



Reforming Democracy:

Institutional Engineering in Western Europe, 1990-2010

Camille Bedock

Thesis submitted for assessment with a view to
obtaining the degree of Doctor of Political and Social Sciences
of the European University Institute

Florence, April, 2014 (defence)

European University Institute
Department of Political and Social Sciences

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« On ne se lasse pas de changer les institutions, ne pouvant changer les hommes. »

Réflexions et maximes – 1911

Lucien Arréat

“Everybody knows that the dice are loaded

Everybody rolls with their fingers crossed”

Everybody Knows, in I’m Your Man, 1988

Leonard Cohen

Thesis Abstract

The modification of the formal rules regulating the functioning of democracy has become, over the years, an increasingly important field of research in political science. This topic has become ever more significant in recent years as Western European democracies face strong challenges to their legitimacy, in a context of decline of political support. This thesis focuses on reforms of the core democratic rules in Western European democracies during the two last decades, adopting an expansive focus in order to adopt a multidimensional and longitudinal approach to institutional engineering in consolidated democracies. It investigates the occurrence of reform, successively examining the description and the characterisation of reforms, their contextual determinants and the mechanisms of change, articulating mixed-methods including large-N statistical analyses and case studies. The starting point of this thesis is that, as institutions come together to form a coherent multidimensional system, they should also be studied as such. I introduce the concept of bundles of reforms, defined as institutional reforms which are linked to each other and relate to several dimensions of the institutional architecture. They can be understood empirically as either package deals linking together reforms during a single negotiation or as sequences of reforms resulting from each other in a snowball effect.

The first part of the thesis focuses on the description and the determinants of reforms, taking advantage of a database which enables the quantitative analysis of six dimensions of reform in 18 Western European democracies (SIEPOL database “Institutional Change in Advanced European Democracies”). It demonstrates that institutional reforms in the last few decades have been frequent (8.2 on average between 1990 and 2010), have happened in bundles 75% of the time, and have been moving towards more inclusive institutions in two-thirds of the cases. The empirical evidence also confirms the predominance of reforms of representative democracy compared with other alternative forms of democracy, and demonstrates that changing the formal institutional rules is the prerogative neither of democratising countries, nor of peculiar outliers.

When studying the long- and short-term determinants of the number of reforms, certain long-term factors foster a favourable structural environment for the occurrence of institutional reforms, in particular a lack of political support from citizens for their institutions, but also the disproportional electoral systems in majoritarian democracies. In the short-term, institutional reforms in a given legislature tend to be more numerous after political alternation, and in contexts of rising electoral uncertainty. The thesis also evidences the fact that neither constitutional rigidity nor the number of partisan veto players can be considered to be the main explanation, or even relevant at all in some cases, in relation to the number of reforms adopted, going against traditional explanations of institutional stability and change.

The second part of the thesis focuses on understanding why, in favourable contexts, some reforms succeed and others fail, investigating case studies of three reform processes involving bundles of reforms, in France, Ireland and Italy. These bundles of reforms have emerged as the result of endogenous and exogenous factors, including economic and political crisis translated to the electoral arena (Ireland), political and institutional instability and alternation (Italy) and a favourable institutional context of cohabitation after political alternation (France). The main finding of the second part is the evidence that the final outcomes of reforms are dependent on the combination of the nature of the reforms at stake (divisive or consensual) and the process used to adopt them (majoritarian, supermajoritarian or externalised). Divisive reforms tend to obey a self-interested logic, and their success is mainly dependent on the ability of the parliamentary majority to build an agreement in relation to a package deal of reforms, or to pass the reform alone. During the processes of consensual reform, the behaviour of political actors is moulded by their perceived ability to claim credit for popular reforms. When the majority chooses to exclude opposition parties and interest groups from the elaboration of reforms in order to claim sole credit, the fate of such reforms depends on the attitude of the opposition, who may choose to oppose the reform in order to symbolically defeat the government.

