation that what was then considered London be treated not as one giant mass, but as a ‘collection of communities’, ¹¹⁷ the *Metropolitan Local Management Act 1855* brought with it the first of many two-tier metropolitan governance arrangements – including an overarching Metropolitan Board of Works that coordinated decisions made by a variety of more localised authorities. This two-tier framework has always been central to debates about how to best govern the capital.

¹¹⁷ Boyne, T. (1994), *Local Government in Britain*, London: Penguin, p.108.

Figure 7: London Boroughs



In 1960 the Royal (Herbert) Commission on Local Government recommended a two-tier structure that would concentrate as much power as possible in the hands of lower-tier, borough councils – except in the case where they could be better delivered by the overarching, upper tier authority. The resulting *London Government Act 1963*, established the Greater London Council (GLC) and merged the plethora of other local parishes to form 32 local borough councils and the Corporation of London.¹¹⁸ When the 100-member GLC began to aggressively collect new responsibilities and challenge the authority of the central government Margaret Thatcher's Conservative government abolished the upper-tier body by passing the new *Local Government Act* in 1985. Under new act many of the powers held by the GLC were transferred back to the London borough councils, although Thatcher also installed a number of sector specific bodies in an effort to control and coordinate local decisions. However almost as soon as the GLC was abolished, Thatcher's (later John Major's) Labour opposition promised to re-establish a regional authority in London, and once again gave

¹¹⁸ Boyne, (1994), *Local Government in Britain*, pp. 113-114.

Londoners a regional voice with the *Greater London Authority Act 2000*. The new Act gives London a directly elected executive mayor and scrutinizing assembly that have responsibilities similar to those originally envisioned for the GLC.¹¹⁹

3.3.1 – Governance Overview

London's upper-tier levels of government have changed, or even disappeared, over the years but since 1964 the lower-level borough governments have remained mainly stable in square miles occupied, council size, and basic functions exercised. However, borough council powers have varied over the years. For example, London boroughs gained land-use planning powers when the GLC was abolished but have since lost power over local development with the creation of the GLA. The Conservative's Compulsory Competitive Tendering (CCT) regulation also restricted the freedom of local governments as has budget capping and New Labour's 'Best Value' initiatives that significantly limit the discretionary power of councils. In addition, in thinking of governing 'regimes' – that is long-lived policy agendas sustained by relatively informal coalitions of interests irrespective of institutional boundaries – approaches to governance have often varied both over time and between boroughs.¹²⁰ Currently London borough councils are in charge of functions typical of local governments everywhere – including arts and recreation, art galleries, libraries, environmental health control, refuse disposal, rodent control, street cleaning, housing, licensing, planning, sewerage, social services, transport and highways, parking and traffic regulation. While local councils do not have a free hand in spending and are carefully monitored by various central government bodies it is crucial to remember that no matter how much central government tries to by-pass local councils, customizing

¹¹⁹ UK Government (1999), *Greater London Authority Act, 1999*, London: HMSO.

¹²⁰ For more about London's regimes see, Dowding, K., Dunleavy, P., King, D., Margetts, H. & Rydin, Y. (1999), 'Regime Politics in London Local Government', *Urban Affairs*, Vol. 34:4, pp. 515-545. See also, Dowding, K. (2001), 'Explaining Urban Regimes', *International Journal of Urban and Regional Affairs*, Vol. 25.1, pp. 9-19.

services and proper enforcement still require some degree of localised democratic decision-making.

From an institutional prospective, the decision-making process in a 21st Century borough would not be foreign to someone walking into the same town hall 35 years ago. From 1964 to the present day most borough councils have used a common committee-style structure to render decisions, although this structure may soon change in some boroughs with the enactment of the *Local Government Act 2000* – an act that opens the door to shifting from committees to executive mayors.¹²¹ For the most part councils rely on a 19th century governance system in which councils delegate powers to committees. Almost without exception local councils conduct their activities as a council of all members who then delegate powers to sub-committees or individual officers. Council-as-a-whole meetings are infrequent so these sub-committees do the vast majority of work although councils may conduct their work using different customs (i.e. monitoring sub-committees more or less vigorously). In a strongly partisan system the party that holds the majority or can form part of a coalition government generates and executes local policy. As explained in the next section, a party that holds the majority position is greatly influenced by the electoral system.

3.3.2 – Election Process

The 32 London Boroughs that exist within the geographic area of Greater London were created under the *London Government Act 1963*, with the first elections held in May 1964. Originally held every third May, then extended to every fourth May under the *Local Government Act, 1972*, elections have been held in 1964, 1968, 1971, 1974, 1978, 1982, 1986, 1990, 1994 and 1998. Each borough is broken into a number of

¹²¹ UK Government (1999), *Local Government Act, 1999*, London: HMSO.

wards that can have single or multiple members, with each borough having a total of between 50 and 71 council members. From time to time, ward boundaries are redrawn by the Local Government Boundary Commission to ensure divisions accurately reflect population shifts.

In the prevoting stage those community members wishing to run for office must be at least 21 years of age and have lived in their respective borough for a year or more. However candidates are not required to secure a deposit to the local authority, but instead must produce written support from at least 10 people in the local area. In addition, each candidate must appoint an agent to oversee the tightly restricted election expenses. While local elections outside of London are sometimes non-partisan affairs, borough council elections are firmly dominated by political parties. For example, in the 1998 borough elections over 30 parties sponsored candidates and none of the 1917 seats were awarded to non-partisan candidates. Support from a local party is essential for success.¹²²

Voting stage rules are more inclusive than those found in other cities. Not only can British citizens vote in local elections, but also any citizen of the Irish Republic and Commonwealth countries who reside in the respective borough. In addition a very small minority are directly excluded from registering to vote – including the insane, prisoners and those who have previously violated electoral laws. Residents cannot vote unless they are included on the register, but unlike in New York, registration is undertaken by the local authority on an annual basis and great care is taken to ensure it is as complete and accurate as possible using a combination of postal reminders and door-to-door canvasses.¹²³ One study claims that in London registers are between 73

¹²² London Research Centre (1998), *London Borough Council Elections 7 May 1998*, London: London Research Centre, p.xxii.

¹²³ Rallings, C. Thrasher, M., & Downe, J. (1996), *Enhancing Local Electoral Turnout: A Guide to Current Practice and Future Reform*, York: Joseph Rowntree, pp.5-16.

and 97 percent accurate, and the number of complaints that the Elections Office receive on election day are always very small in number.¹²⁴ Those who are unable to physically cast a ballot are allowed to vote by post or by proxy if living outside Britain at the time of the election. Election expenditure is tightly controlled during borough elections through the *Representation of the People Act*. For example, in 1998 candidates could only spend £205 plus four pence per elector.¹²⁵

The multi-member wards mean that postvoting stage seat distribution is slightly different than the same exercise in single member constituencies. As each voter has as many votes as seats are available, in a ward with three seats each voter can – although they are not required to – cast up to three votes. Seats are then awarded by straight plurality system where the top three vote-getters are awarded council seats in three-seat wards, the top two vote getters are awarded positions in two-seat wards and so on. Clearly the idea here is for a party to win as many seats as possible so that they may secure a majority and have their resolutions passed with as little interference as possible from the opposition. In the event of non-majority or ‘hung councils’ coalitions are formed to pass policy resolutions.

3.4 – STOCKHOLM

With a population of 750,000 Stockholm is much smaller than the two other study cities and while the country in which it is situated is not insignificant, Sweden can hardly be considered on par with the United States or Britain in terms of global power. Other than the fact that elections are conducted using a different system than those found in New York and London, some may not consider Stockholm deserving of the world city designation. But Stockholm is large - having a population close to

¹²⁴ For electoral registration accuracy in London see London Borough of Ealing (1995), *Committee report on Member-led Review of Electoral Registration*, London: London Borough of Ealing and Rallings, C., Thrasher, M., & Downe, J. (1996), *Enhancing Local Electoral Turnout*, p.8.

¹²⁵ UK Government (1997), *Representation of the People (Variation of Limits of Candidates' Election Expenses) Order 1997*, London: HMSO.

one million in a region of 1.8 million inhabitants - and important to the nation in which it sits. Having 13th century origins, the City of Stockholm is Sweden's largest municipality and contains just over nine percent of the country's entire labour force. As one quarter of these workers take part in the financial sector Stockholm is considered the country's financial centre.¹²⁶ Stockholm also has had a distinct international impact. While Sweden's relatively financial or military clout is hardly noticeable on a global scale, it is with social innovation that Stockholm has caught the world's attention. Commenting on the city's development between 1945 and 1980 Peter Hall states that:

Stockholm deserves its place (as a centre of innovation), not because it was a great city seeking to solve the problems of giantism, but because it was a small European capital city that – albeit influenced by examples from other European democracies – set a distinctly different course. Its originality lay in this: that its political leaders and its business elite and its bureaucrats, who constituted a very coherent group, began in the 1930s to try and create a different kind of society, one they called the Middle Way.¹²⁷

Thus Stockholm's world impact can be seen then in its position as a social democratic city. As the capital of Sweden, the city has long stood a somewhat as a Mecca for those looking for alternative to capitalism and unlike other major centres included in this study, public participation has always been a critical part of what Hall brands an attempt at a 'social democratic utopia'. Even though the city has somewhat shifted away from its earlier economic goals as of late, citizen participation is still an integral part of local governance in Stockholm. Stockholm deserves world city designation in terms of its importance to Sweden and its international reputation and as an innovator in how citizens participate in their own governance.

¹²⁶ Statistics Stockholm (2001), *Stockholm '01 Data Guide*, Stockholm: Statistics Stockholm.

¹²⁷ Hall, P. (1998), *Cities in Civilization*, London: Phoenix Giant, p. 843.

3.4.1 – Governance Overview

Granted a town Charter in 1250, Stockholm has followed a path similar to other large Swedish municipalities. Overseen by sheriffs and governors until the 19th century, in 1862 a new series of local government statutes established a city council as the new supreme decision-making body for the capital city. Soon after the city council was given the right to determine its own affairs and to undertake all activities beneficial to the common needs of the inhabitants. Like other large cities around the world, as the 20th century progressed the city came under pressure to deliver more and more services to a growing population. The city now delivers a wide range of services, some of which are mandatory and some of which are voluntary.

In contrast to cities like London, because of its strong constitutional-legal foundation and fiscal rights Stockholm City Council has much potential for discretionary action.¹²⁸ As the primary piece of legislation governing the actions of local government, the *Local Government Act* contains little in the way of constraints in how local governments conduct their business. This freedom is reflected in taxation and expenditure. In Sweden local governments have the power to impose taxes on citizens that, in 1993, accounted for 55 percent of the local government expenditure. Again in contrast to more centralised systems, only around one-fifth of the council's income comes central government grants.¹²⁹ However, fiscal tightening has reduced this freedom in recent years and some observers claim that local governments have lost a significant amount of power.¹³⁰ In its current structural form, the City of Stockholm is one of 26 municipal jurisdictions that make up Stockholm County, a region of 24,000 islands that cover 6500 km². An elected body of 149 members, the

¹²⁸ Montin, S. & Elander, I. (1990) 'Decentralization and Control: Central-Local Government Relations in Sweden', *Policy and Politics*, Vol.18:3, pp. 165-180, p. 29.

¹²⁹ Häggroth, S. et al. (1993), *Swedish Local Government: Traditions and Reforms*, Stockholm: Swedish Institute, p. 74.

¹³⁰ Montin, S. & Elander, I. (1990) 'Decentralization and Control: Central-Local Government Relations in Sweden', p. 47-48.

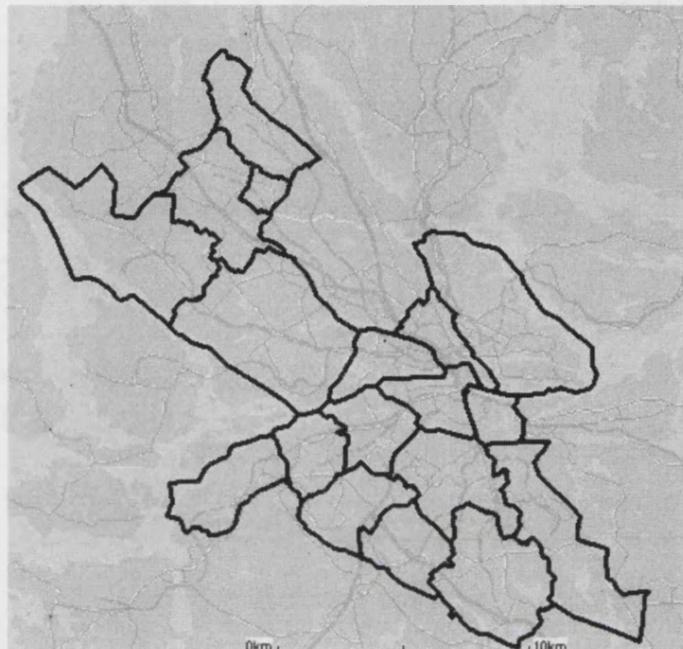
county council is responsible for providing health care and public transportation, but has only limited input into regional planning in that it carries out surveys and offers proposals to municipalities on how land should be used.

The 101-member city council sits twice a month to pass resolutions on motions first considered by the city's district councils, boards and committees. The 13-member executive board represents all parties based on the proportion of seats held by political parties on the city council. The executive board drafts resolutions to be considered by the council as well as implements any decisions that the city council approves. In order to facilitate coalition building between political parties, the City of Stockholm also has council of mayors. A mayor and vice mayors (for a current total of eight) are appointed every four years by city council to oversee various administrative divisions. The mayor oversees the finance division as well as chairs the council of mayors and the executive board. Vice mayors oversee other divisions and are shadowed by a number of opposition vice mayors.

In addition to a number of special, city-wide committees that meet to discuss issues that affect the city as a whole (some of which can only make recommendations while others can make decisions), in 1997 Stockholm created and empowered 24 (now 18) district councils that are responsible for most of services delivered by the city. Headed by a director, each of the decentralized district councils is composed of between 11 and 13 members taken from lists proposed by the various political parties and then formally appointed by city council. Many activities formerly under direction of city council – including child care, comprehensive schooling, individual and family care, recreational and cultural activities, building permits, care for the disabled, consumer advice, street maintenance and care for the elderly – have now been devolved to these councils. Now the majority of city expenditure – 61 percent in 1997

- travels through these district councils, although because allocation is carefully controlled by city council and power still rests with this upper-tier body.

Figure 8: City of Stockholm (District Councils Boundaries)



It is hoped that in addition to providing a picture of how decisions are made in Stockholm, this brief summary will have conveyed to the reader the central place occupied by the elected city officials in the decision-making process. While unlimited power to raise taxes has waned somewhat over the years, Stockholm City Council still plays a central role in the lives of local residents. The most recent decentralisation reforms highlight the importance public participation holds in Sweden's overall governance process. In fact, the key reason given for these new measures, that is to 'strengthen democracy by bringing the decision-making process – and the decision makers – closer to the inhabitants', will do nothing to tarnish Stockholm's reputation for seeking high levels of civic involvement.¹³¹

¹³¹ On this, see the City of Stockholm web page at www.Stockholm.se.

3.4.2 – Election Process

Since 1921 local residents elected 100 members to the Stockholm City Council, until the number was increased to 101 in 1970. Elections are held on the same day as those at the national and county level and seats are awarded using a proportional representation system. With the exception of war years, elections were held every four years until 1970 when the period was shortened to three years, then changed back to four years in 1994. The National Tax Board is the central election authority. It compiles the electoral roles, plans and coordinates elections and is also responsible for calculating the distribution of seats between parties. The City of Stockholm also has an election committee that appoints electoral officers, ensures polling stations are provided, and provides provisional vote counts.¹³²

The proportional representation system means that prevoting stage processes are much different than those used in the other three study cities. Council seats are divided among six multi-member constituencies, except in 1966, 1970 & 1973 when the city was divided into seven constituencies.¹³³ Until 1998 elections were conducted using a ‘closed-list system’ where voters could only choose parties and not individual candidates and while a candidates’ name would be listed on various ballots to appeal to different constituencies, party caucuses ultimately awarded seats. This meant that candidates would have to gain the support of a party in order to gain a legislative position. While under the new ‘open-list’ system voters can express preferences for individual candidates, in order to be selected based on the new open list system an individual must gain five percent of his or her party’s votes in one constituency (eight

¹³² See, Riksskatteverket (1999), *Vallagen: Val 99*, Stockholm: Riksskatteverket.

¹³³ Correspondence with Svante Renström. Elections Committee, Stockholm City Hall, 22 December, 1999.

percent at the national level) and at least 100 votes. This limit ensures that parties still play a critical role in controlling who runs and who succeeds in local elections.¹³⁴

Voting stage rules are similar to those in other locales. Local councillors were elected by land-holders until the early 20th century when the country adopted universal suffrage. In 1918 the law was changed to allow all men and women over the age of 23 the right to vote in council elections, although the voting age now stands at eighteen.¹³⁵ Since 1976, non-citizens have been entitled to vote and to be elected to local councils provided as long as they are registered as residents at least three years before the election.¹³⁶ Proxy voting is allowed and postal voting is widely used with about 35 percent of the participating voters voting through absentee ballots.¹³⁷

At present there are no restrictions on the amounts political parties may spend during an election campaign, however the system is much different than those explored in New York, for example, due to the level of state subsidy available to parties.¹³⁸ In the late 1960s, municipalities and county councils began to subsidize seat holding political parties so that they could more easily disseminate information to the voting public. All parties receive grant of roughly equal size, while those holding a larger number of seats receive extra funds based on the number of seats held.¹³⁹ Enacted in 1972, there is no official control on how parties use their funds and as amounts are fixed, no accounting or reporting is required. In 1998 local councils funded parties a total of SEK500 million (£38.5 million). Put in place to reduce

¹³⁴ The Riksdag: www.riksdagen.se/english/society/elections.asp.

¹³⁵ Calmfors, H., Rabinovitz, F. & Alesch, D. (1968), *Urban Government for Greater Stockholm*, New York: Praeger, p. 34. See also, Stockholm City Council Web page.

¹³⁶ Hägglöf, S. et al. (1993), *Swedish Local Government: Traditions and Reforms*, p. 37.

¹³⁷ www.aceproject.org/main/english/vc/vcy_se/default.htm

¹³⁸ Great Britain. Committee on Standards in Public Life (1997), *The Funding of Political Parties*, London: HMSO, Appendix I: Survey of Foreign Countries.

¹³⁹ Hägglöf, S. et al. (1993), *Swedish Local Government: Traditions and Reforms*, p. 93.

corruption, this funding scheme is sometimes seen to insulate councillors from voters, prompting calls for additional reforms.¹⁴⁰

In the postvoting stage of national elections seats are distributed using a combination of constituency based seats and equalizing or top-up seats. In national elections over 90 percent (310) of the seats are awarded to candidates based on their standing in multi-member constituencies, with less than 10 percent (39) used to ensure that votes are translated into seats as fairly as possible. To win seats in the national parliament a party must gain at least four percent of all votes cast in the whole country – unless it has a strong regional base and gains twelve percent or more of all votes cast in a single constituency. However for municipal councils, such as those in Stockholm, there are no equalization seats, nor is there any threshold for participation.¹⁴¹ National and municipal constituency seats are all distributed using the Modified Sainte-Laguë, or adjusted odd-number method. Based on vote totals in each multimember constituency, each party's vote total is initially divided by 1.4 – with the party with the highest number of votes being awarded the first seat. That party's vote total is then divided by three giving them a new total and the second place party (whose vote total is still only divided by 1.4) is awarded the next seat and then their vote total is divided by three. The process continues until a party has obtained a second seat, then their vote total is divided by five, then seven for their fourth seat and so on until all fixed constituency seats have been awarded.¹⁴² These rules ensure that parties receive roughly the same percentage of legislative seats as votes.

¹⁴⁰ Great Britain. Committee on Standards in Public Life (1997), *The Funding of Political Parties*, London: HMSO, Appendix I: Survey of Foreign Countries.

¹⁴¹ See, Riksskatteverket (1999), *Vallagen: Val 99*, Stockholm: Riksskatteverket.

¹⁴² See, Riksskatteverket (1999), *Vallagen: Val 99*.

3.5 – SUMMARY

Assessing electoral performance sits at the core of empirical investigation conducted in the next three chapters. In evaluating how electoral rules affect the ability of community members to participate in the prevoting, voting and postvoting election stages it is hoped that it will be possible to confirm or deny the presence or absence of persistent losing in New York, London and Stockholm. Where the initial steps of this exercise seek to identify concentrated persistent absence caused by institutionalized discrimination, these steps can be completed by examining data from a single case. However the fourth step – that requires proof of superior institutional arrangements before change is justified – demands comparison with communities of a similar nature but with different institutional arrangements. This chapter has shown that the chosen cases are broadly similar in nature as they are large, developed cities of national and international importance, but they differ in how local officials are elected. In keeping other factors more or less constant but varying the key component under consideration it will be possible to draw some conclusions about the effect institutions have on electoral performance. Where the main aim of this study is to identify concentrated persistent absence due to institutionalized discrimination, the ability to compare cases will prove useful when suggesting how electoral performance can be improved.

4 – POSTVOTING: REJECTING DISPROPORTIONALITY

For those political scientists for whom evaluating electoral formulae is not a main professional pursuit, it is probably at least a hobby. Elections constitute a mainstay of the modern discipline, with the process of converting votes to seats being the centrepiece of this research. There has been a great deal of empirical discussion about how best to assess vote-to-seat translation, but, to follow on arguments made in Chapter 1, there is often a disconnect between the normative and empirical components of these investigations. A good number of sophisticated techniques have been employed to measure how much a formula distorts the translation of votes to seats, many of which are directly applicable to this study of elections in world cities. On the normative side most empiricists argue that the percentage of seats a party gains should be roughly equivalent to the number of votes it receives is standard fare of modern political writings. But it is often unclear as to what levels of vote-to-seat distortion are acceptable and, more seriously, when a system should be changed. As demonstrated by analysing electoral data from local council elections in New York, London and Stockholm, the theory of persistent losing provides a more defensible reasoning as to why an electoral formula should or should not be changed.

4.1 – EVALUATING ELECTORAL FORMULAE

The rules in the postvoting stage of election determine the line across which contestants must pass in order to win a place in the legislature. The theme by which this race is evaluated is critical in determining whether this line is or is not democratic. Some authors, such as Taagepera and Shugart, assert that ‘a main

function of any electoral system is to preserve political *stability* in the face of potentially disruptive or paralysing disagreements on issues'.¹⁴³ For these writers democracy and stability are close to synonymous and a main function of an electoral formula is to translate votes into seats in a way that does not dramatically upset the balance of power within a particular polity in order to ensure governability.

Where it is perfectly proper to argue that different electoral systems may or may not promote stability, this evaluatory theme reveals nothing about whether the system is or is not democratic. As argued in Chapter 1, almost all modern democratic theorists maintain that political equality must be the theme by which collective decision-making processes, and thus electoral formula, are evaluated. Those holding political equality as democracy's key premiss often appraise electoral formulae according to normative theme that falls along traditional utilitarian lines. Following Beitz's 'best result' or 'popular will' theories that a system violates the principle of political equality if the result does not maximize overall welfare of a community or the will of the majority is distorted as it passes through the system. As also shown in previous chapters, in addition to all the problems pointed out by Dahl and others with the concept of traditional utilitarianism, the difficulties associated with measuring whether majority preferences are actually distorted in policy outcomes – that is going beyond merely showing that voting preferences are not accurately translated into seats – are difficult if not impossible to overcome. Electoral systems may be constructed so that votes are more or less accurately distributed but it would be extremely difficult to further establish whether outcomes accurately reflect initial preferences or, indeed, actually increase aggregate community welfare.

¹⁴³ Taagepera, R. & Shugart, M.S. (1989), *Seats and Votes: The Effects and Determinants of Electoral Systems*, New Haven: Yale University Press, p. 63. Emphasis added. Note that the authors' definition of 'electoral system' is much narrower than the one used in this study and corresponds more to what is deemed here as the 'electoral formula'.

Chapter 2 proposed that persistent losing be substituted for traditional utilitarianism as the general rule by which to evaluate democracy as it avoids the normative pitfalls while at the same time offering a more operationalizable theory. Like past studies of proportionality, persistent losing is evaluated in the postvoting stage by assessing vote-to-seat translation and asking if an electoral formula demonstrates long-term bias against any particular community group. Unlike those following the traditional utilitarian logic, a system is not rejected because it somehow distorts how initial preferences are translated into final policies but rather because it imposes higher participation costs for some community members and not others. Viewing participation costs as the price paid to gain a legislative seat, under disproportional systems seats are systematically more expensive for some against whom the electoral formula works and thus reasonably rejected by this disadvantaged group. This chapter uses the four step process outlined in Chapter 2 to identify persistent losing in the postvoting stage of all three case cities.

4.2 – IDENTIFYING PERSISTENT ABSENCE IN THREE WORLD CITIES

The first step in the process of identifying whether or not postvoting stage arrangements can be reasonably rejected because of persistent losing is to check the overall participatory health of postvoting stage participation. To do so, participation could be examined from a number of perspectives. Determining whether or not votes are fairly translated to seats could be based on whether the formula adversely affects women or minorities or those based in certain geographic areas. However, the most common way of examining this electoral system aspect is from the perspectives of political parties and by testing *disproportionality* or how severely the electoral formula distorts the translation of votes to seats.

A number of authors have devised methods by which to measure disproportionality. Starting with Douglas Rae's index as presented in his 1967 *The Political Consequences of Electoral Laws*, authors such as Michael Gallagher, John Loosemoore, Victor J. Hanby and Arend Lijphart have all presented different variations of Rae's original idea.¹⁴⁴ As Arend Lijphart states, all measures 'begin by noting the differences between the percentages of seats and the percentages of votes received by the different parties', but disagreement arises as to 'how these seat and vote share deviations should be aggregated.'¹⁴⁵ Despite these different opinions about aggregation, studies by Lijphart and Anckar point out that the results from the different measures closely correlate and indices are 'highly interrelated'.¹⁴⁶ Because most of similarity of outputs between most of these method, this study uses the technique used by UK Democratic Audit which the team claims is 'the most widely used formula for calculating DV' and that used to generate much of the analysis contained in the 1998 Independent (Jenkins) Commission on the Voting System.¹⁴⁷ DV scores express the fraction of elected members who are not entitled to their seats in a legislature in terms of their party's share of the total votes cast within a particular political community.¹⁴⁸ According to Dunleavy and Margetts, the generated statistic provides a measure of a legislatures' overall representativeness, 'ranging from zero

¹⁴⁴ See Rae, D.W. (1971), *The Political Consequences of Electoral Laws*, New Haven: Yale; Loosemoore, J. & Hanby, V.J. (1971), 'The Theoretical Limits of Maximum Distortion: Some Analytic Expressions for Electoral Systems', *British Journal of Political Science*, Vol. 1, pp.467-77; Gallagher, M. (1991), 'Proportionality, Disproportionality and Electoral Systems', *Electoral Studies*, Vol. 10, pp. 38-40; and Dunleavy, P. et al. (1997), *Making Votes Count: Replaying the 1990s General Elections Under Alternative Electoral Systems*, Essex: Democratic Audit of the United Kingdom, University of Essex. For a good discussion of the various pitfalls associated with each of these measures see Lijphart, A. (1994), *Electoral Systems and Party Systems*, Oxford: Oxford University Press, pp. 57-6.

