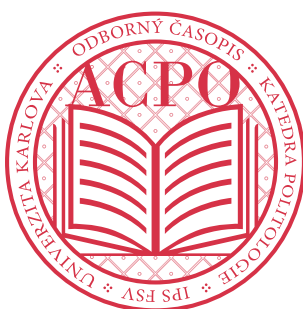


ACTA POLITOLOGICA

www.acpo.cz

RECENZOVANÝ ČASOPIS | PEER-REVIEWED JOURNAL

2022 | Vol. 14 | No. 2 | ISSN 1803-8220



BRUNCLÍK, Miloš; CHARVÁT, Jakub (2022). Editorial. *Acta Politologica*.
Vol. 14, no. 2, pp. 1–5.

https://doi.org/10.14712/1803-8220/14_2022

Published: 29/04/2022

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Editorial

Miloš Brunclík, Jakub Charvát¹

It is generally believed among political scientists that institutions matter and competitive elections form the cornerstone of modern democracy. Elections are considered events that allow ordinary citizens to be involved in the political process; their votes influence who will govern and, to some extent, how political power will be exercised. In this sense, electoral systems, if properly chosen, can be described as *'the cogs that keep the wheels of democracy properly functioning'* (Farrell 2001: 2). Understanding the consequences of electoral systems is thus an important factor for studying the processes of governance, the nature and composition of governments, the format and size of party systems, both the political and territorial composition of assemblies and/or the overall stability of political systems.

At the same time, electoral systems are described as *'the most specific manipulative instrument of politics'* (Sartori 1968: 273), and Riker (1986) pointed out that politicians often try to improve their positions by changing electoral systems when given the opportunity. Therefore, according to Colomer (2004, 2005), *'it's parties that choose electoral systems'* as the existing parties tend to choose electoral systems that usually crystallise, consolidate or even strengthen the existing party configurations, rather than creating new party systems at all. Therefore, it seems that to fully understand the political consequences of electoral systems, it is also essential to understand their roots, i.e., why and how these electoral systems were chosen and changed over time.

In the Czech Republic, the electoral system for the Chamber of Deputies, i.e., the lower parliamentary chamber, has recently changed. This change was passed as a direct reaction to the decision of the Czech Constitutional Court (Pl. ÚS 44/17) in February 2021 which struck down several substantial provisions of the previous Parliamentary Electoral Act. This decision which paralysed the electoral system prompted the adoption of a legislative amendment to the Parliamentary Electoral Act to replace the abolished parts with new provisions. Hence, this special issue is dedicated to both the decision of the Constitutional Court and the change to the Parliamentary Electoral Act.

Given the large media coverage of the issue as well as a significant amount of political interest, many comments on the issue were published (e.g., Czech Radio 2021; Independent 2021). Academia does not lag behind. The present articles are not the only academic texts that were elaborated in response to the 2021 Czech Constitutional Court decision, respectively to the October 2021 parliamentary elections. Some other texts have already been published (e.g., Antoš and Horák 2021; Červinka 2021; Williams 2021) and we expect

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further texts are being prepared and will soon appear at various academic platforms. This is not surprising given the fact that this specific area of political research (electoral systems and their reforms) has been a traditional theme of Czech political science since the 1990s, when Czechoslovakia, resp. the Czech Republic, was re-established as an independent and democratic state holding regular free and fair elections. Together with other countries in the region, the Czech Republic became a political science laboratory for numerous initiatives of constitutional/electoral engineering (cf. Birch 2002; Birch 2003; Charvát 2016; Juberías 2005; Juberías 2004; Sartori 1994), and constitutions and electoral laws were subject to frequent changes. Hence, many Czech scholars delved into the issue and have published extensively on the electoral systems since the 1990s (e.g. Charvát 2013; Chytilík and Šedo 2007; Chytilík et al. 2009; Kopecký 2004; Lebeda 2007; Lebeda 2016; Novák 1996; Novák and Lebeda 2004; Novák, Lebeda and Taagepera 2005; Šedo 2009; cf. Crawford 2001). The Czech electoral system is not only relevant to political science but also to jurisprudence. Indeed, not only have constitutional law experts published on the electoral system (e.g., Antoš 2007; Antoš 2009; Filip 1994; Filip 2006; Williams 2005; Williams 2011) but also the Czech Constitutional Court itself has repeatedly ruled on various features of the Czech electoral system, as the manuscripts of this issue clearly demonstrate.

