Great for constitution writing but an obstacle to democratic consolidation: The ephemeral value of the Hare Quota formula in Tunisia's parliamentary elections

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Abstract

The Hare Quota-Largest Remainders (HQLR) formula promoted consensus-building during Tunisia's constitution-writing process and in the new democratic regime's first years but it is now an obstacle to democratic consolidation. HQLR discourages the development of a tractable partisan choice set -- one large enough to afford voters meaningfully distinct options but not so large as to be cognitively overwhelming -- and fosters party fragmentation in parliament, obstructing the formation of workable governing coalitions. One result has been coalitions and national unity governments so heterogeneous as to lack common purpose, frustrating and disillusioning citizens and risking nostalgia for the decisiveness of the previous, authoritarian system. Replacing HQLR with either D'Hondt or St.Lague divisors formula would reverse the incentives toward parliamentary fragmentation, foster a more coherent political party landscape, and, if democratic competition is restored following President Kais Said's auto coup in July 2021, facilitate Tunisia's democratic consolidation by clarifying partisan accountability in parliament.

Keywords: Tunisia, democracy, elections, electoral formula

In 2010, the “freedom and dignity” revolution initiated a transition to democracy in Tunisia. Since 2011, elections to the Tunisian parliament have been conducted by closed-list proportional representation (PR), with the Hare Quota-Largest Remainders (HQLR) formula applied in districts with low-to-moderate magnitudes. HQLR is famously accommodating to small parties, a prudent design choice for a state grappling with an authoritarian legacy to ensure voices were not marginalised during the critical moment of consensus-building needed to establish a constitution. However, because HQLR concentrates seat bonuses on smaller party lists, it discourages political leaders from seeking to build larger-scale electoral coalitions. In the resulting parliaments, parties too small to advance coherent policy agendas have forced the formation of feckless coalitions that produce neither effective governance nor viable opposition alternatives. These power-sharing unity governments have discouraged the formation of a coherent party landscape, and have increased popular disillusion with democracy.

HQLR was suitable for the 2011 National Constituent Assembly (NCA) elections because it ensured no single party or group could dominate the constitution-writing process. This paper illustrates how the use of HQLR in the 2014 Assembly of the People's Representatives (ARP) elections produced no clear winner, encouraging the formation of national unity coalition governments and obscuring the distinction between government and opposition. In 2019, HQLR contributed to high fragmentation in a parliament characterised by ineffectiveness and infighting, inability to agree on the appointment of a Head of Government (HoG), and an environment in which President Saïed activated Constitution Article 80 to dismiss the HoG, freeze parliament, and monopolize the three branches of power. As Tunisian democracy moved from its constitutional moment to the sustained process of governing, its experience highlighted the value of legislative elections that clearly delineate between parties in government and in opposition, and of a party landscape that offers tractable choice sets for the electorate.

On the basis of Tunisia’s last decade, we advocate changing the formula for converting seats to votes before the next legislative elections, due by 2024 at the latest. We do not recommend abandoning proportional representation. Rather we suggest shifting from HQLR to either of the two most common divisors-based formulas used in democracies around the world -- the D’Hondt or the St.Lague formula.

Mechanics of proportional representation

Our argument for changing electoral formulas requires a brief digression into the nuts and bolts of proportional representation. All PR formulas seek to translate electoral support for party lists into broadly proportional legislative representation. But quota-and-remainder systems differ from divisors systems in their mechanics and, in practice, in their effects on electoral outcomes.

The first step under any quota-and-remainders system is to set a price in votes -- also known as the quota -- for the “purchase” of seats in each electoral district. Under HQLR that price is the total number of votes cast in a district divided by the district magnitude (the number of seats to be allocated). Each party competing in the district is then awarded as many seats as full quotas it won and, for each seat awarded in this manner, a quota of votes is subtracted from the party’s district total. Once all seats that can be purchased on the basis of full quotas have been awarded, any remaining seats are allocated, one per list, in descending order of the lists’ remaining votes. These “remainder” seats, therefore, are purchased at discounted prices and lists that win seats on the basis solely of remainders, rather than full quotas, capture more

representation per vote won than do the larger parties that purchase seats with full quotas.

Under divisors systems, by contrast, all seats are awarded according to a uniform principle. Rather than set a price in votes for the purchase of seats, divisors methods use the tallies of votes across lists to establish a matrix of quotients pertaining to lists, then allocate seats in descending order of quotients until all the seats in a given district are awarded. The D'Hondt matrix of quotients is constructed by dividing each list's tally by the sequence of integers 1, 2, 3, and so on. Under St. Lague, the sequence is 1, 3, 5, and so forth. Once the matrix is constructed, seats are awarded in the descending order of quotients.

With larger jumps in the sequence of divisors, St. Lague erodes the quotients of the largest parties more rapidly than D'Hondt, constraining the advantage of large lists over small ones. The sequence of divisors thus affects the distribution of seat bonuses across parties.¹ D'Hondt is more favorable to the largest parties than St. Lague. But neither formula concentrates the greatest seat bonuses on parties that barely win seats, as HQLR systematically does.

Election outcomes, actual and simulated

For each of Tunisia's post-Arab Spring elections, we present electoral outcomes as they were implemented under HQLR, and also simulated outcomes had the elections been conducted under the D'Hondt and St. Lague divisors systems.² D'Hondt and HQLR are the most-used and second-most used PR formulas, respectively, both among democracies worldwide (Carey, 2017) and among post-transition democracies for founding elections (Carey, 2018).

When considering simulated outcomes, a natural question is whether political behavior would have differed had an electoral formula other than HQLR been in place. We note that from the voter's perspective, the difference between HQLR and D'Hondt or St.Lague is invisible. It implies no change to district or ballot structure. The mechanics of presenting choices to voters and of casting a ballot are identical. The only difference is in the algorithm for converting expressed preferences into representation. We posit that voters are, overwhelmingly, unaware of the votes-to-seats algorithm.