¹⁴⁵ Lijphart, A. (1994), *Electoral Systems*, p. 58.

¹⁴⁶ Anckar, C. (1997), 'Determinants of Disproportionality and Wasted Votes', *Electoral Studies*, Vol. 16: 4, pp.501-515, p. 503. For more evidence of correlation between the measurement measures see Lijphart, A. (1994), *Electoral Systems*, pp. 65-7.

¹⁴⁷ Weir, S. & Beetham, D. (1999), *Political Power*, pg. 56. See also, UK (1998), *The (Jenkins) Report of the Independent Commission on the Voting System*, London: HMSO.

¹⁴⁸ Dunleavy, P. Margetts, H. & Weir, S. (1998), *The Politico's Guide to Electoral Reform in Britain*, London: Politico's Publishing, p 10.

for perfect proportionality through to a maximum effective score around 50 percent in a liberal democracy.¹⁴⁹

Table 1: Deviation from Proportionality (DV) Scores in Three World Cities (1961-1998)

Year	New York	London	Stockholm	Year	New York	London	Stockholm
1961	37.1%			1980			
1962			3.2%	1981			
1963				1982	25.7%	18.8%	5.2%
1964		14.4%		1983			
1965	26.7%			1984			
1966			4.3%	1985	12.2%		8.7%
1967				1986		12.0%	
1968		16.9%		1987			
1969	26.2%			1988			5.1%
1970			3.9%	1989	16.6%		
1971		12.5%		1990		7.6%	
1972				1991	20.2%		9.5%
1973			3.3%	1992			
1974	25.1%	15.5%		1993	9.8%		
1975				1994		11.6%	6.5%
1976			2.7%	1995			
1977	20.2%			1996			6.6%
1978		7.3%		1997	13.1%		
1979			4.7%	1998		12.5%	
				Avg.	21.2%	12.9%	5.3%

Table 1 contains the DV scores for city council elections in New York, London and Stockholm since 1961. A quick glance at the average score shows that at 21.2 percent New York has the worst overall record, followed by London and Stockholm. Figure 9 shows the data from Table 1 in graphic form in order to more clearly demonstrate longitudinal trends. The graph shows that while the New York electoral formula generates DV scores close to the 50 percent maximum specified by Dunleavy and Margetts, these distortions have declined over the years. In London scores have also fluctuated over the four decade study period, climbing to almost 19

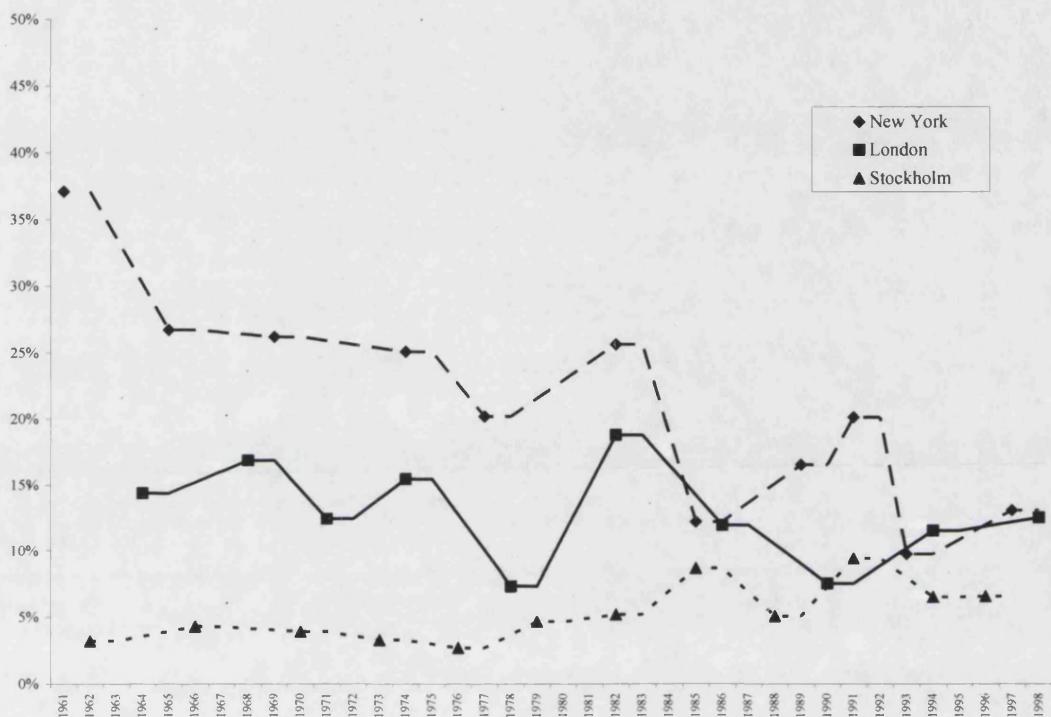
¹⁴⁹ Dunleavy, P. & Margetts, H. (1993), *Disaggregating Indices of Democracy: Deviation from Proportionality and Relative Reduction in Parties*, Paper to the European Consortium for Political Research Panel on 'Measuring Democracy', University of Leiden, 2-8 April, p. 8. DV is calculated using the following formula:

$$DV = \frac{1}{2} \sum_i (v_i - s_i)$$

Where v_i = proportion of votes won by party i
 s_i = proportion of seats won by party i
 $i = 1, \dots, n$.

percent in 1982, but dipping to 7.3 percent in 1978. While Stockholm has the lowest overall average, the city's DV scores have gradually increased over the years from a low of 2.7 percent in 1976 to a high of 9.5 percent in 1991.

Figure 9: Deviation from Proportionality Trends in Three World Cities (1961-1998)



The reader may be curious as to why fluctuation in DV occurs in all three cities despite the stability of their overall electoral system. As shown in Table 2, variation in Stockholm is mainly caused by the differing number of parties competing in any one election. A quick glance shows that the elections in which competition is most fierce generate higher DV scores. For example, the DV in 1962 was 3.2 percent when only five parties competed for seats, compared to the 1991 DV score of 9.5 percent when over nine parties fronted candidates for office. A more sophisticated explanation is offered by generating 'effective number of party' (ENP) scores that represent exactly how many parties are in a system based on their vote support. Developed by Markku Laakso and Rein Taagepera, a score of '2' indicates a two party system in which both receive equally strong support from voters. A score of '3'

represents a system in which three parties receive an equal number of votes and so on.¹⁵⁰ At 0.7 the Pearson Correlation Coefficient for DV and ENP scores is relatively high considering that support for individual parties can dramatically affect the relationship of these two statistics. Similar relationships will exist in London and New York where high DV scores will generally correlate with either a large number of parties with well-dispersed support from the electorate and low DV scores indicating the opposite.

Table 2: Distribution of Stockholm City Council Votes (1962-1998)

Year	MS	C	FL	K	AS	V	MG	S	ND	Other	DV	ENP
1962	22.1%	2.1%	23.5%	.	46.6%	5.7%	.	.	.	.	3.2%	3.07
1966	22.9%	0.4%	27.7%	1.6%	37.7%	9.7%	.	.	.	.	4.3%	3.56
1970	16.9%	9.8%	21.0%	1.2%	42.5%	7.0%	.	.	.	1.5%	3.9%	3.73
1973	23.2%	14.0%	11.7%	1.1%	39.4%	8.9%	.	.	.	1.7%	3.3%	3.99
1976	24.9%	11.4%	13.3%	1.0%	39.3%	8.9%	.	.	.	1.3%	2.7%	3.92
1979	29.0%	7.4%	10.3%	1.0%	37.4%	9.7%	.	4.2%	.	0.9%	4.7%	3.97
1982	32.2%	6.3%	5.1%	1.1%	39.2%	9.3%	0.6%	5.1%	.	0.9%	5.2%	3.62
1985	29.4%	2.9%	13.5%	0.9%	35.6%	8.8%	1.9%	5.5%	.	1.6%	8.7%	4.10
1988	27.5%	4.0%	12.6%	1.5%	34.0%	10.1%	2.4%	6.8%	.	1.2%	5.1%	4.46
1991	29.2%	3.5%	10.1%	3.8%	29.4%	8.0%	3.9%	4.2%	4.9%	3.0%	9.5%	5.06
1994	28.7%	5.4%	7.9%	2.1%	33.0%	9.2%	7.8%	3.4%	1.0%	1.5%	6.5%	4.61
1998	32.9%	2.1%	7.8%	6.4%	25.6%	12.3%	5.9%	4.4%	.	2.7%	6.6%	4.86

MS =Moderata Samlingspartiet

K = Kristdemokraterna

C = Centerpartiet

O = Övriga

FL = Folka partiet Liberalerna

S = Stockholmspartiet

AS = Arbetarepartiet-Socialdemokraterna

MG = Miljöpartiet De Gröna

V = Vänsterpartiet

ND = Ny Demokrati

The purpose for estimating deviation from proportionality is to determine the electoral formula fairness. As shown above, DV indicators demonstrate electoral efficiency, but interpretation of whether or not fairness has been achieved rests on normative judgements. Unfortunately the gap between normative and empirical components of most electoral studies renders difficult evaluations of electoral formula

¹⁵⁰ For a detailed explanation of ENP see Lijphart, A. (1999) *Patterns of Democracy*, pp.65-9. The formula is:

$$ENP = \frac{1}{\sum V_i^2}$$

Where s_i = the proportion of votes of the i -th party.

fairness as little exact guidance is provided. For example, in calculating national DV scores for Britain the UK Democratic Audit team found that the DV score produced by the electoral formula in the 1997 British General Election was 21 percent which means that 'more than one in five MPs in the House of Commons are not entitled to their seats...'¹⁵¹ Overall, the DV scores in Britain 'are amongst the largest on record among liberal democracies in the past 25 years. In Western Europe, PR (Proportional representation) systems commonly produce DV scores of 4-8 percent – a level only briefly achieved in Britain during the two-party era of the 1950's.'¹⁵² The Audit concludes that these DV scores 'prove both that the electoral system fails to ensure that the composition of Parliament reflects voters' party choices; and that it denies people votes of equal value,' failures which violate two of the audit questions outlined in Chapter 1 of this study.¹⁵³ But, as explained earlier, the reader is mainly left to determine for themselves what an appropriate DV score would be and, more importantly, precisely why high scores are unacceptable.

This gap between the normative and empirical components of evaluating electoral democracy is filled by the theory of persistent losing. Step 1 of the analytical framework demands that the possibility of persistent absence need be demonstrated in order to move to Step 2. High DV scores do not automatically indicate that a system can be judged as unfair, but rather only that further investigation is needed to determine whether or absence is concentrated among a particular group, and if so, caused by rules that impose higher participation costs on this groups of absentees than would another configuration of rules. Thus, as there is a slight possibility that electoral formula punishes one party more than another in Stockholm, and a strong

¹⁵¹ Weir, S. & Beetham, D. (1999), *Political Power*, p. 57.

¹⁵² Weir, S. & Beetham, D. (1999), *Political Power*, p. 58.

¹⁵³ Weir, S. & Beetham, D. (1999), *Political Power*, pp.58-9.

possibility of this effect in New York and London, the study proceeds to Step 2 in all three cases.

4.3 – IDENTIFYING PERSISTENT LOSING IN THREE WORLD CITIES

This section attempts to discover if persistent absence is concentrated by determining if particular parties are disadvantaged over time. Where in the previous section comparison was immediately possible, due to the level of detail required for the next step of the process, each city is examined on an individual basis. Starting with Stockholm, and then moving to New York and London, this section attempts to determine if some parties are more disadvantaged than others due to disproportionate seat distribution. The key to Step 2 investigations is to determine if one party suffers due to disproportionality or whether the distorting effects of the electoral system are more or less randomly distributed. In the first case, the process moves to Step 3, in the later the electoral system cannot be reasonably rejected and the electoral system deemed fair – at least according to this avenue of investigation.

Step 2 requires determining whether or not an individual party has suffered from disproportionality more than others. This too requires measures commonly undertaken by those assessing electoral systems. For example, the Jenkins Commission makes two references to the effect on the British single-member plurality electoral system on parties. First, the Commission cites evidence demonstrating the system's 'defective' tendency to under-reward votes cast for third parties. The second observation regards the system's tendency to develop 'long term periods of bias against one or other of the two main parties (Conservative and Labour).'¹⁵⁴ The Commission goes onto state that this effect 'must be held as a count against the system', and further, '[i]t is moreover a bias which could not by definition occur in a

¹⁵⁴ UK (1998), *The (Jenkins) Report*, paragraph 40.

fully proportional system and which would be reduced by any significant move in that direction.¹⁵⁵ The Commission supplies no normative substantiation as to why the disproportional effects of the electoral system must be seen as negative, but rather connects facts to principles in a mostly intuitive manner. However, as will be shortly demonstrated, there are some synergies between the Jenkins assertions and the theory of persistent losing. One relates to how the Jenkins Commission has identified ‘long-term biases’ as problematic. This would seem to nicely tie with the key premiss of systematic disadvantage and discrimination over the long term, although these links need to be examined in more detail in each city as done below.

4.3.1 – Stockholm

Stockholm differs greatly from the other two cities as votes are translated into seats using a system that was designed to distribute seats proportionally. As shown above, there is on average just over only five percent distortion in Stockholm, with almost 95 percent of city councillors deserving of their seats. But low DV scores do not automatically indicate that a system is fair to all parties. Determining postvoting stage fairness requires moving beyond aggregate scores and investigating from the perspective of all who might reasonably reject the electoral formula.

Table 3 demonstrates electoral formula distortion on a party-by-party basis. These figures show how each party has fared during the translation process by subtracting seat shares from vote shares. For example, in 1998 Moderata Samlingspartiet gained two percent more seats than they deserved, while Centerpartiet received two percent fewer seats than its vote share. Calculating vote-to-seat discrepancy scores in this manner allows each party to be treated equally as it does not take into account the number of votes or seats gained by each party. There is no attempt to

¹⁵⁵ UK (1998), *The (Jenkins) Report*, paragraph 43.

tell how many, if any, more votes Moderata Samlingspartiet receives than Centerpartiet, but only if the seat distribution is fair for all parties.

Table 3: Stockholm City Council Vote-Seat Discrepancy (1962-1998)

Year	MS	C	FL	AS	V	K	O	S	MG	ND
1962	1%	-2%	0%	2%	-1%					
1966	1%	3%	-3%	0%	0%	-2%				
1970	-1%	0%	1%	3%	0%	-1%	-2%			
1973	0%	1%	0%	2%	0%	-1%	-2%			
1976	2%	0%	0%	0%	0%	-1%	-1%			
1979	2%	-2%	2%	1%	0%	-1%	-1%	-1%		
1982	1%	0%	1%	1%	2%	-1%	-1%	-2%	-1%	
1985	3%	-3%	0%	4%	1%	-1%	-2%	-2%	-2%	
1988	0%	1%	0%	2%	1%	-1%	-1%	1%	-2%	
1991	3%	-3%	2%	3%	1%	-1%	-3%	-1%	-2%	1%
1994	0%	0%	1%	4%	2%	-2%	-2%	-1%	0%	-1%
1998	2%	-2%	1%	3%	1%	0%	3%	-1%	0%	
Average	1%	-1%	0%	2%	1%	-1%	-1%	-1%	-1%	0%
Negative Distortions	1	5	1	0	1	10	9	6	4	1
Average Party Support	27%	6%	14%	37%	9%	2%	2%	5%	4%	3%
MS = Moderata Samlingspartiet				K = Kristdemokraterna						
C = Centerpartiet				O = Other						
FL = Folkpartiet Liberalerna				S = Stockholmspartiet						
AS = Arbetarepartiet-Socialdemokraterna				MG = Miljöpartiet De Gröna						
V = Vänsterpartiet				ND = Ny Demokrati						

The ‘negative distortions’ row totals the number of negative distortions experienced by each party over the life of the electoral system. These scores show that Kristdemokraterna has received less than its fair share of votes in 10 of the 11 city council elections between 1966 and 1998. Other parties have received less than their fair share on nine of ten occasions, Stockholmspartiet six of the seven most recent elections, Centerpartiet in five of 12 elections, Miljöpartiet De Gröna in four of six, where Arbetarepartiet-Socialdemokraterna has never been shorted seats and the other parties in only one instance.

These results convey that Arbetarepartiet-Socialdemokraterna is the only party that has not suffered under these electoral arrangements and thus their rejection of the system would be unreasonable and, in fact, irrational. Although they have experienced

disadvantage, the parties who have only suffered one negative distortion cannot reasonably reject the electoral formula as this negative aspect is not persistent. However, that four distinct parties have suffered negative distortions at least thrice proves that absence is concentrated among a particular group of community members. The three instances establish a pattern of absence and provide enough proof to move to the next steps in the process through which persistent losers are identified.

Step 3 requires that persistent absentees be shown to incur higher participation costs than those who are absent less than three times. Table 3 confirms the Jenkins assertions that electoral formula distortion usually favours large and punishes small parties - even in the Stockholm's highly proportional system. In this city all parties receiving average support of nine percent or over are rewarded with undeserved seats where those with lower than nine percent winning average receive fewer seats than they deserve. Because the electoral system systematically punishes smaller parties and these same parties can claim that they are persistently absent due to institutionalized discrimination. Step 4 requires proof that less discriminatory institutions exist. As explained in Chapter 3, this discrepancy could in fact be addressed by adopting measures already existent at the national level. In Swedish national elections 10 percent of all seats are reserved to ensure parties receive their fair share. Bias against smaller parties would be lessened or eradicated if this measure could be adopted at the local level.

Small parties contesting elections for Stockholm city council between 1962 and 1998 are persistent losers because they have been shown to meet the conditions of all four stages by which it has been proposed electoral fairness be assessed. As such, they could reasonably call for this stage of the electoral system to be changed. But it is very possible that they might not do so. As explained in *Evaluation and*

Optimization of Electoral Systems, ‘whatever the combination of formula and electoral district size, some distortion between quota of votes and seats will always exist....’¹⁵⁶ This fact, combined with the almost negligible levels of vote-to-seat distortion suffered by small parties might deter these organizations from calling for change. Efforts might be better spent soliciting votes than expending the immense energy required to gain one or two extra seats in any one election. However, according to the theory of persistent losing, this choice not to pursue change must be made by the persistent losers themselves, not dictated by those who benefit from the system. As shown below, those in smaller parties in Sweden might be even less inclined to tinker with the electoral system after viewing results in New York and London.

4.3.2 – New York

As explained in Chapter 3, while New York is still divided into five boroughs, the city has a single council of now 51 members that decides policy city-wide. A total of 30 parties have competed in the 11 New York City Council elections between 1961 and 1997. These include the dominant Democratic Party and their Republican rivals, and fringe parties such as Wheel of Progress, Staten Island Secession, Flower and Independent Capital Punishment parties. As shown in Table 4, The Democrats have dominated the council during the entire period, with only the Republicans offering any sort of challenge to the Democrats lock on city council.

¹⁵⁶ di Cortona, P., Manzi, C., Pennisi, A., Ricca, F., & Simeone, B. (1999), *Evaluation and Optimization of Electoral Systems*, Philadelphia: SIAM Monographs on Discrete Mathematics and Applications, p. 44.

Table 4: Seat Distribution – New York City Council (1961-1997)

Year	Total Seats	Democratic Seats	Republican Seats	Liberal Seats	Conservative Seats
1961	25	23	2	0	0
1965	37	30	7	0	0
1969	37	27	3	7	0
1973	10	5	4	1	0
1974	33	32	1	0	0
1977	43	37	4	1	1
1982	35	35	0	0	0
1985	35	34	1	0	0
1989	35	34	1	0	0
1991	51	46	5	0	0
1993	51	45	6	0	0
1997	51	44	7	0	0
Total	443	392	41	9	1

Table 5: New York City Council Vote-Seat Discrepancy (1961-1997)

Year	Democratic	Republican	Liberal	Conservative	Other
1961	37.1%	-25.9%	-11.2%		0.0%
1965	26.7%	-11.9%	-7.8%	-7.0%	-0.1%
1969	26.2%	-9.1%	-8.4%	-8.6%	-0.1%
1974	25.1%	-18.3%	-4.0%	-2.7%	0.0%
1977	20.2%	-9.6%	-8.2%	-2.2%	-0.2%
1982	25.7%	-20.7%	-2.4%	-2.0%	-0.5%
1985	12.2%	-9.1%	-1.0%	-1.3%	-0.9%
1989	16.6%	-13.0%	-1.1%	-1.1%	-1.4%
1991	20.2%	-10.8%	-4.6%	-2.6%	-2.2%
1993	10.1%	-7.7%	-0.4%	-1.0%	-0.4%
1997	13.1%	-8.0%	-0.9%	-1.9%	-2.3%
Average	21.2%	-13.1%	-4.6%	-2.8%	-0.7%
Negative Distortions	0	11	11	10	9
Average Party Support	68.3%	21.5%	6.5%	3.0%	0.8%

As shown earlier, deviation from proportionality has been shown to be high in America's largest city averaging 21.9 percent and reaching a high 37.1 percent in 1961. As shown in Table 5, part of the reason why Democrats have such a firm grip on the city is that the electoral formula works in their favour. In terms of vote-to-seat discrepancy, the Democratic Party has enjoyed a 21.2 percent positive bias since 1961, and has always been awarded a good deal higher percentage of seats than it has deserved. All other parties have suffered at the hands on the single-member plurality

system. None more so than the Republicans. While the where electoral formula has disadvantaged the Liberals and Conservatives over the years, the bias against the Republicans has been at times massive – such as in 1961 where the party was awarded 26 percent fewer seats than it deserved.

These biases are also reflected in the number of year-by-year negative distortions. Where the Democratic Party has never been disadvantaged, the Republicans, Liberals and Conservatives have been burdened in every election they have contested – well over the minimum three occurrences. It would be hard to find a more convincing example of concentrated persistent absence due to institutionalized discrimination as not only are the disadvantaged clearly identifiable, the bias has been consistent and extreme. In addition, because this condition is easily remedied through even the rudimentary attempts to render the system more proportional in how votes-are-translated to seats, the Republicans, Liberals, Conservatives and some long standing other parties would be reasonable in rejecting the postvoting stage arrangements in the city.

4.3.3 – London

The last 25 years has seen an enormous amount of election activity surrounding the control of local borough councils in London. In the 10 elections since 1964, over 55,000 candidates have participated in contests for just under 19,000 seats in London's 32 boroughs.¹⁵⁷ As shown in Table 6, Labour has been the most successful party, winning almost half the available council seats. The Conservatives are a close second, with Liberal candidates making up ground in recent years. There have also been a few independent representatives from those from fringe parties who have won

¹⁵⁷ See Appendix 1 for data sources. The data used for London comes from electronic records complied by the London Research Center. In the few cases where electronic data is inconsistent with that which is published the electronic version has been used. However, while this inconsistency introduces a slight chance of error, due the sheer number of candidates and votes the distortion effect is much less than one percent and should be considered insignificant.

positions on council, but for the most part local decisions are made by Labour and Conservatives – with Liberals often being not much more than irritants to these governing parties. While the number of seats available has slightly increased over time, the electoral system has remained more or less intact since it was first installed in 1964.

Table 6: Seat Distribution – London Borough Councils (1964-1998)

Year	Total	Labour	Conservative	Liberal	Other
1964	1859	1112	667	16	64
1968	1863	350	1438	10	65
1971	1863	1221	597	9	36
1974	1867	1090	713	27	37
1978	1908	882	960	30	36
1982	1914	781	980	124	29
1986	1914	957	685	249	23
1990	1914	925	731	233	25
1994	1917	1043	519	323	32
1998	1917	1050	538	301	28
Total	18936	9411	7828	1322	375

Table 7: London Borough Councils Vote-Seat Discrepancy (1964-1998)

Year	Labour	Conservatives	Liberals	Other
1964	14.4%	-3.4%	- 10.3%	-0.7%
1968	-9.3%	16.9%	-6.8%	-0.8%
1971	12.5%	-7.4%	-3.7%	-1.3%
1974	15.5%	-3.6%	-10.8%	-1.1%
1978	6.6%	0.7%	-4.9%	-2.5%
1982	10.4%	8.4%	-17.7%	-1.0%
1986	12.0%	-0.3%	-10.9%	-0.8%
1990	7.6%	-1.7%	-2.7%	-3.2%
1994	11.6%	-5.0%	-5.0%	-1.6%
1998	12.5%	-5.0%	-5.0%	-2.6%
Average	9.2%	-0.1%	-7.5%	-1.6%
Negative Distortions	1	7	10	10
Average Party Support	40.5	41.5	14.5	3.5

In the first section of this chapter it was shown that London's average DV score is almost 13 percent – meaning that almost one in eight councillors do not deserve their seats. It was also argued that this level of deviation from proportionality on its own is not enough to condemn the electoral formula, but it is enough to prompt

second stage persistent losing evaluations. As with Stockholm and New York, this is accomplished by comparing vote-to-seat discrepancy on a party by party basis over time. Table 7 illustrates how the electoral formula has functioned over time in London. Here vote shares and seat shares distortions have been calculated for each party for each of the ten elections between 1964 and 1998. On average, Labour has benefited most winning an average 9.2 percent more seats than deserved and up to 15.5 percent extra seats. The Conservative Party has almost been awarded as many seats as they deserve on average, and in one election benefited from an almost 17 percent positive distortion. Liberals in London have suffered the most under the current electoral arrangements, being awarded 7.5 percent fewer seats than they deserve. 'Other' parties also fare badly under these arrangements.

Moving from average scores to instances of under-representation for each party during each election; all parities have won less than deserved seats at one time or another. Labour has had one negative vote-to-seat score, the Conservative Party seven, where the Liberals and Other parties have been on the negative side of things in every election since 1964. Recalling that discrimination must be systematic and concentrated, all but the Labour party demonstrate at least three instances of absence. Moving forward, Step 3 requires that persistent absentees be subject to rules to which non-absentees are not. Here, as with Stockholm and New York, it appears that the multi-member plurality system employed in London boroughs benefits large parties at the expense of those receiving fewer votes. Step 4 is also fulfilled as it has already been shown that a more proportional electoral formula would remedy this situation. As all four steps have been answered in the positive, Conservatives, Liberals and supporters of other small parties can be classified as persistent losers.

Readers might object to using aggregate scores by which to judge electoral arrangements in London as, although based on the same rules, the city is really a collection of 32 electoral systems with different party systems local issues. In fact, as Dunleavy and Margetts state in their study of national level elections in the UK, 'even the deviation from proportionality score for Britain as a whole does not tell the whole story. This figure is almost misleadingly low if compared with other countries, because areas of pro-Conservative deviation in the south east are partly offset by areas of pro-Labour deviation in Scotland and the North.'¹⁵⁸ Thus it is worth disaggregating postvoting stage results to see how London-wide results translate to the borough level.

Table 8: Wandsworth Vote-Seat Discrepancy (1964-1998)

Year	Labour	Conservatives	Liberals	Other	DV
1964	25%	-16%	-7%	-2%	25%
1968	-12%	17%	-4%	-1%	17%
1971	28%	-27%	-1%	-1%	28%
1974	28%	-18%	-9%	-1%	28%
1978	-1%	7%	-4%	-2%	7%
1982	6%	11%	-17%	-1%	18%
1986	4%	7%	-11%	-1%	12%
1990	-18%	24%	-3%	-3%	24%
1994	-14%	24%	-9%	-1%	24%
1998	-19%	29%	-9%	-1%	29%
Average	3%	6%	-7%	-1%	21%
Negative Distortions	5	3	10	10	.
Average Party Support	44%	47%	7%	1%	.