The 2021 amendment of the Parliamentary Electoral Act is not the first change to the electoral system of the Czech Republic. Indeed, since the mid-1990s both academia (e.g., Novák 1996; Klíma 2001; Lebeda 1998; Lebeda 1999) and politicians have repeatedly debated the issue of an appropriate electoral system. The debate occasionally resulted in concrete proposals to change the Czech electoral system, some of which were passed by the Czech parliament, although sometimes the Czech Constitutional Court struck down some of the key elements of the reforms. In general, this debate was framed by theoretical considerations, including the trade-off between efficiency and representativeness of the electoral system (cf. Shugart and Carey 1992: 8; Sartori 1968: 469, Sartori 1994: 53; Novák 2001). The Czech Republic has always relied on a proportional electoral system that was also used by interwar Czechoslovakia. Unlike Czechoslovakia between 1918 and 1938, however, the Czech Republic is not a multinational and culturally heterogeneous country. Also, the Czech Republic has traditionally been plagued by a low degree of efficiency (as exemplified by a low stability of governments and difficulties to set up a majority cabinet following parliamentary elections). Even though these two facts might have encouraged lawmakers to promote a less proportional electoral system, such tendencies were defeated. Instead, the Czech Republic is characterized by the propensity to favour representativeness over efficiency as exemplified by the two decisions of the Constitutional Court from 2001 (Pl.ÚS 42/2000) and 2021 (Pl. ÚS 44/17).

The three articles (two written in English, one in Czech) in this issue discuss the 2021 decision of the Constitutional Court as well as the ensuing electoral reform. Both moments are subject to thorough scrutiny and convincing criticism. For example, the Constitutional Court's ruling was issued more than three years following the motion filed on behalf of 21 senators who objected to a couple of parameters of the electoral system. Despite the more than generous time available, Kieran Williams, the author of the second article, criticized the poor argumentation of the Constitutional Court (see also Antoš and Horák 2021). Moreover, the Constitutional Court's ruling was published some eight months prior to the parliamentary elections, which did not allow politicians to pass a reform of the electoral act in a comfortable manner.

Jakub Charvát, the author of the first article surveying and analyzing the 2021 politics of electoral reform in the Czech Republic, also refers to this fact. According to the author, due to the late Constitutional Court's ruling, the 'only' addition of the annulled provisions was the maximum possible because the limited time available did not allow for a deeper review of the Parliamentary Electoral Act. Discussing the likely political consequences of the electoral system change on the overall seats–votes (dis)proportionality, over-/underrepresentation of political parties and malapportionment, the author concludes that the electoral reform failed to eliminate shortcomings of the previous electoral system².

Finally, the third article by Ivan Jarabinský, Miroslav Líbal, and Jan Oreský also deals with the concept of seats–votes proportionality. The authors' article shows that this key parameter of (not only) the Czech electoral system can be approached from different perspectives. Hence, one may talk about three concepts of proportionality. Even though such an analytical distinction appears highly relevant for electoral system designers who should set desirable aims that an electoral system should meet, it seems that this moment was sufficiently realized and dealt with neither by the Constitutional Court nor the politicians who passed the electoral reform.

In conclusion, from all the three articles we can discern the claim that despite the amendment, the new electoral system suffers from deficiencies and is thus open to future political and legal challenges.

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² One of the problems of the previous electoral system that the electoral system failed to rectify is that a party may receive more seats than another party that got more votes. The 2021 election result illustrates this point.

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