But voters are not all that matter. The political elites who form lists and devote resources to campaigns would face different incentives, and should behave differently, under another electoral formula. In effect, by illustrating how HQLR distributes representational benefits across the lists that ran in Tunisian elections, and how D'Hondt and St.Lague would have distributed representation, given the same set of lists and distribution of votes, the simulations we present underscore how dramatically the incentives faced by political elites would differ as a result of a quite subtle rule change.

¹ Similarly, in quota systems one can vary the relative advantage of large versus small lists by adjusting the quota, with smaller quotas shifting the advantage toward larger parties, although the dual-price system, whereby remainder seats are purchased cheaper than quota seats, remains.

² Simulations for 2011 and 2014 elections were originally produced for Carey, Masoud and Reynolds (2016). Simulations for 2019 were produced originally for this article using 2019 legislative elections results data from the Tunisian Independent High Authority for Elections, available at <https://tinyurl.com/32k52tzc>.

Figure 1 shows, for each of Tunisia’s first three democratic elections, the relationship between vote share and seat bonus (or penalty -- that is, seat share minus vote share) across all lists. For a given election rule in a given year, each facet shows a scatterplot of vote share to bonus along with the quadratic best fit line for the observations. Each column of facets shows a year, each row a PR formula. The top row shows what occurred under HQLR, the next row simulates how the same distribution of votes would have played out under D’Hondt divisors, and the bottom row simulates results under St.Lague. Lists winning more than 10% of the vote nationwide are labeled. In each election, hundreds of lists competed (560, 428, and 510, respectively) with the vast majority clustered just above zero on vote share and just below zero on bonus.

Figure 1.
Seat bonus
by vote
percentage
in Tunisian
elections,
2011-2019

Under an electoral rule that rewards size, the largest representational bonuses would accrue to the strongest parties. The top row of the figure illustrates clearly that this is not the case for HQLR, under which the largest bonuses - always in relative terms and often even in absolute terms - accrue parties that win between 4% and 8% of the vote. Larger parties gain no advantage in converting votes into representation. By contrast, under either the D’Hondt or St.Lague divisor system, the largest seat bonuses would have gone to the largest parties. That pattern is stark under D’Hondt, and tempered somewhat under St.Lague, but it is pronounced for both formulas.

Consistent with the pattern by which size is not rewarded under HQLR, the figure also illustrates that the Tunisian party system did not progress toward consolidation across the three first democratic elections. In each of the first two elections, the largest party won just under

40% of the vote. By the third, the largest won about half that amount. In 2011, the effective number of vote-winning parties was 6.4 (Laakso & Taagepera, 1979). In 2014 that number dipped to 4.5 as the Nida Tounes coalition formed to challenge Ennahdha. By 2019, the effective number of vote-winning parties rose to 12.9.

Figure 2 illustrates how these voting patterns, and the formula for converting votes to seats, have shaped Tunisian parliaments.³ Again the top row of facets shows actual seat distributions in the three parliaments elected in 2011, 2014, and 2019, while the second and third rows show simulated outcomes under D'Hondt and St.Lague, respectively. In practice, no party has won a majority of seats in any of the three elections. Had the D'Hondt divisors system been used, the same distributions of votes across lists would have produced single-party majorities in 2011 (for Ennahdha) and in 2014 (for Nida Tounes). Had St. Lague been used, Ennahdha would have captured a governing majority in 2011, and Nida Tounes would have fallen just short in 2014. Under either D'Hondt or St.Lague, the coalition structure of parliament would have been substantially simpler in each period.

Figure 2:
Composition of
Tunisian
Parliaments -
2011, 2014, 2019

³ Appendix Table 1 presents the nationwide vote shares and parliamentary seat shares -- under HQLR, and the simulated shares under D'Hondt and St.Lague -- for each seat-winning list in each election. Appendix Table 2 provides the corresponding data as raw vote and seat totals.

2011: HQLR was the ideal formula for Tunisia's "constitutional moment"

The HQLR electoral formula was ideal for the immediate aftermath of dictatorship because writing, and ratifying, a constitution requires broad compromise and consensus. For the new system to succeed and to ensure "democracy becomes the only game in town" (Linz & Stepan, 1996), the buy-in of all sections of the population is essential.

Before 2011, President Ben Ali presided over an authoritarian, one-party state with a weak legislature. Tunisia was a façade democracy which had "a veneer of pluralism" (Angrist, 1999, p. 97) because although members of the legal opposition parties could win seats in the Tunisian parliament, they "served as artificial opponents endorsing the regime, and elections were effectively plebiscites for the system in place" (The Carter Center, 2011, p. 13). The 1989 electoral law used a majoritarian list system that awarded "all the seats of each constituency to the list receiving the majority of the votes" in that constituency (Fischer & Henry, 1994, p. 11). President Ben Ali, meanwhile, maintained "control over the creation of opposition parties" (Fuentes, 2010, p. 525) thus creating a façade of competitiveness. In 1993, amendments to the electoral law mitigated the winner-take-all character of the system, but only marginally, introducing a dual majoritarian and PR system that kept majority list voting for 144 seats (88%) and added PR for the remaining 19 seats (12%) (Fischer & Henry, 1994, p. 15).

Ben Ali's party, Democratic Constitutional Rally (RCD), was an extension of the state. It dominated political life and could "deny civil service jobs and/or important services (e.g. the distribution of subsidised or free staple goods) to citizens if they vote for an opposition party" (Angrist, 1999, p. 95). The RCD dominated the parliament, winning 144/163 (88%) of seats in 1994, 148/182 (81%) in 1999 (Sadiki, 2002, p. 129), 152/189 (80%) in 2004 (IFES, 2004), and 161/214 (75%) in 2009 (Fuentes, 2010, p. 531). These results made it "mathematically impossible for opposition deputies to alter or vote down legislation which they do not support" (Angrist, 1999, p. 98). Sadiki argued that "the seats 'won' by the opposition are more the result of the quota system... rather than the outcome of free and fair elections" (Sadiki, 2002, p. 129).

