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Redistricting in Comparative Perspective

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Introduction: Redistricting in Comparative Perspective

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Redistricting, also known as *boundary delimitation*, is the process by which lines on maps get drawn partitioning a territory into a set of discrete electoral constituencies from which one or more representatives are to be elected.¹ Redistricting appears to be an esoteric topic. Most textbooks on American politics devote at most a handful of pages to it. Most textbooks on comparative politics do not mention it at all. Why a whole book, and why should anyone care?

As to why an entire book on the topic: there is really a lot to say about boundary delimitation, especially in comparative perspective. Indeed, the present authors have spent a good part of their professional lives during the past three decades studying redistricting and still have not come close to exhausting the topic.² The reason for their absorption in this subject: Despite its seeming esotericism, redistricting is a very important topic for anyone interested in politics, democratic theory, or the rule of law. Because, worldwide, most elections take place within geographically defined constituencies,³ how lines get drawn fundamentally affects the nature of political representation—and thus who gets what, when. Accordingly, redistricting is often a controversial and contested issue,⁴ and disputes tend to be particularly bitter in countries that are deeply divided along racial, ethnic, or religious lines,⁵ or where partisan divisions are close so that line-drawing might directly affect the control of parliament.⁶

Redistricting can be thought of as politics in a microcosm. Redistricting struggles are fought on several levels in ways that reflect both the politics of ideas and the politics of naked power.⁷ The allocation of seats and the drawing of constituency boundaries have practical, legal, and philosophical implications. To reflect on redistricting forces us to think about the underlying bases of political representation and the related fundamental issues of democratic theory.

- Redistricting is politics in the raw—a search for both personal and collective advantage, a fight about who wins and who loses political power.
- Redistricting is a fight about ideas—perhaps most importantly, what we mean by such concepts as “equal suffrage” and “fair and effective representation.”

- Redistricting in many countries involves debates about what legal constraints to place on those tasked with drawing constituency boundaries and perhaps even legal battles about how to interpret constitutional and statutory provisions that seek to specify tradeoffs among multiple and complex desiderata.

To understand how redistricting is actually done requires us to look at the nitty-gritty of political geography, such as the overlaps among boundaries of different types of political and administrative jurisdictions and the distribution of racial and ethnic groups and partisan voting strength across the territory. It also requires us to understand how different institutional rules and legal constraints structure the redistricting process. The practices of redistricting vary tremendously—from purely political processes that facilitate partisan or ethnic or incumbency protection gerrymanders, to ones where redistricting is done by independent, non-partisan bureaucrats, or judges who are subject to criteria and constraints that remove much of their discretion. But even in countries such as the United States, where redistricting appears to be left largely to the legislatures themselves, we find an ever-increasing number of legal constraints that affect what legislatures can do.

The aim of this book is threefold. First, we wish to put in one place for the convenience of both scholars and practitioners the basic data on redistricting practices in democracies around the world. Remarkably, this data has never before been collected. Second, we wish to provide a series of short case studies that look in more detail at particular countries with regard to the institutions and practices that have evolved for redistricting and the nature of the debates that have arisen. Third, we want to begin to look in comparative perspective at the consequences of alternative redistricting mechanisms and at the tradeoffs among competing redistricting criteria.⁸

We are pleased to have joining us as chapter contributors some of the leading specialists on redistricting in the world. The chapters reflect a mix of country-specific material, chapters that are broadly comparative, and chapters whose contributions are more methodological in nature. *In toto*, we believe that the chapters in this volume provide an indispensable introduction to the institutions, practices, and consequences of boundary delimitation around the world.

Following the introduction, the second section of this book considers the various entities that have been assigned the task of drawing constituency boundaries. Chapter 1 describes the development of an independent, nonpartisan boundary commission in Canada. The chapter on New Zealand offers a variant of this approach to establishing a boundary commission: an independent boundary commission that includes representatives from political parties. In Mexico, the election commission is responsible for redistricting; this chapter discusses the evolution of the process from one that was very political to one that is now conducted by a politically neutral election commission guided by pre-established criteria. The last chapter in this section provides a glance at redistricting in

the United States, where the legislature and the process

The third section of the book discusses redistricting practices, particularly in the United States—a near universal practice that delimit districts. The (delimitation) process in the United States is an institutional framework for the redistricting process, especially as it relates to the approach to measuring population in this section discuss the difficulty inherent in this instance, 1

