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Representation on a mixed basis – people and territory and the Norwegian solution

Representação em base mista – povo e território – a solução norueguesa

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Contents

Abstract: The design of any electoral system represents compromises, balancing off (different) democratic principles and different concerns and interests. Importantly, democratic representation is not about the individual vote only. Moreover, the setup of an electoral system is dependent on historical and political factors in each country. The Norwegian solution of combining population size and geographical area represents an effort of adapting to new circumstances, and at the same time taking care of the historical legacy of the electoral system. Despite the fact that area is included in the allocation of constituency seats, people count more than area. Moreover, the effects on the distribution of seats between the parties is modest. Although there are different views on the 'area factor' in Norway, it represents a compromise between those who want to keep an overrepresentation of peripheral areas and those who want to stick to population only. At the time of writing, it seems likely that a majority of the parties in Parliament wants to keep it, at least for the next election in 2025.
Keywords: Constituency seats; Electoral system; Norway; Political representation; Territorial representation.

Resumo: A concepção de qualquer sistema eleitoral traduz compromissos, equilibrando (diferentes) princípios democráticos e diferentes preocupações e interesses. É importante notar que a representação democrática não se refere apenas ao voto individual. Além disso, a concepção de um sistema eleitoral depende de factores históricos e políticos em cada país. A solução norueguesa de combinar a população e a área geográfica representa um esforço de adaptação a novas circunstâncias, e ao mesmo tempo revela o cuidado com o legado histórico do sistema eleitoral. Apesar de a área estar incluída na atribuição de lugares nos círculos eleitorais, as pessoas contam mais do que a área. Além disso, os efeitos sobre a distribuição de assentos entre os partidos são modestos. Embora existam opiniões diferentes sobre o "factor área" na Noruega, este representa um compromisso entre aqueles que querem manter uma sobre-representação das áreas periféricas e aqueles que querem limitar-se apenas à população. Na altura em que este artigo foi escrito parece provável que uma maioria dos partidos no Parlamento queira mantê-lo, pelo menos para as próximas eleições em 2025.
Palavras-chave: Círculos eleitorais; Noruega; Representação política; Representação territorial; Sistemas eleitorais.

Introduction[1]

The Norwegian political scientist Stein Rokkan emphasized that 'even in the most 'proportionalized' of democracies, the electoral arrangements still reflect tensions between three conceptions of representation: the numerical, the functional, and the territorial' (Rokkan 1970:165). Other scholars point to similar elements inherent in democratic representation. Hanna Pitkin (1967), for instance, accentuate three related dimensions, namely descriptive, substantive, and symbolic representation, while others emphasize the need for ideological and issue congruence between voters and elected rep-

1 Presented at the Conference on the 2022 parliamentary elections and the reform of the Portuguese electoral system, Universidade Lusíada, Lisboa, May 25th, 2022.

resentatives (Valen & Narud 2007; Brunell & Buchler 2009).

Disregarding differences in terminology and categories, there is widespread agreement that political representation is multidimensional. This means that representative democracy involves more than formal representation of individuals (expressed in the principle of 'one man, one vote, one value'). Some of these dimensions or concerns may be supplementary, while other may be in conflict with each other (Rokkan 1970). Nevertheless, designing an electoral system means compromises between different concerns, not the least between representational scope and governability (Lijphart 1994; Blais & Massicotte 2002; Gallagher & Mitchell 2008b; Reynolds 2011; Aardal 2011). However, the setup of the electoral system will not be able to meet all these demands and requirements. A considerable responsibility rests with the political parties themselves.

In this article, the focus is on territorial representation. In majoritarian systems, one-seat constituencies are not only the loci of party contestation, but also the foci of territorial representation. Thus, the drawing of constituency boundaries may be consequential for candidates' chances of being elected (e.g. through 'gerrymandering') (Taylor 2018:723). Nevertheless, the candidate winning the seat is not only representing her own voters, but also voters who did not vote for her (and even non-voters). Thus, taking care of interests and perspectives of the territorial unit you are elected from is an integral part of the concept of 'constituency service' (Crisp & Simoneau 2018).