In the wake of Ben Ali's overthrow, the shape of Tunisia's party system was highly uncertain. The only large party with a national organization was Ennahdha. Other actors lacked information about their own electoral viability but shared an interest in preventing Ennahdha from dominating the constitution-writing process to "ensure that the monopolistic control by one party of any constituency, as under Ben Ali, could never be replicated" (Murphy, 2013, p. 235). Maya Jribi, of the Progressive Democratic Party, argued that the preference for a largest remainder system/formula was because "we were thirsty for representativity. So in order to guarantee a pacific transition, [in which] everyone participates, [the electoral system] has to allow a large representativity in the parliament" (Carey et al., 2015, p. 22). The use of HQLR in 2011 meant that it was "easier for small parties to win seats by requiring fewer votes to win a seat compared with other democratic electoral systems" (Pickard, 2014, p. 262).

This formula "assigned 89 of 217 seats to Ennahdha, the largest party; if another acceptable formula (the D'Hondt quota) were applied, Ennahdha would have won 150 seats." (Pickard, 2014, p. 262). As Ennahdha was short of the 109-seat absolute majority required to vote on an incoming government and to pass organic laws, it formed a three-party "Troika" coalition with Congress for Republic and Ettakatol. This coalition "gave assurances to various sides that no party could unilaterally make binding decisions and also gave all incentives to remain engaged

in the institutional process” (Lust & Waldner, 2016, p. 182).

If Tunisia had used the D'Hondt formula in 2011, under the same distribution of votes Ennahdha would have had 69% of the NCA seats and could have written the new constitution in “whatever language it wanted” as there would have been “substantially less incentive for deliberation and compromise” (Carey et al., 2015, p. 15). Instead, thanks to the use of HQLR, Ennahdha was the largest party but with a reduced representation. This ensured that “Tunisia’s constitutional moment would be characterized by negotiation among diverse parties and groups rather than imposition by the dominant party” (Carey, 2013, p. 1). The relatively effective cooperation of these parties facilitated the initial establishment of democratic institutions (Lust & Waldner, 2016, p. 183).

2014: Compromise between Nida Tounes and Ennahdha holds the system together

In 2014 again, HQLR prevented the largest party from governing alone, but this time it held in check Ennahdha’s secularist opponents, the largest of which was Nida Tounes, which won 38% of the popular vote nationwide but captured only 40% of the parliamentary seats. Again, the absence of an outright winner encouraged the formation of national unity governments. But what was clearly a stabilizing effect in the early days after democratization, when the central question of Tunisian elections was whether their outcomes would be broadly accepted, came increasingly to be a liability to the day-to-day task of governing the country. HQLR prevented the formation of both an effective government and a coherent parliamentary opposition, leading to decision-making based on elite compromises.

In response to the Islamist electoral victory in 2011 and to counterbalance Islamists in future elections, Beji Caid Essebsi founded the secular Nida Tounes (Call for Tunisia) party in 2012. Despite being an anti-Ennahdha electoral machine rather than a party with a coherent message and platform, Nida Tounes won the first plurality and thus nominated the HoG, as per Constitution Article 89. However, the proposed government was required to secure a vote of confidence from an absolute majority of Parliament, 109 seats. Due to the continued use of HQLR, the final election results gave no party a decisive victory (Ltifi, 2014, p. 7). The formula produced “a parliament with a large share of small parties and no party with a majority” (Pickard, 2014, p. 262). Had D'Hondt been used, the same distribution of votes across lists would have afforded Nida Tounes 53%, but the use of HQLR ensured that Nida was twenty-three seats short of the absolute majority needed to form a government by itself.

Nida Tounes had to choose between forming a coalition with Ennahdha or several smaller parties. The latter “would exclude a large proportion of the Tunisian people, especially in the south, where Ennahdha outperformed Nida. Such exclusion risks deeper regional divisions in Tunisia leading to social unrest” (Ajmi, 2014). Nida Tounes opted to form a unity government with Ennahdha, the very party they aimed to prevent from dominating Tunisian politics, in addition to the Free Patriotic Union (UPL) and centre-right Horizons of Tunisia. On 5 February 2015, HoG Habib Essid’s cabinet was approved by parliament 166-30 (Ahram Online, 2015). Four of the top five parties, holding 82% of the assembly’s seats among them, were now in government together. The absence of any viable parliamentary opposition was oddly analogous to the one-party state Tunisia’s 2010 uprising sought to dislodge (Al Jazeera, 2015). Boubekeur described this arrangement as “bargained competition” with “Islamists and old regime elites bargaining on their mutual reintegration and their monopolization of the post-revolutionary

political scene while fiercely competing over political resources through various (often informal) power-sharing arrangements” (Boubekeur, 2016, p. 107).

The absence of a discernible legislative opposition meant that laws that contained anti-democratic elements, such as the 2015 counterterrorism law and the 2017 Economic Reconciliation Bill, as known as the reconciliation law, were passed by elite compromise with insufficient scrutiny. The counterterrorism law (no.26 of 2015) which allows terror suspects to be held without charges for 15 days, weakens due process, and permits the death penalty, was passed with 174 out of 217 votes (Human Rights Watch, 2015). Lawmakers who critiqued the text chose not to vote against it in fear of being labelled terrorist sympathisers. Yet state-run newspapers accused the 10 MPs who abstained from voting, in addition to human rights organizations that expressed concerns, of supporting terrorism (Mersch, 2015).

After Essid was removed in a vote of no confidence, a new and still broader unity government was formed in July 2016. The Carthage Agreement created a nine party coalition, bringing into government five former opposition parties (Machrou Tounes, al-Moubadara, al-Joumhour, al-Massar, and the People’s Movement) plus three unions (the Tunisian General Labor Union, the Tunisian Union for Industry, Trade, and Handicrafts, and the Tunisian Union of Agriculture and Fishery) (Dihstelhoff & Sold, 2016). This left only 30 seats to act as opposition.

