

# Plans for Preventing the Plutocratic Election

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## Abstract

Korean citizens are currently becoming more and more aware of the urgent necessity of reforming the election laws due to economic and moral considerations. Even though the deep-rooted illegal election manipulated by the government authority disappeared by dint of our persistent effort, the problem of the plutocratic election still remains unsolved. Some have argued that the medium-large district system can realize the election at minimal cost. However, Japan does not seem very successful although they have so far employed the medium-large district system. Moreover, some Western countries do not suffer from the plutocratic election granted that they have had the small district system. Moreover, some Western countries do not suffer from the plutocratic election granted that they have had the small district system. Because the size of the electoral district does not appear to be related to the plutocratic election, it is argued that we can solve this problem by improving ways of the election campaign. The principles of "freedom" and "equity" are proposed along with a couple of guides that indicate the direction of the reformation of election laws. In addition, execution of the public management of the election is suggested and discussed in spite of some problems it might cause.

## I. Introduction

Lawmakers as well as many other citizens are currently becoming more and more interested in the reformation of the 'Lawmaker election law.' Alike other elections, the general election has long been criticized due to its overheatedness,

corruptness, and illegality in its procedures. Unfortunately, however, these electoral practices do not seem to be changing. For example, during the general election in 1988, it was said that it cost five million won to be nominated as a candidate of a certain opposition party. Not surprisingly, the total amount of campaign money spent during that election went over as much as two trillion won, imposing enormous burden on the national economy.

This thesis starts from the belief that it is high time for us all to correct these wrong electoral practices by reforming the 'lawmaker election law.' In this reformation, reducing the electoral cost is the name of the game. That is, it is the focus of the discussion to switch the high cost of democracy to the low cost of democracy. In fact, if the election is influenced at all by money, the National Assembly is not any longer the representative that speaks for the citizen but for the rich, to say nothing of its immorality. Thus, this effort to reform the law concerned seems highly necessary and important. As a matter of fact, the reformation is needed, among others, for the lawmakers themselves. In order for a lawmaker to be trusted by the citizen, the electoral procedure ought to be crystal-clear and trustworthy.

It is often argued that money is a sort of necessary evil in politics or that money is the 'mother's milk' of politics. However, the problem of our campaign culture is that money is spent to an incredibly great extent. Because a common sense teaches us the fact that the supply is created by the demand, the best way to clear the politics of corruption is to inhibit the demand of political money. Actually, the reformation of the electoral law is aimed at suppressing the demand of political money. In this paper, I am going to discuss the major issues of this reformation of the law concerned and to point out what should be taken into consideration in the process of the reformation.

In this paper, I will deal with only the 'lawmaker election law' for the reason of limited time and space even though we have many other kinds of electoral laws including the presidential election law and the gubernatorial law, to name a few. I will firstly discuss the problem of the electoral district and then move over to other problems concerned with the election law and its procedures.

## **II. Plutocratic Election and the Electoral district**

### **1. District systems discussed so far**

In discussing the problem of the electoral district, the term of 'medium-large district' has often been mentioned. A 'large district' refers to an electoral district where about 10 lawmakers are elected while a 'medium district' signifies an electoral district where 2 to 5 lawmakers are elected as was the case with the fifth

Republic or Japan. In fact, in the Western countries, they divide the electoral district in such a dichotomous way as 'single-member district' where one lawmaker is elected and 'multi-member district' where at least two lawmakers are elected. However, in this paper I will employ the terms that are popular in Korea.

There is not a right answer in the question of which district system is better. Since different countries have different political histories and situations, each country selects its own district system that is most appropriate to its social condition. For instance, the United States, England, France, and the Canada take the small district system whereas Italy and Japan choose the medium-large district system. On the other hand, Germany employs a mixed version of the two.

In our case, we have tried both of the two systems, leaving the question of which is better still unanswered. In a survey conducted in the mid 80s, 45.8% of the respondents favored the small district system and 10% of them favored a mixed system of the small district and chun-kook-koo system, which indicates that more than half of the respondents preferred the small district system. However, these statistics never guarantee that Korean citizens favor the small district system over others because they must have been influenced by the specific political situation during the fifth Republic. As a matter of fact, this problem is still under dispute among the Korean political scientists.

The reason why I am raising the issue of the electoral district is that it has relevancy to the main interest of this paper: the election of minimal cost. It seems highly necessary and important in unraveling the problem of the plutocratic election to investigate a variety of medium-large district systems and their relationship to the immediate Korean political situation. I will discuss four kinds of medium-large district systems below. A common assumption underlying this discussion is that a large district system is considered to be a necessary condition to minimize the cost of an election.