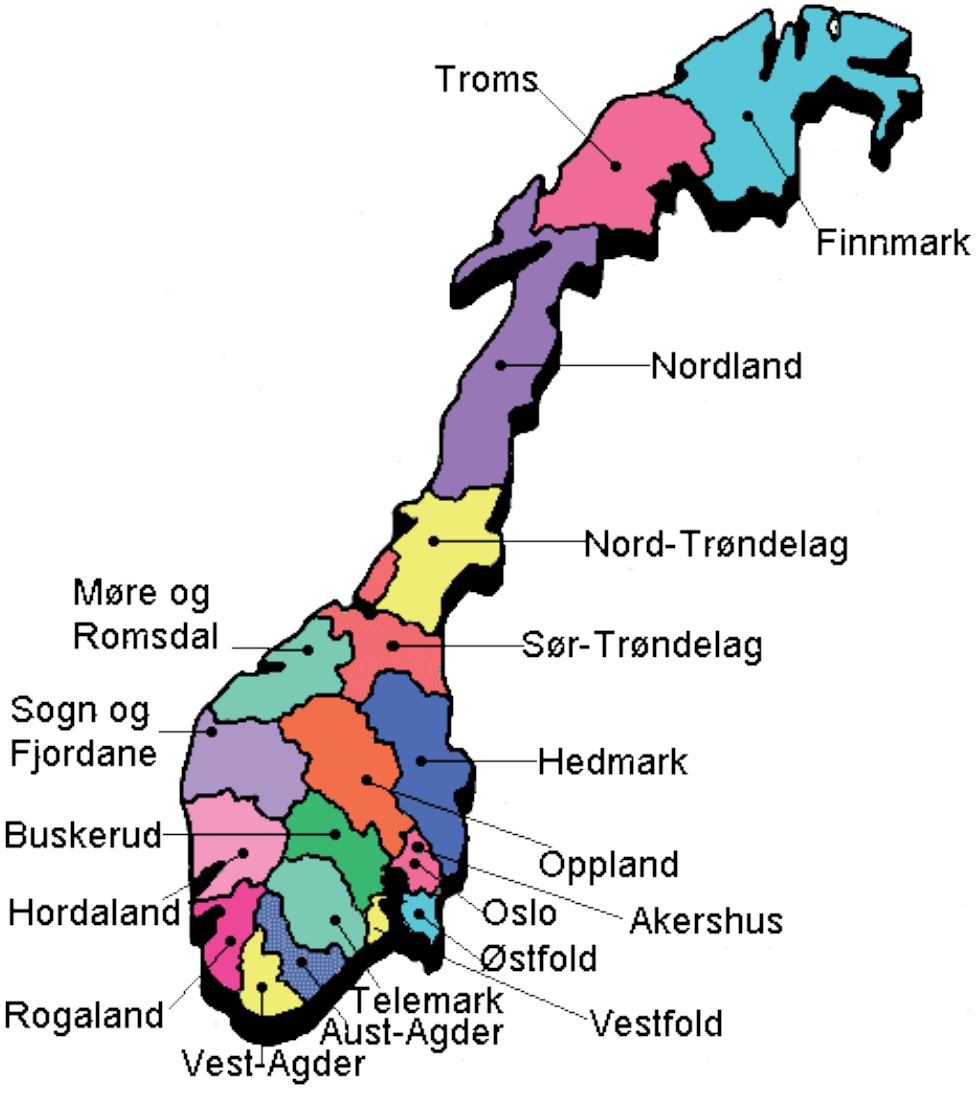

Figure 1. Electoral districts in Norway

Even in proportional systems, representatives may take on the role of 'constituency servants', in particular if they are the only representative from their electoral district. Even with several representatives elected from the same electoral district, the individual representative's effort in promoting territorial interests may be important for reelection. With the exception of countries with a single nationwide electoral constituencies (like the Netherlands and Israel), the design of electoral districts – both in terms of geographical boundaries and number of seats – is an important part of national politics. Seats may be allocated to the constituencies in a number of ways, for instance by number of inhabitants or eligible voters. However, this may lead to wide discrepancies between (very) small and (very) large constituencies. Typically, small, rural districts may be poorly represented compared to densely populated urban areas. In some countries this has resulted in compensatory measures, giving the smallest districts more seats than originally allocated (Gallagher & Mitchell 2008a:14). In addition to acknowledging the importance of territorial representation, such measures may also be seen as remedying the negative effect of wasted votes (see below).