Acknowledgements

This thesis has brought me to the banks of the Seine, of the Tevere, of the Arno and of the Liffey for over four years and a half of academic and personal wanderings in two different universities and many more countries. During this time, I have certainly considerably broadened my horizons thanks to the many great people I have come across during these past years.

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Introduction

Based on where a painter places her easel, the same landscape will be represented differently. Some objects will appear distant and blurred, others more closeby and colourful. The sun will light up the sky in a particular and unique way at any given time, so that the very same object may seem different on another day or from another perspective. For an impressionist painter, reality would be represented as a series of broken brush strokes, whereas a Renaissance Florentine painter would emphasise lines and devote time to the geometric construction of the painting. This can be applied as a metaphor for change and stability: according to a researcher's chosen perspective, she may place greater emphasis on elements that vary, or on those that remain the same, she may pay greater attention to particular details, or focus more on general impressions, so that what she sees as reality is, in fact, only a particular perspective. To understand how conceptions of reality become crystallised within particular research perspectives, it is useful to draw a parallel between party system change and institutional change before presenting the topic of this thesis: institutional engineering in Western Europe during the last two decades.

Mair is keen to deconstruct the common assumptions about change and stability in the field of party systems, and has shown that parties and party systems in Western Europe are very stable, despite the fact that they have faced great challenges. Whereas most authors have emphasised the changes within Western European party systems, Mair has shown that the cores of most of these party systems have remained untouched. This stability has been made possible by the fact that parties and party systems generate their own momentum through their capacities to limit choice and change, through constant adaptation and control strategies (Mair 1987, 1997). In a changing environment, a great deal has to change in order for things to remain the same. Therefore, shifting the usual focus away from the changes in party systems has enabled us to illuminate the high degree of stability of their cores. In the same vein, authors who have looked into institutional reform in established democracies have overwhelmingly emphasised the stable elements, using a perspective from which change, in order to be detected in the picture, must be massive and disruptive. Other authors adopt a more impressionistic approach, observing changes in electoral systems, for example, but are less inclined to focus on the ways in which these changes interact within a wider institutional system. Authors who are interested in institutional reforms in established democracies mainly show evidence that, apart from in exceptional cases and circumstances, the institutional systems of Western Europe are very stable. This focus on

stability has resulted in the absence of documentation on cross-national, longitudinal and multidimensional institutional reforms in Western European democracies. So far, we have made assumptions regarding the degree of stability, rather than actually measuring it. One of the central claims of this thesis is that, just like the stability of the core of the party systems, the stability of the core democratic institutions in Western European democracies could hinder the ability to make necessary institutional adaptations in an ever-changing environment. This is all the more relevant in relation to the context in which political parties have competed over the last two decades: policy constraints have never been so high, the capacity to respond to citizens' demands has never been so low and, as a result, Western European political elites face an unprecedented "erosion of political support" (Dalton 2004). If, in a changing environment, a lot must change in order for things to remain the same, then one might expect that in a context of democratic challenges, institutions will change. To refer once more to the theoretical debate on party system change, party systems may have been stable because political elites have been able to alter their environment, and in particular their institutional environment.

This thesis aims to provide a different perspective on institutional engineering in Western European democracies over the last two decades. By developing a new analytical tool to account for the multidimensional and systemic nature of institutional change (bundles of reforms), I aim to put into perspective, and to revise, the common understanding of institutional change up until now. I focus on reforms of the formal rules regulating the functioning of democracy, which I call the core democratic rules. These rules are essential in shaping the environment in which parties compete and cooperate, but also in defining and redefining what is meant by representation in a modern democracy. They are not written in stone. They are the product of conscious social choices made by political elites and other actors. They constitute strategic responses to challenges and incentives. I start from the assumption that elites do what is necessary to reinforce their position in favourable environments, and to survive in hostile environments, and that they understand institutions as "mechanisms that must 'work'" (Sartori 1994, ix). Consequently, my initial hunch is that the conjunction of political uncertainty and political delegitimation should be a strong incentive for institutional change, and that institutional engineering could be one of the solutions chosen by the elites to address these challenges. It might prove to be wrong. The elites might use institutional engineering for completely different reasons, unrelated to any kind of external incentives. They might also be faced with strong incentives and choose not to address them, or not to address them through institutional engineering. They may also attempt to adopt institutional reforms, and prove incapable of managing to provide positive outcomes. The question guiding the whole thesis is the following: **what explains the occurrence of reform of**