Making provisions for religious minorities is the subject of the fourth section. This section discusses electoral mechanisms for the inclusion of religious minorities in national parliaments or religious minority constituencies for open constituencies for final chapter in this section discusses protecting and advancing the interests of minorities and India also discuss the representation to minorities

The fifth section of the book discusses the electoral system of the United States. Chapter 10, has a section on the representation that requires Chapter 11, dramatic changes these changes have had section explores redistricting

The sixth section of the book discusses the impact of redistricting on the partisan composition of the United States are analyzed as an alternative to letting the program for producing

The seventh, and final section of the book consists of five chapters: Chapter 16 on Europe and Chapter 17 on redistricting worldwide. These two

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the United States, where most states assign the task of redistricting to the state legislature and the process is quite politicized.

The third section of this book is devoted to a comparative look at redistricting practices, particularly the requirement of equal population across electoral districts—a near universal requirement (at least in theory, if not practice) in countries that delimit districts. The section begins with a description of the redistricting (delimitation) process in India, offering not only a detailed discussion of the institutional framework for delimitation but also an analysis of the seat allocation process, especially as it relates to the ideal of equal electorates. Chapter 6 looks at redistricting (redistribution) in Australia and points to this country's unique approach to measuring population deviation across constituencies. The final chapter in this section discusses the issue of competing redistricting criteria in Japan and the difficulty inherent in balancing the requirements of equal population against, in this instance, local government boundaries.

Making provisions for minority representation in a districted system is the subject of the fourth section of this book. The first chapter in this section identifies electoral mechanisms—principally reserved seats—designed to ensure the inclusion in national parliaments of representatives of ethnic, racial, national, or religious minority communities. In Chapter 9, the system of communal and open constituencies for indigenous Fijians and Indo-Fijians is discussed. The final chapter in this section examines the approach taken in the United States to protecting and advancing minority representation. (The chapters on New Zealand and India also discuss the approaches these two countries have adopted to ensure representation to minority groups within their respective populations.)

The fifth section of this book considers the redistricting process in the context of the electoral system as a whole. Most of the countries considered in this book have first-past-the-post or mixed electoral systems. But Ireland, the subject of Chapter 10, has a single transferable vote system—a form of proportional representation that requires the periodic delimitation of electoral districts. In Chapter 11, dramatic changes to the electoral system in France and the effects these changes have had on redistricting are discussed. The last chapter in this section explores redistricting in a postconflict milieu.

The sixth section of this book looks at the impact of redistricting and contemplates one potential reform to the redistricting process. In Chapter 13, the impact of redistricting on the efficiency of partisan votes over time in Britain is examined. The partisan consequences of the one person, one vote revolution in the United States are analyzed in the next chapter. The final chapter of this section offers an alternative to letting people do the redistricting—the authors present a computer program for producing electoral districts.

The seventh, and final, section of this book presents two broadly comparative chapters: Chapter 16 surveys redistricting practices specifically in Eastern Europe and Chapter 17 offers a comparative summary of redistricting practices worldwide. These two chapters indicate, for all of the countries included, the

body responsible for drawing constituency boundaries and the entity that has final authority over whether a proposed delimitation plan is implemented; the role, if any, the judiciary plays in the redistricting process; the mechanism (such as a set time interval, a prescribed level of malapportionment, or the release of census data) that trigger the redistricting process; and the criteria the boundary authority is obliged to take into account while delimiting electoral districts (e.g. population equality, geographic factors, and communities of interest).