Although territorial representation is an integral part of democratic principles, few PR countries address it in an explicit way. One exception is Denmark where constituency seats are allocated according to a combination of number of inhabitants, eligible

voters, and area (Elklit 2008).[2] However, Norway addresses territorial representation in an even more explicit manner. Thus, the Norwegian system is the thematic focus of the remainder of this article.

The case of Norway

Territorial representation has been particularly important in Norway. In the 1814-constituion, which represents the beginning of modern statehood, representation was divided between rural and urban constituencies. The ratio between rural and urban representatives was set at 2:1, securing a substantial representation of the rural population.[3] Due to variations in population density, the rule gave peripheral districts an overrepresentation in terms of seats compared to the most central area around the capital. The 1814-constitution was one of the most democratic constitutions of the time, giving voting rights to a wider segment of the population than was usual in other European countries. Moreover, the dominating view was that peripheral areas needed a 'compensation' in terms of seats in order to counter the political power encapsulated in the center. Notwithstanding the historical legacy, several other factors speak to the continued relevance of territorial representation. Firstly, is geography itself. Figure 1 shows a map of Norway. The length of the country is striking. The distance from the southernmost to the northernmost part, is about 1800 km. Norway is, for instance, four times bigger than Portugal, but has only half the population (5.2 mill.).

Traditionally, fjords, mountains and geographical distance have represented barriers for travel and communication. Even today, this may represent hindrances for everyday contact, despite communicational and technological innovations. Moreover, regions represent different economic, cultural and social interests. The Southwestern part, for instance, represents strong 'counter-cultural' elements as well as being the main area for the oil- and gas industry: The northernmost region, Finnmark, deserves special attention. Its outreach is half the size of Portugal (and 1.6 times the size of Belgium), but with a population of only 75 000. In addition, Finnmark is the main area for the indigenous, Sami population. The Samis have their own parliament (Sámediggi), and is protected by international conventions. In addition, Finnmark plays an important role in terms of national (and international) security because of the border with Russia. Close to the Norwegian border, we find Severomorsk, which is the hub for the Russian north fleet of nuclear submarines. Moreover, fisheries and oil and gas extraction in the Barents Sea represent important economic interests not only for Finnmark, but also for Norway as a whole. Nevertheless, the sheer size of Finnmark represents a particular challenge when including territory in the allocation of seats (more on this below).

"Due to the historic legacy and to economic and cultural differences, territory have represented and still represents important political cleavages in Norway. This involves both urban-rural conflicts as well as center-periphery divides."

Territory reflects important political cleavages

Due to the historic legacy and to economic and cultural differences, territory have represented and still represents important political cleavages in Norway. This involves both urban-rural conflicts as well as center-periphery divides. In Rokkan's summary of the main political cleavages in Norway, he first mentioned geography, and then religion and social class (Rokkan 1967). Even though topographical hindrances are less important now than in the past, economic and political power is still concentrated in the more central parts of the country. Thus, urban-rural tensions have had a constant presence in Norwegian politics, lately expressed in the electoral success of the agrarian Center Party in the last parliamentary election ((see Aardal & Bergh 2022). Moreover, the center-periphery conflict has been vital in connection with the debate on Norwegian membership in the European Union. In two referendums, in 1972 and 1994, the majority of Norwegian voted not to EU-membership (Valen 1973; Jenssen et al. 1998). Overall, the peripheral areas voted no, while the central areas voted yes.

A short presentation of the Norwegian electoral system

Before we turn to the way territory is included in the allocation of constituency seats, let us take a brief overview of the Norwegian electoral system. Norway has 19 electoral districts (constituencies), which originally were the regional, administrative units (counties). In 2017, the 19 counties were reduced to 11 by merging several of the old units. This reform was, however, controversial. After the 2021 election, the government has indicated that several of the merged counties will be split up again. Thus, the final regional structure will be settled later. However, Parliament recently (May 2022) decided to keep the old 19 counties as the electoral districts, irrespective of future administrative borders. The average number of seats is 8.9, with four representing the minimum number of seats and twenty the max-

2 Hylland (1989:231) estimates that the Danish system equals giving one point per inhabitant and 11.4 points per square kilometer.