### **(1) 'City-Do-Unit' large district system**

A simple way to execute this system is to distribute the total of 299 seats among each city or 'do.' Because a simple proportional rule renders the difference between urban and rural areas in the number of lawmakers even larger, we might need to differentiate the ratio of the population per a lawmaker according to the size of a given area. However, this system brings in many problems. First, in case of Seoul or Kyunggi-Do, the share of each district amounts to about 50. Thus, the number of candidates in each district will be a few times as many as its share, which makes the procedure of the election extremely complicated. Second, a lot of variance is expected between candidates in terms of the number of votes they get. Therefore, the variance between even those elected in the number of votes they get is likely to be unreasonably high. Third, whereas the small district system

guarantees even distribution of the number of lawmakers among urban and rural areas, this system provides candidates from rural areas with far less chance to be elected.

### **(2) 6-9 persons system**

This system, proposed by the political reformation committee in the ruling party in 1991, was designed to preclude the possibility of the plutocratic election. The 6 persons district was taken as the lowest in order to make Taejeon and Kwangju one electoral district each. The 9 persons district was chosen as the highest due to Choongchung-Book-Do, which had had 9 seats. If it is divided into two separate districts, 12 seats are needed for it, making the total number of seats increase.

This system is not very different from the previous one, sharing most of its characteristics. The political reformation committee suggested this plan to the executive council but it was rejected on the ground that this system might demand more campaign money and it is by no means conducive to the political stabilization.

### **(3) 2-5 persons system**

This system was aimed at facilitating candidates from minor parties to be elected. It was once deliberated within the ruling Demographic Liberal party but rejected because the electoral district was too small to prevent the plutocratic election, and because it was very similar to the Japanese system that has been considered to leave much to be desired.

### **(4) 1-2-3 persons system**

This system is a mixed form of the small district system for small 'city-koon-koo' and the 2-4 persons system for large 'city-koon-koo.' For such big cities as Seoul, a lawmaker is elected per 71,000 people for 'city-koon.' If a city or koon has less than 71,000 of the population, it was integrated to an adjacent district. This plan was proposed by the ruling Demographic Justice party in 1987 as a substitute for the contemporary electoral system. However, it failed to receive support from the opposition parties because it was designed in the ruling party's favor.

## **2. Medium-Large District System and Plutocratic Election**

We have so far reviewed many different kinds of the electoral district system. What they have in common is that they are all 'medium-large district systems.' In this section, I am going to address the relationship between these various kinds of 'medium-large district systems' and the cost that is required for the election.

It goes beyond the interest of this paper to discuss in detail general characteristics of the 'medium-large district system.' The major point on which I mean to

focus is whether this 'medium-large district system' can ever be helpful in reforming the current electoral practice that necessitates an incredibly large amount of money. That is, we are interested in whether the 'election of minimal cost' can come true if the 'medium-large district system' replaces the 'small district system' that is currently executed. Following is the major criticism of advocates of the 'medium-large district system' against the 'small district system': Under the present small district system where only one candidate is elected, candidates are very likely even to buy the floating votes and to encroach upon competitors' votes. Thus, the plutocratic election might be inevitable in the 'small district system.' This statement might sound quite legitimate. The key omission of it, however, lies in its lack of the proof that the plutocratic election is not the case with 'medium-large district system.' Regardless of the size of the district, it must be true that candidates have the same psychology that they cannot be elected without dropping off other competing candidates. The major logic of advocates of the 'medium-large district system' is that candidates are not able to spend money under the 'medium-large district system' because it costs too much money. For example, whereas the number of families within a given small district is about sixty thousand to eight thousand, it increases up to three hundred thousand to sixty hundred thousand under the 'medium-large district system.' Thus, it will cost a lot of money even just to distribute a printed campaign material. However, the trick of this logic consists in its assumption that 'most of the candidates' will not turn to money if the cost increases high enough. The flip side of this assumption is that a few candidates who can afford would spend that increased amount of money. If this is true, the extent to which money influences the result of the election will become even larger. Therefore, contrary to the common belief that the 'large district system' is conducive to minimize the cost of the election, it might make the situation even worse. It leads us to be more careful in discussing the relationship between money and the size of the district system.

