

Floor Crossing is Bad News for Democracy

[By Jonathan Faull, IDASA, 2005 September 12]

Now that the floor-crossing extravaganza is into its frenetic second week and in light of Parliament's impending debate on the subject it is worth dwelling on the real and potential consequences of the arrangement for our developing democratic project. South Africa remains in a process of ongoing political transition, democratic consolidation and social transformation, and floor-crossing, as an aspect of the formal framework of representative democracy, is party to these processes.

The South African system of representative democracy is premised on proportional representation (PR). In national and provincial elections the total number of valid votes cast, constitutes 100% of the vote. Subsequent to elections, the votes accruing to each party are tallied proportionately, and seats are assigned accordingly in line with a formula for representation. When an individual MP crosses the floor it distorts the balance of representation as determined by citizens through the ballot box.

In the National Assembly each of the 400 seats represents approximately 0.25% of the vote. In the context of the 2004 elections, when just over fifteen and a half million valid votes were cast, each seat accounts for the representation of 39 032 voters.

Opinion polls have shown consistently that the effects of floor-crossing do not channel public opinion. In other words, a 2% shift toward a party through floor-crossing does not necessarily reflect a concurrent shift in voter intention towards that party.

History can make a case for serious distortion: the NNP effectively came off a base of zero in the 2002 local government floor-crossing window, and finished with representation of over 340 councillors. Yet this "increase" in representation coincided with the party's most precipitous decline in support, as evidenced in the 2004 election results. Distorting representation is bad news for representative democracy.

Floor-crossing moreover undermines the principle of participatory democracy envisioned by Constitution: representatives shuffle across the aisles of power without any imperative to consult, or be held accountable to citizens, or their opinions. It is reasonable to assert that for each seat swapped in the National Assembly, the voter intention and representation of 39 032 citizens who went to the polls in 2004 is nullified, undermining the constitutional provision for the equality of all votes and voters, and the right to representation.

Not surprisingly many citizens feel aggrieved by the political theatrics associated with defection. A survey released by the Washington Post, Kaiser Family Foundation and Harvard University in 2004, asked citizens "Do you approve or disapprove of Parliamentary representatives leaving their political party and joining another party, also known as 'floor crossing'?" Results indicated high levels of antipathy towards defection: 32% of respondents

indicated “some” or a “strong” level of approval for floor-crossing. In contrast a total of 63% of respondents indicated “some” or “strong” disapproval of the regime. The largest group of respondents, 42% of the sample, disapproved “strongly”.

But further factors also need to be considered when assessing the impact of floor-crossing on our emerging political culture: Data suggests that floor-crossing reinforces perceptions of alienation among sections of the South African voting public. In 2004, turnout of voters in KwaZulu Natal and the Western Cape, the two provinces most effected by the 2003 national and provincial defection period, registered the lowest levels of voter turnout for polls across the country, 73.51% and 73.05% respectively.

When weighing up the advantages of exercising democratic citizenship with spending the morning in bed on Election Day, it must be tempting for supporters of smaller parties to veer for the latter when the net beneficiary of floor-crossing at all levels has been the ruling party at the expense of opposition in toto. The ANC, effectively protected by the clause requiring 10% of a caucus to cross before any individual may move, is yet to lose a national or provincial seat in any legislature through floor-crossing. Unsurprisingly, the system is perceived as unfair.

Notwithstanding the fact that an alienated citizen is no good for democracy, voter apathy in the context of a PR system has a substantive effect on electoral outcomes. Voters in a PR system impact on the result whether they vote or stay at home. If 2 people vote or if 20 million people vote, the sum of the votes is formulated into a 100% figure and divided up proportionately. When people stay at home they thus increase the proportional and representational “power” of every vote that is cast.

There is also an argument to be made that floor-crossing is bad for internal party politics. The recent floor-crossing window has seen, for example, the IFP, a party already in electoral decline, haemorrhage representation to the newly formed National Democratic Convention (NADECO) - a party that ironically has never contested an election, but now holds representative power in two spheres of government. Representatives who have left the IFP for NADECO have cited various reasons for their departure: from clashes with the leader of the party, to a lack of vision on the part of the organisation.

Regardless of party political affiliation, it must be agreed that the defection of these members from the IFP has robbed that organisation of an important internal debate, and one which potentially could have changed and renewed the organisation. Floor-crossing in this instance encourages disaffected members to withdraw from party disagreements, sucking the life-blood from the internal debates that drive political parties to remain relevant to the concerns, grievances and aspirations of citizens more generally. The temptation to jump ship rather than engage one’s colleagues in substantive debate appears to be an increasing reality in South African politics. This too is bad news.

This is compounded by the context of an ongoing process of consolidating democracy. For democracy to sustain itself, it has to win the trust of its citizens. In the context of a transition from authoritarian rule, this project has to assert itself in opposition to the lived memories and experiences of institutional impunity.

Current data suggests that Parliament's long haul towards establishing legitimacy in the eyes of the public has been largely successful, but it remains work in progress. The 2005 Afrobarometer survey found that 23% of citizens trusted the institution of Parliament "a very great deal" while a further 29% trusted it "a lot". The 2004 Washington Post/Kaiser Foundation survey reported that 45% of respondents had a "great deal" or "quite a lot" of confidence in Parliament. The largest single segment, 30%, remained ambivalent, indicating "some" confidence in the institution; a further 23% indicated "not much" confidence or "none at all".

Widespread public perception of expedience driving the movement of politicians during floor crossing, the distorting effects of defection on representation, the apparent link between rising levels of voter apathy and floor-crossing and the negative effect of floor-crossing on internal party politics are trends that we should all worry about as participants in democratic life. The contradictions arising at the intersection of a PR, party list electoral system and the regime of floor-crossing as currently legislated demand either electoral reform, or the reform or scrapping of floor-crossing.

Data clearly indicates that the citizens of South Africa care dearly about this. The commitment to addressing these grievances on the part of our representatives, however, remains questionable.

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