These “elite compromise” arrangements that focused on creating stability have perhaps helped Tunisia navigate the secular-Islamist political divide, and were advanced as necessary to focus on the priorities of fighting corruption, combatting terrorism, reducing unemployment and reviving the economy. However, Stepan (2016) and Brumberg and Ben Salem (2020) hypothesize this was part of a mutually beneficial “two-sheikh” leadership strategy between Nida Tounes’ Beji Caid Essebsi, and Ennahdha’s Rachid Ghannouchi. This strategy ensured Essebsi received sufficient parliamentary support through a vast super-majority while ensuring Ennahdha’s continued political relevance.

“If Essebsi wanted to leave a legacy of statesman-led growth, Ennahdha, rather than his Marxist-secularist Popular Front allies, could help him more. For his part, Ghannouchi probably calculated that he would be in a better position to pressure Essebsi to accept Ennahdha as a normal part of democratic participation in Tunisia if that party was in the governing coalition and thus had the potential to cause the fall of the government in the event of renewed undemocratic repression against them” (Stepan, 2016, p. 106).

Brumberg and Ben Salem argue that Essebsi’s choice to form a consensus government was to balance the leftist camp within Nida and, egotistically, to present himself as a leader of all Tunisians.

“Ghannouchi reciprocated by prodding his party to settle for a handful of cabinet posts. Essebsi’s pledge to sustain consensus-based governance provided some reassurance that Ennahdha would not be excluded, which was Ghannouchi’s overriding concern. The daunting task that all leaders faced in 2014 was to sustain this marriage of convenience while also tackling the arduous work of democratic consolidation in ways that would put Tunisia on the path toward a second transition” (Brumberg & Ben Salem, 2020, pp. 113–114).

While it is possible to blame Essebsi and Ghannouchi for coercing their parties into this deal, if an electoral formula that rewarded larger parties had been used, these two parties with different ideologies and support bases would not likely have been forced into consensus arrangements. Under St. Lague, the 2014 vote distribution would have given Nida 105 seats, greatly simplifying its coalition options. D'Hondt would have given Nida 116 seats, surpassing the 109 majority and perhaps foreclosing the need to enter into coalition at all. Ennahdha, by contrast, would have dominated the opposition bench with 93 seats.

Instead, the 2015-2019 period was characterized by lumbering national unity coalitions that may have had a detrimental impact on democratic consolidation. The imperative to achieve consensus mooted important policy debates and national unity governments postponed vital economic reforms and delayed both the formation of the Constitutional Court and municipal level elections (Kubinec & Grewal, 2018, p. 3).

On the issue of transitional justice, Nida presented the Economic Reconciliation Bill (ERB) in September 2017. The law “grants amnesty to corrupt businessmen as well as state officials accused of financial corruption and misuse of state funds – as long as they repay the stolen money” (Yardımcı-Geyikçi & Tür, 2018, p. 794). Although Ennahdha initially rejected the ERB, it chose to “remain aloof on debates around the process, as it would jeopardize its alliance with Nidaa” (Yardımcı-Geyikçi & Tür, 2018, p. 794). Likewise, while Nida consistently opposed the work of the Truth and Dignity Commission, Ghannouchi reneged on previous calls to “purge” key ministries in order to maintain the unity government (Abderrahmen, 2018). These elite bargaining arrangements “contributed to public disillusionment with political parties and democracy” (Hamid & Grewal, 2020, p. 1).

Popular disenchantment with democracy was also caused by “partisan tourism” (the movement of legislators from one bloc or party to another) and fragmentation of parliamentary blocs, which challenged Tunisian citizens’ ability to hold their representatives accountable. In the 2014-2019 period, with the exception of Ennahdha who maintained party cohesion, several deputies left their parties either to join another, or form a new party, or to become an independent. Grewal and Hamid (2020:16) demonstrate how Nida Tounes gradually collapsed for reasons including coalescing with Ennahdha and perceived nepotism by party leader Essebsi, who endeavored to line up his son to succeed him. Deputies elected on Nida Tounes lists departed to join new parties such as Tunisia Project (Mashrou’ Tounes) and Long Live Tounes (Tahya Tounes). Deputies that left Nida formed the National Coalition Bloc, which later organised itself into the Long Live Tounes Party. The latter party, created in 2019, had not participated in the 2014 legislative elections, yet the National Coalition Bloc had 43 deputies during the fifth parliamentary period before the 2019 elections.

2019: Severe parliamentary fragmentation challenged coalition formation and governance

The 2019 election results produced Tunisia’s most fragmented parliament yet. Ennahdha finished first, but with only 19.6% of the vote, its lowest result in the post-revolution era. Its 52 seats represented a continued decline from its 2011 and 2014 totals of 89 and 69, respectively. Having rebranded itself in May 2016 as a party of ‘Muslim Democrats’, rather than ‘Islamists,’ may have alienated core supporters. Continued political compromises, including its unholy alliance with Nida, led to the party’s fragmentation and disillusion among

its base. Nida failed even more miserably, capturing only 3 seats compared to 86 in 2014. As with Ennahdha, some of Nida's erstwhile supporters may have objected to its entering into a coalition with the party it was formed to oppose, but Nida was further weakened by internal leadership contests that splintered the party (Middle East Monitor, 2019). Offsetting these losses were gains among a host of parties that won few seats in 2014, including the Free Doustourian Party (17), Democratic Current (22), and People's Movement (15), as well as a host of brand new parties, including Heart of Tunisia (38), Dignity Coalition (21) and Long Live Tunisia (14).

By 2019, opposition to opportunistic government coalitions of convenience had emerged as a prominent theme in Tunisian politics. The unity coalitions of the 2014-2019 period, where Ennahdha secured its integration into the state at the expense of its ideological commitments and Nida secured access to state resources such as public procurement and ministerial appointments (H. Meddeb, personal communication, 29 September 2021), became targets of criticism. Although ideologically distinct, the Free Doustourian Party (FDP) and Dignity Coalition campaigned on a common theme of resentment among voters "who do not accept the logic of tactical convergence of opposing parties" (Cristiani, 2020). The FDP's relative electoral success is partly due to party leader Abir Moussi's principled refusal to coalesce with Ennahdha (Dejou, 2019). In comparison, Ennahdha was rejected by part of its grassroots for its leaders' openness to considering an alliance with the FDP; "this was perceived as the pinnacle of cynicism among voters" (H. Meddeb, personal communication, 29 September 2021). Yet the need for coalition only grew with Tunisia's increased party system fragmentation. 12 different parties accounted for 25 seats; Project Tunisia (4), Mercy Party (4), Republican Popular Union (3), Tunisian Alternative (3), Nida Tounes (3), Horizons of Tunisia (2), plus 6 that won just 1 seat each. 13 additional seats went to independent list candidates.