Another aspect we have to deliberate is the negative facet of the two district systems in terms of money. It can be easily found in political science textbooks that candidates are likely to 'buy' votes under the small district system while 'high cost of the election' is the major problem under the medium-large district system. These two aspects make the core of all the problems raised by money in any election. The best way is to minimize the amount of money spent in both cases. However, if it is not possible, the question is which one easier to minimize. I would like to argue that it is easier for us to minimize the money spent on buying votes. Because 'buying votes' is not ever acceptable in both legal and moral ways, we might be able to get rid of it through strict enforcement of the law. By contrast, it is not very easy to reduce the amount of cost spent during the election because it seems relatively less immoral and less illegal than 'buying votes.' In

addition, the modernization and the diversification of the campaign equipment made the cost of election even higher than as ever. To make a long story short, the problem of the small district system (buying votes) is easy to solve while the problem of the medium-large district system (high cost) is relatively difficult to solve. This will be an important criterion in discussing "the election of minimal cost." Now let us think about it from a candidate's perspective. Suppose a hypothetical candidate who is planning to spend five hundred million won, three hundred million won for buying votes and two hundred million won for other cost of the election, respectively. And suppose that the small district system happens to be replaced by a medium-large district system, say, 6-9 persons system. Will the candidate give up spending the money only because the district became six times as large? I am skeptical of this possibility. The candidate will never fail to spend the three hundred million won or more on buying votes even though the district became larger. Furthermore, it is highly likely that the candidate will spend the two hundred million won or a few times more on the cost of the election. Thus, the 'medium-large' district system does not necessarily guarantee the 'election of minimal cost.'

In this chapter, I have so far discussed the relationship between money and many different kinds of 'medium-large district systems.' These systems were mentioned as alternative plans that make the 'election of minimal cost' possible. However, as addressed above, it was not proved that the 'medium-large district system' can reduce the demand of money in the election, thereby realizing the 'election of minimal cost.' If neither the small district system nor the medium-large district system is good in terms of money, what else can we expect? The very answer I got based on my own experience in the field is that there is no relationship between money and the electoral district system. Each district system has its own conditions under which candidates are prone to spend their money in order to be elected. Thus, it seems to me that the district system does not have to do with reducing the amount of money spent during election.

One might ask at this point if there is not any system at all that guarantees preventing candidates from spending their money during the election. We can find out an answer by thoroughly examining the nature of human relationship embedded in the election. Specifically speaking, an election might be characterized by the relationship between two natural persons: one who elects and the other who wants to be elected. Every immoral or illegal action is taken between these two natural persons. Thus, we may find the answer by switching this relationship. How about changing what is elected from a natural person to a party? For example, suppose a total of forty lawmakers are to be elected in Seoul. Then, the Democratic Liberal Party makes up a list of forty candidates and the Democratic party also does the same thing. Voters vote for a party rather than a natural

person. The number of candidates elected in each party is determined by the proportion of the total number of votes that each party gets. In this situation, candidates are not likely to spend their money. This system is called, "Strengge Gebudene Listen." It is being implemented in Spain, Portugal, and Israel.

Only in terms of reducing the cost of an election, this system is an ideal one. However, this system has its own limitations that prevent us from carelessly accepting executing it in our political situation. First, this system is fundamentally based on the proportional representation. Thus, it brings in problems of proportional representation, which will be discussed in the next section. Second, it is criticized that citizens are deprived of their rights to elect a specific lawmaker because the candidate list is made up by the executive council of each party. Third, a prerequisite of this system is the democratization within a party. Thus, unlike western European countries, this system may not be very appropriate to our political environment. Last, under this system independent candidates can in no way run for the lawmaker.

### **3. Issues on the proportional representation.**

All the district systems other than the small district system discussed so far have to do with the proportional representation. The proportional representation differs from the small district system in its purpose, value pursued, and the practice. Thus, it seems quite necessary at this point to look into the basic differences between these two systems in conjunction with our political situation.