Table 8 uses the same methods as used above to examine data from the London Borough of Wandsworth. Starting with the average DV score at the far right of the table, at 21 percent the average deviation from proportionality in Wandsworth is much higher than the London-wide average of 12.9 percent. DV is higher still in individual elections, reaching 29 percent in 1998 where the London-wide average has never climbed above 18.8 percent. Even from this brief glimpse, it would appear that

¹⁵⁸ Dunleavy, P. Margetts, H. & Weir, S. (1998), *The Politico's Guide to Electoral Reform in Britain*, p. 10.

Dunleavy and Margetts' observation about British national elections hold at the local level. The table also shows that as with London-wide elections, large parties benefit to the expense of smaller parties. On a year-by-year basis, all parties have suffered negative vote-to seat distortions more than three times. These results, coupled with the information already revealed about the electoral formula, indicates that all parties can reasonably reject the electoral system used in Wandsworth they are victims of systematic disadvantage. It is unclear whether all parties would actually choose to reject a system in which all suffer, albeit at different levels, but under the theory of persistent losing the option is open to all.

4.4 – DISCUSSION

The preceding sections have explored postvoting electoral institutions cast in the light of the theory of persistent losing. Examining how fairly the electoral formula translates vote-to-seats from the perspective of political parties revealed that more than one civic party in each of the study cities would be reasonable in rejecting the institutions under which the competition for votes takes place. Whether or not parties that have experienced at least three incidents of persistent absence in Stockholm would reject the electoral formula is questionable as the distortions are so minor as to be practically insignificant. However, that the system discriminates against a particular party over the long-term is enough to justify this absent group's calls for change. The case for changing New York's single-member plurality system is much clearer as all except the dominant party unfairly suffers from the vote-to-seat distortion in this city. The same can be said for London's multi-member plurality system, although it was shown that evaluations should be conducted borough by borough and not just based on city-wide scores.

Where some may be surprised that smaller parties are justified in challenging Stockholm's electoral formula, others have drawn the conclusion that plurality systems reward larger parties at the expense of smaller parties. As cited above, the Jenkins Commission stated that plurality electoral formulae are highly disproportional systems under which smaller parties are often continuously at a disadvantage. Some authors have even expressed similar concerns about British local elections. For example, in 'An Audit of Local Democracy in Britain', British local elections specialists Colin Rallings and Michael Thrasher state '[t]he first past the post electoral system has a tendency to overreward the largest party in its share of seats, simultaneously penalising other parties. Each of the main parties could cite examples of gross electoral unfairness in 1998.'¹⁵⁹

Although the empirical findings may be similar to those in other studies, what differentiates this study from others is that the numerical investigations are based on a more fully developed consideration of electoral democracy. The theory of persistent losing provides detailed reasons as to why certain aspects of the electoral system are being assessed and why results might be considered normatively relevant. Returning to Rallings and Thrasher, at the end of their audit the authors state that in contrast to the more proportional national electoral system proposed by the Jenkins Commission, 'the method used to elect local authorities looks outdated and entirely inappropriate to the needs of a healthy democracy.'¹⁶⁰

But for all their high quality empirical work, the question remains as to why Rallings and Thrasher would want us to believe the local plurality system is 'inappropriate'. As presented in Chapter 1, Beitz indicates that authors have to choose one of three established normative paths: the unrefined 'simple view' that democracy

¹⁵⁹ Rallings, C. and Thrasher, M. (1999), 'An Audit of Local Democracy in Britain: The Evidence from Local Elections', *Parliamentary Affairs*, Vol. 52: 1, pp.58-76, p. 71.

¹⁶⁰ Rallings, C. & Thrasher, M. (1999), 'An Audit of Local Democracy in Britain', p. 75.

and participation are synonymous; the idea that electoral processes should maximize social welfare and generate the ‘best result’; or, that electoral formula should aid a community in realizing its ‘popular will’ in as an efficient way as possible. However, the authors do not present any normative reason why readers should support their assertions. In fact, they expressly avoid entering the normative aspect of examining electoral democracy by stating that ‘it is a *moot* point whether democracy exists when the composition of a local authority fails to reflect local expression of partisan support.’¹⁶¹

Whether or not disproportionality undermines democracy is certainly debatable, but it is a debate that must be undertaken before claims of ‘appropriateness’ are made. In fact, it is a debate that must be had before empirical work is even attempted. For example, if Rallings and Thrasher decide that they support traditional utilitarianism and feel that that public policy should reflect the popular will of the community, then they need to employ methods by to assess whether or not policy outcomes reflect the initial preferences of the community. Such an assessment may have nothing to do with how votes are translated to seats as it is perfectly possible that even massively disproportional electoral systems will still manage to generate policy that satisfy a community’s general will. Thus if popular will is the normative foundation on which rests the work of Rallings and Thrasher, then they have employed inappropriate methods by which to measure their core premiss.

This thesis rests on a moral principle developed as a counter to utilitarianism. The only author to have used Thomas Scanlon’s reasonable rejection as a rule by which to assess electoral systems is Charles Beitz. As already shown Beitz’s approach

¹⁶¹ Rallings, C. & Thrasher, M. (1999), ‘An Audit of Local Democracy in Britain’, p. 72.

to this issue significantly differs from the one used in this study. Instead of evaluating performance in a standardized way, Beitz's empirical work involves a general comparison of proportional representation (including Single Transferable Vote and List systems) and district representation systems (mainly single member plurality). From this comparison Beitz feels he has produced enough evidence to state that PR systems produce 'a kind of equality in which there is no general reason to take an interest,' and that 'considerations of fairness do not always favour proportional systems.'¹⁶²

The results from local elections in Stockholm substantiate Beitz's second point that PR systems are not always fair. But his first and larger point strays from the core reasoning behind Scanlon's idea of reasonable rejection. There is a strong reason to take interest in electoral formulae that do not afford all voters an equal share of control over legislative seats as this bias has been shown to affect small parties more than parties that receive a higher percentage of voter support. In order to uphold Rawls' initial vision of justice as fairness and Scanlon and Barry's additions, decision-making must be structured in such a way that the characteristics of the parties involved have no effect on the ability to participate in the decision-making process. This is precisely why proportionality is an important aspect to consider as the bias is not random, but affects an identifiable community segment.

Readers might also want to contemplate the idea that proportionality can be extended beyond political parties to other types of community groups. For example, instead of determining whether or not some parties need more votes to elect members than others, the same analytical framework could be used to determine whether or not certain minority groups or women can claim persistent loser status. The ability of, say,

¹⁶² Beitz, C. (1989), *Political Equality*, p. 140.

women to be elected in New York City Council elections will depend on how electoral boundaries are drawn, the constituencies where parties choose to support these types of candidates and how the electoral formula distributes votes. As is shown in Chapter 6, these considerations also involve proportionality – albeit from a different perspective.

The purpose of Chapter 4 was to use the theory of persistent losing to test one of the most studied areas in political science with the hope that the theory and its accompanying framework would provide a more coherent method by which to evaluate electoral democracy. Demonstrating that electoral systems in all three cities could be reasonably rejected by differing numbers of political parties shows that the electoral fairness is difficult to achieve. Despite being more-or-less designed to achieve this end, even Stockholm's more proportional electoral formula produces persistent losers. New York and London's systems do not even come close to treating all who contest elections fairly. The next chapter continues to apply the analytical framework, but moves to examine the voting stage fairness. While the specific methodologies and groups that are considered might differ, the general rule by which electoral fairness is evaluated remains constant.

5 – VOTING: REJECTING ELECTORAL WASTELANDS

As there would perhaps be little resistance to the claim that casting ballots is the most central voting stage action, this chapter exclusively explores voter participation by following the four-step process outlined in Chapter 2. Step 1 of the analytical process requires that longitudinal voting turnout scores be calculated to test whether the possibility of persistent absence exists within one or more of the case cities. If so, Step 2 requires additional testing to determine if low turnout rates are concentrated among a particular group. If one community group is prone to low turnout, then before the group's rejection of the electoral system can be deemed unreasonable it must be shown that participation is hindered by discriminatory rules (Step 3) and that less discriminatory institutional arrangements exist (Step 4).

This chapter begins by calculating voter turnout rates for the four study cities. It shows that only Stockholm has sufficient rates to avoid persistent losing whereas New York and London suffer from consistently low levels of voter participation. While it would be ideal to test turnout results from all three cities, as the next three steps are much more difficult due to the possible sources and combinations of data, Step 2, 3 and 4 tests are limited to London. London is a good first test case for the theory of persistent losing as the city has a long and consistent history of low voter turnout and a large data set that allows for in-depth exploration that provides a detailed example of how persistent losing can be identified in similar political communities and generalizable observations about voter participation.

A detailed examination of turnout rates in London's 750+ wards shows that where there are great variations in turnout levels between wards during any single election, turnout rates in any single ward are stable over time. That some wards have consistently low turnout rates allows the study to move from Step 2 to Step 3, as persistent losing is shown to be concentrated among particular *geographic* groups. In searching for institutional factors that may be causing persistently low turnout in specific wards three multivariate regression models are used to test a variety of social and institutional factors commonly associated with voter participation in 2212 of London's ward races. These tests show race *closeness* – calculated by determining the gap between the lowest placed winner and highest placed loser in London's multi-member wards – has a significant impact on voting turnout. A standard rational choice explanation of voter participation connects concentrated persistent absence and institutionalized discrimination. Here it is argued that those living in wards where races are not close are unfairly disadvantaged by London's multi-member plurality system as there are few incentives for British political parties to expend scarce resources in constituencies in which they hardly ever win seats. The lower level of resources spent in unwinnable wards makes information more expensive for the resident population to obtain and forces them to expend more effort to participate in elections than those living in more competitive, resource-rich wards. That similar 'electoral wastelands' are not created under other types of electoral systems provides the final evidence needed for those living in non-competitive, resource-starved wards to reject the current system.

5.1 – TESTING FOR PERSISTENT ABSENCE

The first step used to identify persistent losing is to establish the possibility of persistent absence. If a strong possibility of persistent absence cannot be demonstrated

then the investigation need not continue and the system deemed highly democratic. As shown in the last chapter, the general framework used to test for persistent losing needs customizing for each election stage. In concentrating on voter participation it is proposed that all that need be shown in Step 1 is that a large proportion of the voting age population is absent from the polling booth from election to election as such results indicate the *possibility* that a group or groups of people are absent from most or every election.

Obviously the lower the overall level of turnout the higher the chance of persistent absence, although according to the theory of persistent losing on their own these low levels of turnout do not provide enough evidence to declare reasonable rejection due to persistent losing. To fully earn the designation low turnout must be concentrated within one community and not randomly distributed. This argument, that high rates of turnout guarantee that the electoral system is fair but that low rates do not necessarily mean that a system is unfair, provides another view of the traditional debate surrounding the importance of voter participation during elections. On the one side sit those who state that poor turnout automatically signifies critical community disengagement, while on the other those who argue that low turnout rates should not be troubling as they signify contentment with the system.¹⁶³ The theory of persistent losing takes a position between these two poles asserting that low rates are only problematic if they are concentrated among a particular segment of the community and caused by avoidable institutionalized discrimination. As such, high turnout rates are always viewed positively where low rates are not always seen as problematic.

¹⁶³ For arguments as to the importance of higher turnout, see, for example, Lijphart, A. (1997), 'Unequal Participation: Democracy's Unresolved Dilemma, *American Political Science Review*, Vol. 91:1, March, pp. 355-368. For arguments against, see, for example, Bollen, K. (1980), 'Issues in the Comparative Measurement of Political Democracy', *American Sociological Review*, Vol. 45 (June), pp. 370-390 and, Bollen, K. (1993), 'Liberal Democracy: Validity and Method Factors in Cross-National Measures', *American Journal of Political Science*, Vol. 37:4 (Nov.), pp.1207-1230.

Table 9: Voter Turnout in Three World Cities (1961-1998)

Year	New York	Stockholm	London	Year	New York (cont'd)	Stockholm (cont'd)	London (cont'd)
1961	43%			1980			
1962		69%		1981			
1963				1982	31%	86%	43%
1964			32%	1983			
1965	49%			1984			
1966		73%		1985	20%	84%	
1967				1986			45%
1968			32%	1987			
1969	45%			1988		80%	
1970		80%		1989	33%		
1971			37%	1990			46%
1972				1991	11%	80%	
1973		81%		1992			
1974	31%		34%	1993	33%		
1975				1994		80%	42%
1976		87%		1995			
1977	26%			1996			
1978			42%	1997	25%		
1979		85%		1998		76%	32%
				Avg.	32%	80%	38%

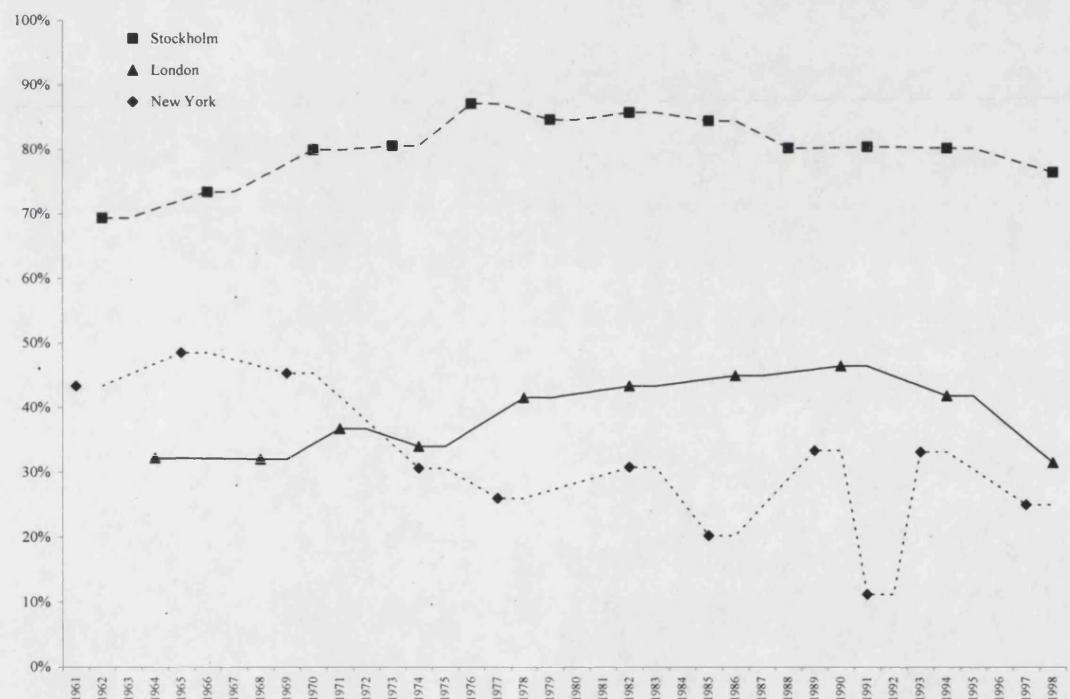
Table 9 displays voting-age turnout trends in New York, London and Stockholm.¹⁶⁴ The graph shows that voters in Stockholm consistently turn out to vote at much higher rate than those in the three other cities. Averaging above 80 percent, the rates during local elections in Sweden's capital city are more than double those in New York and London. Except for two early elections, turnout in Stockholm has never dipped under the 80 percent average, where turnout in New York has never climbed above 49 percent and rates in London have remained at or under 46 percent throughout the study period.

Shown diagrammatically in Figure 10, consistently low turnout rates in New York and London indicate that there is a very strong probability that some voters are persistently absent from the voting stage during local elections in these cities. For example, imagining that New York's population stays relatively static and that turnout

¹⁶⁴ See Appendix 3 for reasons why turnout is calculated using voting age as the denominator as opposed to registered voters or total population.

in each election matches the actual average of 32 percent, if a completely different group of citizens voted in every election it would take four elections (16 years) to ensure all community members cast votes. A more realistic scenario reflects the common assertion that some groups (i.e. those of high socio-economic status) are more likely to vote than others. Thus there is a strong possibility that some or even most of the original 32 percent will turn out in every election and that most of the non-participating 68 percent will stay home in subsequent elections. In this case concentrated persistent absence is almost guaranteed.

Figure 10: Voter Turnout in Three World Cities (1961-1998)



However, low rates alone do not mean that community members can reasonably reject their respective electoral systems. Under the theory of persistent losing the electoral system can only be rejected if long-term absence is due to institutionalised discrimination that has an identifiable remedy. If the rules governing elections raise costs to the point of exclusivity for some community members and not for others, then those who are prohibitively burdened can reasonably reject the

existing arrangements if less prohibitive arrangements can be substituted. In the last chapter it was shown how electoral formulae can punish particular political parties and how this systemic disadvantage could be corrected by changing to more proportional systems. However identifying what institutions may be discriminatory during the voting stage or why voters are absent is a much more difficult task due to the large number of variables that can affect turnout and the perspectives from which this activity can be viewed. Thus the next section examines voter turnout in one city – London – in detail. This single case study not only seeks to explain patterns of participation in one of the most important world cities, but as London's electoral system is similar to those in New York there is an opportunity to make more generalized assertions about the findings. As shown above, there is little reason to believe that voting stage persistent losing exists in Stockholm, and even if patterns of absence could be identified and attributed to institutionalized discrimination, this discrimination is bound to be so slight that disadvantaged groups may choose to continue to participate under there rules, much like the results demonstrated in the last chapter.

Where identifying long-term voter turnout trends and the possibility of persistent absence is a fairly uncomplicated procedure, establishing whether or not persistent absence is concentrated and caused by biased rules is much more difficult. Obviously laws that specifically excluded groups from the voting process – such as women, various minorities or non-propertied classes – blatantly produce persistent losers, but less overtly discriminatory rules can also have a strong negative influence on electoral participation. The types of rules that increase participation costs and lower rates of involvement may include special registration requirements such as poll taxes or literacy tests or conditions such as lack of choice or absence of adequate

levels of information.¹⁶⁵ In terms of lack of choice, electoral rules that place unfair burdens on certain types of candidates may cause some community members with corresponding views to participate less than others as few or no candidates reflect the preferences of non-participants. Likewise, if it could be shown that some community members participate less than others because electoral rules consistently and unfairly increase the amount of effort needed to collect information about candidates, policies and platforms then persistent loser status might also be eventually claimed. However thorough investigation is needed as a lack of choice or information might be caused by a fickle community and not institutional bias.

Step 2 of the general analytical framework demands proof of concentrated persistent absence. It is at this stage that the huge range of possible study options becomes apparent as a larger community can be divided into any number of subgroups. Moreover, being one of the most studied subjects in the field of political science there are a number of methodological approaches that could be used to study voting stage participation. For example, voter turnout can be examined as an individual phenomenon or in the aggregate. That is, the dependent variable could be individuals answering 'yes' or 'no' to survey questions or it could be based on information elicited from actual ballot counts. Both techniques have been used throughout the years so it is a matter of deciding which is better for this particular study, but the choice is important as the dependent variable determines what statistics may be used as independent variables and what can be inferred from test results. As this chapter presents an initial look at persistent losing and is not tied to a specific community group there is some flexibility in the choice of approach.

¹⁶⁵ For a discussion of choice and its intrinsic value, see Dowding, K. (1992), 'Choice: Its Increase and its Value', *British Journal of Political Science*, Vol. 22:3, pp. 301-314.

This study uses aggregate level data gathered from actual ballot counts instead of survey data for two reasons. First, although many studies use individual survey data generated from national election studies in Britain, the United States, Canada and elsewhere, there is good reason to be suspicious about the accuracy of these types of surveys. For example, the turnout rates reported in these surveys is always much higher than the official turnout rates. Among other things, these inaccuracies distort, sometimes greatly, estimates as to the characteristics of voters and non-voters. In a detailed study of these rates, Barry C. Burden states:

Despite their promise, surveys such as the NES (National Election Study) routinely overestimate national voter turnout by worrisome amounts....High turnout estimates are due to such things as the undersampling of nonvoters, the mobilizing effects of preelection surveys on respondents, and infamous misreports. What had gone undocumented is the *growing* severity of this bias....In 1952, the NES overestimated official voter turnout in the presidential election by 11 percentage points. This is serious error, but it has more than doubled since then. The 1996 NES turnout estimate is almost 24 points higher than official voter turnout. Indeed the bias grew rather steadily over this 45-year time period with just few exceptions.¹⁶⁶

Second, even if it were possible to avoid the problems indicated by Burden, individual level data may tell us very little about who is or is not prone to vote. In one of the most thorough voting behaviour studies to date, John Matsusaka and Filip Palda use logistical regression analysis to examine how over 35 variables affect the behaviour of over 6,000 individual voters in the four Canadian National elections held between 1979 and 1988.¹⁶⁷ While the authors find that frequently cited variables such as age and education affect can help predict who will vote and who will abstain, they suggest that even when a stringent variable such as previous behaviour is included in

¹⁶⁶ See, Burden, B.C. (2000) 'Voter Turnout and the National Election Studies', *Political Analysis*, Vol. 8:4, (Autumn), pp.389-98, pp.389-90. Emphasis in original. For further discussion of this problem see Harbaugh, W.T. (1996), 'If People Vote Because the Like To, Why do so Many of Them Lie?', *Public Choice*, Vol. 89, pp.63-76.

¹⁶⁷ Like Burden, Matsusaka and Palda state that regression coefficients may be biased because self-reported rates exceed actual turnout rates. They indicate in their study that in 1979 the actual turnout rates was 76 percent while 91 percent of their sample reported voting. In 1980, 1984 and 1988 the actual rates were 69 percent, 75 percent and 75 percent while the respective reported rates were 90 percent, 87 percent and 90 percent. On average turnout rate has been inflated by just under 16 percent in all four elections. In other words, at a minimum the voting behavior of one in five of those surveyed has been recorded inaccurately. However the rate could be much higher if we consider normal error associated with these samples and the fact that some voters may report not voting when they have actually voted to avoid participating in the survey. Matsusaka, J.G. & Palda, F. (1999), 'Voter Turnout: How Much Can We Explain?', *Public Choice*, Vol.98, pp. 431-446, pp. 433-4.

the analysis, low R^2 scores indicate that the most tightly specified models are of little use and ‘voting must be approached as a fundamentally random behaviour’.¹⁶⁸ Matsusaka and Palda conclude that ‘despite the inclusion of a large number of theoretically relevant variables, the logits have almost no predictive power’ and that ‘the estimated models leave a large part of the voting story untold.’¹⁶⁹ The authors’ main finding is that ‘the inability to predict who votes appears to come from non-stationary factors’ and that for the most part, ‘turnout is driven by idiosyncratic costs like the weather, the traffic, personal health and so on. The diversity of these costs and the difficultly in measuring them may mean that predicting who votes is ultimately unfeasible.’¹⁷⁰

In combination, the work of Burden, Matsusaka and Palda not only indicates that individual level data about voter turnout is often of dubious validity, but that even when used it explains very little. After explaining the inability of their tests to explain the behaviour of individual voters Matsusaka and Palda state that the way forward may lay with studying aggregate voting behaviour – the route taken in this chapter. The authors suggest that using statistics from electoral districts as the dependent variable should eliminate the problem of individual idiosyncrasies and raise the explanatory power of the models. In addition, aggregate data is not subject to the same level of error as the individual level data as it is based on actual behaviour (i.e. counting ballots) rather than asking people if they did or did not vote.

¹⁶⁸ Matsusaka, J.G. & Palda, F. (1999), ‘Voter Turnout: How Much Can We Explain?’, p. 442.

¹⁶⁹ Individual variables include: age, education in years, family income, marital status, gender, religious affiliation, church attendance, union membership, length of residence, primary language used at home, employment status and if the person was contacted before or during the election by a campaign worker. Aggregate (district) level variables include: winner’s margin of victory, proportion of the community that have high school education, proportion of the community that are employed, population growth, average male income, per capita campaign spending, aggregate turnout rate, and regional location of the district.

¹⁷⁰ Matsusaka, J.G. & Palda, F. (1999), ‘Voter Turnout: How Much Can We Explain?’, p. 442.

However aggregate data has its own pitfalls such as the ‘ecological fallacy’ problem.¹⁷¹ That is, one has to be careful not to make inferences about individual behaviour when using a dependent variable that describes the behaviour of a particular group of people. Aggregate data necessarily combines the behaviour of a number of people within a particular geographic area so, no matter how small, this aggregation can never be used to explain why individuals do or do not vote, but only allows inferential information about group tendencies to be generated. For example, if a survey of 1000 registered voters within a city of 100,000 reveals that the rich vote and the poor abstain it can then be inferred that income should play a prominent role when trying to predict who or who will not vote the future. If, on the other hand, the city is broken into 100 districts and it is found that voting is low in districts that contain a disproportionately high level of poor people it *cannot* be stated with any certainty that on an individual level the poor are less inclined to vote than the rich. Rather it can only be claimed that turnout rates tend to be lower in districts with higher levels of impoverishment. To avoid the ecological fallacy problem inferences should only be made about the geographic areas from which data is collected and not individuals within these areas. This limitation should not be seen as problematic as concentrated persistent absence can still be confirmed by exploring variations in participation levels between specific electoral districts.

Before proceeding to the London data, an overview of how specific tests relate to the general analytical framework should help the reader better understand generated results. After summarizing a number of descriptive statistics about the 32 London boroughs, the first statistical test attempts to establish whether low voter turnout is a relatively random phenomenon or a long-term ward characteristic.

¹⁷¹ Matsusaka, J.G. & Palda, F. (1993), ‘The Downsian Voter meets the Ecological Fallacy’, *Public Choice*, Vol. 77, pp.855-878.

Showing that some wards usually have lower turnout indicates that persistent absence is concentrated geographically and allows the study to move to the Step 3 process in which institutional features that may be creating these patterns are explored. Discovering what factors may cause some wards to have consistently low turnout rates requires establishing what institutional and/or social factors are common to wards with low turnout rates but not found in those with higher turnout levels. Although such a discovery is insufficient to establish causality, it nevertheless allows for deeper investigation as to why such factors may contribute to perpetually low participation rates. If a causal link can be established through more thorough probing and superior institutional arrangements found, then those living in wards with low levels of participation can make a strong case for rejecting the existing electoral arrangements.

5.2 – CONCENTRATED PERSISTENT ABSENCE IN LONDON

Since 1964 local policy in Greater London has been enacted by 32 borough councils and the City of London as well as a number of region-wide bodies. While the borough council configuration has remained stable since 1964, regional government institutions have significantly varied. Regional decisions were made by the Greater London Council from 1964 until it was abolished in 1986. The collection of boards and agencies that replaced the GLC were themselves replaced by the new Greater London Authority in 2000. Where the Greater London Assembly is now elected using a mixed proportional representation system, Londoners have always used a multi-member plurality system to elect local borough councillors every four years – except between 1968 and 1974 when elections were held every three years. Under the multi-member plurality system each borough is divided into wards containing between one and four council seats.

Tests for persistent losing are conducted on data from four of the most recent London borough elections – 1986, 1990, 1994 and 1998.¹⁷² Using data from four elections allow patterns and trends to be accurately established without overburdening the study with too much data. These four elections have been chosen as they reflect the current state of local politics in London and also correspond to other types of data available for regression testing.