3 Although the rule was called the 'peasant's clause', in reality it gave the urban population an overrepresentation as only 10 percent of the population lived in cities around that time.

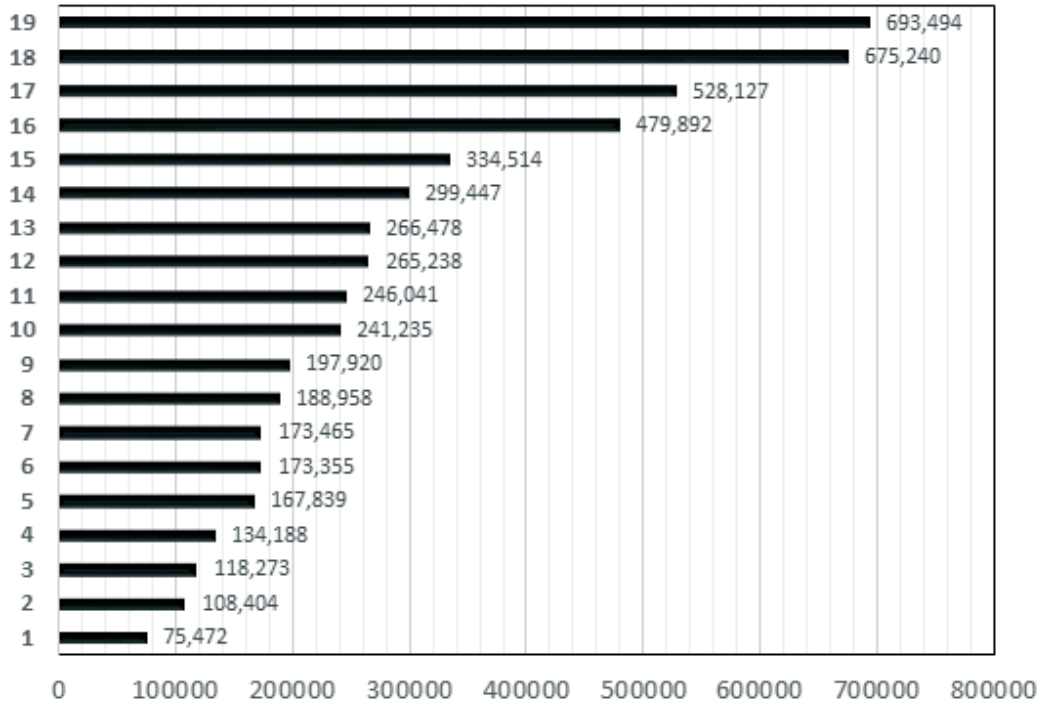

Figure 2. Population size in the electoral districts. 2022.