Critics of the small district system point out the over-representation and the under-representation that this system necessarily brings about. They argue that the National Assembly should be able to represent the whole citizens' opinions, and that it is possible only by employing the proportional representation system. In relation to this argument, it is the equity that advocates of the proportional representation put a great emphasis on. The equitable system, they maintain, is the one that makes the number of seats each party occupies proportional to the number of votes each party got. In fact, in case of the ruling party, it is more often than not true that the proportion of the seats it takes goes beyond the proportion of votes it gets. Another point on which they place an emphasis has to do with so-called "dead votes." They argue that any single vote should not be abandoned. For instance, suppose four hypothetical candidates (A, B, C, and D) who get 40, 30, 20, and 10 votes respectively. Under the small district system, because only one candidate(A) is elected, the rest of the votes that the other candidates get (60 votes) become dead. That is, only the opinions of 40 citizens are represented while those of 60 citizens are not reflected in the National Assembly, which is an absolute absurdity. Thus, they argue that we might save these precious 'dead

votes' by substituting the proportional representation system. However, under the proportional representation the existence of a powerful party that covers the majority is very unlikely: That is, we cannot ever expect a stable government of regime under this situation. Moreover, the division of the Assembly by many small parties makes it difficult for a leading opposition party to come out. As a matter of fact, theoretical advantages of the proportional representation system such as guaranteeing the equity and saving dead votes did not turn out to be true in practice in Western European countries. For example, in case of Weimar Republic, the emergence of a number of small parties that is inevitable under the proportional representation caused an extremely unstable political situation, which is even considered to be a reason for the collapse of Weimar Republic. During the first and the second World War, France served as another bad precedent of the proportional representation system. As an example of their labile political situation, as many as 38 Prime Ministers were changed from 1871 to 1928. Furthermore, the Assembly went powerless because of the absence of a major party. For such reasons, F. A. Hermens regarded the proportional representation even as "Trojan horse of democracy." On the other hand, the United States or England, that have kept the small district system, have not suffered from the political instability.

Now, we need to think about what is implied in such a political history. In fact, we have already gone through both stable and unstable periods within the Assembly. During a stable period, it was true people were reluctant to make a major party due to the illegitimacy of the ruling party. However, because it is not the case now, we can discuss the merits and demerits of the system on its own. What we have to think is whether the existence of a major party is a must. Germany or some European countries that employ the proportional representation system have adapted themselves to the system and it seems to go well these days. What appears most important is, I think, our adaptability. If we do have the adaptability, we do not have to worry about implementing the system even though the system makes it hard for a major party to come out.

We can summarize what has been discussed in this chapter as follows: First, because of the nature of the human relationship inherent in the election, it costs money regardless of the size of the district. Thus, we cannot ever prevent the plutocratic election merely by switching the district system. Second, even though we can choose "Strenge Gebundene Listen" only for minimizing the cost of an election, the thing is how we are ever able to overcome a number of problems it might cause.



### **III. Improvement of Ways of the Election Campaign**

#### **1. Knock the Door, and...**

We have so far discussed the way in which to prevent the plutocratic election only in terms of the electoral district system, which turned out not to be very successful. Still, however, we have another choice to prevent the plutocratic election: through improving ways of the election campaign. In fact, it is true that the election has been considerably democratized by improving systems concerned with the way of the election campaign. It is the illegal election manipulated by the government authority that badly tarnished the Korean history of election. It was the invasion of the democratic electoral system itself aimed at extended seizure of the political power. Now, however, this illegal election by the government authority is seldom a problem in our electoral practice. It was made possible by ceaselessly legislating policies for preventing the illegal election. For example, in order to guarantee the equity in the electoral management the central election council became independent of parties by the Constitution; A serial number has been registered on the voting paper since the fifth general election to prevent so-called 'relay voting'; The visitor system has been intensified to prevent the vicarious or open voting; The absent voting system has been taken since the fifth general election to guarantee the neutrality of soldiers' voting. These are only a few examples of our persistent effort to solve the problem of the illegal election by the government authority. By the same token, we will be able to solve the problem of the plutocratic election: If we make persistent efforts to come up with a variety of policies for preventing the plutocratic election, we will be successful again. The door shall be open if we knock the door.

#### **2. Principles and Guides**

##### **(1) Principles**

With regard to the principles of the election campaign, the Constitution prescribes, "election campaign is permitted under the supervision of the election management council within the range of the law concerned. Equal opportunities should be secured. Cost for the election cannot be imposed on the party or a candidate unless otherwise specified by the law." In addition, the lawmaker election law states, "this law is designed to contribute to the development of the democratic politics by electing lawmakers in an equitable way based on the free will of citizens." They are understood as the declaration of the two principles of the election: "Freedom" and "Equity".