the core democratic rules in Western European democracies in the last two decades? This research deals with the context, the motives, and the mechanisms explaining the incidence of institutional engineering. Therefore, two different questions about institutional change are crucial here: firstly, how much change to the core democratic rules in Western European democracies can be observed over the course of the two last decades, where did this change take place, and at what point in time? Secondly, why are some attempts to reform successful, while others are not? This thesis aims to test the general hypothesis that institutional reforms constitute *a response from political elites to challenges to their legitimacy and to growing uncertainty in established democracies*, and also, that *the final outcome of reforms is expected to depend on the type of reform taking place, and on the process of reform that is used*. These two hypotheses are not the first that come to mind when considering the occurrence of change. The more obvious explanation is that change occurs less frequently and with greater difficulty when rules are rigid and veto points are numerous. One of the main results of this thesis is to challenge this general explanation, because it does not hold empirically. I will first abandon the narrow view of institutional change, based only on major reforms or on single dimensions of reform. The multidimensional nature of the institutional systems, which has long been theoretically and empirically established (Lijphart 1984; 1999), implies that one should also account for the clustering of institutions when studying change. This also means that I will take into account both successful and unsuccessful institutional reforms. The empirical problem consists of a **descriptive question**:

- What has the scope of institutional engineering in Western Europe been in the last two decades? What types of reforms have been adopted, in what circumstances, and at what time?

The analytical problem is composed of two separate questions:

- **A question about reform triggers:** what particular circumstances bring about institutional reforms?
- **A question about the processes of reforms:** what mechanisms can explain why a reform which is on the agenda is eventually adopted, or rejected? What can be learned about the processes of institutional change when reforms are analysed in bundles rather than separately?

Answering these questions necessitates the development of a research strategy based on mixed methods. The notion of mixed methods is not considered here as a buzzword or slogan, but as a consequence of the different methodological challenges posed by the questions underlined above. As Newman and Benz have argued, qualitative and quantitative methods are best understood as part of a single “continuum” (1998). The use of mixed methods is here the result

of a pragmatic approach, based on the belief that no single method can adequately answer all of the research questions this thesis seeks to tackle. As a consequence, the thesis will proceed in two steps: firstly, a preliminary large-N longitudinal and cross-sectional analysis aiming to test the theories developed in the literature concerning electoral and regime change, and secondly, a series of case studies of bundles of reforms with the aim of building theories to investigate the mechanisms behind the processes of institutional reform. Therefore, the first part of the thesis focuses on describing the changes which have been made to the core democratic rules, and on identifying their determinants. The second part, on the other hand, attempts to link these determinants to actual mechanisms. It also centres the analysis on the importance of the processes (the politics of reform) in gaining a full understanding of their final outcome. The two methods are informed by one another on the topic of the determinants of change, and complement each other because they provide insight into different issues: the issue of the description of change for the quantitative analysis, and of the mechanisms which lead to positive or negative outcomes for the qualitative analysis. The use of a nested analysis using mixed methods therefore appears to be particularly appropriate (Lieberman 2005).