Tunisia's inchoate party system encouraged improvisation in the establishment, between elections, of parliamentary voting blocs for purposes of bargaining over government ministries and other spoils. The Reform Bloc, for example, formed in November 2019, among representatives from six non-Islamist, centre-right parties - Horizons of Tunisia, Aich Tounsi, Nida Tounes, Tunisian Alternative, Project Tunisia, and later picked up some legislators who defected from the Heart of Tunisia bloc (Marsad Majles, n.d.). The nine-member National Bloc, was the result of a subsequent split within Heart of Tunisia, later picking up defectors from the Dignity Coalition and Long Live Tunisia.

Parliamentary tourism had been a distinct feature of the 2014-2019 parliament and it persisted after the 2019 election, as illustrated in Figure 3. MPs initially grouped into eight blocs, then nine with the creation of the National bloc in April 2020, then eight again with the dissolution of the Future bloc in October 2020, while others remained or became independents. Information on bloc membership was available on the Marsad website, an online platform that provides information on the legislature's proceedings, but monitoring the flows would require vigilance far beyond what ordinary citizens can be expected to exercise. In December 2019, for example, Heart of Tunisia had 38 seats, but by July 2021, on the eve of the autocoup, the bloc was down to 28, having lost 13 members elected on the Heart of Tunisia list to other blocs while picking up 3 others.

Figure 3. Electoral lists in October 2019 and parliamentary voting blocs in December 2019 and July 2021.

Source: Marsad Majles – Blocs Parlementaires. <https://majles.marsad.tn/fr/assembly/blocs>

Fragmentation and fluidity among parties and blocs posed serious problems for both government formation and effective decision-making. Constitutional Article 89 allows the party with the largest number of seats to appoint a *formateur*. An Ennahdha-heavy cabinet proposed by the party's initial appointee, Habib Jemli, failed to secure majority support (Al Jazeera, 2020) (Al Jazeera, 2020). After Jemli's failure, President Kais Said shifted *formateur* authority to Elyes Fakhfakh, a member of the Democratic Forum for Labour and Liberties Party and former Minister of Tourism. A second failure would have prompted new elections. Rather than risk losing their seats, the newly-elected MPs accepted Fakhfakh's eclectic coalition government (France 24, 2020a) consisting of Ennahdha, Nida Tounes, Democratic Current, Long Live Tunisia, The People's Movement, and Tunisian Alternative.

Fakhfakh's short tenure was characterised by infighting with Ennahdha. Ennahdha accused Fakhfakh of sidelining its ministers in decision-making processes, proposed including Heart of Tunisia in another unity government for the sake of stability (Zayat, 2020), and threatened to remove confidence from the government (Middle East Online, 2020). Fakhfakh dismissed Ennahdha's six ministers from the government (Al Thabti, 2020) but later, facing accusations of conflicts of interest and failure to disclose assets, resigned in July 2020 before a no-confidence vote could be held (France 24, 2020b).

President Saied used his constitutional right to designate Hichem Mechichi, then-Interior Minister, to form a new government (Deutsche Welle, 2020). To avoid partisan conflict, Mechichi appointed a technocratic government. In another instance of the two largest parties operating in agreement, Ennahdha and Heart of Tunisia both supported this move. Mechichi's broad agenda sought to stop the hemorrhaging of public finance, return production rates in the energy and mines sectors to normal, and reform the public sector with measures such as digitising services and reducing poverty. The COVID-19 pandemic, however, undermined his efforts to revive the economy (Al Jazeera, 2021; Ben Salah, 2021).

Tunisian legislators recognized that the inchoate nature of the parliamentary party system undermined accountability and some had sought to address the matter by curbing partisan tourism. On June 18 2020, lawmakers from the Dignity Coalition proposed draft law 47/2020, which would, effectively, have banned members of parliament from changing either parties or parliamentary blocs by stipulating that any member resigning from a party, list, electoral coalition, or parliamentary bloc would lose membership in the Assembly, with the vacant seat awarded to the next (unelected) member of the departed member's electoral list (Marsad, 2021)

Members defended the law on grounds of, "the moral obligation they have to their constituents who voted in their favour based on a particular political agenda. They, therefore, insisted on respecting the will of the voters and suggesting accordingly that in case a representative resigns from the party or the coalition from which they were elected, that this representative should resign from the parliament" (ARP Portail, 2020). But political events outpaced the legislative process. Discussion of the bill in the standing Committee on Rules of Procedure, Immunity, Parliamentary Laws and Electoral Laws followed its introduction by almost a year (on 27 May 2021) and Committee chairman, Neji Jmal, anticipated that the law would be passed before the end of 2021 (Mayara, 2021). By July, however, before the legislation could be discussed in the full assembly, popular resentment toward parliament manifested into demonstrations, which led to the Saied's autocoup.

Fragmentation increased the imperative for parties that opposed one another before the election, such as Ennahdha, Heart of Tunisia, and Dignity Coalition, to seek agreement in the government formation process (Saanouni & Belhaj, 2020). In a less fragmented parliament, government formation would have been less cumbersome and more transparent to Tunisian citizens. The 2019 vote distribution would not have produced a single winner under any of the formulas we consider, but D'Hondt would have delivered to Ennahdha 91 seats, simplifying coalition formation considerably. Forming a majority would have required another 18 seats, which could be achieved through coalescing with one to two other ideologically or politically similar parties rather than pre-election enemies. Instead of the extensive fragmentation, where 26 different party and independent lists won between 1-4 seats, the same vote distribution under D'Hondt would have produced only 12 lists with 4 or fewer. This would have fostered a clearer delineation between parties in government and opposition.