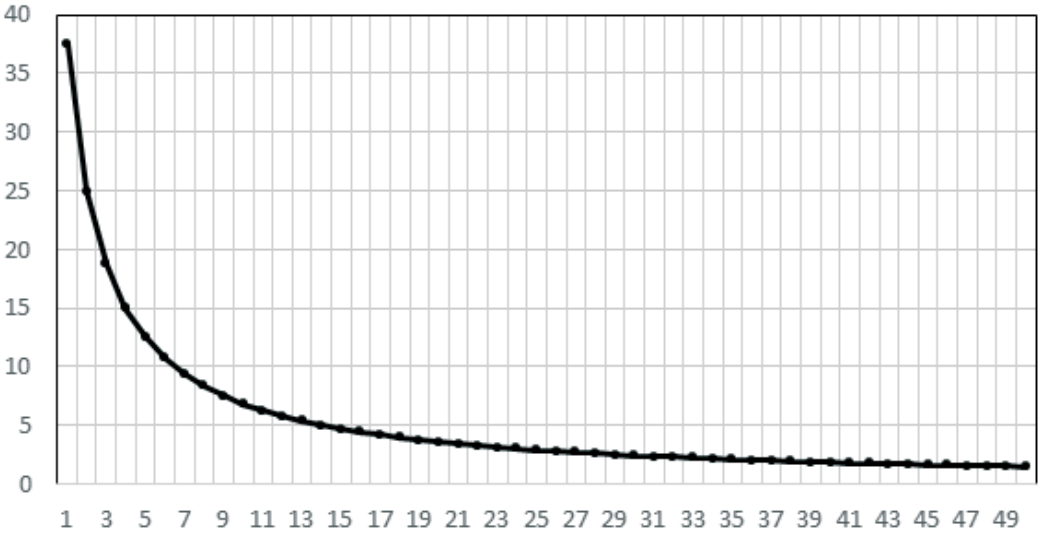

Figure 3. Number of constituency seats by thresholds (in pct.) of representation.

imum. Overall, there are 169 seats, with 150 district seats and 19 supplementary seats, compensating for disproportionality caused at the constituency level. The allocation of supplementary seats is based on the national vote for each party, and only parties reaching the four percent threshold may compete for these seats. The allocation method for seats to parties is the modified Sainte-Laguë method (odd numbers with 1.4 as the first divisor).[4] Elections are held every four years, with fixed periods. This means that there are no provisions for calling new elections during this period. The last parliamentary election was in September 2021. Ten parties are now represented in parliament, with the Labor Party as the biggest (with 48 seats), and a regional list from Finnmark as the smallest (only one representative). Turnout has consistently been high, averaging 78 percent for the ten last parliamentary elections.

The electoral districts

As mentioned, there are 19 electoral districts. Figure 2 shows the number of people living in each of them. The districts are sorted from the most densely populated at the top to the least densely populated at the bottom. We see that the size of the districts are widely different. If number of inhabitants were the only criterion for the allocation of seats to the constituencies, Finnmark would only receive two seats, while Oslo would receive 22. Compared with the average number of inhabitants per seat, Finnmark would actually be underrepresented based on number of inhabitants alone. The same would apply to the low-density district of Sogn og Fjordane.

This actualize an important question in PR systems, namely the degree of overall proportionality. A number of studies point to the importance of district magnitude (number of seats in the district) as one of the most important factors behind system proportionality (Lijphart 1994; Gallagher & Mitchell 2008b). The lower number of seats, the less proportionality. Arend Lijphart (1997) and Rein Taagepera (1998) have proposed the formula t= 75/m+1, to indicate representation thresholds (t) according to district magnitude (m). Figure 3 shows how the threshold varies from 1 to 50 constituency seats. The x-axis shows the number of seats in the constituency, while the y-axis shows the representation threshold in percent of the vote.

If district magnitude is only one, the representation threshold is 38 percent of the vote.

4 Proportional elections were introduced in 1919. The d'Hondt method (even numbers) was used until 1952 when it was replaced by the modified Saint-Laguë method.

With two seats, the threshold is 25 percent, with three seats it is 19 percent, going all the way down to two percent with 30 seats and one percent with 50 seats. The graph illustrates the fact that district magnitude is vital with respect to the representativeness of the system. A low number of seats in a particular constituency not only means high thresholds for representation, but a higher number of wasted votes. See figure 3. Thus, a low number of constituency seats may negatively affect the proportionality of the electoral system itself. In turn, it may affect voters' willingness to participate in elections, and potentially add to system distrust.

Previous distribution of district seats

As mentioned, the disproportionate allocation of constituency seats goes way back in Norway. However, some amendments to the allocation of constituency seats have been implemented, typically allocating a few more seats to the most populous districts in order to reduce geographical skewness. Nevertheless, these changes have been unsystematic. As a result, the overrepresentation of some peripheral counties was more pronounced in 1993 than it had been in 1906 (Matthews & Valen 1999:44). Thus, the geographical distribution of seats became more, and not less, skewed over time.