This mixed method strategy leads us on to the development of the concept of bundles of institutional reforms, i.e., reforms affecting several dimensions of the institutional system at once (Chapter 1), which can be mobilised both in large-N and in more focused, qualitative analyses. The first chapter also focuses on the crucial matter of identifying and defining which reforms are to be investigated: reforms of core democratic rules. A distinction is made between those which affect the representative and the participative functions of democracies, leading to the delineation of six dimensions of reform. Although political science has made considerable progress in addressing the matter of institutional change in the last twenty years, the current explanations about the determinants and processes of change fall short when the aim is to expand the dependent variable to include several dimensions of change and minor reforms. The existing literature overlooks the frequency of change, overestimates the self-interested nature of institutional reforms, and finally, insufficiently acknowledges the fact that reforms do not take place as isolated events, but often as parts of a bigger picture. Finally, Western European democracies are currently facing particular challenges in relation to the progressive erosion of political support during the last few decades (Chapter 2). The third chapter will present the unique database on which the empirical analysis in this thesis is based: the SIEPOL (Seclusion and Inclusion in the European Polity: Institutional Change and Democratic Practices) project “Institutional Change in advanced European democracies” accounts for six dimensions of change in 18 Western European democracies, and is directed by Peter Mair and Adrienne

Héritier. It will provide an overview of the scope, the direction and the nature of institutional engineering in the last 20 years in Western Europe. I will show that institutional reforms have been relatively frequent, mostly inclusive, and have been “packaged” in bundles in the majority of cases. Then, the central claim that reforms of core democratic rules are triggered by political instability and democratic delegitimation will be tested and refined through the use of this database. In order to do this, I distinguish the long-term factors that provide fertile ground for reforms of core democratic rules, and the short-term factors that explain why more reforms happen at particular moments. The importance of the level of political support in the long-term, and of political alternation in power and rising volatility will be demonstrated (Chapter 4).

The second part of the thesis moves the reflection on institutional change forward by focusing on the mechanisms of reform. The first part of the thesis describes and analyses only those reforms that have actually happened. The reality is that many of the reforms of core democratic rules which make their way on to national agendas never actually manage to reach the stage of final adoption. The three case studies undertaken aim to provide greater understanding of why and in what circumstances some reforms are passed. This involves distinguishing between the different types of reform at stake, and between the processes used to conduct these reforms. The fifth chapter argues that the crucial element in distinguishing between reforms of core democratic rules is whether they are of a divisive or a consensual nature, according to the level of public support they enjoy. These two types of reform lead elites to focus on claiming credit or on self-interest, respectively. This in turn explains why the factors accounting for the final fate of divisive and consensual reforms are different, and imply distinctive mechanisms. The impact of veto players, the number of dimensions of reform at stake, and the type of process of reform (majoritarian, supermajoritarian, or externalised) will be discussed. The three remaining chapters provide empirical evidence about the mechanisms of bundles of reforms. The bundle of reforms undertaken in Ireland in 2011, firstly, serves to illustrate the conditions necessary for alternation, volatility, and a lack of political support to be translated into concrete pressure on elites to reform institutions. Secondly, it enables us to understand why the consensual reforms which went to a referendum failed, while other consensual reforms which were adopted in the parliament succeeded. Finally, it shows the way in which the Irish government got rid of the most divisive reforms through an externalised body, the constitutional convention (Chapter 6). For France, two reforms are studied: the reduction of the presidential term from 7 to 5 years, and the reordering of the electoral calendar in order to hold the presidential elections before the legislative ones. Despite the fact that these reforms were intrinsically linked, the reformers used distinctive processes leading up to their successful adoptions, because the reforms were of different natures.

The first (the *quinquennat*) illustrates the dynamics of collaboration as well as the credit-claiming characteristic of consensual reforms adopted through a supermajoritarian process. The second (reform of the electoral calendar), on the other hand, exemplifies the prevalence of self-interest in a majoritarian process with a divisive reform (Chapter 7). The final chapter is dedicated to the study of two reforms debated in Italy between 2003 and 2005: reform of the second part of the constitution, and electoral reform. These two contentious and divisive reforms illustrate the importance of close examination of coalition dynamics in understanding the politics of reform. Led by a centre-right coalition composed of parties with hugely diverse interests, these processes illustrate how, by bundling reforms into a package deal with mutual tradeoffs and concessions, the reformers managed to reach an agreement in parliament. The constitutional reform was eventually defeated at referendum, providing insights into the importance of the timing of reforms (Chapter 8).