According to the International Republican Institute Public opinion poll taken in 2020, 45% of respondents believe that Tunisia is "Not a democracy at all", 53% would like to see new political parties, and 80% and 72% respectively think that political parties are not doing enough to address national and local challenges or voter needs (International Republican Institute, 2020). Popular support for Saied's 2021 self-coup was, in part, due to disappointment with the parliament. Saied used protests on 25th July that called for parliament to be dissolved (Euro News, 2021) as a trigger to suspend the parliament, dismiss the head of government, and enact

emergency rule. Anger was also directed towards Ennahda, where demonstrators in Sousse tried to storm the party's local headquarters and protesters in Touzeur set fire to the headquarters (Al Arabiya News, 2021).

Tunisia needs winners and losers in legislative elections and a coherent party landscape

The fragmentation fostered by HQLR muddies distinctions between electoral winners and losers, allowing governing parties to avoid responsibility. In both the 2014 and 2019 parliamentary periods, Ennahdha at times positioned itself as critical of governments in which it actually held ministerial portfolios. This discourse was propagated by Ennahdha officials and membership alike in response to general dissatisfaction with the party's direction. Ali Larayedh, Ennahda's Vice President, argued against partisan responsibility for all products of governments in which it participated: "We do not deny that we were part of the ruling authority, but we reject the argument that wants to reduce the last 10 years to Ennahda's rule, as if no one else ruled," and asserted that "the attempt to misrepresent Ennahda as responsible for all the political, economic and social failures is a form of populism" (Al Hilali, 2021).

In July 2021, Radwan Masmoudi, director of the Washington, DC-based NGO, Center for the Study of Islam and Democracy, and an Ennahda member, argued on Twitter that President Saied had committed a coup against democracy rather than an emergency removal of the government.⁴ In doing so, however, he detailed the case for absolving Ennahdha of government responsibility:

Throughout the past 10 years:
4 presidents - none of them from Nahdha
8 prime ministers - only 2 of them from Nahdha
8 governments - Nahdha held no major sovereign ministries except for 2 years
So the coup isn't against Nahdha, not even in government now, but against
democracy (Masmoudi 2021).

Despite Ennahdha gaining pluralities in the 2011 and 2019 elections, and being part of unity coalitions from 2014-2019, the persistent fragmentation of parliament encouraged the party to deflect responsibility for government performance, framing itself as in opposition to governments in which it participated.

Tunisia also has several of what Lust and Waldner classify as 'novice parties' that despite being "untainted by association with the previous authoritarian regime... have weak ties to constituents at a national level" (2016: 174) and little persistence. The Patriotic Freedom Union (UPL), for example, was founded by Slim Riahi, an entrepreneur who only returned to Tunisia after the revolution. After winning only 1 seat in 2011, the ULP won 16 in 2014 which made it the 3rd largest party after Nida Tounes and Ennahdha. The party collapsed, however, under the weight of criminal charges against Riahi (Nedim, 2019) while its members joined Nida, and it did not run party lists in any district in 2019. The UPL is also an example of a party whose existence is a barrier to democratic contestation because it was "founded around individuals, rather than ideas" and "lack[ed] both the ability and incentive to take strong stands on policy issues" (Yerkes & Ben Yahmed, 2019, p. 5).

⁴ A screenshot of the tweet is provided in Appendix Figure 1.

Other observers acknowledge that “a mosaic of fragmented Tunisian parties could hamper the ability of voters to make better political decisions and undermine governability” (Yerkes & Ben Yahmed, 2019, p. 10). Similarly, Yardımcı-Geyikçi and Tür recognise that the “incentives for establishing a political party or seceding from existing ones are still high, and the patterns of alliance among the electorate are still highly unstable” (2018: 794), and they point to “party system stabilization, which is critical for regime legitimacy, [as] a central component of the consolidation process” (Yardımcı-Geyikçi & Tür, 2018, p. 798). But these accounts have not directly addressed the potential for a different electoral formula to provide a remedy.

If HQLR were replaced with D'Hondt or St. Lague, increasing returns to electoral scale would generate incentives for parties, and party leaders, to seek coalition with like-minded, or at least tolerable, partners. By failing to reward size, the HQLR formula provides no incentive to merge. Correspondingly, Tunisia has seen continued growth in the number of registered parties. Over 100 political parties participated in the 2011 NCA elections and by 2020 over 200 parties were registered (Cimini, 2020, p. 961). Depending on their electoral constituencies, Tunisian voters had between 19 and 66 party lists, an average of 45.66, to choose from in October 2019 (see Appendix Table 3).

Conclusion

The HQLR formula was ideal in 2011, when the initial challenge facing Tunisian democracy was to enlist buy-in and participation in establishing a new charter for government. By mitigating larger parties' seat bonuses, HQLR contributed to a power-sharing arrangement that supported the early phases of a transition to democracy and it ensured pluralism at the country's constitutional moment. However, national unity government arrangements amongst parties with different political ideologies after 2014 proved to be obstacles to further democratic consolidation.

After 2014, the fragmentation fueled by HQLR led Tunisian parties to form ideologically compromised coalitions and unity governments based only on maintaining stability. The national unity coalitions, led by the major electoral winners Nida Tounes and Ennahdha, left parliament without a clear opposition determined to hold governments accountable. Decision-making based on elite level compromise produced only tepid reforms passed because confronting key economic, security, and transitional justice problems would have destabilised the governing coalition's fragile agreement. This style of governing fostered the belief that political parties just want to win elections to control certain ministries, and their spoils, rather than to implement policy agendas. The 2019 elections produced a fragmented parliament whose sustained infighting led to government formation difficulties. Parliamentary paralysis propelled popular protests that President Saïed was able to exploit in July 2021 (Amara, 2021).

If Tunisia were to replace HQLR with a formula, like D'Hondt or St. Lague, that provides less advantage to small parties, the impact would be to encourage the creation of larger parties, mitigating parliamentary fragmentation and reducing the need for unity governments based on elite consensus and accommodation. Such a reform could push Tunisia toward a system that more clearly delineates between government and opposition, increasing voters' ability to enforce accountability through elections.