Table 10: Ward Turnout Rate Correlations (1986-1998)

		Turnout 1998	Turnout 1994	Turnout 1990	Turnout 1986
Turnout 1998	Correlation	1.000	.742	.648	.576
	N	737	737	736	736
Turnout 1994	Correlation	.742	1.000	.817	.686
	N	737	738	737	737
Turnout 1990	Correlation	.648	.817	1.000	.801
	N	736	737	737	736
Turnout 1986	Correlation	.576	.686	.801	1.000
	N	736	737	736	737

Attempting to identify concentrated persistent losing in London Borough elections using aggregate turnout levels from each ward requires that some proof can be offered that the turnout rates are not random but consistent from election to election.¹⁷³ Using turnout data to test turnout rate consistency from the up-to 736 wards in which races were conducted, Table 10 shows that there is a high correlation between turnout rates from year to year across London – almost 75 percent between 1994 and 1998, and over 80 percent between 1994 and 1990 and 1990 and 1986.¹⁷⁴ Thus where the overall turnout rate across London may change significantly from

¹⁷² Data from the 2002 election are not yet available.

¹⁷³ Due to data constraints these tests are conducted using a turnout rate figure that is calculated using the number of registered voters as a denominator. While not as accurate as figures calculated using voting-age population, rates are still highly comparable.

¹⁷⁴ Some wards could not be included in the longitudinal analysis due to boundary changes.

election to election, but when examined *individually* wards with low turnouts tend to have low turnouts over time.¹⁷⁵

Table 11: Percentage Turnout in Ten London Borough Wards (1986-1998)

Ward	1998	+/-	1994	+/-	1990	+/-	1986	+/-
Ruskin	53	18	56	10	58	10	55	10
Eltham Park	53	18	60	14	62	14	61	16
Coulsdon East	51	16	48	2	49	1	50	5
Palewell	51	16	61	15	64	16	65	20
Darwin	50	15	53	7	54	6	50	5
City wide Average	35	0	46	0	48	0	45	0
Thamesmead East	21	-14	36	-10	33	-15	36	-9
River	21	-14	34	-12	33	-16	31	-14
Arsenal	19	-16	38	-8	39	-9	38	-7
Nightingale	19	-16	38	-8	42	-6	43	-2
Thamesmead Moorings	18	-17	35	-11	41	-8	40	-5

Further to this point, Table 11 displays long-term turnout rates from the five wards with the highest and lowest turnout rates in 1998. The table shows that the wards with the highest turnout in 1998 have been above average in every election since 1986. Ruskin has never fallen below ten percent above the citywide average, Eltham Park never lower than 18 percent below average, Coulsdon East never below one percent, Palewell never below 15 percent and Darwin never below five percent. Among wards with the lowest turnout rates in 1998, Thameshead Moorings has never climbed above five percent below the citywide average, turnout in Nightingale has never risen above two percent below average, Arsenal never above negative seven percent, River never above negative 12 percent and Thameshead East never above nine percent under the citywide average. While this is a small sample of the total number of wards, the data confirms the earlier correlations demonstrating that turnout rates are consistent within each ward.

¹⁷⁵ Colin Rallings and Michael Thrasher have found similar relationships in an analysis of the 1981, 1985 and 1989 county council elections results in England and Metropolitan borough council elections between 1982-1988. ‘...there is a high correlation between turnout in a ward at one election with turnout in the same ward at the preceding election.’ See, Rallings, C. & Thrasher, M. (1990), ‘Turnout in English Local Elections – An Aggregate Analysis with Electoral and Contextual Data’, *Electoral Studies*, Vol 9:2, pp. 79-90, p. 82.

That persistent absence is concentrated in certain wards contradicts the work of others who study local elections in Britain. In perhaps the most famous study of local election turnout in Britain, William L. Miller presents evidence that he claims proves 'local turnout behaviour *does* vary over time, and the electorate is *not* divided into regular local election voters and regular election abstainers.'¹⁷⁶ In addition he finds – as did Matsusaka and Palda – that 'voter turnout is remarkably unpredictable, unstructured and unpatterned.'¹⁷⁷ Based on data gathered from a panel of 745 people interviewed once in November 1985 and once in May 1996, Miller's surveyed each panel member asking if they remembered voting in the previous election and then testing these responses against participants' socio-economic and attitudinal traits.

There are number of reasons why Miller's work should be questioned. First, it is likely that Miller's survey data is highly inaccurate. Although he deems it as acceptable, Miller himself demonstrates that of those who responded to his survey, 54 percent reported voting in the 1985 county elections, although official records state that only 42 percent actually cast ballots – a difference of 12 percent.¹⁷⁸ Coupled with regular error rates associated with sampled survey further skew the accuracy of Miller's evidence. In addition, Miller's overall methodology is suspect. For example, although his dependent variable is dichotomous, he uses stepwise regression method to test his hypothesis. In the first instance, when using the ordinary least squares regression method (which is the basis of stepwise regressions) on a dichotomous dependent variable the distribution of residual error can be heteroscedastic, resulting in inaccurate significance tests and distorted standard errors.¹⁷⁹ In addition, while the stepwise regression method was perhaps in vogue in the 1970s, it has generally fallen

¹⁷⁶ Miller, W. (1988), *Irrelevant Elections?*, Oxford: Oxford University Press, p. 91. Emphasis in original.

¹⁷⁷ Miller, W. (1988), *Irrelevant Elections?*, p. 122.

¹⁷⁸ Miller, W. (1988), *Irrelevant Elections?*, p. 80.

¹⁷⁹ For more information on techniques that should be used to measure dichotomous variables such as logits and probits, see Gujarati, D.N., (1995), 'Regression on Dummy Dependent Variable: The LPM, Logit, Probit and Tobit Models', in *Basic Econometrics*, (New York: McGraw Hill), pp.540-83.

into disuse. Using an automatic algorithm to decipher which variables are or are not important is not the most accurate method by which to assess data, and according to Judd and McClelland, 'It is our experience and strong belief that better models and a better understanding of one's data result from focussed data analysis, guided by substantive theory.'¹⁸⁰

In sum, not only does the data presented in this chapter counter traditional assumptions about voting behaviour in local British elections, they also demonstrate that because some wards exhibit consistent patterns of low voter turnout and some do not there is evidence that persistent absence is concentrated among people living in particular geographic areas. These results should concern local democrats as they establish the second of four steps needed to confirm that the current electoral laws produce persistent losers. However, whether these consistently low rates are caused by systemic flaws and not some other reason need be established before people living in wards with low turnout rates can be shown to be reasonable in their rejection of the current electoral system.

5.3 – TESTING FOR INSTITUTIONALIZED DISCRIMINATION IN LONDON

Unlike in the last chapter where it was fairly simple to connect how electoral formulae are sometimes biased to disadvantage some parties over others, testing for institutionalized discrimination during the voting stage is not as straightforward. In order for those living in wards with consistently low turnouts to reasonably reject the current electoral system it must be demonstrated that electoral rules unfairly increase their participation costs. Identifying which rules may or may not discriminate is complicated by the fact that turnout differences between London borough wards are accompanied by significant demographic variations. Wards have different socio-

¹⁸⁰ Judd, C. M. & McClelland, G. H. (1989), *Data Analysis: A Model Comparison Approach*, New York: Harcourt Brace Jovanovich, p. 204.

economic and demographic characteristics that may have an impact on participation rates.

Multivariate regression is one method to test how much a dependent variable such as variation in voter turnout is affected by more than one independent variable. In using multivariate regression this chapter develops a series of models that each include of range of variables commonly cited as having an effect on voter turnout and tests these models in 750+ ward elections held across all 32 London boroughs. While independent variables often include socio-economic characteristics such as age or income, of most importance for this chapter is to discover variables explicitly linked with institutional bias or those connected to the rules through which elections are conducted.

Table 12: Regression Variables

#	Variable	Measure	Type
	Turnout	% of ballots cast by registered voters	Dependent
1	Benefit	% of ward population collecting benefits	Socio-Economic
3	60+	% of population sixty years of age or over	Socio-Economic
2	Labour	% of total votes cast for Labour Party	Socio-Economic
4	Mobility	% of total ballots cast by post	Socio-Economic
5	Tax	Band 'D' taxation rate (1990 Poll Tax).	Socio-Economic
6	Change	% of council seats changed from previous election	Socio-Economic
7	Control	% of council seats held by largest party	Institutional
8	Impact	Number of registered voters per seat	Institutional
9	Intensity	Number of candidates per seat	Institutional
10	Closeness	% of lowest winner's votes gained by highest placed loser	Institutional

Table 12 lists the variables used in this chapter to explain variation in voter turnout. To give a better account of demographic variation between wards variables one to six represent standard socio-economic characteristics that other studies have shown to affect voting behaviour.¹⁸¹ These variables are included to control for differences between wards so as to better identify the effects of those variables

¹⁸¹ For an overview of the impact of socio-economic status has on voter turnout see Lijphart, A. (1999) 'Unequal Participation: America's Unresolved Dilemma', pp.2-5. For more detailed American work in this area see Bingham Powell Jr., G. (1986), American Voter Turnout in Comparative Perspective, *American Political Science Review*, Vol. 80, pp. 17-43; Wolfinger, R.E. and Rosenstone, S.J. (1980), *Who Votes?* New Haven: Yale University Press; and, Verba, S. & Nie, N. (1972), *Participation in America: Political Democracy and Social Equality*, New York: Harper & Row.

specifically connected to electoral rules. As people with lower incomes tend to vote less than with those with higher incomes ‘benefit’ assesses the economic well-being in each ward by measuring the percentage of the population receiving government assistance. As more mature voters have been shown to participate at higher rates than younger community members, ‘60+’ measures the percentage of the population aged 60 or over. Representing the percentage of votes cast for the Labour Party, ‘Labour’ also indicates socio-economic status as those of lower income tend to vote for this party and thus higher support for Labour should correlate with lower voter turnout rates.¹⁸² Measured by the percentage of local voters mailing in ballots, ‘mobility’ signifies transience within the community. Wards with high levels of mobility should have lower rates of turnout as transient community members have less knowledge of, or connection with, the local community. ‘Tax’ measures the local government tax rates with the hypothesis being that high turnout rates will accompany high tax rates because community members paying higher taxes have more at stake. Finally, ‘change’ represents the volatility of the electorate and depicts the percentage of seats that have changed since the last election. A high percentage indicates a volatile electorate who might be more inclined to participate.

The remaining four variables are of most interest to this study as they describe characteristics argued to be affected electoral system rules. ‘Control’ describes the size of the largest party on council for the entire borough. Turnout would be expected to be lower in boroughs where one council has a large majority and there is little chance for the partisan nature of the council to change. As the number of seats held by each party is affected by the electoral formula, the size of the majority can be a direct result of disproportionality. Building from the work of Anthony Downs ‘impact’

¹⁸² For using Labour Party vote as an indication of socio-economic status see Whitely, P.F. & Seyd, P. (1994), ‘Local Party Campaigning and Electoral Mobilization in Britain’, *Journal of Politics*, Vol. 56:1, pp.242-52.

reflects the idea that rational self-interested, utility maximizing community members are more likely to vote the more their vote is worth.¹⁸³ This indicator is determined by calculating the number of registered voters against which the individual voter will compete.¹⁸⁴ This variable depends exclusively on the rules by which govern the size of the wards, if it can be shown, for example, that wards with the lowest turnout rates are also hold the largest population then this evidence would build the case for persistent losing. ‘Intensity’ indicates the number of candidates running in the ward with the hypothesis being that information costs are reduced during more intense races simply because there are more candidates knocking on doors. As this number can also be directly affected by electoral formulae that serve to reduce the number of parties competing for office, it is considered an institutional effect.¹⁸⁵ Finally, ‘closeness’ measures the margin between the votes cast for the lowest winner and highest loser in London’s multimember wards. The idea here is that parties are apt to spend more resources promoting their interests in wards where races are close and less in wards they have no chance of winning. Resource targeting by parties lessens costs for voters in wards with close races that, in turn, boosts turnout.¹⁸⁶

¹⁸³ See Downs, A. (1957), *An Economic Theory of Democracy*, New York: Harper Collins. For an alternate interpretation of rational voting behavior see Schuessler, A. (2000), *A Logic of Expressive Choice*, Princeton: Princeton University Press. Downs’ theory has served as a base for hundreds of studies since posited in the later 1950s. For example, in exploring just a single strand of the Downsian theory - that the closer the race the higher the incentive to vote (following the assumption that the voter has better the chance of casting the decisive vote) - there have been almost 30 papers published in the most prominent political science journals. For a listing of these articles see Grofman, B. Collet, C. & Griffen, R. (1995), ‘Analysing the Turnout-Competition Link with Aggregate Cross-Sectional Data’, *Public Choice*, Vol.95, pp.233-46.

¹⁸⁴ Downs, A. (1957), *An Economic Theory of Democracy*. See also Fain, J. and Dworkin, J.B. (1993), ‘Determinants of Voter Participation: Some Simulation Results’, *Public Choice*, Vol. 77, pp. 823-834.

¹⁸⁵ On this see, Rae, D. (1971), *The Political Consequences of Electoral Laws*, New Haven: Yale University Press; Riker, W. (1976), ‘The Number of Political Parties: A Re-examination of Duverger’s Law’, *Comparative Politics*, Vol. 9:1, pp. 93-106; and, Grofman, B. and Lijphart, A. (eds). (1986), *Electoral Laws and Their Political Consequences*, New York: Agathon Press.

¹⁸⁶ This effect is discussed in more detail later in the chapter.

Table 13: Mean and Hi/Low Ward Statistics for London Boroughs (1990-1998)

	1998 (n=758)			1994 (n=759)			1990 (n=756)		
	Mean	Hi	Low	Mean	Hi	Low	Mean	Hi	Low
Turnout	35%	53%	18%	46%	67%	20%	48%	69%	18%
Benefit	8.2%	19.3%	0.6%	n/a	n/a	n/a	n/a	n/a	n/a
60+	17%	30%	7%	18%	31%	9%	19%	32%	9%
Labour	43%	87%	5%	43%	91%	6%	40%	87%	4%
Mobility	2.7%	0.09%	0%	1.6%	7.4%	0.1%	1.2%	4.9%	0.1%
Tax	£701	£912	£322	£546	£687	£342	£375	£573	£150
Change	12%	100%	0%	16%	100%	0%	13%	100%	0%
Control	66%	98%	38%	66%	96%	38%	65%	100%	44%
Impact	2608	4736	1420	2598	5037	1286	2534	4532	1254
Intensity	3.0	5.5	1.3	3.0	5.0	1.5	3.0	6.5	1.5
Closeness	60.3%	99.9%	14.8%	59.7%	99.9%	11.6%	62.0%	99.9%	9.3%

Table 13 provides descriptive information about all variables mentioned above for London borough elections between 1990 and 1998. Starting with the dependent variable, mean voter participation rates from all three elections are under 50 percent. However, as shown earlier, high and low statistics show a significant variation between wards – some having turnout rates as low as 18 percent others climbing to almost 70 percent. The table also shows that there is great variation between wards within any particular year in all independent variable categories. Some wards have a large proportion on the population on benefit some do not. Some wards have a large number of senior residents. Labour dominates some wards while in others they gain almost no support. Some have much higher tax rates than others. Depending in what ward they live, residents have varying levels of impact during elections, chances to affect which party controls council and ability to elect challengers. Ward races also vary greatly in intensity and closeness. These wide variations between wards further justify using multivariate analysis to examine the causes of voter turnout.

Table 14: Multivariate Analysis of 1998 Turnout Rates (Model 1)

	Coefficients	t-value	Significance	Tolerance	VIF
(Constant)		11.565	.000		
Closeness	.307	10.144	.000	.750	1.333
Labour Vote	-.288	-7.481	.000	.465	2.152
Benefit	-.243	-6.529	.000	.497	2.011
60+	.153	4.916	.000	.713	1.402
Mobility	-.118	-4.017	.000	.798	1.253
Change	.089	3.084	.002	.819	1.221
Tax	.058	2.094	.037	.911	1.097
Intensity	.046	1.533	.126	.754	1.325
Control	.031	.977	.329	.703	1.422
Impact	.001	.033	.974	.786	1.272
Adj. R²	.49				
Observations	736				

Table 14 contains results from the first model used in this study to test the effect of all ten variables in non-acclaimed wards during the 1998 local borough elections. Ranked by coefficient scores, the most significant variable associated with high turnout rates is 'closeness', although wards with older populations, those in which seats changed hands in previous elections and higher tax rates also correlate with higher participation rates. Turnout is lower in wards where Labour is popular, where a large proportion of the population collects benefits and where the population size of a particular ward appear to have no effect on turnout levels (over 0.05 significance level). Overall these factors explain 49 percent (adjusted R² value) of the turnout variation between wards in the 1998 borough elections. Variance Inflation Factor (VIF) scores confirms the absence of multicollinearity within the data and the data shows no indication of heteroscedasticity.¹⁸⁷

¹⁸⁷ According to Andy Field, 'If the largest VIF is greater than 10 then there is cause for concern.' In addition, Tolerance below .01 indicates a serious problem.' There would appear that there is no collinearity within the data as the highest VIF score is 2.152 and no tolerance score is below .465. See, Field, A. (2002), *Discovering Statistics Using SPSS for Windows*, London: Sage, p. 153. See Appendix 4 for residual scatterplots confirming homoscedasticity in all three models.

It is worth trying to improve Model 1 by adding extra variables as the adjusted R^2 (0.49) of this first model is modest. As suggested by Matsusaka and Palda, adding a variable that controls for behaviour from the previous election may improve the ability to explain variations in voting turnout.¹⁸⁸ The idea here is that the 1994 turnout levels should be influenced by many of the same measured and unmeasured variables found in 1998 – thus increasing the predictive value of the model. However, adding more ‘stringent’ control variables is likely to absorb much of the explanatory power of variables currently included as factors such as income deprivation, number of registered voters and age distribution since these will have changed very little over the four year period.¹⁸⁹ Stringent controls often diminish the explanatory power of even the strongest independent variable.

Table 15: Multivariate Analysis of 1998 Turnout Rates (Model 2)

	Coefficients	t-value	Significance	Tolerance	VIF
(Constant)		3.786	.000		
Turnout 1994	.556	22.469	.000	.663	1.509
Labour Vote	-.316	-10.687	.000	.464	2.156
Closeness	.169	7.040	.000	.701	1.426
Mobility	-.087	-3.859	.000	.795	1.257
Tax	0.70	3.324	.001	.911	1.098
Change	.060	2.686	.007	.816	1.225
60+	.051	2.089	.037	.688	1.453
Intensity	.018	.791	.429	.752	1.329
Benefit	-.006	-.188	.851	.438	2.285
Control	-.003	-.107	.915	.700	1.428
Impact	-.002	-.090	.928	.786	1.272
Adj. R²	.70				
Observations	736				

As shown in Table 15, including 1994 turnout levels has considerably improved the overall explanatory power of the model to 0.70. By including this variable 70 percent of the variation in turnout rates amongst wards can be explained.

¹⁸⁸ Matsusaka, J.G. & Palda, F. (1999), 'Voter Turnout: How Much Can We Explain?'.

¹⁸⁹ Whiteley, P.F. & Seyd, P. (1994), 'Local Party Campaigning and Electoral Mobilization in Britain', pp.242-52.

The variable with the most predictive value is Labour followed by closeness. While statistically significant, mobility has a very slight negative impact on turnout, higher tax rates have a slightly positive impact on participation levels and does the number of seats that changed hands between parties and the proportion of mature residents living in the ward. With low t-values, the sheer number of candidates running for council positions, the number of people collecting benefit, the size of council majority and the ward population, have no significant impact on voter turnout. As with Model 1, VIF scores confirm the absence of multicollinearity within the data and there is no indication of heteroscedasticity.

Table 16: Multivariate Analysis Turnout Rates (Model 3: 1990-1998)

	Coefficients	t-value	Significance	Tolerance	VIF
(Constant)		18.876	.000		
Previous Turnout	.452	31.231	.000	.730	1.369
Tax (1998 £)	-.346	-25.356	.000	.823	1.215
Mobility	.243	17.849	.000	.826	1.210
Closeness	.107	7.452	.000	.738	1.354
Change	.091	6.663	.000	.817	1.224
Labour Vote	-.071	-.4782	.000	.698	1.432
60+	.063	4.460	.000	.771	1.297
Adj R²	.66				
Observations	2212				

To determine whether these conditions are consistent over time exploration must be extended beyond single set of election results. To do so the variables shown to be significant in Model 2 are tested against ward turnout levels from 1994 and 1990. Including three years of electoral data establishes a trend that will allow the long-term impacts of the included variables to be assessed. Table 16 demonstrates the results from tests conducted from 2212 ward races held between 1990 and 1998. Where the overall explanatory power of the model drops from 0.70 to 0.66 it demonstrates that at least some of the lessons learned from earlier models carry over all three elections. All included variables are statistically significant although the

coefficient values have changed considerably. As with the previous models, low VIF rates, high tolerance levels and residual plots show no indication of multicollinearity or heteroscedasticity. As expected, previous turnout rates are the best predictor of future rates. However, where the percentage of support for Labour was the second strongest predictor in Model 2, the coefficient value of -.071 in Model 3 suggests this factor has much less impact on turnout in 1994 and 1990 elections. As demonstrated by their low coefficient values, the explanatory power of change in the partisan nature of council and the proportion of older residents have relatively little impact on turnout levels.

Not only do tax rates and mobility provide more explanatory power of variation in turnout than in the previous two models, as indicated by their coefficients their effect is surprising. First, high taxation rates appear to have a negative impact on voter participation since 1990. This goes against long-held economic theory that high tax rates cause residents to act, such as described by Tiebout.¹⁹⁰ The results from Model 3 indicate that higher tax rates correlate with less activity as demonstrated by lower turnout rates. Where more investigation would be required to explain why this might be occurring in London, one explanation is that higher tax rates bring with them improved levels of local service. Thus higher tax rates perhaps raise the levels of service which in turn increases satisfaction among residents and lessens the desire to unelect local councillors. But this is purely speculative and would have to be tested in much more detail – perhaps by using customer satisfaction surveys or other such information – before such conclusions could be concretely drawn. As this variable has little direct effect on tests for persistent losing it is not discussed further.

¹⁹⁰ See, Tiebout, C. (1956), 'A Pure Theory of Local Expenditures', *Journal of Political Economy*, Vol 64, pp.416-424. For an exploration of this theory in the British context see Dowding, K., and John, P. (1996), 'Exiting Behavior under Tiebout Conditions: Towards a Predictive Model', *Public Choice*, Vol. 88, pp.393-406 and Dowding, K., John, P., Mergoupis, T. and Van Vugt, M. (2000), 'Exit, Voice and Loyalty: Analytic and Empirical Developments', *European Journal of Political Research*, Vol. 37, pp.469-495.

The mobility coefficient present another puzzle as the expected impact is that higher mobility leads to lower turnout as new residents have less connection with and knowledge of the local community. However the results from Model 3 would seem to indicate the opposite – that high mobility leads to higher rates of participation. One possible explanation is that the indicator has been mis-specified. The reader will recall that mobility is measured by the percentage of total ballots cast by post by absent local residents. Where it was assumed that this would serve as a good measure of mobility, the other possibility is this activity could be undertaken in wards in which residents are conscientious in casting ballots while absent during an election. If this were the case then high scores would indicate residents have a strong connection with the local community – so much so that they expend the extra efforts to cast postal ballots. As with taxation rates, this possibility would require more investigation, but it is discussed no further since it does not affect the overall pursuit of factors that may cause persistent losing.

The only institutional variable of significance from Model 3 is closeness. Where its explanatory power has been reduced, its impact is important to explore in detail as it demonstrates that the amount of information available to voters affects their (non-) voting behaviour – a condition that helps build the case for institutionalized discrimination. The closeness coefficient indicates that turnout is higher in wards where races between candidates are tight, but more importantly that in wards where races are not close turnout is lower. These findings are similar to those found by other authors, including Rallings and Thrasher who in their multivariate regression study of English county and Metropolitan Borough Councils state that '[e]lectors in 'safe' seats ARE less likely to vote than those in 'marginal' ones – all

other things being equal...'.¹⁹¹ While the debate still rages in the United States whether race closeness affects voter turnout, results similar to those found in Model 3 and Rallings and Thrasher have been generated for British National Elections by Denver and Hands who argue 'the relationship between marginality and turnout over Britain as a whole has been positive and significant.'¹⁹²

Acknowledging that there may be no general law relating closeness and turnout, the evidence Rawlings and Thrasher and Denver and Hands provide enough evidence to suggest that Model 3 results are accurate. There is also plenty of evidence indicating that higher turnout rates occur during close races because parties expend more resources in constituencies with winnable seats and conserve resources in constituencies where their candidate has little chance of winning. For example, in their study of canvassing and polling-day activity upon the results of local government elections, Bochel and Hands found that 'thorough canvassing before polling day and "knocking up" on the day produced an appreciable increase in turnout,' but that parties will not bother to expend a much energy in 'hopeless' wards – or those in which the party have no chance of winning.¹⁹³ This work provides enough evidence to argue that people living in wards with consistently low turnout

¹⁹¹ Rallings, C. & Thrasher, M. (1990), 'Turnout in English Local Elections', p. 89. This statement is based on regressions on a series of 800+ metropolitan borough elections. In the 1987 election the authors were able to generate an R^2 value of 57.4 using a model in which marginality was shown to be significant with a standardized coefficient of 0.40.

¹⁹² While John Matsusaka states that 'no fewer than 25 papers have been published which test if people are more likely to vote in close elections. Most of them found positive correlation between turnout and closeness', in his study the author finds 'no evidence that turnout is higher in close elections'. See, Matsusaka, J. (1993), 'Election Closeness and Voter Turnout: Evidence from California Ballot Propositions', *Public Choice*, Vol. 76, pp. 313-334. Denver, D. & Hands, H. (1974), 'Marginality and Turnout in British General Elections', *British Journal of Political Science*, Vol. 4:1, Jan, pp.17-35, p. 35.

¹⁹³ See Blochel, J. & Denver, D. (1972), The Impact of the Campaign on the Results of Local Government Elections, *British Journal of Political Science*, Vol. 2:2, Apr, pp. 239-244, p. 239. This the cycle of low-winnability and under-investment is a relatively constant trait in British local elections has been recognized by a number of authors. See, for example, Dyer, M. & Jordan, G. (1985), 'Who Votes in Aberdeen? Marked Electoral Registers as a Data Source', *Strathclyde Papers in Government*, No. 42, Glasgow: University of Strathclyde; Hill, D. (1967), 'Leeds' in Sharpe, J. (ed.) *Voting in Cities*, London: Macmillan; and, Rallings C. and Thrasher, M. (2000), *Local Elections in Britain*, London: Routledge. For national level studies also exploring this relationship see, Denver, D. & Hands, G. (1992), 'Constituency Campaigning', *Parliamentary Affairs*, Vol. 45, pp.528-44; Kavanaugh, D.A. (1970), *Constituency Electioneering in Britain*, London: Longman; Miller, W.L. (1977), *Electoral Dynamics*, London: Macmillan; and Pimlott, B. (1972), 'Does Local Party Organization Matter?', *British Journal of Political Science*, Vol. 2, pp.381-83.

and where races are not close can reasonably reject the electoral formula. To clarify, the plurality electoral formula used in London's borough elections creates 'safe' seats in which one or another party is virtually assured victory election after election. Because seats are unwinnable, opposition parties will not expend the same level of resources that they would in a ward in which they have a better chance of winning. Because parties spend fewer resources, information is more expensive for voters, and because of these higher costs, turnout is consistently lower.