**PART I – REFORMS OF THE CORE
DEMOCRATIC RULES AND THEIR
CONTEXTUAL DETERMINANTS**

Chapter 1: Introducing the bundle of reforms: a theoretical and empirical tool to analyse multidimensional institutional change

There is a good reason why we commonly refer to “institutional systems”. A system is a set of interacting, interrelated and interdependent elements that come together to form a whole. Our starting point, based on the existing literature and specifically on Lijphart’s work, is that political institutions evaluated together constitute a system. Hence, the different dimensions of institutional systems are linked together by the underlying logic of distribution of powers and conceptions of democratic legitimacy. As a consequence, I will develop a theoretical and empirical systemic tool in order to analyse the changes in the core democratic institutions in Western Europe: bundles of reforms. This chapter answers the following questions: which political institutions can be said to constitute the core of these democratic rules? Why should institutional reforms be studied in bundles rather than separately?

This thesis focuses on institutional reform as a **modification of the formal core democratic rules which is enacted by parliament**. I focus on institutional changes that are “explicit products of social choices” (Bawn 1993, 965). These changes are therefore intentional, clearly definable (given the possibility of determining the moments at which choices and decisions were made), and shaped and adopted in accordance with the usual rules of the democratic game.

However, important issues immediately arise. First of all, it is far from an easy task to determine what set of formal institutions can be said to constitute the core democratic rules. One could accept so broad a definition as to include the rules of selection for candidates in political parties, or all aspects of the regulation of elections, or be so narrow as to limit them to the electoral systems. The first part of this chapter considers this issue, drawing on Lijphart’s framework (1984, 1999). Secondly, I will show why different models of democracy are associated with different interpretations of what democratic legitimacy is. Finally, I will justify the thesis’ focus on the core democratic rules regulating the relationship between citizens and political elites.

In the second part of the chapter, I will introduce the main theoretical and empirical innovation of this thesis, i.e., the concept of a bundle of reforms. The idea behind these bundles is that, since institutions are clustered, it makes no sense to study changes in various institutional dimensions in isolation. On the contrary, I make the assumption that in many instances, the

processes of institutional change affect several dimensions at once, and should be studied as such.

1. Identifying the core democratic institutions

The description of democratic regimes has always been a major preoccupation for political scientists. For a long time, comparative politics and the description of the systematic differences between political systems were as one. Two historical fields of research have developed over time. One has focused mainly on formal institutions, and on the distinction between parliamentary, semi-presidential and presidential democracy (Duverger 1986; Elgie 1999; Lijphart 1992; Shugart and Carey 1992). The second has analysed the functioning of political systems, focusing on the characteristics and mechanisms of party systems (Cox 1997; Duverger 1951; Lijphart 1994; Sartori 1976; and Taagepera and Shugart 1989, to name a few of the most influential accounts). These works have shown evidence of systematic differences in the repartition of power between actors across different institutional settings, as well as the influence of institutional systems on the format and patterns of competition of party systems.

Several authors have synthesised the conclusions of these two corpuses by defining the main distinctions between democratic regimes (Gerring and Thacker 2008; Lijphart 1984 & 1999; Powell 2000). All of them have pointed out the fundamental distinction between two broad types of democratic regime. This division originates from two different conceptions of democratic legitimacy, the central difference being the degree of dispersion or concentration of political power. These authors have helped to identify core democratic rules, providing major insights in defining the set of institutions studied in this thesis. Most importantly, they have shown and demonstrated empirically that the different dimensions of these institutions are linked together and form a coherent system.

1.1. The distinction between majoritarian and consensus democracy

Lijphart is undoubtedly an apt starting point in tackling the classification of democratic regimes. He considers that institutional arrangements serve as different ways of answering the following question: who should govern, and who should the government be responsive to? Two answers are possible: “the majority of the people”, leading to a majoritarian model of democracy; and “as many people as possible”, leading to a consensus model of democracy. In other words,

the crucial point in distinguishing between democratic regimes is the degree of dispersion or concentration of power. Other authors have built upon this core distinction, showing that these two patterns have their origins in distinctive and conflicting visions of the basis for enduring legitimacy in a democracy.