Where could change come from in Tunisia's current political environment? The mission of Tunisia's Higher Independent Authority for Elections (*L'Instance Supérieure Indépendante pour les Élections* - ISIE) includes the power to "draft proposals for the development of the electoral system." (The Tunisian Independent High Authority for Elections, n.d.) Thus, the ISIE could propose replacing the HQLR formula with either the D'Hondt or St. Lague formula. Ratifying such a change would require a majority of 109 parliamentary votes to change the wording of organic law no 2014-16 (May 26, 2014) regarding the electoral quotient.⁵ The Parliament's current suspension is, of course, an obstacle. A move to D'Hondt would have the more dramatic impact, given the large winner's bonuses it tends to deliver. A move to St. Lague would bring more tempered change. Either formula would prevent the creation of another fragmented parliament and support the development of a coherent party landscape. By encouraging smaller parties to form larger, coherent parties with clear agendas and platforms.

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⁵ Article 110: "The electoral quotient is determined by the division of the number of votes cast by the number of seats allocated to the constituency. It is assigned to the list as many seats as it reaches times the quotient". Organic Law no 2014-16 (May 26, 2014) relating to elections and referendums <http://www.isie.tn/wp-content/uploads/2018/01/Loi-Organique-n%C2%B02014-16.pdf>

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Appendix Table 1: Tunisia vote shares and seat shares - 2011, 2014, 2019

2011					2014					2019				
List	Vote share	HQ	Seat share		List	Vote share	HQ	Seat share		List	Vote share	HQ	Seat share	
			D'Hondt	St.Lague				D'Hondt	St.Lague				D'Hondt	St.Lague
Ennahda	37.1%	41.0%	69.1%	54.8%	Nida Tunis	37.6%	39.6%	53.5%	48.4%	Ennahdha	19.5%	24.0%	41.9%	32.7%
Congress for Republic	8.7%	13.4%	9.7%	12.4%	Ennahda	27.8%	31.8%	42.9%	38.7%	Heart of Tunisia	14.5%	17.5%	27.2%	20.7%
Ettakatol	7.1%	9.2%	6.5%	8.3%	Patriotic Freedom Union	4.1%	7.4%	0.5%	3.7%	Democratic Current	6.4%	10.1%	6.5%	8.3%
Popular Petition	6.8%	12.0%	8.3%	10.6%	Popular Front	3.5%	6.9%	0.9%	3.7%	Dignity Coalition	5.9%	9.7%	6.9%	8.3%
Progressive Democratic Party	4.0%	7.4%	0.9%	4.1%	Afek Tunis	3.0%	3.7%	0.5%	0.9%	Free Doustourian Party	6.6%	7.8%	6.0%	8.8%
Initiative Party List	3.2%	2.3%	3.7%	2.8%	Congress for Republic	2.1%	1.8%	0.5%	0.9%	Peoples Movement	4.5%	6.9%	4.1%	5.1%
Democratic Modernist Pole	2.8%	2.3%	0.5%	1.4%	Democratic Stream	2.0%	1.4%			Long Live Tunisia	4.1%	6.5%	1.8%	4.1%
Prospects for Tunisia Party	1.9%	1.8%		0.9%	The Republican Party	1.7%	0.5%		0.5%	Project Tunisia	1.4%	1.8%	0.0%	0.5%
Tunisian Worker's Party-RA	1.5%	1.4%		0.5%	Peoples Movement	1.4%	1.4%	0.5%	0.9%	The Mercy Party	1.2%	1.8%	0.5%	1.8%
Free Patriotic Union	1.3%	0.5%	0.5%	0.5%	Initiative	1.3%	1.4%			Republican Popular Union	2.0%	1.4%	0.5%	1.4%
People's Movement	0.8%	0.9%		0.5%	Current of Love	1.2%	0.9%	0.5%	0.9%	Tunisian Alternative	1.6%	1.4%	0.5%	1.4%
Movement of Socialist Democrats	0.6%	0.9%		0.5%	Party of the Democratic Alliance	0.9%	0.5%		0.5%	Nida Tounes	1.5%	1.4%	0.9%	0.9%
Maghrebi Liberal Party	0.5%	0.5%		0.0%	Democratic Alliance	0.2%	0.5%			Hope and Work	1.6%	0.9%	0.5%	0.5%
Independent Voice	0.4%	0.5%		0.5%	National Salvation Front	0.2%	0.5%			Horizons of Tunisia	1.5%	0.9%	0.0%	0.5%
National Social Democratic Party	0.4%	0.5%			Response of the Respect	0.2%	0.5%		0.5%	Aich Tounsi	1.5%	0.5%	0.0%	0.0%
New Constitutional Party	0.4%	0.5%			Glory of Jereed	0.2%	0.5%	0.5%	0.5%	Popular Front	1.1%	0.5%	0.5%	0.5%
Loyalty List	0.3%	0.5%			Voice of Farmers	0.1%	0.5%			Social Democratic Union	1.0%	0.5%	0.0%	0.0%
Independent List	0.3%	0.5%	0.5%	0.5%	Call to Outside	0.1%	0.5%			The Love Current	0.6%	0.5%	0.0%	0.0%
List for Tunisian National Front	0.3%	0.5%		0.5%						Socialist Doustourian Party	0.6%	0.5%	0.0%	0.5%
Hope List	0.3%	0.5%	0.5%	0.5%						The Farmers' Voice	0.3%	0.5%	0.0%	0.0%
Progressive Struggle Party	0.2%	0.5%								We are Here	0.3%	0.5%	0.0%	0.0%
Social Struggle List	0.2%	0.5%		0.5%						Keeping the Promise	0.2%	0.5%	0.5%	0.5%
Justice and Equality Party	0.2%	0.5%		0.5%						Independent Youth	0.2%	0.5%	0.5%	0.5%
National Cultural Unionist Party	0.1%	0.5%								The Excellence	0.2%	0.5%	0.5%	0.5%
Independent Justice	0.1%	0.5%								The Green League	0.2%	0.5%	0.0%	0.5%
Loyalty to the Martyrs List	0.1%	0.5%								Back to the Origins	0.1%	0.5%	0.0%	0.5%
										The Goodness	0.1%	0.5%	0.0%	0.0%
										Hard Work and Giving	0.1%	0.5%	0.5%	0.5%
										Citizenship and Developme	0.1%	0.5%	0.5%	0.5%
										Siliana in our Eyes	0.1%	0.5%	0.0%	0.5%
										We are all Tunisians	0.0%	0.5%	0.0%	0.5%