Table 17: Correlations of Previous Race Closeness (1986-1998)

		Closeness 1998	Closeness 1994	Closeness 1990	Closeness 1986
Closeness 1998	R	1.000	.656	.446	.363
	N	737	737	736	735
Closeness 1994	R	.656	1.000	.565	.397
	N	736	738	737	736
Closeness 1990	R	.446	.565	1.000	.690
	N	736	737	737	735
Closeness 1986	R	.363	.397	.690	1.000
	N	735	736	735	736

That parties target resources in response to the incentives and disincentives built into the electoral system might not be too objectionable if this behaviour was random. But, as shown in Table 17, race closeness is a stable ward characteristic and uncompetitive wards tend to remain uncompetitive over the long term. Between 1994 and 1998, 66 percent of the 736 wards examined in the study had consistently high or low closeness rates. Between 1990 and 1994 57 percent of wards had similar closeness rates and between 1986 and 1990 the 69 percent of the rates were similar. That non-competitiveness is a stable ward characteristic that information costs will be *consistently* higher in some wards as rational parties will target fewer resources in wards where races are unwinnable over the long term. That this pattern of expenditure is directly related to how the electoral system rewards parties with seats ties electoral

system design to resources allocation, low turnout and, ultimately, institutionalized discrimination completes Step 3 of the four persistent losing tests.

This discriminatory cycle of low turnout due to lower resource allocation that prompted a particular ward's unwinability could be broken if the incentives that drive party behaviour were changed. As parties are inevitably influenced by the game in which they compete, if the game is weighted so that wards with close races demand more resources than those in which races are not close, then this is how parties will structure their strategies. In London Borough elections, votes in wards with close races are simply worth more to the parties and thus are pursued with more vigour. The resulting pursuit starts the chain reaction that eventually leads to the perpetual absence of a large proportion of voters in some wards. However, if all votes were important to parties, they would have to change their strategy to incorporate these new incentives. Changing the incentive structure – such as instituting a system of proportional representation where all votes are important to the fortunes of the party – would be a good start in eliminating the existing 'electoral wastelands'. That such alternatives exist fulfils the final test needed to declare the London Borough electoral system unfair as it creates persistent losers.

5.4 – CONCLUSIONS

The purpose of this chapter was to apply the theory of persistent losing to three world cities in an attempt to determine the level of voting stage democracy in the four case cities. Step 1 of the four step analytical framework revealed that only in Stockholm were voter turnout rates of a sufficient level to reassure those living in the city that the chances of persistent losing were minimal. The low turnout levels found in New York and London raise the spectre of persistent absence and enough evidence to move onto Step 2.

Due to complexity of tests required, Step 2 tests were conducted on data from London Boroughs elections only. In exploring patterns of turnout at the ward level the statistics presented in the chapter showed that counter to previous studies of voter participation in London some groups are persistently absent from the voting stage as some wards demonstrate consistently low voter turnout rates. This discovery of a geographically-based pattern of low turnout prompted a move to Step 3 in which multivariate regression analysis was used to identify persistent absence due to institutionalized discrimination. Building a series of models based on various demographic and institutional variables tests on 2212 ward contests showed that socio-economic variables such as mobility, tax rates, the percentage of older residents and support for the Labour Party significantly impacted on turnout rates.

Based on Anthony's Downs' assertion that high information costs reduce participation, race closeness was also shown to be a statistically significant variable in all models. This finding is important as when tied to strategies used by parties to maximise their success under particular electoral arrangements. Because closeness is consistent from year to year in a majority of wards provides evidence that information is more costly for those living in non-competitive wards – a situation directly caused by incentives particular to the plurality electoral system. As these incentives could be changed by switching to a different electoral system – such as proportional representation where all votes were of equal importance to parties – those living in non-competitive wards, or electoral wastelands, can claim persistent loser status.

6 – PREVOTING: REJECTING SELECTION BIAS

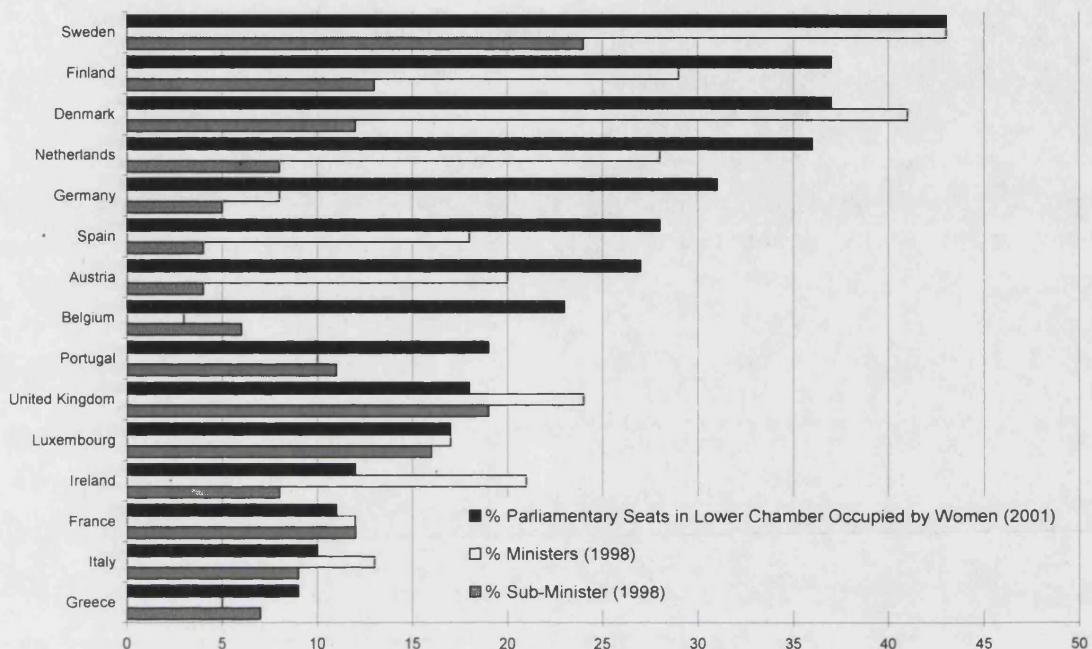
The empirical section of this thesis has so far provided examples of how the theory of persistent losing can be applied to evaluating electoral system performance from the perspective of different community groups in three world cities. Chapter 4 examined how vote-to-seat translation affects parties in the postvoting election stage. Chapter 5 looked at issues of non-participation in the voting stage and why geographically based groups in London could be considered persistent losers. This final empirical chapter traces the fate of women in New York, London and Stockholm across all three electoral stages. As the reader will discover, prevoting is the most important election stage to evaluate when attempting to explain why women are underrepresented in local legislatures and whether or not a system can be reasonably rejected. The chapter concludes that it is unlikely that women would reject Stockholm's electoral system as what systematic disadvantage may exist is only slight. Although women are persistently absent from New York City Council the current rules cannot be rejected as there is no evidence linking this absence to discrimination within the current electoral system. Only in London can women's concentrated persistent absence be shown to be caused by institutionalized discrimination.

6.1 – WOMEN, SOCIETY AND LEGISLATIVE REPRESENTATION

Once scarce, statistics describing the gender of leadership positions are now available for many spheres of life. As such, inter- and intra-sector comparisons of women's success rates are now common and studies have moved from a mere counting of heads, to assessing pay-rates and rate and level of promotion within public and private

sector organizations. That women generally hold far fewer important posts than men has been confirmed in a number of empirical studies.¹⁹⁴

Figure 11: Women in European Union Legislatures



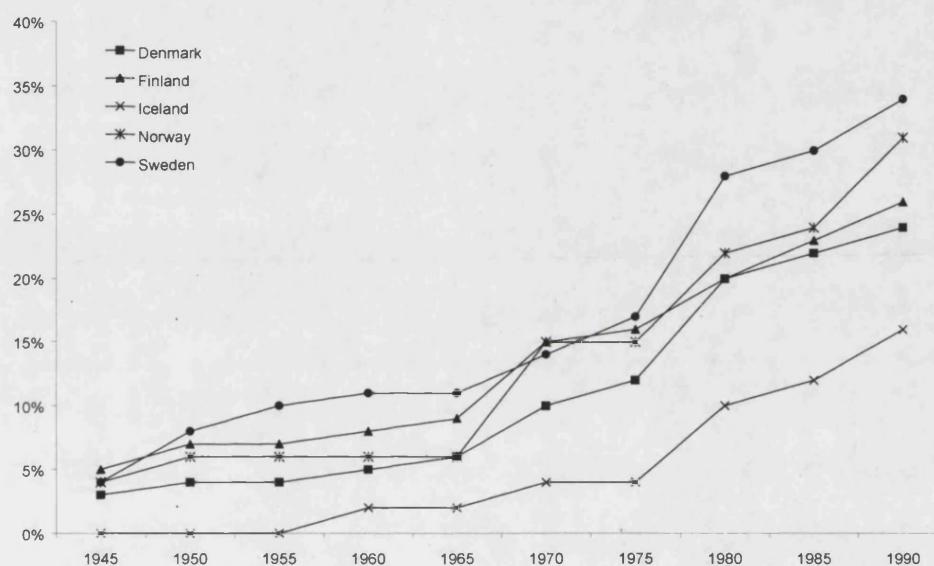
Source: *The World's Women 2000: Trends and Statistics* – <http://www.un.org>. ‘Sub-ministers’ includes deputy or assistant ministers or the equivalent, secretary of State or permanent secretary or the equivalent and deputy of State or director of government or the equivalent.

Using European Union countries as an example, Figure 11 demonstrates the proportion of women elected to, and holding ministerial posts within, the legislatures of the 15 member states. In some countries the percentage of legislators and ministers is high – such as in the Nordic region, while in others the percentages are low, such as in Greece, Italy and France. In some countries percentages are inconsistent, such as Germany where of the percentage of legislators is high, but the number of these women selected to hold cabinet posts is low. Moving to the core subject of this thesis, Figure 11 might raise suspicions that women are underrepresented on local councils. However this is currently impossible to determine with any certainty as data on this subject is scarce or non-existent in many countries. As Darcy, Welch and Clark state,

¹⁹⁴ See Sivard, R. L. (1985), *Women: A World Survey*, Washington, D.C.: World Priorities; United Nations (1995), *The World's Women, 1995: Trends and Statistics*, New York: United Nations; Inter-Parliamentary Union (1991), *Distribution of Seats Between Men and Women in National Parliaments: Statistical Data from 1945 to 30 June 1991*, Genève: The Union; and, Seager, J. (1997), *State of Women in the World Atlas*, London: Penguin.

this lack of data is especially true for federal countries such as the United States 'because there are tens of thousands of local governments across the United States (and)...no centralized, comprehensive records that provide information about who is elected to city governing boards (councils), let alone to those of other local units.'¹⁹⁵ As with other data used in this thesis, the lack of centralised records at the local level requires case-by-case data collection and assessment.

Figure 12: Proportion of Women Councillors in Nordic Countries (1945-1990)



Source: Adapted from data in Bystydzienski, J. M. (1995), *Women in Electoral Politics: Lessons from Norway*, Westport: Praeger, pg. 14.

However there are some countries that do collect and disseminate information about women in local government. As shown in Figure 12, women's representation on local councils in five Nordic countries has risen significantly since the mid-1940s. Women made considerable gains during the 20th century, moving from holding five percent or less of council positions in the 1940s to over 30 percent in some countries in the 1990s. These upward trends mirror those at the national level where, according

¹⁹⁵ Darcy, R., Welch, S. & Clark, J. (1994), *Women, Elections & Representation*, Lincoln: University of Nebraska, p. 30.

to Karvonen and Selle, 'By the early 1990s, the proportion of women in Scandinavian parliaments was more than 30 percent throughout the region.'¹⁹⁶

Many would interpret the upward trend of electing women legislators in local Nordic councils as a positive sign and one to be followed in other countries as it marks a move toward legislatures mirroring society. That is, as women make up half of the population they should have about half the available positions. Arguments for mirroring can be traced to John Stuart Mill, with the basic assumption being that because representatives tend to raise issues and vote for options preferred by those of similar characteristics legislatures must be adequately balanced if these representatives are to reflect the general will of society.¹⁹⁷ Anne Phillips offers a more refined view of this idea:

The 'interests' of pensioners or the long-term unemployed can perhaps be championed by those who fall into neither category, but the 'perspectives' of women or black Americans must surely be carried by representatives who are female or black.¹⁹⁸

Whether it is interests or perspectives, the case for equal gender representation usually flows from the argument that men and women legislators will generally endorse measures that will benefit their respective gender. Thus for women's views to receive full consideration during decision-making processes the proportion of women holding legislative seats should reflect that of the wider community. There is indeed some evidence that suggests that women legislators hold different views than their male colleagues. For example, in her study of the Canadian House of Commons Lynda Erickson has found that, '...women (legislators) tend to be most different than men on issues explicitly related to women. In particular, women and men divide most

¹⁹⁶ Karvonen, L. & Selle, P. (1995), *Women in Nordic Politics: Closing the Gap*, Aldershot, Dartmouth Publishing Company, p.4.

¹⁹⁷ Mill, J.S. (1964), *Representative Government*, London: Dent.

¹⁹⁸ Phillips, A. quoted in Norris, P. & Lovenduski, J. (1995), *Political Recruitment: Gender Race and Class in the British Parliament*, Cambridge: Cambridge University Press, p. 94.

clearly on questions of access to the political sphere....this is an issue on which women of all backgrounds do share a common interest.¹⁹⁹

At first glance it might appear that those concerned with democracy and political equality should support mirroring because in at least some cases women best represent the views of other women. However, when the reasoning behind gender-balanced legislatures is traced to its roots this argument becomes less convincing. Legislative mirroring is often defended using traditional utilitarian arguments in that gaining a number of seats equal to their proportion of the population will somehow ensure that women's utility is maximized during the larger, community-wide utility maximization processes. Those demanding mirroring presume that the only way for women's wants and desires to be accurately reflected is if their proportion of legislative votes is of equal strength to their proportion of the population.²⁰⁰ But as shown in earlier chapters, the difficulties associated with providing evidence that mirroring actually maximizes women's utility is compounded by adding the additional problem of substantiating the claim that like accurately represent the views of like.

Instead of basing arguments for more balanced legislatures on claims that are impossible to measure in any detail this thesis proposes a less complicated line of reasoning. Women – or other community groups – are justified in demanding rule changes merely by showing that their legislative absence is due to unfair participation costs that render them persistent losers. Following the principle of persistent losing, women do not have to demonstrate women's interests better or more accurately than men, but merely that rules by which elections are conducted are unfair. The rest of this chapter demonstrates how this idea can be applied to the three study cities.

¹⁹⁹ Erickson, L. (1997), 'Might More Women Make a Difference? Gender, Party and Ideology Among Canada's Parliamentary Candidates', *Canadian Journal of Political Science*, Vol.30:4, pp. 663-668, p. 686

²⁰⁰ For hints at this argument see Phillips, A. (1993), *Democracy and Difference*, Cambridge: Polity Press, Ch. 5.

6.2 – ANALYTICAL CONSIDERATIONS

While the underlying theory used in this thesis differs from past studies, for methodological reasons it is worth examining how other authors have investigated the issue of women's legislative absence. Conducted for the United Nations Educational Social and Cultural Organization (UNESCO) in 1955, Maurice Duverger's *The Political Role of Women* offers a good starting point. Duverger examines empirical evidence from a number of countries in an attempt to discover patterns of behaviour among women voters as well as rates and causes of non-participation in various aspects of political life. Of most pertinence to this study is Duverger's finding that not only are few women nominated for office or later elected, but that the proportion of women candidates is higher than the proportion of women elected.²⁰¹ He demonstrates that this gap is not so much caused by widespread opposition to women candidates by the electorate, but rather because male-dominated parties seldom put women in winnable seats or at the top of party lists because 'they are afraid of losing support if they act otherwise.'²⁰² In explaining the status quo Duverger places as much of the blame on women as he does men:

The small part played by women in politics merely reflects and results from the secondary place to which they are still assigned by the customs and attitudes of our society and which their education and training tend to make them accept that natural order of things. Purely political (i.e. institutional) reforms are effective here only so far as they tend gradually to modify this situation...It is probably still more important to fight against the deeply-rooted belief in the natural inferiority of women...There is no more an inferior sex than there are inferior races or inferior classes. But there is a sex, and there are classes and races, which have come to believe in their inferiority because they have been persuaded of it in justification of their subordinate position in society.²⁰³

In sum, Duverger suggests three reasons why women might be underrepresented in political office: (1) widespread voter prejudice against women;

²⁰¹ Duverger, M. (1955), *The Political Role of Women*, Paris: UNESCO, p.87.

²⁰² Duverger, M. (1955), *The Political Role of Women*, p. 89.

²⁰³ Duverger, M. (1955), *The Political Role of Women*, p.130.

(2) prejudice against women within the political parties acting as gatekeepers to the electoral arena; (3) a general reluctance of women to stand for office. All three explanations are based on the idea that while women have the right to vote and run for office they have yet to accept, and be accepted into, the masculine world of politics:

While women have, legally, ceased to be minors, they still have the mentality of minors in many fields and, particularly in politics, they usually accept paternalism on the part of men. The man – husband, fiancé, lover or myth – is the mediator between them and the political world.²⁰⁴

The work of Duverger represents a valuable early contribution to the study of women in elections as it provides some idea as how to begin an investigation of women's under-representation in politics. Duverger's three explanations as to why women are absent from political sphere suggests direct social bias on the part of voters, parties and women themselves. That is, absence can be blamed on party members or voters who are prejudiced against women or that women's personal characteristics, values or interests somehow conflict with the desire to stand for office. In these instances voters and parties are reluctant to support women candidates and women are reluctant to come forward because they believe women are inferior to men. This bias can be reflective of 'positive or negative judgements of people on the basis of characteristics seen as common to their group, rather than as individuals,' and does not only imply that discriminators may feel that some candidates are grossly inferior, but rather that men may be just slightly better suited for the particular job.²⁰⁵ In other cases, direct social bias may result when women, as Duverger found, feel they are inferior and less worthy than males to make decisions.

The reader may be asking how evidence of social bias ties in with the idea of institutionalised discrimination. Further, what is the point to studying institutions if it can be shown that women hold less than their share of seats because of widespread

²⁰⁴ Duverger, M. (1955), *The Political Role of Women*, p.129.

²⁰⁵ Norris, P. & Lovenduski, J. (1995), *Political Recruitment*, p. 107.

social bias by voters, parties or women themselves? An example may provide a partial answer of how such results link with the theory of persistent losing. Many authors correlate relatively high percentages of women legislators with proportional representation formulae using multi-member constituencies.²⁰⁶ The explanation usually offered is that unlike single-member district systems, multi-member districts do not force voters and parties into zero-sum, man-woman games. Thus multi-member districts should help women win seats as they allow voters and parties to hedge their bets and choose both men and women.²⁰⁷ These findings and ideas have prompted some authors to make rather grand claims about the role played by electoral systems, such as Wilma Rule who categorizes electoral systems as 'friendly' or 'unfriendly' depending on the proportion of women are elected. With little substantive investigation, Rule deems 'Party-list Proportional Representation' the most women friendly and 'Alternative Vote' as the most unfriendly.²⁰⁸

Leaving aside the countless other institutional variables that could be at play and the mostly unsubstantiated claims made in some studies, the key concept for readers to remember is that while electoral systems may aggravate (single-member zero-sum game) or ease (multi-member bet-hedging) the effects of social bias, at the core the problem still rests the fact that voters, parties and/or women are biased against women. All things being equal, if there were no social bias against women electoral rules would have no impact on the number of women elected to office. However the fact that under-representation always stems from social bias does not

²⁰⁶ See, for example, Rule, W. (1987), 'Electoral Systems, Contextual Factors and Women's Opportunity for Election to Parliament in 23 Democracies', *Western Political Quarterly*, Vol. 40, pp.477-98; Rule, W. (1994), 'Parliaments of, by, and for the People', in Rule, W. & Zimmerman, J.F. (eds), *Electoral Systems in Comparative Perspective: Their Impact on Women and Minorities*, Westport: Greenwood Press, pp.15-30; Norris, P. (2000), Women's Representation and Electoral Systems in Rose, R. (ed.), *Encyclopedia of Electoral Systems*, Washington, D.C.: QC Press; Lijphart, A. (1994), *Electoral Systems and Party Systems*; Matland, R. (1993), 'Institutional Variables Affecting Female Representation in National Legislatures: The Case of Norway', *Journal of Politics*, Vol. 55: 3, pp.737-755.

²⁰⁷ Matland, R. (1993), 'Institutional Variables Affecting Female Representation in National Legislatures: The Case of Norway', p.738.

²⁰⁸ Rule, W. (1994), 'Parliaments of, by, and for the People', pp.27-8.

mean that institutions have no independent impact on women's legislative success. It is possible for rules and structures to directly discriminate against women in subtle and not-so-subtle manners. Pre-suffrage rules directly excluding women from voting provides example of not-so-subtle discrimination, but as shown in other chapters, in the modern era institutional bias is more refined and difficult to identify. This study attempts to detect rules that allow prejudiced members of society to discriminate against women on a consistent basis. As with the last two chapters, persistent losing provides the theoretical base from which to proceed. It has been previously argued that decision-making must be assessed on the basis of how well it promotes the premiss of equality. Accordingly, a decision-making process can only be considered as promoting equality if it cannot be reasonably rejected by any community member bound by the decisions made, with members who are permanently or almost permanently disadvantaged during the decision-making process due to institutionalised discrimination deemed reasonable in their rejection of a particular set of institutional arrangements.

In identifying whether women can reasonably reject decision-making institutions in any of the case cities, it is necessary to customize this investigation of women as persistent losers. In addition to employing different statistics, Step 1 in the process is abandoned. Instead of assessing the general participatory health of a community as when looking at vote-to-seat proportionality or turnout, it is possible to move directly to assessing whether women are persistently absent from various electoral stages because a specific community group has already been identified as the core subject of study. This chapter also differs as it allows the fortunes of this single group to be traced through the three election stages giving a complete picture of where exactly women are disadvantaged during in the election process. The remainder

of this chapter asks if women are persistently absent from local councils (Step 2); if so, if the persistent absence is due to institutionalized discrimination (Step 3); and, if so, if superior alternatives arrangements exist (step 4). If convincing answers can be found to all three questions in a single city then women can reject the offending electoral rules.

6.3 – WOMEN'S PERSISTENT ABSENCE IN THREE WORLD CITIES

Before attempting to identify if higher costs are imposed on women during local elections it is first necessary to determine if women less frequently than men win seats in Stockholm, London and New York. While the statistics are the same as those used by those who argue that mirroring will increase the chance of maximizing women's utility, this study follows a different reasoning for employing a similar measure. The theory of persistent losing demands that if it is found that over a series of elections women have not won a proportion of seats equal to their proportion of the population then they *may* have cause to reject the electoral system, but this is by no means guaranteed. In order to reject the current system evidence institutionalised discrimination – rules that systematically hamper women more than men in the various election stages – must also be identified.

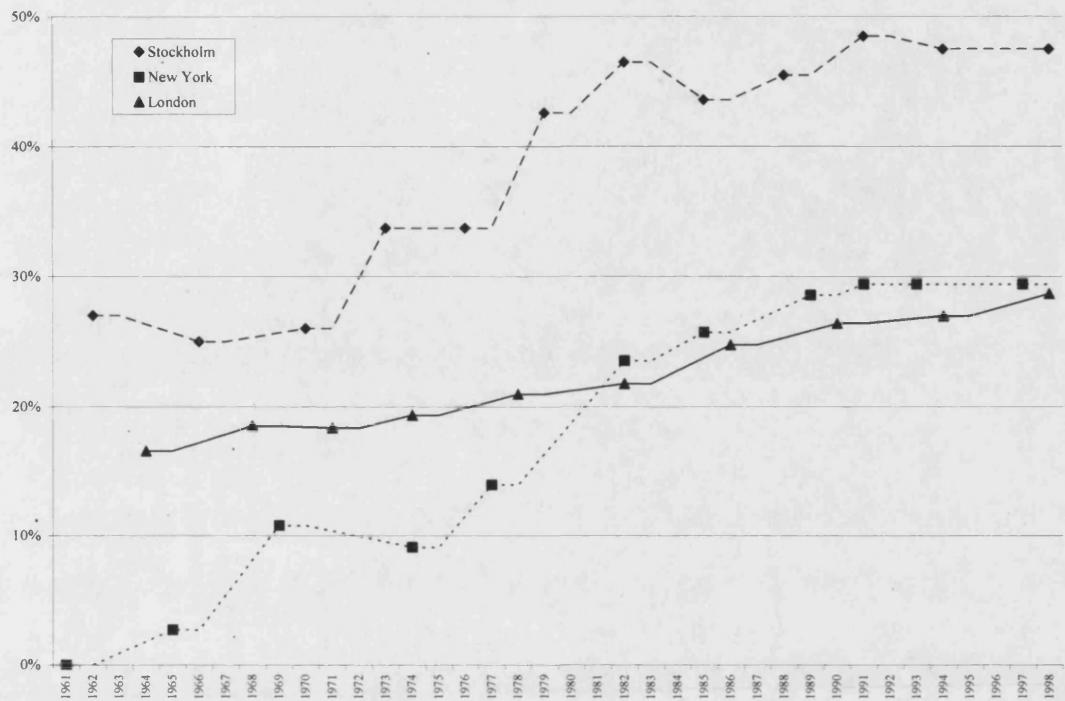
Table 18 shows the percentage of women elected to local councils in Stockholm, New York and London boroughs. With an average of almost 40 percent over the 38 year period, Stockholm boasts the most balanced local legislature. Just over 20 percent of London Borough councillors have been women, while fewer than 20 percent have been elected in New York. Scores from individual years range from 25 to 48.5 percent in Stockholm, 16.6 to 28.7 percent in London, and zero to 29.4 percent in New York.

Table 18: Percentage of Women Seat Holders in Three World Cities (1961-1998)

Year	Stockholm	New York	London	Year	Stockholm (cont'd)	New York (cont'd)	London (cont'd)
1961		0.0%		1980			
1962	27.0%			1981			
1963				1982	46.5%	23.5%	21.8%
1964			16.6%	1983			
1965		2.7%		1984			
1966	25.0%			1985	43.6%	25.7%	
1967				1986			24.8%
1968			18.5%	1987			
1969		10.8%		1988	45.5%		
1970	26.0%			1989		28.6%	
1971			18.4%	1990			26.4%
1972				1991	48.5%	29.4%	
1973	33.7%			1992			
1974		9.1%	19.3%	1993		29.4%	
1975				1994	47.5%		27.0%
1976	33.7%			1995			
1977		14.0%		1996			
1978			21.0%	1997		29.4%	
1979	42.6%			1998	47.5%		28.7%
				Avg.	38.9%	18.4%	22.2%

Figure 13 graphically demonstrates the percentage of women seat holders in local legislatures in the three world cities. Two trends become clear from looking at this graph. First, as time progresses women have been winning more of the overall percentage of seats in all three cities. This increase comes despite the relative stability of the electoral systems used in each city, hinting that it is a lessening of social bias in all cities might be driving change. In light of the rule that three instances of bias need to be demonstrated in order to prove that absence is persistent, it appears that this is indeed the case in each city as women have never won their fair share of seats.