1.1.1. Lijphart as a theoretical starting point

Lijphart defines two archetypes which are derived from the distinction he draws between majoritarian and consensual democracy: the Westminster model of democracy, and the consensus model of democracy.¹ To do this, he relies on ten institutional indicators (Lijphart 1999, 3–4) which can be separated into two clusters, as evidenced by his factor analysis of 36 democracies between 1945 and 1996. To use his words, “*clear patterns and regularities* appear when these institutions are examined from the perspective of how majoritarian or how consensual their rules and practices are” (Lijphart 1984, 1, emphasis added). In order to conduct a multidimensional analysis of institutional change, the first step is therefore to identify the core democratic institutions that enable us to understand these systematic regularities within and differences between democratic regimes.

The first cluster is made up of what he calls the “executive-parties dimension”, and deals with the arrangement of executive power, through the five following elements:

- 1- Concentration of executive power in single-party majority cabinets vs. executive power-sharing in broad multiparty coalitions
- 2- Executive-legislative relationships in which the executive is dominant vs. executive-legislative balance of power
- 3- Two-party vs. multiparty-systems
- 4- Majoritarian and disproportional electoral systems vs. proportional representation
- 5- Pluralist interest group systems with free-for-all competition between groups vs. coordinated and corporatist interest group systems aiming to achieve compromise and dialogue.

¹ Lijphart shows that there are very few pure examples of Westminster democracies, the closest being New Zealand before the electoral reform of 1993, whereas there are more examples of systems which are relatively close to his ideal-typical model of consensus democracy, Switzerland and Belgium being the most prominent of these.

The second cluster, which he calls the “federal-unitary dimension”, deals with the contrast between federal and unitary government, and includes the following five indicators:

- 6- Unitary and centralised government vs. federalised and decentralised government
- 7- Concentration of legislative power in a unicameral legislature vs. division of legislative power between two equally strong but differently constituted houses
- 8- Flexible constitutions that can be amended by simple majorities vs. rigid constitutions that can be changed only by extraordinary majorities
- 9- Systems in which legislatures have the final word on the constitutionality of their own legislation vs. systems in which laws are subject to judicial review by supreme or constitutional courts vis-à-vis their constitutionality
- 10- Central banks dependent on the executive vs. independent central banks.

This attempt to define the core distinction between democratic regimes² has proved extremely influential and sometimes controversial. It has enabled Lijphart to build a “conceptual map” of democracy, and to compare the governing performance of majoritarian and consensus democracies. Nonetheless it has been criticised, at times heavily, on methodological grounds.³ However, overall, the divide between consensus and majoritarian democracies has quickly become theoretically unavoidable. Indeed, although Lijphart was not the first to suggest this distinction, he was one of the first authors to provide compelling empirical evidence of the systemic nature of institutional systems and the way these tend to be clustered.

² The ten characteristics listed above are the ones he used in the 1999 edition of his work. Three more characteristics have been added to - and one subtracted from - the institutional definitions of consensus and majoritarian systems in this text, as compared with the 1984 version. The presence or absence of independent central banks, corporatism, and judicial review are included, while the number of cleavages represented in the party system being dropped. The empirical scope is widened by the inclusion of fifteen more countries in the 1999 version.

³ It is noteworthy though that Lijphart’s fiercest critics have tended to focus on matters of measurement rather than on any substantial criticism of the concepts of majoritarian and consensus democracy. Lijphart’s measure of executive dominance, that of cabinet duration, has drawn the most comments and challenges. Lijphart has been reproached as having a bias towards parliamentary systems, since presidential systems cannot be adequately captured by an index of executive dominance (Roller 2005), or more radically, because the measure is an inappropriate means of evaluating the concept it is intended to assess (Tsebelis 2002).

1.1.2. A distinction built on distinctive interpretations of democratic legitimacy

The fundamental distinction between models of democracy corresponds to different, mutually incompatible answers to the question, “what ensures enduring democratic legitimacy?” The models presented above are, to be sure, ideal-types. All democracies develop coexisting, and sometimes conflicting, forms of democratic legitimacy. The shift from one to another is the crucial issue to identify and understand.