Appendix Table 2: Tunisia vote shares and number of seat - 2011, 2014, 2019

2011					2014					2019				
List	Vote share	Number of Seats			List	Vote share	Seat share			List	Vote share	Number of seats		
		HQ	D'Hondt	St.Lague			HQ	D'Hondt	St.Lague			HQ	D'Hondt	St.Lague
Ennahda	37.09	89	150	119	Nida Tunis	37.58	86	116	105	Ennahdha	19.5	52	91	71
Congress for Republic	8.72	29	21	27	Ennahda	27.8	69	93	84	Heart of Tunisia	14.5	38	59	45
Ettakatol	7.05	20	14	18	Patriotic Freedom Union	4.14	16	1	8	Democratic Current	6.4	22	14	18
Popular Petition	6.76	26	18	23	Popular Front	3.47	15	2	8	Dignity Coalition	5.9	21	15	18
Progressive Democratic Party	3.96	16	2	9	Afek Tunis	3.02	8	1	2	Free Doustourian Party	6.6	17	13	19
Initiative Party List	3.19	5	8	6	Congress for Republic	2.05	4	1	2	Peoples Movement	4.5	15	9	11
Democratic Modernist Pole	2.79	5	1	3	Democratic Stream	1.95	3			Long Live Tunisia	4.1	14	4	9
Prospects for Tunisia Party	1.89	4		2	The Republican Party	1.65	1		1	Project Tunisia	1.4	4		1
Tunisian Worker's Party-RA	1.5	3		1	Peoples Movement	1.35	3	1	2	The Mercy Party	1.2	4	1	4
Free Patriotic Union	1.28	1	1	1	Initiative	1.27	3			Republican Popular Union	2.0	3	1	3
People's Movement	0.75	2		1	Current of Love	1.2	2	1	2	Tunisian Alternative	1.6	3	1	3
Movement of Socialist Democrats	0.56	2		1	Party of the Democratic Alliance	0.9	1		1	Nida Tounes	1.5	3	2	2
Maghrebi Liberal Party	0.47	1			Democratic Alliance	0.17	1			Hope and Work	1.6	2	1	1
Independent Voice	0.42	1		1	National Salvation Front	0.17	1			Horizons of Tunisia	1.5	2		1
National Social Democratic Party List	0.38	1			Response of the Respect	0.16	1		1	Aich Tounsi	1.5	1		
New Constitutional Party	0.35	1			Glory of Jereed	0.15	1	1	1	Popular Front	1.1	1	1	1
Loyalty List	0.31	1			Voice of Farmers	0.1	1			Social Democratic Union	1.0	1		
Independent List	0.3	1	1	1	Call to Outside	0.05	1			The Love Current	0.6	1		
List for Tunisian National Front	0.28	1		1						Socialist Doustourian Party	0.6	1		1
Hope List	0.28	1	1	1						The Farmers' Voice	0.3	1		
Progressive Struggle Party	0.23	1								We are Here	0.3	1		
Social Struggle List	0.19	1		1						Keeping the Promise	0.2	1	1	1
Justice and Equality Party	0.19	1		1						Independent Youth	0.2	1	1	1
National Cultural Unionist Party	0.14	1								The Excellence	0.2	1	1	1
Independent Justice	0.1	1								The Green League	0.2	1		1
Loyalty to the Martyrs List	0.07	1								Back to the Origins	0.1	1		1
										The Goodness	0.1	1		
										Hard Work and Giving	0.1	1	1	1
										Citizenship and Development	0.1	1	1	1
										Siliana in our Eyes	0.1	1		1
										We are all Tunisians	0.0	1		1

Appendix Figure 1: Screenshot of Masmoudi tweet

Radwan Masmoudi
@radwan_masmoudi

Throughout the past 10 years:
4 presidents - none of them from Nahdha
8 prime ministers - only 2 of them from Nahdha
8 governments - Nahdha held no major sovereign
ministries except for 2 years
So the coup isn't against Nahdha, not even in
government now, but against democracy 🇹🇷.

5:00 AM · Jul 30, 2021 · Twitter for iPhone

1 Retweet 5 Likes

Appendix Table 3: Lists and votes by district in the 2019 parliamentary elections

	District	Number of Party-lists in district	Total No of votes cast
1	Tunis 1	49	132228
2	Tunis 2	56	164552
3	Ariana	52	146648
4	Ben Arous	55	164823
5	Manouba	57	91010
6	Nabeul 1	47	120850
7	Nabeul 2	41	91187
8	Zaghouan	53	49091
9	Bizerte	42	132813
10	Beja	46	65225
11	Jendouba	50	76425
12	Kef	51	55032
13	Siliana	52	51494
14	Sousse	49	172296
15	Monastir	50	152370
16	Mahdia	48	99415
17	Sfax 1	52	126078
18	Sfax 2	45	160432
19	Kairouan	62	112125
20	Kasserine	66	107476
21	Sidi Bouzid	73	98989
22	Gabes	32	91535
23	Medenine	34	113895
24	Tatouine	32	31700
25	Gafsa	70	99868
26	Tozeur	43	35186
27	Kebili	34	50121
28	France 1	36	22704
29	France 2	29	15203
30	Italy	24	5665
31	Germany	19	4376
32	The American Continent and the Rest of the European Countries	30	9623
33	The Arabic countries and the rest of the countries of the world	27	7752

Source: Independent High Authority for Elections (2019) 2019 legislative elections results.
Available at <https://tinyurl.com/32k52tzc>