Figure 13: Percentage of Women Seat Holders in Three World Cities (1961-1998)



Before moving on, it is worth considering these results in a more practical light. While formally women in Stockholm can be considered persistent absentees, the extent of the disadvantage is now so slight that women in this city might forgo the costs associated with challenging this bias as the gains would be minimal. This line of reasoning follows with the results from this city presented in Chapters 4 and 5. As the rules currently stand in the city, most political parties in Stockholm have voluntarily adopted quota systems by which neither men nor women can gain more than 60 percent of the seats available to that particular party. The Social Democratic party has even gone further and guaranteed that women will be offered half the positions won under the once closed, now open, list proportional representation system.²⁰⁹ In other words the system in Stockholm is not perfect, but serious efforts have been made to address the gender underrepresentation and it may be enough for women to accept a slight imbalance. This is certainly not the case in New York and London where the

²⁰⁹ Bystydzienski, J. (1995), *Women in Electoral Politics: Lessons from Norway*, Westport: Praeger, Chapter 2.

results so-lopsidedly favour men. The current arrangements would well be worth challenging if it can be shown that absence is indeed caused by discriminatory institutional arrangements. In light of these considerations, the rest of the chapter confines further detailed investigation to examining women's persistent absence in New York and London.

6.4 – PERSISTENT LOSING IN NEW YORK

As shown from the statistics above, a good deal fewer women than men have secured seats on New York City Council since 1961. These figures also show the gap between the number of seats women have secured and to which they should have secured under a fair system has significantly decreased in recent years. But the current level of representation indicates that women are still persistently absent from New York City council, a result that under the theory of persistent losing requires further investigation. Where the previous two chapters focussed on a single voting stage, because this investigation is limited to a single social group it is possible to trace the fate of women through all three voting stages in America's largest city. The next three subsections examine how women are treated in the postvoting, voting and prevoting stage in order to identify discriminatory rules.

6.4.1 – Postvoting Stage

As previously mentioned, one reason why women may be persistently absent from local councils in New York is the parties whom they represent choose to place women candidates in constituencies in which they have little or no chance of winning. There may be a variety reasons for this practice – from straightforward belief that women are inferior to men, to softer bias that men might be slightly more capable representatives than women thus leading parties to favour male candidates. To do so, party executives exploit selection rules to render their favoured result. Whatever the

reason, if it can be shown that over the long-term nomination process has been used to distort a party's candidate gender balance to the point that they cause persistent absence shown earlier, then women would be reasonable in rejecting these rules.

Table 19: Women's Vote-to-Seat Proportionality in New York (1961-1997)

Year	% Women Seat Holders	% Votes Cast for Women	Difference
1961	0.0%	2.1%	-2.1%
1965	2.7%	6.4%	-3.7%
1969	10.8%	14.6%	-3.8%
1974	9.1%	13.8%	-4.7%
1977	14.0%	13.1%	0.8%
1982	23.5%	21.8%	1.7%
1985	25.7%	26.4%	-0.7%
1989	28.6%	34.2%	-5.6%
1991	29.4%	28.4%	1.0%
1993	29.4%	27.9%	1.5%
1997	29.4%	28.1%	1.3%
Avg.	18.4%	19.7%	-1.3%

As shown in Table 19, to test if women are more likely than men to be placed in seats they cannot win, 'vote-to-seat proportionality' is examined. To do so, the percentage of total seats won by women is subtracted from the percentage of total votes secured. Negative percentages are expected if women more-often-than-men run in constituencies where they cannot win as the votes received by women are less often converted into seats. Results will be positive if women are more-often-than-men placed in safe seats: Table 19 demonstrates that rules have allowed women candidates to be placed at a disadvantage more than three times since 1961, a result that indicates that women are persistently absent due to institutionalized discrimination. However, because these discrepancies have not been of huge burden and because they have all but disappeared in recent years, if asked, women candidates in New York may not choose to challenge the current rules even if it was possible to implement fairer

institutional arrangements. As such, the investigation continues on to voting stage investigations.

6.4.2 – Voting Stage

The most likely source of bias against women in the voting stage would come from voters who, for whatever reason, are reluctant to cast votes for women candidates. There are three sources of information that can aid in identifying voter hostility toward women: survey-based evidence; focus group based evidence and actual election results. A variety of studies on this topic have been based on survey evidence provided by the National Election Survey, Gallup Organisation or the General Society Survey in the United States. Here voters are asked questions such as if they would vote for women candidates for various positions, if they prefer male or female candidates, if women are less suited for office than men, etc. For example, since 1937 the Gallup Organization has asked Americans if they would vote for a female presidential candidate. While in the 1930s only one in three respondents answered in the positive, recent polls show that now more than nine in ten respondents state they would vote for a woman for president.²¹⁰ Likewise, since the early 1950s the National Election Survey has asked ‘If your party nominated a woman for president, would you vote for her if she were qualified for the job?’. Where early surveys reported that almost 20 per cent of respondents would not vote for a woman for president, the percentage has fallen to less than 10 percent in recent surveys.²¹¹

Although a great deal of resources have been invested in the above surveys and results have shed light a variety of important topics including perceptions of women in electoral politics, the reliability of their results is questionable. For

²¹⁰ Cook, E.A. (1998), “Voter Reaction to Women Candidates”, in Thomas, S. & Wilcox, C., *Women and Elective Office*, New York, Oxford University Press, pp.56-72, p. 58.

²¹¹ Fox, R.L. (1997), *Gender Dynamics in Congressional Elections*, Thousand Oaks: Sage, p.145.

example, there is a good chance that the answers provided by respondents do not reflect their actual viewpoints in that they are reluctant to admit prejudice against women. As shown earlier in this study, the turnout rates reported in National Election Surveys in the late 1990s are almost 25 percent higher than officially recorded rates, indicating skewed sampling, faulty memory or outright lying on the part of respondents.²¹² Following on these calculations one could assume that the actual rate of those who are prejudiced against women could be a good deal higher. According to Fox, another reason to be sceptical of survey results is that 'many voters may possess gender biases of which they are not aware'.²¹³ Being unaware of chauvinism could lead to reports of non-bias when bias is present.

Focus group information is less widely used, but still a possible source of information about bias in the electorate. In these tests, participants are presented with various images of candidates and asked how they feel about fitness for office. Questioning small groups allows researchers to refine their questions in order to test their hypotheses more thoroughly, and allows researchers to gauge not only overtly negative reactions to women candidates but also more thoroughly test for biases of which the participants may be unaware. However, these tests can only produce broad generalisations about how electorate feel about women candidates and cannot accurately reproduce the actual election environment that includes a huge number of variables that can influence the voting behaviour. As Cook states, these hypothetical situations are only so useful in helping us understand voting behaviour as in the end 'the only votes that count are cast in real elections.'²¹⁴

²¹² Burden, B. (2000), 'Voter Turnout and the National Election Studies'.

²¹³ Fox, R.L. (1997), *Gender Dynamics in Congressional Elections*, p.145.

²¹⁴ Cook, E.A. (1998), "Voter Reaction to Women Candidates", in Thomas, S. & Wilcox, C., *Women and Elective Office*, p. 62.

The final way of determining whether the electorate is biased against women is through the use of electoral data. A number of authors have used election results to determine if women and men have equal chance of success when running for office. For example, Seltzer, Newman & Leighton examined the name, seat sought, year, party, sex, incumbency status, and success rates for 61,603 candidates running in US state, congressional, senate, and gubernatorial elections since 1972 in order to compare success rates of women and men in all these races. In the end, they found that in like categories '[a] candidates' sex does not affect his or her chances of winning an election.²¹⁵ Darcy, Welch and Clark use similar data to check the success rates of new male and female candidates in three US states between 1950 and 1980. The authors checked the mean proportion of votes for each gender category on a decade-by-decade basis finding that '...in general elections in the mid-1970s, the voter reluctance to support female candidates, as observed in the 1950s and 1960s, had all but disappeared.'²¹⁶ As with the study by Seltzer, Newman & Leighton, in *Women Representation and Elections* Darcy, Welch and Clark conclude that in their study states 'voter hostility cannot account for the lack of female representation in state legislatures today....'²¹⁷

Using election data eliminates the problems of (sometimes very significant) inaccuracy and reliance on hypothetical situations suffered by the reliance on survey or focus group data. However, this does not mean that studies such those by Seltzer, Newman & Leighton, and Darcy, Welch and Clark do not suffer from their own inadequacies. For example, because of the large number and complex interaction of variables that could affect voters' final decisions of whom to support, it is very

²¹⁵ Seltzer, R.A. (1997), *Sex as A Political Variable: Women as Candidates & Voters in U.S. Elections*, Boulder: Lynne Rienner, p.79.

²¹⁶ Darcy, R., Welch, S. & Clark, J. (1994), *Women, Elections & Representation*, p. 65.

²¹⁷ Darcy, R., Welch, S. & Clark, J. (1994), *Women, Elections & Representation*, p. 67.

difficult, if not impossible to gauge what has influenced a voter to support or not support a particular candidate. Although the above studies are impressive, it would be a mistake to read too much into their results and the best that can be expected is to broadly identify trends in a particular community. Bearing in mind this caveat, the general idea of using actual election data to assess whether a particular community is or is not biased against women is perhaps the best available.

Table 20: Candidate-Share-to-Seat-Share Proportionality in New York (1961-1997)

Year	% Votes Cast for Women	% Women Candidates	Difference
1961	2.1%	4.2%	-2.1%
1965	6.4%	7.0%	-0.5%
1969	14.6%	8.5%	6.0%
1974	13.8%	29.5%	-15.7%
1977	13.1%	18.3%	-5.1%
1982	21.8%	23.3%	-1.5%
1985	26.4%	23.0%	3.4%
1989	34.2%	26.6%	7.6%
1991	28.4%	29.3%	-0.9%
1993	27.9%	25.0%	2.9%
1997	28.1%	27.0%	1.1%
Avg.	19.7%	20.1%	-0.4%

This study does not rely on success rates to identify voter bias in New York, but rather uses actual votes cast for all women candidates during council elections – not just those who are eventually elected. The approach then is to identify if the percentage of votes cast for women matches the percentage of candidates who are women. As shown in Table 20, in 1997 women comprised 27 percent of the total candidates running for office and received 28.1 percent of the total votes cast indicating that there was very little chance that the voters in that particular community are biased against women in that year. However, as seen in 1977, if 18.3 percent of women candidates receive only 15.1 percent of the votes cast, the 5.1 percent differential indicates there is a good chance that some bias against women exists

within the community. This method of calculating gender bias within a particular community of voters can perhaps be criticized as too simple. For example, allowances for such as incumbency, party affiliation and candidate experience have been included in other studies as they can play a major role in gaining voter support.²¹⁸ However, the idea here is simply to try and rule out bias – represented by positive scores. If bias is found to exist then other techniques will be needed to try and determine scale and depth.

Figure 14: Candidate-Share-to-Vote-Share Proportionality (1961-1997)

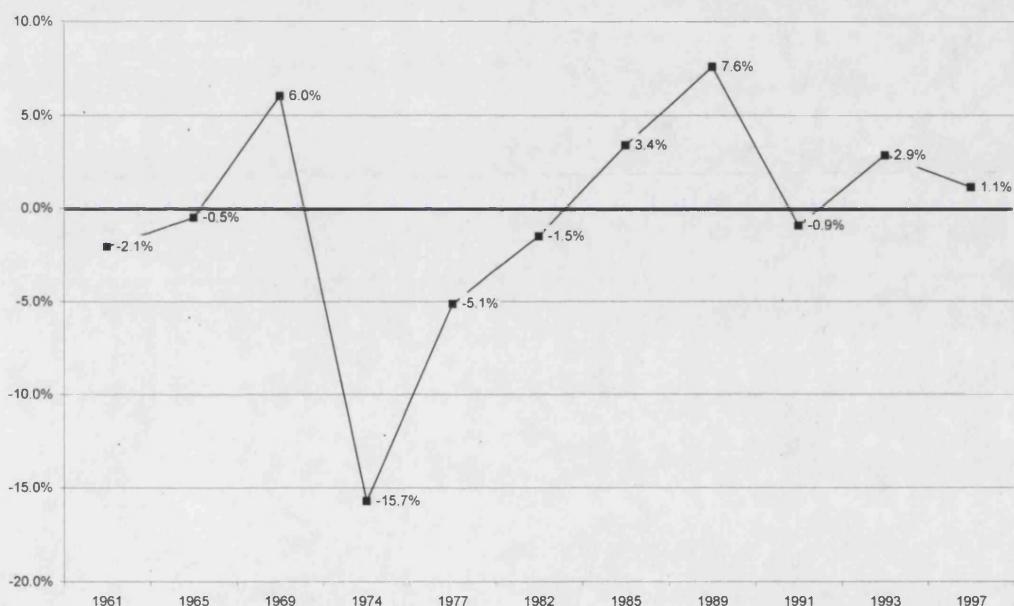


Figure 14 demonstrates candidate-share-to-vote-share proportionality in New York City Council elections between 1961 and 1997 in graphical form. While there is some discrepancy from the early 1960s to the early 1980s, New York voters appear as prepared to vote for women candidates as they are from candidates that are men. The worst year (1974) can perhaps be explained away by the fact that the election was held during the Equal Rights Amendment struggles that prompted a surge in the number of women candidates, but did not result in a corresponding surge in support

²¹⁸ See Darcy, R., Welch, S. & Clark, J. (1994), *Women, Elections & Representation*, p. 65. and Seltzer, R.A. (1997), *Sex as A Political Variable: Women as Candidates & Voters in U.S. Elections*, Boulder: Lynne Rienner.

from voters. As with postvoting stage results, because women have been placed at a disadvantage more than three times they could reject this system as biased if superior electoral arrangements were found to exist. However, as recent results provide no evidence of voting bias and that overall bias has been minor women might choose to accept the current system as the costs of bringing about change would most likely exceed whatever small gains might be made.

6.4.3 – Prevoting Stage

As shown in the second section of this chapter, fewer than 20 percent of New York City Councillors elected since 1961 have been women. Where women have been shown to be at a slight disadvantage in the postvoting and voting stages investigations it was argued that women would be unlikely to reject the current electoral arrangements as the level of bias is slim and has all but disappeared in recent years. Because the bias in these stages cannot explain the continual low numbers of women who are elected to office, prevoting stage investigations are necessary.

Table 21 shows the difference between the percentage of women seat holders and the percentage of women candidates in New York City Council races. While the overall average indicates that women hold slightly less than their fair share of the seats, negative figures only existed in the early years shown above and has since turned positive. In sum, Table 21 demonstrates that if the percentage of women running for office increases, so too does the percentage of seats they hold. In fact, if the extraordinary surge of candidates in 1974 is removed there is a remarkable fit (R^2 0.95) between the two sets of figures – indicating that women's absence on council is due to a lack of women candidates running for these posts. Thus the answer to the riddle of why so few women run for office perhaps lies with how parties in New York select their candidates.

Table 21: Women as Seat Holders and Candidates in New York (1961-1997)

Year	Women Seat Holders	Women Candidates	Difference
1961	0%	4%	-4%
1965	3%	7%	-4%
1969	11%	9%	2%
1974	9%	29%	-20%
1977	14%	18%	-4%
1982	24%	23%	1%
1985	26%	23%	3%
1989	29%	27%	2%
1991	29%	29%	0%
1993	29%	25%	4%
1997	29%	27%	2%
Avg.	18.5%	20.1%	-1.6%
R²	0.63 (0.95 without 1974 results)		

Some authors believe that those who control party endorsements and resources can slow women's entrance to, and progression within, the political sphere. Empirical investigations of this theme can be traced back to Sophonisa P. Breckenridge's work of the early 1930s. In her study of 124 state legislators in the United States, Breckenridge found that women felt they were denied their fair share of nominations by the male dominated party elite.²¹⁹ As previously shown, in the 1950s Duverger continued to explore this thesis, citing elite bias within parties as one of the main reasons for women's under representation in European legislatures.²²⁰

New York has had some form of state run, primary-based candidate selection process since 1886. In this system a pre-general election vote is held through which party members choose who will represent them in the general election. Primaries were brought in to replace various types of party nomination process ranging from conventions to non-elective, direct appointments of candidates by local party leaders.

²¹⁹ For a summary of this early study see Flammang, J. A. (1997), *Women's Political Voice: How Women are Transforming the Practice and Study of Politics*, Philadelphia: Temple University Press, pp. 149-195.

²²⁰ For other studies in this area see, for example, Kirkpatrick, J.J. (1974), *Political Women*, New York: Basic Books and Stewart, D.W. (1980), *The Women's Movement in Community Politics in the U.S.: The Role of Local Commissions on the Status of Women*, New York: Pergamon.

The current arrangements stem from a 1913 amendment to the law that required all wishing to become the official candidate of a particular party to gather a number of signatures from local party members.²²¹ In order to participate in a party's primary for a New York City council seat, potential contestants must collect 900 valid signatures from local party members.²²² The primary system should make it more difficult for party elite to control which candidates are chosen to run for office as the selection process is state regulated and much more public. Where in systems where party elite choose candidates it is possible to imagine misogynist back room deals, selecting candidates through primaries contests would seem to leave little leeway for this type of corruption.

Table 22: Women as Party Primary Contestants and Winners (1982-1997)

Year	Democrats			Republican		
	Women Primary Winners	Women Primary Contestants	Difference	Women Primary Winners	Women Primary Contestants	Difference
1982	23%	30%	-7%	16%	16%	0%
1985	26%	29%	-3%	29%	27%	2%
1989	29%	22%	6%	21%	21%	0%
1991	37%	27%	11%	18%	20%	-1%
1993	36%	35%	1%	12%	12%	0%
1997	34%	34%	0%	14%	10%	4%
Average	31%	29%	1%	18%	17%	1%

In investigating possible bias during the prevoting stage, Table 22 demonstrates the difference between the percentage of women running and winning primary races for both major parties in New York. Looking first at the Democratic Party results, it would appear that where there may have been some bias against women in the early and mid-1980s, this bias has disappeared as women now win the same proportion of spots on party ballots as men. Over the six elections presented

²²¹ See, for a historical summary of this process, Scarrow, H.A. (1983), *Parties, Elections & Representation in the State of New York*, New York; New York University Press.

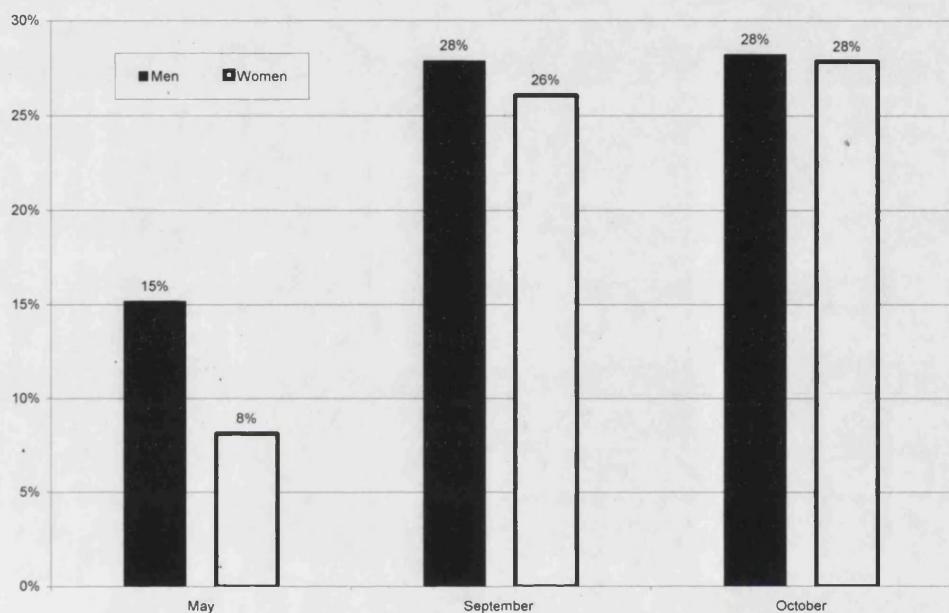
²²² New York State Board of Elections (1998), *State of New York 1998 Election Law: Rules and Regulations*, Albany: New York State Board of Elections, Sect. 6-136, pp. 135-6.

here, women have comprised 29 percent of those who have stood in primaries to represent Democrats and 30 percent of those who went on the contest seats in the general election. There would appear to no consistent bias against women within the Democratic Party during primary races. The story is much the same within the Republican Party. 17 percent of the candidates coming forward in primary races have been women, and women have won 18 percent of the available candidate positions. Thus a lack of women standing as Republican Party candidates is not a result of bias within the party, but would rather appear to be caused by not enough women standing as contestants for primary races within the Republican Party. Overall, the data tell the following tale: the more women stand in primaries, the more that will go on to become candidates and – consistent with the voting and postvoting evidence – the more will go on to hold council seats.

It would appear that if there any barriers to women holding council seats they are erected before primary races. There are a number of barriers that could be explored. For example, the 900 signatures required to join a primary race may pose more of a hindrance to women than men. Perhaps women may be less able to afford the costs of running in a primary race than men. Or, moving back to Duverger, perhaps then there are no real institutional barriers exploited by those who would rather see men elected than women, but rather women themselves are less prone to participate as candidates in local elections. Examining pre-primary attitudes in New York demands a different variety of data as what is under consideration is attitudes and not actions. The limited survey information available from New York would suggest that women do not feel that City Council is tremendously important for their city. For example, when asked 'Do you think the City Council has real impact on the way the city is managed or do you think the City Council has no real impact on the

way the city is managed?', 38 percent of men asked replied that it 'had real impact', where only 30 percent of women offered the same response.²²³ While this evidence does not prove that women are less likely to run for office than men, it is realistic to expect that only those who think the job is important would choose to run for office.

Figure 15: Women's Awareness of New York City Politics (1993)



As shown in Figure 15, polling data from the 1993 New York City Council Election shows that when asked how much attention they had paid to local election races, virtually the same percentage of women as men said they have paid 'a lot of attention' to local race in September and October.²²⁴ However, when asked much earlier in the election year far fewer women than men claimed they paid 'a lot' of attention. In October, 28 percent of both men and women felt they had paid 'a lot' of attention to races, but in May of the same year 15 percent of men and only eight percent of women felt they were paying 'a lot' of attention to the mayoral campaign. These figures indicate that in the crucial early period when a candidate makes up his

²²³ WCBS-TV News/The New York Times (1993), *WCBS-TV News/New York Times New York City Poll*, (1993) New York: WCBS-TV News, May.

²²⁴ Question: 'How much attention have you been able to pay to this year's campaign for mayor of New York City - a lot, some, not much, or no attention - so far?'

or her mind to run for office women are paying much less attention than men to local politics.

Although the above evidence is not conclusive, it does provide some idea as to why fewer women are elected to New York City Council. Results from recent elections show that parties are not placing women more than men in unwinnable seats, nor are voters less disposed to vote for women than men. Since the early 1980s the primary process has shown no bias against women in races for candidacies for the two major parties in the city. However, it was shown that fewer women than men feel that city council positions impact their lives and that women become engaged in the local political process later than male community members. While it is possible to imagine that the method by which information is disseminated about elections is biased against women, such examinations are beyond the scope of this study. Thus, except for minor pre-1980s prevoting and voting stage biases that have all but disappeared in recent elections, women would not be reasonable in rejecting the current method by which councillors are elected in New York.

6.5 – PERSISTENT LOSING IN LONDON

Women have never won more than 30 percent of the approximately 1900 available seats each election across the Greater London boroughs. Thus as in New York, the women of Greater London can be said to be persistently absent from local borough councils. In investigating persistence absence, this section follows the same route as the last. Starting with the postvoting election stage the fate of women is traced backward through the other two stages in order to try and determine why women are absent and if the current system can be rejected due to institutionalized discrimination.

6.5.1 – Postvoting Stage

As shown in New York, assessing women's vote-to-seat proportionality is a good test of whether women more often than men run in unwinnable seats. Negative scores resulting from subtracting the percentage of votes cast for women from the number of seats won by women indicates that women are disproportionately gaining votes in areas in which they are not winning seats. As shown in Chapter 4, that vote-gainers are not awarded seats is commonplace in London's plurality system, however consistently negative vote-to-seat ratio scores indicate an inequality in how seats are distributed between men and women.

Table 23: Women's Vote-to-Seat Proportionality in London (1961-1998)

Year	% Winners Seat Holders	% Votes Cast for Women	Difference
1964	16.57%	18.14%	-1.58%
1968	18.52%	19.39%	-0.87%
1971	18.36%	20.74%	-2.38%
1974	19.34%	20.99%	-1.65%
1978	20.96%	22.73%	-1.77%
1982	21.79%	23.70%	-1.92%
1986	24.76%	25.98%	-1.22%
1990	26.38%	27.52%	-1.14%
1994	26.97%	28.63%	-1.66%
1998	28.69%	30.15%	-1.46%
Avg.	22.23%	23.80%	-1.56%

Table 23 demonstrates vote-to-seat proportionality in London. As with New York, negative percentages indicate that more-often-than-not women are running in constituencies where they cannot win, positive percentages indicate women are more often-than-men running in safe seats. The average vote-to-seat ratio is -1.56 percent, indicating a slight overall bias against women. A disaggregated account of the data shows that in every election since 1964 women have been placed in unwinnable seats more often than men and have never won more than their fair share of seats in any of the ten elections.

Figure 16: Vote to Seat Proportionality in London (1964-1998)

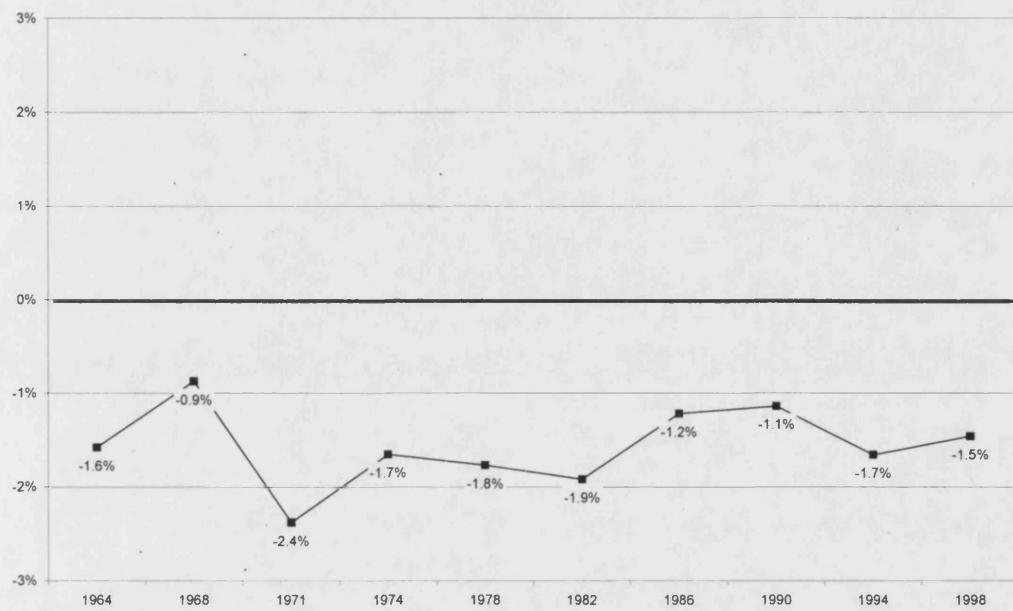


Figure 16 diagrammatically shows the data from Table 6. It is clear that women are consistently awarded a smaller proportion of seats than their vote totals would indicate they deserve. For example, in 1998 women received 30.15 percent of the total votes cast, but only received 28.69 percent of the available seats for a vote-seats proportionality score of – 1.5 percent. If seats were awarded in exact proportion to the number of votes received elections women would have won 28 more seats in 1998, 32 more seats in 1994 and 22 more seats in 1990. The only explanation for this disproportional score is that women candidates are more-often-than men situated in non-winning constituencies. That these negative scores have occurred more than three times under the current electoral arrangements help build the case for women as persistent losers.