Powell (2000) has reformulated Lijphart’s framework into a core distinction between majoritarian and proportional democracies, focusing on the different visions of democracy they entail. Majoritarian democracies value the clarity of responsibility, accountability, responsiveness, and the identifiability of alternatives. Elections are used as instruments of control, as moments when decisions are made on new teams of policymakers, and evaluations of incumbents are carried out (Powell 2000, 5). An archetypical example of this form of democracy would be the United Kingdom during the 1950s. Scharpf develops a classification that in many ways echoes Powell’s. He distinguishes “output-oriented legitimacy” and “input-oriented legitimacy” (1997a; 1999). Majoritarian democracies favour output-oriented legitimacy which “derives legitimacy from its capacity to solve problems requiring collective solutions because they would not be solved through individual action” (1999, 11). In order for the core objectives of majoritarian democracy to be achieved, power needs to be concentrated in the hands of a single party-government and a strong executive, so that concrete policies are produced. On the other hand, what Powell calls the proportional vision of democracy (corresponding to Lijphart’s consensual democracy) is based on a democratic legitimacy which relies on inclusion and participation. The purpose of elections from this perspective is to bring “representative agents of all the factions in the society into the policy-making arena” (Powell 2000, 6). The preferences of all citizens, not only the majority, must be represented, leading to a dispersed form of political power. Legitimacy relies on what Scharpf calls “input-oriented legitimacy”, in that political choices are legitimated if and because they reflect the preferences of all citizens.

The important issue here is that different visions of democratic legitimacy entail different clusters of institutions. Therefore, shifting visions of democratic legitimacy should imply institutional change in several dimensions of institutions, rather than just one, which justifies the use of the concept of a bundle of reforms.⁴ Before introducing that concept, however, the set of reforms that will be examined should be carefully defined.

⁴ Cf. chapter 2, section 2.3.1.

1.2. Defining the reforms of the core democratic rules

Institutional change is important in that it says something about the shifting relationship between political parties, citizens and elites, in the same way as elections or the evolution of citizens' preferences. However, we are not interested in *all* institutions. Depending on the scope of the definition one chooses, administrative and informal practices can be considered as institutions, just like written constitutions. It is therefore essential to clarify which institutions will be studied, and which ones will not. It is worth noting that the particular dimensions which will eventually be studied have not only been defined theoretically, but also empirically, using a new database that contains a complete list of reforms of six institutional dimensions in 18 Western European democracies between 1990 and 2010.⁵

1.2.1. Are we really all institutionalists now? Why focus on formal rules?

Pierson and Skocpol have provocatively claimed that “we are all institutionalists now” (2002, 706). Indeed, the study of institutions has come to refer to pretty much anything, as they have been defined in increasingly broad terms over time. The wide variety of definitions of institutions in general and political institutions in particular makes it difficult to circumscribe the actual subject, and this modest study will certainly not have the final word in this dispute. The main empirical debates relevant for this research are the following: should institutions be defined as formal rules, or should one adopt a broader definition, to include norms and practices? What are the main dimensions of political institutions?

The debate about institutions has gained momentum with the advent of new institutionalism, and the development of its three competing versions: rational-choice institutionalism, historical institutionalism and sociological institutionalism.⁶ Hall, in an influential and widely used definition (1986, 19), described institutions as “formal *rules*, compliant *procedures* and standard operating *practices* that structure the relationship between individuals in various units of the policy and economy” (emphasis added). Another influential author provided the following definition: “institutions are the rules of the game in a society or, more formally, are the human devised

⁵ Cf. chapter 3.