NOTES

1. Technically, we may distinguish redistricting from *(re)apportionment*, with the latter term referring to the determination of exactly how many representatives any given unit (either an administrative unit such as a state or a province, or a multimember electoral constituency) will be entitled to elect.
2. One of the co-editors (Handley), in addition to having served as a consultant and expert witness in numerous redistrictings at the congressional, state, and local level throughout the United States, has been involved with the UN, IFES, and other international organizations and nongovernmental organizations as a consultant on redistricting around the world—including Afghanistan, Kosovo, Liberia, Sierra Leone, Democratic Republic of the Congo, Lebanon, and Yemen. The other co-editor (Grofman), while his redistricting experience has been confined to the United States, has been involved as a consultant, expert witness, and court-appointed expert in many of the most important redistricting cases of the past three decades (at all levels of government, in more than a dozen states), and has had his research on that topic frequently quoted by the US Supreme Court.
3. There are two kinds of exceptions to districted elections, the at-large election and the communal roll. In *at-large elections*, the entire polity is used as the district and thus there is no need ever to redraw constituency boundaries. The Netherlands and Israel, for example, elect their national parliaments using List PR from the nation as a whole; while in the United States, the majority of cities elect city council representatives citywide. In *communal rolls*, the fundamental basis of representation is nongeographic: choices are made from candidacies drawn from the members of a given race or ethnicity or religion. Usually, but not always, only members of a given community will be eligible to vote for representatives from that community. (Communal rolls may, however, be geographically based or supplemented with geographically based representation.)
4. In the United States, for example, we see an immense expenditure of effort on the part of political parties, incumbent (and aspiring) politicians, civil rights organizations, civic and community groups, etc., to influence the line-drawing process, not just at the time a given legislature is actually deciding on a redistricting plan, but both before and after: Before by, for example, lobbying at the state and federal level (e.g. to affect the statutory language that dictates how the process will be carried out or defines the standards to be enforced by the Voting Rights Section of the Civil Rights Division of the Department of Justice), or demanding court intervention to draw plans in the failure of a legislature to

- act in a timely fashion; after, via litigation challenging the plans that have been drawn. It is hard to imagine that so much energy would be expended in influencing line drawing unless redistricting had significant consequences on the outcomes of elections.
- . For example in a May 8, 2005, *LA Times* story on the first Lebanese election after the withdrawal of Syrian troops, the writer, Rania Abouzeid, notes that attempts to agree on constituency boundaries for parliament “reopened Lebanon’s old tensions between religious groups, as each sect seeks a division of electoral districts for its own benefit” (p. A3).
 - i. Because the US House of Representatives was narrowly divided between Democrats and Republicans—albeit with Republicans in the majority—in the round of redistricting legally mandated after the decennial census of 2000, both parties placed great weight on manipulating the redistricting in those states whose politics they controlled for the purposes of partisan advantage. In Texas, for example, the politically divided state legislature failed to agree on a redistricting plan, forcing the federal court to impose a plan for the 2002 congressional elections. This plan gave the Democrats an advantage in translating their votes into House seats. But, by 2003, when Republicans had achieved complete control of the political process in the state of Texas (controlling both branches of the state legislature and the governorship), they replaced the court-drawn plan for the US House districts with a new and much more Republican-centric plan of their own. One immediate consequence of this so-called “reredistricting” was a gain for the Republicans of five Texas seats in the US House after the November 2004 election.
 7. In the United States, and in other countries where redistricting is politicized, the topic of redistricting provides a lens with which to understand the nature of political trade-offs and the processes of political bargaining. Indeed, a good case can be made that looking at fights over redistricting is a perfect vantage point to study politics. If politics is about making necessary trade-offs among competing values and differing concepts of political equality, then redistricting is quintessentially political. If politics is about power and putting together winning coalitions, then, too, redistricting is quintessentially political. Redistricting is also an arena where interest group politics is, perhaps, at its most transparent. On the one hand, we see politics in the raw, driven by a calculus of personal survival for individual legislators who are empowered to draw the boundaries of the districts from which they themselves will seek election. On the other hand, redistricting decisions also often involve considerations that go well beyond the careers of particular candidates, for example, about overall partisan advantage, or the concern for the representation of historically underrepresented racial and ethnic groups, or the search to create districts that appropriately reflect communities of interest. Of course, even when the “politics” have been removed from redistricting—when, for example, an independent, nonpartisan commission is assigned the task—it is important to recognize that how lines get drawn still has political consequences.
 8. The three catchwords of democracy are majority rule, equality, and justice. In thinking about the basis of redistricting and attempting to evaluate its substantive impact, questions about the meaning of majority rule and of equality of representation, and related issues of fairness of representation for racial groups (or political groups such as parties) must be debated and analyzed. The various criteria that have been proposed to guide

districting can be divided into four categories: (a) population-based, (b) geographic, (c) racial and ethnic, and (d) political. Choice as to the weights to be given the criteria associated with each of these categories can be viewed as choice among competing concepts of political equality. For example, in the United States, to appreciate the legal context of districting we must understand concepts like "one person, one vote," "partisan gerrymandering," and "incumbency protection."

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