The degree of skewness is clearly illustrated in Figure 4 that shows deviations from the average number of inhabitants per seat before the 2003 reform. The horizontal bars in Figure 4 shows the deviation in percent for each constituency. Bars to the left of center indicate underrepresentation, while bars to the right of center indicate overrepresentation. If we follow the logic behind 'compensation' for peripheral areas, we would expect a line going from the top left to the bottom right. Instead, we see a more irregular pattern, where densely populated constituencies is overrepresented, while less populated constituencies are underrepresented. The main concern, however, was the size of the deviations in both directions. The underrepresentation of Oslo, Akershus and Rogaland was considerable (33-38 percent), while the deviations for Finnmark, Sogn og Fjordane and Nord-Trøndelag were in the same range, but in the opposite direction. The size of the deviations from the average number of votes per seat raised objections from international agencies. In the report on the 2009 election OSCE/ODIHR noted that 'consideration should be given to a review of the constitutional provision for the distribution of parliamentary seats among constituencies, in order to ensure a better compliance with the principle of equal suffrage' (OSCE/ODIHR 2009:6). This raises the question of what is an 'acceptable' skewness in the allocation of seats to electoral districts. See figure 4.

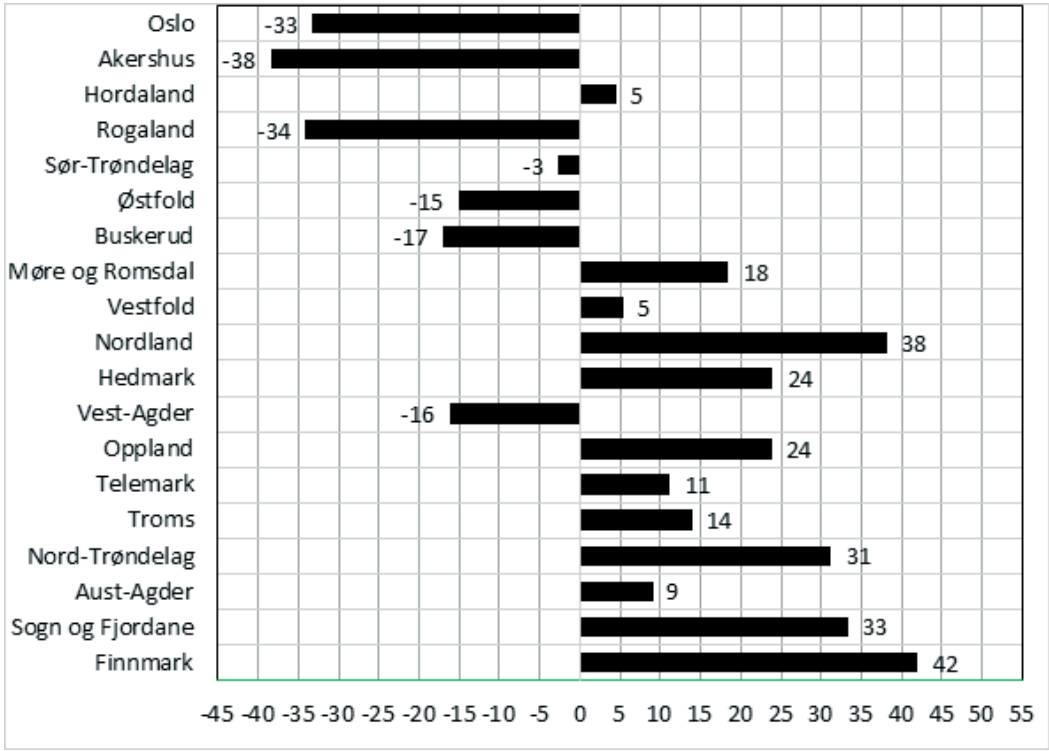

Figure 4. Percent deviation from average number of inhabitants per seat (pre-reform)

The European Commission for Democracy through Law (Venice Commission)

OSCE/ODIHR based their advice on recommendations issued by the Venice Commission, which is an advisory body under the Council of Europe, composed of independent experts of constitutional law. The recommendations are not binding, but so-called 'soft law'. With respect to allocation of constituency seats, the Venice Commission states that 'the maximum admissible departure from the distribution criterion adopted [like number of inhabitants, citizens or eligible voters] depends on the individual situation, although it should seldom exceed 10% and never 15%, except in really exceptional circumstances' (Venice Commission 2002:16)[5]. According to these recommendations, 12 districts violate the 15 percent limit, while a total of 15 violate the 10 percent limit.