Table 24: Women Candidates by Party (1964-1998)

Year	Labour	Conservative	Liberal	Other
1964	20%	22%	20%	14%
1968	22%	21%	25%	16%
1971	22%	24%	26%	20%
1974	22%	24%	26%	28%
1978	24%	24%	35%	25%
1982	26%	26%	25%	24%
1986	27%	27%	29%	29%
1990	27%	29%	35%	30%
1994	27%	30%	35%	33%
1998	30%	32%	35%	32%
Avg.	25%	26%	29%	25%

One plausible explanation for the negative scores is that winning parties are not running the same proportion of women candidates as losing parties. However as shown in Table 24, it would appear that while as the winningest party Labour supports a slightly lower of proportion of women candidates than other parties, their overall average is close to on par with the other parties indicating that women candidates are not clambering to one party. Thus, the only other factor to consider is that women are systematically placed by one or all parties in wards in which the party they represent has little or no chance of winning. Such actions would be possible in London as party leaders greatly control which candidacies they will support and decide where various supportees will run – unlike New York which uses a primary election to choose candidates. This topic of candidate selection is pursued in more detail during explorations of the prevoting stage.

6.5.2 – Voting Stage

In attempting to explain women's persistent absence from local borough councils, evidence has been presented that should at least raise the suspicion that selection processes are biased against women in some or all of the London boroughs. However even if this bias was proven beyond a shadow of a doubt it would still only explain a

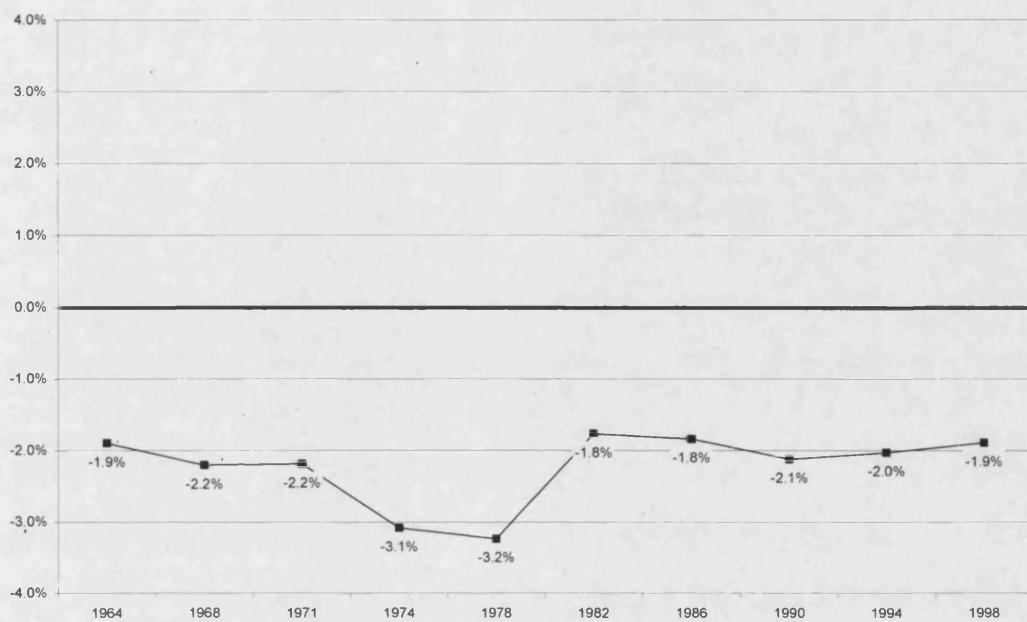
small proportion of missing women legislators and other reasons need to be found to explain why women councillors are in short supply.

Table 25: Women's Candidate-to-Vote Proportionality in London (1964-1998)

Year	% Votes Cast for Women	% Women Candidates	Difference
1964	18.14%	20.04%	-1.90%
1968	19.39%	21.60%	-2.21%
1971	20.74%	22.92%	-2.19%
1974	20.99%	24.07%	-3.08%
1978	22.73%	25.97%	-3.24%
1982	23.70%	25.47%	-1.76%
1986	25.98%	27.82%	-1.84%
1990	27.52%	29.64%	-2.12%
1994	28.63%	30.66%	-2.03%
1998	30.15%	32.04%	-1.89%
Avg.	23.80%	26.02%	-2.23%

In moving the investigation to the voting stage, Table 25 shows candidate-to-vote-proportionality by subtracting the percentage of women candidates from the percentage of votes cast for women. Negative scores indicate voter bias against women, where positive score indicates voters are more inclined to vote for women than men. As seen in 1998 for example, although 32.04 percent of the total candidates women candidates only collected 30.15 percent of the vote for a score of -1.89 percent. This score indicates that there is a good chance that some bias against women exists within the community. Table 25 shows that this negative bias has existed in every election since 1964, averaging -2.23 percent. Figure 17 diagrammatically presents data from Table 25. Here the bias trend is negative and consistent. As with the vote-to-seat ratio some slight bias should be expected in every election, but that the bias is consistently against women over the long term demonstrates non-randomness.

Figure 17: Candidate-to-Vote Proportionality in London (1964-1998)



There are two possible explanations for this long-term trend. The first is that voters are biased in that some people will just not vote for women. The second is connected to previous evidence. If it is assumed that women are placed in un- or less-friendly wards more often than men, then biased placement would be reflected in whom voters choose to support. Voters may not care if their representative is a man or a woman, but they do care which party the women represents. Since women are in unfriendly wards more often than men they will not only lose more often, they will also gain less overall support. It is safest to assume that both factors help explain negative candidate-to-vote scores, reinforcing the idea of selection bias at the same time providing warning that there still may be a slight social bias against women candidates. In the end however these negative scores explain only a small portion of women's persistent absence and other factors need be examined.

6.5.3 – Prevoting Stage

In attempting to explain women's persistent absence from local borough councils in London the evidence reviewed so far would appear to suggest that parties are placing

women in less-friendly wards and this biased placement leads to women gaining less seats than they deserve. Not only do parties make decisions as to where women should run in the prevoting stage, but also – and perhaps more important – how many women will stand for the party. Thus it would appear that the prevoting stage is the most crucial to investigate if the mystery behind women's persistent absence from London Borough councils is to be solved.

Table 26: Women as Winners and Candidates in London (1964-1998)

Year	Winners	Candidates	Candidates-Winners
1964	16.57%	20.04%	-3.47%
1968	18.52%	21.60%	-3.08%
1971	18.36%	22.92%	-4.57%
1974	19.34%	24.07%	-4.74%
1978	20.96%	25.97%	-5.00%
1982	21.79%	25.47%	-3.68%
1986	24.76%	27.82%	-3.06%
1990	26.38%	29.64%	-3.26%
1994	26.97%	30.66%	-3.69%
1998	28.69%	32.04%	-3.35%
Avg.	22.23%	26.02%	-3.79%
R ²		0.97	

Table 26 demonstrates more clearly what postvoting and voting stage data have already revealed about women in London. First, if the percentage of women winners and the percentage of women who stand as candidates women is compared, the results demonstrate that women have been consistently disadvantaged over time. Comprising 26.02 percent of the candidates over the set of 10 elections, in winning only 22.23 percent of the seats women have been awarded 3.79 percent (288 in real terms) fewer seats than they deserve. Where the overall average is similar to that found in New York trend, what is differentiates results for New York and London is that women receive the negative score in every election. As explained previously, this persistent deficit is due to candidate-to-vote and vote-to-seat disproportionality.

One other statistic from Table 26 is worth noting. Again, as in New York, the proportion of women candidates running for office and the proportion of women who win seats is highly correlated (R^2 0.97). This high score indicates that as the number of women who run for office increases, so too does the number of women who win seats. This statistic should bode well for women as the solution to persistent absence would seem to be merely increase the number of women entering local races. Although the other postvoting and voting stages do somewhat distort the number of women candidates who eventually win office, the single most important factor to address is the initial lack of women candidates.

As indicated from postvoting evidence, the first place to look for reasons why so few women enter the local election arena in London is the party selection process. As discussed in Chapter 1, the Norris and Lovenduski examination of national level elections in Britain found that although only 13 percent of those who applied for Conservative Party candidacy were women, 15 percent of the Conservative Party's candidates were women – indicating a positive bias. For Labour, 37 percent of those who applied to be candidates were women, but only 27 percent of those applicants succeeded – indicating a possible bias against women by party selectors.²²⁵ Using regression analysis, the authors find that while the Conservative party is biased against recruiting those 50 years and over, 'no other social factors emerged as significant predictors of Conservative demand.' As demonstrated above, while the Labour Party is biased against recruiting women candidates Norris and Lovenduski feel that 'the most striking finding was that, in most respects candidates were very similar to the total pool of applicants.'²²⁶ The authors probe further still by surveying party 'gatekeepers' about their attitudes toward women, concluding that the attitudes

²²⁵ Norris, P. & Lovenduski, J. (1995), *Political Recruitment*, pp.115-118.

²²⁶ Norris, P. & Lovenduski, J. (1995), *Political Recruitment*, pp.121-2.

of those in charge of screening access to candidacies and other posts ‘are not the main reason for the lack of women in parliament.’²²⁷

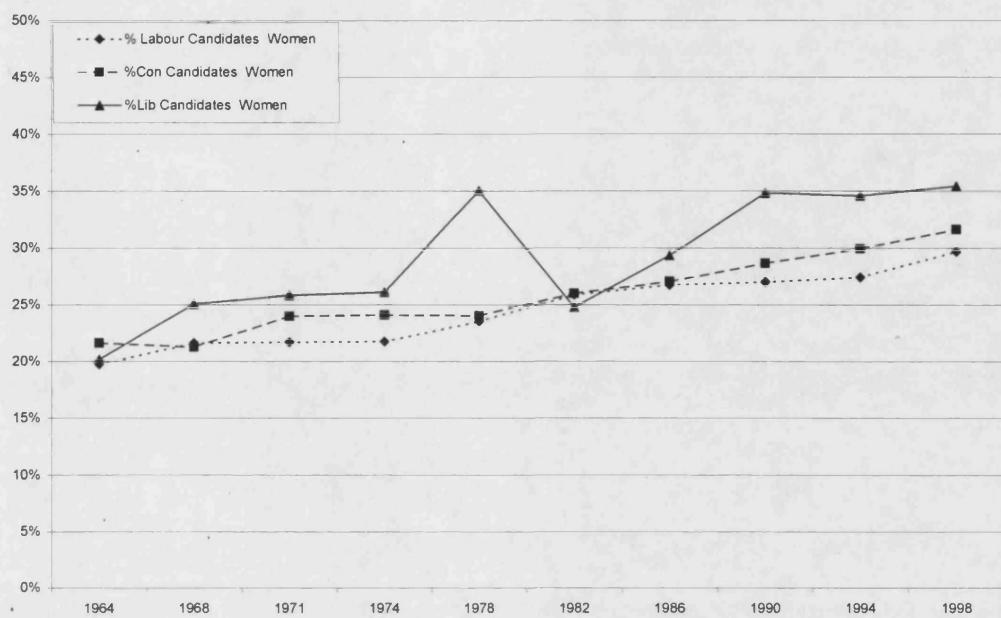
Norris and Lovenduski’s results indicate that the party selection process does not unduly hamper women from gaining party candidacies. However while perhaps currently the best on record, the study presents only a snapshot of the happenings in Britain and therefore is of little use as a method for determining reasons for women’s persistent absence in London Borough elections as logically it would impossible to replicate this study over time. But the study does have direct value to this thesis as Norris and Lovenduski produce significant evidence to show that major parties contesting national elections demonstrate little or no bias toward women applicants. As party constitutions apply to local level party procedures and those acting as gatekeepers at the national level also participate in the selection of local candidates, one would expect that bias is largely absent at the local level.

In moving toward a test of whether the candidate selection process is biased against women data in Figure 18 reveals that the increase in the number of women candidates in London borough elections has been a fairly consistent, cross-party phenomenon. By the thinnest of margins Liberals are the most women friendly party, followed by the Conservatives and Labour respectively. Other observers of local elections in Britain have found similar results. In their study of English shire districts from 1973-1995, Rallings and Thrasher found that, ‘...although there are overall differences between the main parties, with women faring less well in the two main parties than in the Liberal/Liberal Democrat ‘third’ party, there is a remarkable uniformity in the rate of change.’²²⁸

²²⁷ Norris, P. & Lovenduski, J. (1995), *Political Recruitment*, pp.142.

²²⁸ Rallings, C. & Thrasher, M. (1997), *Local Elections in Britain*, p.72.

Figure 18: Percentage of Women Candidates in London (by Party (1964-1998)



That local parties in London have recently implemented policies to counter any bias by local party leaders provides some evidence that party leaders are aware there is some cause for concern. For example in the Labour Party where previously women would have to jump through three screening stages in order to stand as a candidate in local council elections – a long-list screening by local party officials, a short-list screening by local and sometimes central party officials, and a vote by a quorum of local ward party members – the process has recently been changed to allow potential candidates to avoid the initial long-list screening and move straight to short-list screening. This change allows candidates who might be vetted by local party leaders to at least make it to the long-listing stage where the actions of local leaders are subject to scrutiny by outside party officials.²²⁹

²²⁹ Interview with Colin Ellar, Hounslow Labour Councillor, March 31, 2001.

Figure 19: Women Candidates in London Borough Elections (1964-1998)

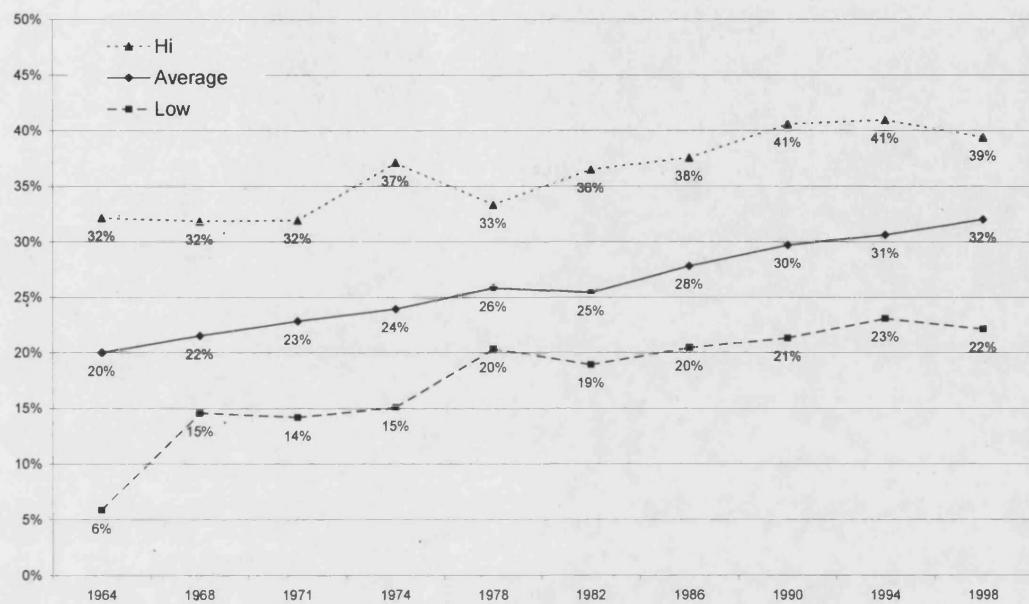


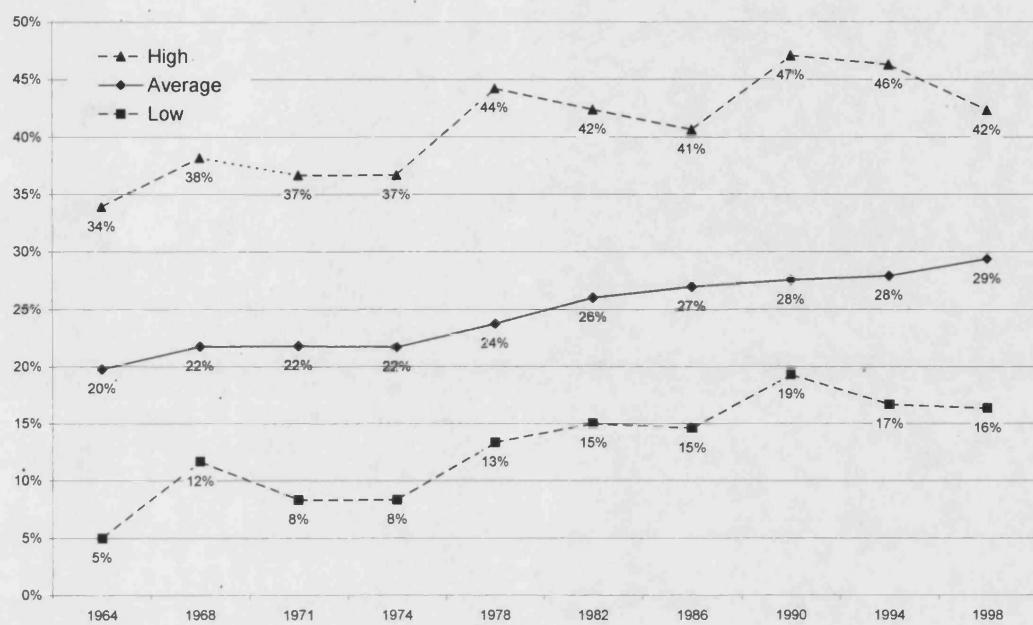
Figure 19 compares the percentage of women selected to stand as candidates from each of the 32 London boroughs. The top line on the graph represents the borough with the highest percentage women candidates, the lower line the boroughs with the lowest percentage of women candidates with the overall average represented by the middle line. Using results from 1998 to provide an example, in the most women friendly borough (Camden) 39 percent of candidates were women while in the least women-friendly borough (Tower Hamlets) women held a mere 22 percent of the available candidacies – a difference of 17 percent. Over the 10 election period, the average difference between the highest and lowest boroughs is 18 percent. Although elections are conducted under very similar conditions in each of 32 boroughs, Figure 19 demonstrates that the percentage of women selected to stand for office varies considerably between boroughs. Where in a single election year over 40 percent of the candidates have been women in one borough, in the same election in another borough the percentage of women recruited is half this number. This discrepancy suggests that where the current rules do not preclude women from gaining nearly half the

candidacies, they also allow for women to be badly under-represented as candidates in some borough races.

That women have never gained candidate parity in any borough election and have been grossly under-represented in some races presents a strong indication of systematic disadvantage in the prevoting stage. The higher scores indicate that there are often enough women in the community ready and willing to come forward as candidates. The lower scores suggest that rules allow social bias within parties to impact negatively on who stands for office. Sceptics may disagree that the statistics represented in Figure 19 are noteworthy. After all, as different parties dominate different boroughs it is possible that the number of women recruits would vary as parties have varying selection requirements. An obvious test then would be to perform the same comparisons on the recruitment figures from a single party. Wide variation in the percentage of women selected to run as candidates between boroughs would suggest that rules of the game are structured so that social bias within parties plays a significant role in candidate recruitment.

Figure 20 shows the highest, lowest, and average proportion of women candidates running for the Labour Party in London boroughs over a 34 year period. To illustrate the general findings using 1998 results, in a year where women constituted 28 percent of Labour's candidates, women held 42 percent of the Labour candidacies in the London Borough of Islington but only 16 percent in Tower Hamlets. This 26 percent difference indicates that where it was possible for selection committee to present a near-balanced slate of candidates in Islington, a short distance away the same candidate selection process managed only a 1/3 this percentage.

Figure 20: Women Labour Candidates in London Borough Elections (1964-1998)



Considering that these selections all take place within the same party, during the same election period, under the same electoral system, in light of the same national and regional issues, and even under the same climatic conditions, these extreme variations are indeed troubling. These findings strongly suggest that current rules do not protect women from social bias. The high levels of recruitment in some boroughs indicate that there is a strong desire among women to come forward and stand as Labour Party candidates. Low levels of recruitments in others suggest that either party recruitment committees are not making the efforts needed to recruit women candidates or worse, deliberately screening out women that come forward.

The end result is that the current recruitment process in London is failing women as it allows the social bias that exist within some party selection committees to negatively affect their chances of becoming councillors. As discussed earlier in the chapter, this lesson was learned long ago in New York and prompted the move to a primary selection process where recruitment was removed from the control of party cadres and placed in the hands of the much less biased mass party membership. Thus,

because all four steps of the persistent losing framework have been answered in the affirmative that women seeking seats on London Borough councils can be considered persistently absent due to a remedially institutional bias and would therefore be reasonable in rejecting the current arrangements by which candidates are selected in the prevoting stage.

6.6 – CONCLUSIONS

This chapter has customized the general theory of persistent losing so it might be used to investigate the fate of women, in Stockholm New York and London. The first step of the analysis established that women could be considered persistently absent if they had gained less than their fair share of the council seats over a series of elections. In looking at the percentage of women elected to council it was found that only in Stockholm City Council have women consistently obtained close to 50 percent representation. While there is still some bias present in the system, and women might well have a case to call for reforms, the bias may not be significant enough for women to demand change.

Further investigation is warranted in New York and London as women can be considered persistently absent from local legislatures and have never held more than 30 percent of the available seats. In establishing whether the rules by which elections are conducted can be challenged as unreasonable the theory of persistent losing demands evidence that electoral institutions disadvantage women over the long term. In New York, postvoting and voting stage tests show where some bias did exist against women in the early easy of the study period, these biases have all but disappeared and, as in Stockholm, it is doubtful whether pressing for changes to electoral rules affecting these parts of the process would be worth the cost. It was also found that parties do not discriminate against women who present themselves as

candidates during the prevoting stage. The main reason women are persistently absent from local contests in New York is because so few come forward during council races, a behaviour pattern that polling information suggests is due to women be less engaged with the local political process than men. When surveyed, women claim they are as active as men in following local elections close to voting day, but they less avidly follow local politics during the crucial period where they may or may not choose to put themselves as candidates. This evidence suggests that while women cannot reject any of the traditional components of the electoral system, it may be reasonable for them to challenge how information is distributed during elections if bias can be shown to exist.

Evidence from this London suggests that parties choose women to run for seats in unwinnable wards more often than they do men. Although the negative vote-to-seat scores do not completely explain women's absence, they serve as a harbinger for the other two stages. In the voting stage it was shown that since 1964, women's candidate-to-vote proportionality scores have also been negative. While this could indicate that voters are biased against women candidates, it more likely portrays a combination of this factor and the fact that parties place women in unfavourable wards more often than men. However, as in New York, the most serious cause of persistent absence is the lack of women coming forward as candidates. As shown in prevoting stage analysis, an increase in the number of women winning seats almost correlates exactly with an increase in the number of women running for office. Thus the key to explaining why so few women stand for office would appear to lay with how parties select candidates. Although operating under almost exactly similar conditions, the number of women nominated to run for office not only varies extremely between boroughs, but also – as shown through investigating the Labour

Party – within a single party. This variation indicates that rules allow social bias within some local selection committees to negatively affect the number of women standing for office. While like New York there may be bias in how information is distributed prior to elections, by all accounts it is political parties that are the main cause of women's persistent absence in London races as women more-often-than-men are placed in unfavourable wards and have their candidacies impeded in certain boroughs.

7 – WORLD CITIES AND PERSISTENT LOSING

The previous six chapters have outlined a new analytical framework for electoral democracy and, using data from three world cities, demonstrated how this framework might be applied. This chapter summarizes empirical and theoretical lessons learned. Where Chapters 4, 5 and 6 offered statistical investigations according to particular election stages, the next section looks at Stockholm, London and New York on a case-by-case basis to offer the reader a slightly different view of these cities. The second section offers ideas about the theory of persistent losing, its limitations, and future applications.

7.1 – WORLD CITIES

Much like the UK Democratic Audit's approach to national level democracy discussed in Chapter 1, this study of democracy in world cities has proceeded on a case-by-case basis. While Step 4 of the analytical framework by which persistent losing is assessed requires comparison, the overall aim of the exercise is not to generate a rank listing of world cities, but rather to provide a detailed evaluation of a single case. The cases were assessed simultaneously during the prevoting, voting and postvoting stages to better demonstrate the flexibility of the approach and to give some idea of why some institutional arrangements might be considered superior to others. To provide an overview of each case, this section groups the findings from the three election stages on a city-by-city basis

7.1.1 – Stockholm

As this study has shown, the City of Stockholm takes local democracy seriously. The general participatory health of the system would seem high as the electoral system produces low deviation from proportionality scores, high voter turnout rates and near gender parity on the local council. But as shown in Chapter 4, despite low DV score, it is still possible for some community members to claim persistent losing status in Stockholm. A disaggregated investigation of the fate of local political parties demonstrated that the highly proportional electoral formula still continually and unnecessarily disadvantages smaller parties. This violates the theory of persistent losing and provides the justification needed for these small parties to challenge the current arrangements. However from a realistic perspective the disadvantage is so slight that it is unlikely that smaller parties would expend the resources necessary to try and bring about change.

The same logic holds for evidence presented in Chapter 5 and 6. As shown in Chapter 5, high voter turnout levels demonstrate very little chance that any group in the community is persistently absent from the electoral process. Even if the system is systematically biased against a particular group, this imbalance is likely to be too light to warrant expending the costs necessary for change. Chapter 6 demonstrated that women have achieved almost absolute parity on the city council indicates that what bias may have existed against women in the middle of the 20th century has all but been eliminated. The voluntary ‘zipper’ system that ensures women make up half the party lists has negated any bias that may have previously existed with the parties or voters. While women still might be able to make the case that they are persistent losers because they have won less than their share of seats on more than three

occasions during the study person, the discrimination is so slight that it might not be worth their while demanding change.

In sum, from the perspective of the groups considered in this study, the City of Stockholm exhibits a high degree of electoral fairness and can serve as an example to other world cities. While the system is not perfect, the level of discrimination is so low as probably to go unchallenged by groups prone to systematic disadvantage. But this chapter provides evidence for only a few of many distinct community groups. To ensure that the current institutions are promoting maximum fairness levels the above tests should be continually reviewed and similar investigations undertaken from other perspectives.

7.1.2 – London

The story of local elections in London boroughs is much different than those in Stockholm. The overall participatory health in all three election stages was shown to be low and the observed groups have been shown to be placed at sometimes severe disadvantage. In Chapter 4 it was shown that the electoral formula is highly disproportional – especially when these scores are calculated on a borough-by-borough basis. On an aggregate level all but Labour Party supporters have been shown to be placed at a continuous disadvantage, and in some boroughs all parties could reasonably reject the electoral formula. That this institutionalized disadvantage could be easily remedied by moving to a more proportional electoral formula solidifies claims of persistent losing.