Regarding the “free election”, even though it is not explicitly specified by the current Constitution, the principle of the free election is viewed as included in the Constitution because the Constitution adopts the principles of “universal”, “equal”, “direct”, and “secret” suffrage. Among a variety of interpretations of this principle of free election, the present author espouses a wide one. According to this interpretation, the free election is construed as the one in which any direct or indirect influence is not exercised. The reason why I favor this wide interpretation is that the election is the most important opportunity for the nation to express their political opinions. Therefore, the freedom of the election campaign that appeals voters’ judgments ought to be secured by all means.

On the other hand, the equity of the election is more important than the freedom of the election. In principle, it seems desirable to grant a complete freedom to candidates. However, it might cause a number of illegal practice in the election such as violence or corruption. It is highly likely that unlimited freedom in the election campaign brings about inequality between candidates depending on the difference between candidates in their economic or even political power. Thus, the freedom of the election should be limited to some degrees in order to secure the equity of the election that is prescribed by the Constitution. In addition, problems that derive from the unlimited freedom of the election campaign cannot be seen only from the perspective of the equity between candidates. Overconsumption of money during the campaign or the corruption undermine even the legitimacy of the government authority and the morality of the whole nation.

## **(2) Guides**

I would like to argue that followings should be taken into consideration in the reformation of the lawmaker election law, having the principles mentioned above in mind.

(a) Guide 1, “the election of minimal cost”: It involves the core of the principle of freedom and the principle of equity.

(b) Guide 2, “the freedom of voters”: In the phrase of ‘election by the free will of the nation’, ‘the nation’ is considered to signify “candidates”, “campaigners”, and “voters.” The freedom of “candidates and campaigners” is that of the election campaign. The freedom of “voters” is that of marking a vote; freedom of getting access to the campaign; freedom of expressing their attitudes toward candidates; freedom from voting; freedom election campaign; freedom from unwanted influence such as getting illegal money in connection with the election.

(c) Guide 3, “equity”: The equity here refers to both the equity in terms of cost of the election and the equity in terms of electoral administration.

(d) Guide 4, “freedom of candidates and campaigners”: The election campaign

is the channel through which candidates can inform voters of their political views and merits. In addition, the election campaign provides the frame of reference for the voters in judging candidates. Thus, the freedom of candidates and campaigners ought to be secured.

I argue that it will be necessary to take these guides into consideration in discussing the reformation of the election law.

### **3. The Public Management of the Election**

The public management of the election refers to a system in which the entire electoral procedures are managed and supervised by the government (the election management council). Thus, it follows that the government should provide all the cost necessary for the election campaign. It is interpreted as prescribing this public management of election that the Constitution states "cost for the election cannot be imposed on the a party or a candidate unless otherwise specified by the law." In fact, this public management system has long been recommended whenever it comes to the reformation of the electoral system. I would like to argue that this system should be executed in a complete and strict manner in order to prevent the plutocratic election. The individual management of the campaign is prone to be overheated, causing the plutocratic, illegal, and corrupted election. In this respect, the overall implementation of the public management system will be quite effective in realizing the clear and equitable election. A limiting condition, however, is required of this system. Any cost spent other than what was provided by the government should be taken as illegal. Otherwise, it is that the government encourages the plutocratic election by adding cost spent during the election. Thus, he public management system should be executed under the assumption that candidates or parties cannot ever spend their money on their own during the election campaign.

### **IV. Concluding Remarks**

The history of Korean democracy has often been tarnished by the illegal election manipulated by the government authority. However, we could get rid of it by persistently improving the system. Now it is time for us to concentrate our collective efforts on removing the plutocratic election. As part of this effort, I have discussed improvement of the electoral systems. Unfortunately, however, we cannot solve this problem only by improving the system, nor can we come up with such a perfect system. It is often argued that the medium-large district system will guarantee the election of minimal cost. However, it is not the case with Japan.

Moreover, the small district system is appropriate to some countries including the United States or England, and the proportional representation is appropriate to other countries such as Germany. As a matter of fact, we might choose "Strenge Gebudene Listen" only in terms of minimizing the cost of election. But it is doubtful whether this system can go well with our political situation because it requires democratization within a party and because it is likely to cause division of the Assembly by many small parties. With regard to the public management system, it is widely agreed to take this system, but its problems are, (a) it might burden the government with enormous fund, (b) the election management council can possibly do the job in practice.

In fact, what is most important is our determination. Election is a sacred procedure by which we can reach a common goal of the society. However, there are still some who believe that they can be elected by 'buying votes.' Thus, as long as all of us do not change our mind, any system or any form of law enforcement cannot ever save us from the plutocratic election.

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