The OSCE/ODIHR criticism added to the existing dissatisfaction with the seat allocation from the more populous districts. Thus in 1997 the Government appointed an Electoral Reform Commission with a mandate to propose changes in in the electoral system at large (not only seat allocation).

5 Exceptional circumstances could be a 'demographically weak administrative unit of the same importance of others with at least one lower-chamber representative, or concentration of a specific national minority'.

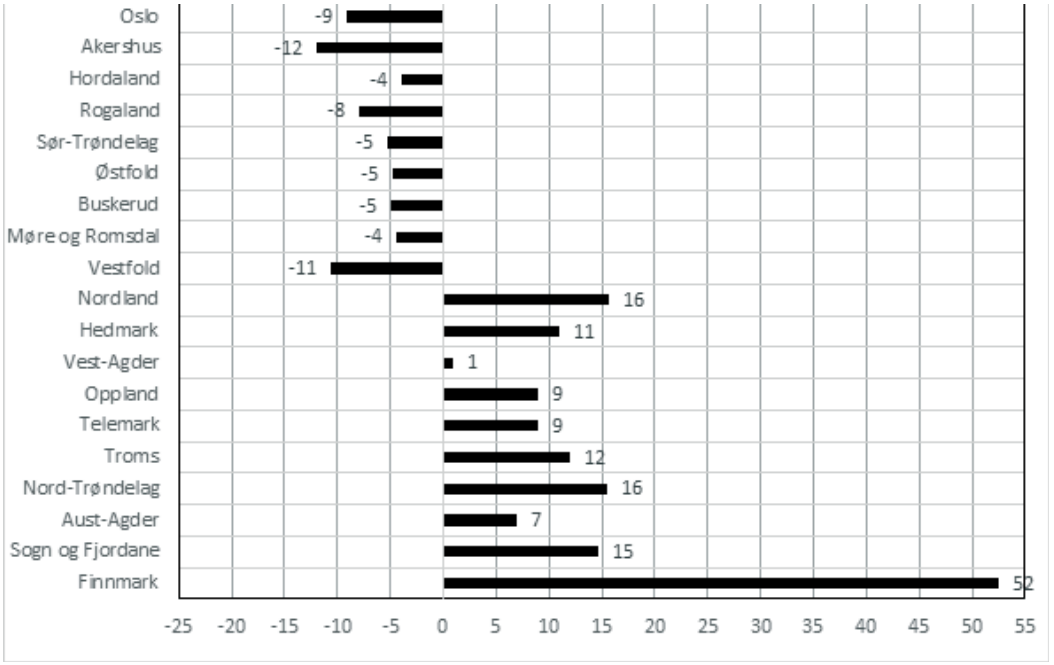

Figure 5. Percent deviation from the average number of inhabitants per seats (post reform)

The 2003 electoral reform

The Commission presented its report and recommendations in 2001 (NOU 2001:3), and a new electoral law was implemented in 2003. One goal of the 2003 reform was to make the seat allocation more systematic, while at the same time keeping the principle of (some) overrepresentation of peripheral areas. In addition, the allocations should be more dynamic –adapting to population change. Both of these goals led to a quest for a 'formulae'. Based on simulations and calculations done by renowned economists, a combination of inhabitants and area, was the preferred solution (Hylland 1989; Grønvik 2005). Thus, constituency seats are allocated according to a combined sum of number of people living in the constituency, and constituency size measured in square kilometers multiplied with 1.8. The number 1.8 has no intrinsic value, except being a proxy based on a previous distribution of seats. A number of alternative measures were tried out, but calculations showed that square km multiplied with 1.8 gave the best approximation of the 1952 geographical distribution when the present electoral districts where established (NOU 2001:3:108-109). At the time, the distribution was acceptable. Thus, the factor of 1.8 has a historic and political foundation.[6] The exact definition of area was not included in the Electoral Law, but there has been wide agreement that it includes island, lakes and rivers, but not territorial waters.[7] The dynamism of the allocation is taken care of by recalculating and redistributing of the seats every eight year, i.e. every second election.[8] Since the first national election with this system (in 2005), eight seats have been relocated to a different constituency.