As shown in Chapter 5, voter turnout in London Boroughs is low enough to raise suspicions that some residents could be persistently absent from elections. However, this is not enough to justify rejecting local electoral system as it must also be shown that this long-term absence is due to electoral institutions imposing higher

participation costs for some and not others. Ward level investigations showed that low turnout patterns are not random, and wards that have low participation rates in one election tend to have low rates in the next election. Further testing showed that a crucial factor in predicting turnout rates for all wards is the closeness of the ward race. This makes sense. Turnout should be expected to be higher in wards with close races as under the plurality system parties are only rewarded in wards where they win a majority of votes. Thus parties tend to expend more resources in wards in which they have a better chance of winning and the additional resources allocated by parties decrease information costs for residents. Accordingly, cost-benefit logic would lead us to expect turnout to increase in wards where information gathering costs are lower. In terms of persistent losing, as race closeness can be considered a consistent ward characteristic, those who reside in wards where races are never or nearly never close will continually incur higher information costs than those living in wards with close races. Based on this information, the current plurality system entrenches this high information-cost/low turnout pattern. As such, those living in relatively uncompetitive wards would be reasonable in rejecting the system as they face higher costs merely because of the incentives arbitrarily imposed by the electoral system.

In Chapter 6, women's relationship with local electoral systems was explored in detail. Here again London boroughs fare badly. While postvoting and voting stage proportionality tests revealed slight bias against women, it was further shown that low participation rates can be mainly attributed to the actions of political parties and not widespread community bias against women candidates. It was further shown that activities in the prevoting stage offer the most significant explanation for persistent absence. In short, women are not winning seats because they are not standing as candidates. Moreover, this lack of women's candidacy would seem to stem from a

selection process in which the local party committees are in the worst case directly biased against women, or in the best case not as encouraging to their aspirations as those of men. Thus the current rules allow local selection committees to discriminate against women. As measures exist that would alleviate this bias, such as state-run primary races, women can be considered persistent losers and reasonably reject the current arrangements.

In sum, using the theory of persistent losing to evaluate the London borough electoral system yields a bleak message for those concerned about local democracy in one of the world's most important cities. Under-rewarded parties, those in uncompetitive wards and women can reject components of the current system because the rules which bound these processes raise their participation costs to an unjustifiable level. While the purpose of this exercise is not to rank the case cities, one cannot help but comment that the dire results of the tests conducted in this study render London perhaps the least democratic city of three, or if not, certainly much less democratic than Stockholm.

7.1.3 – New York

New York does not fare much better than London in this study. In Chapter 4 it was revealed that Republicans and other parties can reasonably reject the current single member plurality system as the votes collected by their candidates are almost always less likely than their Democratic Party rivals to be translated into seats. Low voter turnout rates shown in Chapter 5 indicate that there is a strong chance that some groups are persistently absent from local elections in the five-borough area. While in itself this is not enough to justify rejecting the electoral system, the lessons learned from the exploration of London should go some way to show that a similar exploration in New York might produce similar results. However, studies of low voter

turnout in New York would not have to concentrate on geographical groups, they could instead investigate persistent absence along ethnic, class or gender lines to determine who is absent and why.

The findings of Chapter 6 should also alarm women in New York. While it was shown that women run in safe seats as, or sometimes even more, often than men and that voters are not biased against women candidates, as in London, the reason so few women hold city council seats is because so few run for office. Unlike London, this cannot be blamed on the selection process as those voting in local party primaries are not biased against women candidates. However, the lack of women candidates may be due to the lesser value women place on city council seats and/or the fact that they do not pay as much attention to local elections as men at least in the crucial early stages of the race. While unfortunate, there is little to be done but prompt local election authorities and local parties to encourage more women to run for office. Unless different evidence is uncovered – perhaps pertaining to a bias in how election recruitment information is distributed – it appears that women cannot reject any part of New York's local electoral system.

The evidence reviewed in this study provides some answers as to why New York might be more democratic than London. At least from the perspective of women, it would seem that primaries are better way to select women than secretive selection committees because they do not allow local bias to affect who runs for office in the community. However, New York's electoral formula is not any better than London's as it too discriminates against a specific party. It has yet to be established whether New York's single-member plurality system causes participation costs to be higher for some geographically-based non-voters than others, but it is a good bet that

the effects are similar to those in London. Based on all the above evidence New York would appear more democratic than London, but not much more democratic.

7.2 – PERSISTENT LOSING

So as much as this thesis is about elections in world cities, the value of the empirical findings entirely rest on the initial idea of democracy. It is hoped that the first two chapters of the thesis go some way in convincing readers that at the very least we need to rethink our previous views. Of those who support political equality as the core principle of democracy, only traditional utilitarians have offered a consistent rule by which decision-making can be evaluated. Once enjoying great support, adherence to traditional utilitarianism has waned over the years due to attacks from leading contemporary theorists such as John Rawls, T.M. Scanlon and Brian Barry who argue that this view of justice is deeply flawed. Others, such as Robert Dahl, who agree with traditional utilitarians that political equality is the core democratic principle, but who are also reluctant to fully endorse utility maximization as the only evaluatory rule have so far failed to produce a convincing alternative. This thesis proposes that Scanlon's idea of reasonable rejection be used as a new foundation on which to evaluate political equal decision-making. By using the theory of persistent losing, one does not judge outputs by how accurately they reflect inputs, but rather by whether or not the decision-making process is fair. If all within a community can agree that the rules by which decisions are made are fair, in almost all cases they must accept the outcomes themselves as fair. This theory then would seem to fit well with the pluralist view that different groups within society negotiate the terms by which they will live. But it adds an extra-dimension that if the polity wishes to be seen as 'democratic', then only rules that are reasonable to all members bound by final decisions are to be accepted.

This reliance on procedures does not mean that mean outcomes are completely disregarded. It is possible to imagine a polity where all agree to decision-making rules, but are so divided on particular issues that one group always triumphs over another. In this scenario, the costs are equal for both groups to participate in the prevoicing, voting and postvoting decision-making stages, but the policy outcomes always reflect the preferences of one group over another. Intuitively it would seem strange for us to expect those on the losing side of the process to constantly agree to outcomes that were always against their interests, although they might not reject the process by which the decisions were reached. So what is the rule to follow in this case? As Brian Barry agrees that sometimes outcomes do matter, especially if it means one segment of society is harmed.²³⁰ Returning to Scanlon, it would appear that in these cases the crucial condition of ‘unforced general agreement’ has been broken, in that the factions within the polity are too different to get along. If this is indeed the case, then there is no way that the factions can be brought under a single set of decision-making rules and separate communities will have to be formed. While an unstable solution, it would appear to be the only way to represent this vision of political equality.

There is obviously much more work to do on the cases included in this study before any claim can be made about overall levels of democracy, however it is also hoped that the reader has a much better idea of how electoral democracy does or does not work in these three cities. Future studies could go in a number of directions – either continuing to investigate elections in a larger number of world cities, or using the theory of persistent losing to investigate new decision-making spheres in large urban areas. However, the theory could also be moved to completely different settings

²³⁰ Barry, B. (1995), *Justice as Impartiality*, p. 93.

such as nation-states or international organizations. Whatever the application, it should be clear that persistent losing in any form is an unsatisfactory state of affairs for any community wishing to consider itself highly democratic.

APPENDIX 1 – DATA SOURCES

New York

- General and Primary Election Data – Source: New York City Board of Elections.
- Voting Age Population (1991-1997) – Source: US Census data.
- Gender Statistics – Manually calculated from New York City Board of Elections records

London

- General and Primary Election Data –London Research Centre.
- Demographic Statistics – Office of National Statistics.
- Gender Statistics – Manually calculated from London Research Centre records

Stockholm

- General and Primary Election Data, Population and Gender Statistics – City of Stockholm Elections Committee.

APPENDIX 2 – PARTY SUPPORT IN LONDON BOROUGHHS

From the perspective of the electorate, races in most borough elections over the last 35 years elections have been more or less predictable. As shown in Table 27, Labour runs candidates for almost every position in all wards and Conservatives contest all seats in almost every ward in the 32 boroughs. While Liberal candidates often make appearances in a large number of wards, their presence is inconsistent. Other parties – Green, British National Party, Communist, Ratepayers’ Associations, etc. – or independents sometimes contest elections, but often they do not offer a full slate and their year to year appearances are unpredictable. These patterns are important to remember when determining how to calculate party vote shares in multi-member wards.

Table 27: Candidates in London Borough Elections (1964-1998)

Year	Seats	Cand	Lab	%	Con	%	Lib	%	Other	%
1964	1859	5119	1858	99.9%	1675	90.1%	1158	62.3%	428	23.0%
1968	1863	4820	1843	98.9%	1732	93.0%	794	42.6%	451	24.2%
1971	1863	4633	1860	99.8%	1745	93.7%	592	31.8%	436	23.4%
1974	1867	5301	1866	99.9%	1714	91.8%	1271	68.1%	452	24.2%
1978	1908	5761	1907	99.9%	1829	95.9%	990	51.9%	1035	54.2%
1982	1914	5980	1914	100.0%	1808	94.5%	1800	94.0%	451	23.6%
1986	1914	5992	1913	99.9%	1837	96.0%	1826	95.4%	416	21.7%
1990	1914	5782	1914	100.0%	1851	96.7%	1323	69.1%	694	36.3%
1994	1917	5837	1917	100.0%	1836	95.8%	1622	84.6%	462	24.1%
1998	1917	5840	1917	100.0%	1805	94.2%	1580	82.4%	538	28.1%
Totals	18936	55065	18909	99.9%	17832	94.2%	12956	68.4%	5363	28.3%

Calculating party vote shares in single member constituencies is simple. One merely divides the party’s vote share by the total number of votes cast. However popular candidates, extra parties and less-than-full slates of candidates can present difficulties when calculating vote shares in multi-member constituencies such as those

present in all London Boroughs. Because of this, there have been three methods suggested by which to calculate vote shares: the aggregate method, the average method and the top vote-getter method. All three have the strengths and weaknesses, but the key is to determine which best reflects the strength of parties in London borough elections.

Using the *aggregate method* to determine the popularity of a party in an individual ward, the total number of votes cast for all candidates running under a particular party banner in a ward are divided by the total number of votes casts in that ward. Using the *average method*, the total number of votes cast for an individual party are divided by the number of candidates for that party, this number is then divided by the sum of the average scores for each party in that particular ward. Using the *top vote-getter* method, the vote total for the highest placed candidate in each ward is used as a numerator, while the sum of these top scores for each party is used as a denominator. The accuracy of these three measures in relation to the possible scenarios mentioned above is demonstrated below.

Table 28: Perfect Estimation Scenario

Candidate	Votes	Aggregate	Agg%	Average	Avg %	Top	Top %
Lab	1000	3000	42%	1000	42%	1000	42%
Lab	1000						
Lab	1000						
Con	800	2400	33%	800	33%	800	33%
Con	800						
Con	800						
LD	600	1800	25%	600	25%	600	25%
LD	600						
LD	600						
Total	7200	7200	100%	2400	100%	2400	100%

Table 28 shows the results of calculations using all three methods using a scenario where a full slate of candidates is run by the three major parties, with no other parties or independents contesting this ward. In this scenario, equal scores are

assigned to the candidates from each party. While perhaps not exactly realistic, this type of result is reflective of what actually happens in some wards in London and there are few candidates put forward by ‘other’ parties and voters tend to vote for a full slate of party candidates if available. Here the vote share calculations are the same no matter which method is used to do the calculations. Thus, in this scenario it is possible to use any of the three methods to generate an exact idea of party support in a particular ward.

Table 29: Popular Candidate Scenario

Candidate	Votes	Aggregate	Agg%	Average	Avg %	Top	Top %
Lab	1200	3200	43%	1067	43%	1200	46%
Lab	1000						
Lab	1000						
Con	800	2400	32%	800	32%	800	31%
Con	800						
Con	800						
LD	600	1800	24%	600	24%	600	23%
LD	600						
LD	600						
Total	7400	7400	100%	2467	100%	2600	100%

However as shown in Table 29, exceptions to the perfect scenario can produce varied results across the three vote share calculation methods. In this scenario everything is left the same as in the perfect scenario, except that one Labour candidate has received 200 more votes than his/her running mates. The top vote getter score jumps up higher than either the aggregate or average scores. While both of the later scores reflect an increase in Labour support, the top vote getter score over emphasises the extra votes cast for this one candidate. The inaccuracy here would perhaps be more noticeable in a five seat constituency where one candidate’s score is much higher than average. Thus the more the top vote getter scores strays from the average vote, the more this particular measure distorts party vote share scores. Under the above scenario, this is not the case for either the aggregate or average score methods.

Table 30: One Additional Candidate from One Party Scenario

Candidate	Votes	Aggregate	Agg%	Average	Avg %	Top	Top %
Lab	1000	3000	40%	1000	37%	1000	37%
Lab	1000						
Lab	1000						
Con	800	2400	32%	800	30%	800	30%
Con	800						
Con	800						
LD	600	1800	24%	600	22%	600	22%
LD	600						
LD	600						
Green	300	300	4%	300	11%	300	11%
Total	7500	7500	100%	2700	100%	2700	100%

The calculations in Table 30 are again based on the perfect scenario – with the exception that vote totals for a single Green Party candidate have been added. The effect of this addition is that although the single Green Party candidate has received a mere 300 out of 7500 votes cast, both the Aggregate and Top voter methods determine that this merits a vote share score of 11 percent, while the aggregate method awards a vote share score of four percent. This distortion by both the average and top-vote methods is due to the smaller denominator generated by both. It would appear that both overestimate the support of parties not running a full slate of candidates.

Table 31: One Additional Candidate from Three Parties Scenario

Candidate	Votes	Aggregate	Agg%	Average	Avg %	Top	Top %
Lab	1000	3000	38%	1000	32%	1000	32%
Lab	1000						
Lab	1000						
Con	800	2400	30%	800	25%	800	25%
Con	800						
Con	800						
LD	600	1800	23%	600	19%	600	19%
LD	600						
LD	600						
Green	300	300	4%	300	10%	300	10%
BNP	250	250	3%	250	8%	250	8%
Comm	200	200	3%	200	6%	200	6%
Total	7950	7950	100%	3150	100%	3150	100%

Table 31 builds on the findings from Table 30, adding two additional candidates from two other parties. Both these scores estimate that although they only collected 750 votes out of almost eight thousand cast, these three parties hold almost $\frac{1}{4}$ of the vote share. Under the aggregate method this percentage is a mere 11 percent. What can be concluded from Tables 30 and 31 is that under these conditions the average and top-vote getter methods overestimate the popularity of small parties and underestimate the popularity of large parties while the aggregate method is less radical in its variance and is more reflective of actual vote shares under these types of conditions.

Table 32: Incomplete Slate for One Major Party Scenario

Candidate	Votes	Aggregate	Agg%	Average	Avg %	Top	Top %
Lab	1000	3000	45%	1000	42%	1000	42%
Lab	1000						
Lab	1000						
Con	800	2400	36%	800	33%	800	33%
Con	800						
Con	800						
LD	600	1200	18%	600	25%	600	25%
LD	600						
Total	6600	6600	100%	2400	100%	2400	100%

Table 32 also reflects a scenario worth considering. In this scenario the Liberal Democrats have not presented full slates, running two instead of three candidates, while the other major parties have run full slates. Under these conditions it would appear that the aggregate method underestimates the voter support for the Liberal Democrats. If 600 voters support the first two Liberal Democrats it is most likely that these voters decided not to cast their third vote. If this is the case, then Lib Dem vote share would be better represented by average or top voter getter methods.

If none of the three techniques is accurate under all conditions, which should be used choose to calculate party vote shares in London Borough elections? In this study the aggregate method was chosen for two reasons. First, the most likely scenario,

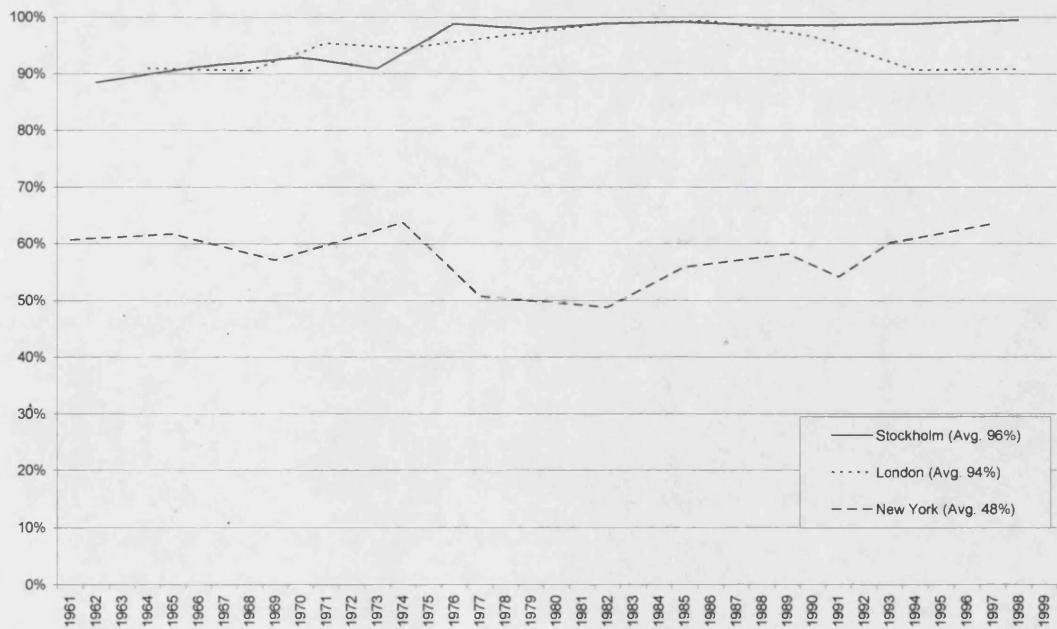
especially in later elections, is that three all major parties will run full slates of candidates with the occasional single fringe party or independent candidate also contesting the election. This scenario the aggregate method best reflects vote share scores.

Second, as shown above, all methods distort scores under certain scenarios. The real question to ask is do we want to live with overestimation of small party support using average or top vote getter scores or underestimation of major-party-with-incomplete-slate scores. For the purposes of this study where we are looking persistent losing it is perhaps best to err on the side of caution and rely on the latter. If we are to make the claim that the Liberals are persistently losing because they receive less than their fair share of seats, the claim is stronger if it is based on what is the best case scenario in terms of how the calculations are made. In other words, if it is found that persistent losing is occurring even when the percentage of voters supporting Liberals is underestimated, acknowledging the underestimation bias in the formula only strengthens the claim.

APPENDIX 3 – CALCULATING VOTER TURNOUT

In testing for the possibility of persistent absence in the voting stage it is important to use the most appropriate statistics as a dependent variable. In this study turnout is measured as a percentage of the number of votes cast divided by the voting age population – the technique used by most scholars who compare turnout rates such as Ray Teixeira, Steven Rosenstone and Raymond Wolfinger.²³¹ This technique stands in marked contrast to that used by most newspapers where turnout is calculated as ballots cast divided by registered voters or those such as Tatu Vanhanen, who divide votes casts by total population.²³²

Figure 21: Percentage of Voting Age Population Registered (1961-1998)



²³¹ Rosenstone, S. J. & Wolfinger, R. E. (1978), 'The Effect of Registration Laws on Voter Turnout', *The American Political Science Review*, Vol. 72:1, March, pp. 22-45 and Teixeira, R. A. (1992), *The Disappearing American Voter*, Washington, D.C: Brookings Institution.

²³² Vanhanen, T. (1999), *Prospects of Democracy*.

Using the statistics provided by dividing ballots by registered voters is dangerous when comparing polities. For example, those with very low registration rates reduce the denominator and inflate turnout rates while those with high registration rates increase the denominator and deflate turnout rates. Using total population as a denominator is also problematic. For example, polities with high numbers of young people will have inappropriately deflate turnout figures. Figure 21 demonstrates that it would be a mistake to compare turnout levels calculated using registered voters as a denominator. In Stockholm and London nearly one hundred percent of those eligible are registered to vote, where in New York often half the eligible voters fail to be registered. Thus it is easy to see how using registered voters instead of voting age population as a denominator would greatly inflate turnout figures in US cities.²³³

²³³ Blais, et. al found that that 94 percent of the 63 countries studied restrict voting to those aged 18 and over (in Brazil it was 16 and as high as 21 in a number of other countries). See, Blais, A., Massicotte, L., & Yoshinaka, A. (2001) 'Deciding Who has the Right to Vote: A Comparative Analysis of Election Laws', *Electoral Studies*, Vol. 20: 1, pp. 41-62.

APPENDIX 4 – TURNOUT MODELLING NOTES

The following scatterplots have been generated to test for heteroscedasticity in the three Models used to predict turnout in Chapter 5. As suggested by Gujarati, ‘[i]f there is no a priori or empirical information about the nature of heteroscedasticity, in practice one can do the regression analysis on the assumption that there is no heteroscedasticity and then do a post-mortem examination of the residual squared... to see if they exhibit any systematic pattern.’²³⁴ If there is no systematic pattern between predicted values and residual values when plotted on a scatterplot, then there is little chance heteroscedasticity is present in the data. According to Kleinbaum, et.al, ‘variance heteroscedasticity must be considered only when the data show very obvious and significant departures from homogeneity. In general, mild departures will not have too adverse an effect on the results.’²³⁵ As shown below, the three residual scatterplots demonstrate no obvious patterns, thus the data in all models can be considered homoscedastic.²³⁶

²³⁴ Gujarati, D.N., (1995), *Basic Econometrics*, New York: McGraw Hill, p. 368.

²³⁵ Kleinbaum, D., Kupper, L. & Muller, K. (1988), *Applied Regression Analysis and Other Multivariable Methods*, Boston: PWS-Kent, p. 108.

²³⁶ I would like to thank Dr. Robert Kozak, Lecturer in Statistics and Associate Professor, Faculty of Forestry, University of British Columbia for his help in testing the data for multicollinearity and heteroscedasticity.

Figure 22: Scatterplot of Model 1 Residuals

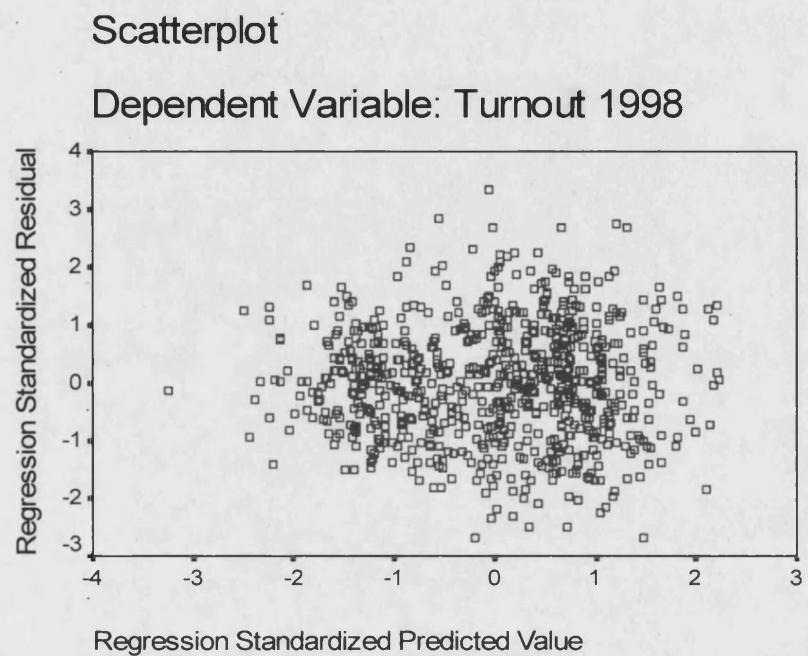


Figure 23: Scatterplot of Model 2 Residuals

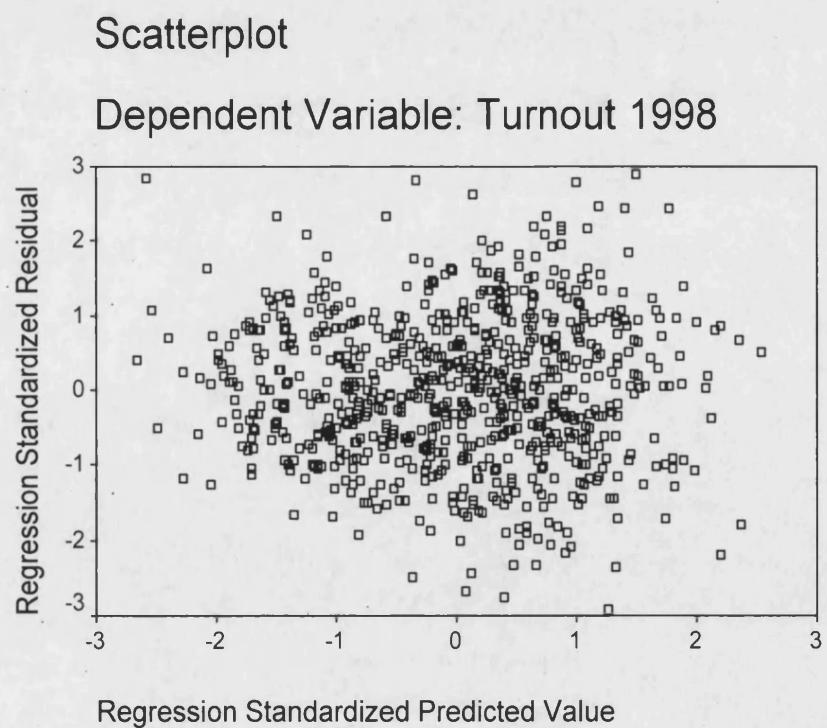
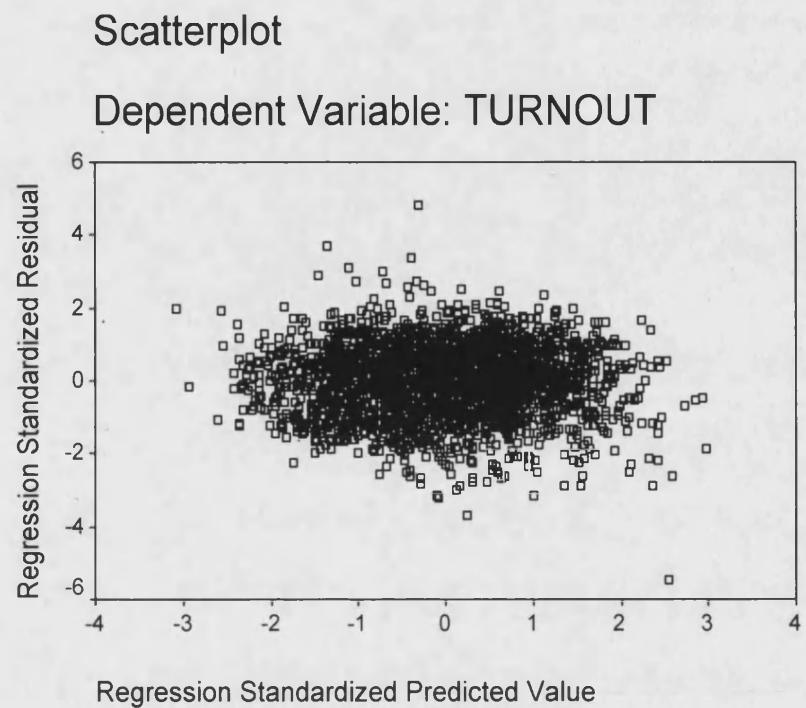


Figure 24: Scatterplot of Model 3 Residuals



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