One important aspect remains. To what extent does this formula fulfill international recommendations? Figure 5 shows the deviation from the average number of inhabitant per seat as of 2022. With the conspicuous exception of Finnmark, all constituencies are below or close to the 15 percent limit. Moreover, 15 constituencies are even below or close to the 10 percent limit. Finnmark, however, is an outlier. This district would have received two seats if allocations were based on population alone, but receives five seats with area included. Referring to the extremes, the value of a vote in Finnmark is more than two times higher than a vote in the most populous districts of Oslo and Akershus. Although there are different views on the inclusion of area in these calculations, the huge overrepresentation of Finnmark remains a major drawback with the combined formula.

The effects on party seats

In every debate on electoral reform, political parties (and politicians) tend to evaluate proposals in the light of 'what's in it for us'. That is, what are the winning chances for your own party? In the scholarly literature Gallagher & Mitchell (2008a:14), for instance, note that a preferential treatment of rural regions may benefit parties on the right, because parties on the left often are weak in such regions.

In Norway the effects on the parties is not as simple and direct. Table 1 shows the gains or losses – due to area –for all parties in Parliament for the elections after the 2003 reform. Firstly, we do not see a uniform tendency in which parties loose or gain. Although the agrarian Center Party lose one seat in the two last elections, they do not lose seats in the three previous elections. Moreover, the Labor Party lose three seats in the first election and one seat in the next, but gains two seats in the last election. The two other parties on the left, the Socialist Left Party and the Red Party, do not lose any seat at all in these elections. On the contrary, the Red party would have won a seat in 2009. Even for the parties on the right, we do not see a uniform pattern. In sum, the number of seats affected by the area factor ranges between one and three, which amounts to less than two percent of the total number of seats. See table 1.

6 But as Hylland (1989:231) emphasize, it is not area itself that is represented, but rather area as an attempt of including relevant geographical and settlement factors in a systematic manner.

7 The exact definition of area is left to the Norwegian Mapping authority. The allocation is done with the pure Sainte-Laguë method, because there is no need to give the larger constituencies a 'governing bonus' as is done with the allocation seats to the parties. The d'Hondt method would favor larger constituencies even more than the modified Sainte-Laguë.

8 A new Electoral Reform Commission has proposed to do the recount before every election (NOU 2020:6).

Summing up

The design of any electoral system represents compromises, balancing off (different) democratic principles and different concerns and interests. Importantly, democratic representation is not about the individual vote only. Moreover, the setup of an electoral system is dependent on historical and political factors in each country. Consequently, one country's electoral system is not easily exported to another country. Nevertheless, we may all learn from each other.

The Norwegian solution of combining population size and geographical area represents an effort of adapting to new circumstances, and at the same time taking care of the historical legacy of the electoral system. Despite the fact that area is included in the allocation of constituency seats, people count more than area. Moreover, the effects on the distribution of seats between the parties is modest.

One important part of the Norwegian experience is the fact that the workings of an electoral system change over time, not the least because of changes in population patterns, such as people moving from rural to urban areas. One consequence of such changes is that the number of constituency seats may decrease to a low level. As shown in Figure 3 this means that the representation threshold becomes high, jeopardizing the overall proportionality of the system. Even more alarmingly, high representation barriers lead to many wasted votes. In turn, this may negatively affect the general trust in the system as well as low turnout.

Although there are different views on the 'area factor' in Norway, it represents a compromise between those who want to keep an overrepresentation of peripheral areas and those who want to stick to population only. At the time of writing, it seems likely that a majority of the parties in Parliament wants to keep it, at least for the next election in 2025.

Table 1. Seat gain or loss for political parties using population and area.

Party	2005	2009	2013	2017	2021
Red Party		+1			
Socialist Left Party					
Labor Party	-3	-1			+2
Liberal Party		+1			
Christian Democrats	+1				
Center (Agrarian) Party				-1	-1
Conservative Party	+2		-1		
Progress Party		-1	+1		
Green Party				+1	
Others					-1
Seat gain/loss	3 (1.8%)	2 (1.8%)	1 (0.6%)	1 (0.6%)	2 (1.2%)

"The Norwegian solution of combining population size and geographical area represents an effort of adapting to new circumstances, and at the same time taking care of the historical legacy of the electoral system."

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