⁶ It is now generally accepted that neo-institutionalism is the consequence of the renewed interest in the capacity of institutions to shape political behaviour and outcomes which emerged at the beginning of the 1990s. Three “branches” developed: sociological neo-institutionalism, rational neo-institutionalism, and historical neo-institutionalism (Hall and Taylor 1996). Sociological NI (March and Olsen 1996) focuses specifically on how institutions produce norms and shared understandings for actors. Historical NI placed particular emphasis on the mechanisms of path dependence and institutional stability (Steinmo, Thelen, and Longstreth 1992, Pierson 2000a), while rational NI (Shepsle 1989 & 2008) argues that actors are both bounded by institutions, and maximise their benefits, within particular institutional frameworks.

constraints that shape human interaction” (North 1990, 3). While Hall and North’s definitions insist that institutions are composed of both formal written rules and informal constraints deriving from these formal rules, North places greater emphasis on the notion that institutions are constructed. Thus, he also puts forward the possibility of *intentional* institutional design. The main issue is that both of these definitions encompass an extremely wide variety of objects to be considered as institutions: formal rules, but also customs, codes of behaviour, traditions, and so on. At the risk of being reductive, any interactions – and even the hidden motives behind them – that are seen to have some form of regularity are considered as institutions by neo-institutionalist scholars. This is what Sartori would call an extreme case of “conceptual stretching” (1970).

This thesis, on the other hand, focuses only on the change of *formal* rules, and leaves out any examination of changing practices or norms. The reason behind this choice is quite straightforward: ultimately, this research deals with the political elites’ decision to reform the rules of the game (or not). We emphasise the notion of choice because it constitutes a central aspect of our reflection: only when formal rules are modified is it possible to clearly identify the moments at which these choices happen. Unlike other texts (Mahoney and Thelen 2010; Streeck and Thelen 2005; Thelen 2004), this thesis does not focus on informal institutional change, but on institutional change which is the product of an explicit social choice made by political elites in the parliamentary arena. The second reason is empirical: as the first part of the research is based on a large-N comparison of institutional change in 18 democracies, it was crucial to be able to clearly define a comparable set of institutions included in the analysis, and characterised by a high degree of formalisation. The third reason is theoretical: the changing of formal rules and the changing of norms and beliefs are two different things, involving very different time scopes, explanatory factors, and processes of change.

1.2.2. Delineating the two main functions of democratic institutions

Explaining this focus on formal rules is an important step, but it is far from sufficient to define the institutions which are to be studied, i.e., the core democratic rules that enable us to discriminate between democratic regimes. One way to address this issue is to attempt to distinguish between institutions through the “functions” they are supposed to perform.

While many authors basically agree that political institutions serve as the rules of the political game, not all of them delineate the same functions. Harty has proposed the following definition of political institutions: “(1) decision-making and bargaining structures that distribute resources, (2) rules and processes that govern access to power, (3) rules and measures to monitor and

enforce compliance” (2005, 55). Others define political institutions as “durable structures that are involved in the process of making and implementing public policy” (Wiarda 2005, 403). The notion of distribution of resources and power appears central, as is, implicitly, the notion of competition for power. Empirically, through his two “clusters” of institutions,⁷ Lijphart (1984, 1999) has distinguished between the repartition of political power at the “horizontal” level (executive-power dimension) and at the “vertical” level (federal-unitary dimension). Regulating access to representation, offices and policy-making is therefore one of the main functions of institutions in a democratic setting. However, this definition implicitly limits democratic political institutions to their traditional *representative* function as defined by Cain, Dalton and Scarrow (2003).

These three authors have produced a study of the recent democratic developments in advanced industrial democracies, in which they propose a very valuable tool for the classification of institutional functions in a democratic setting. They distinguish between (1) representative democracy (democracy “as we know it”, including the functions of decision-making and the selection of political representatives), (2) direct democracy, which bypasses and complements representative democracy by giving citizens the final say on certain policy choices, and (3) advocacy democracy “in which citizens directly participate in the process of policy formation or administration (...) although the final decisions are still made by elites” (Cain, Dalton, and Scarrow 2003b, 10–11).⁸ The Ariadne’s thread of their book is the idea that “over the past quarter century, citizens and political elites in advanced industrial democracies have displayed a growing willingness to question whether a fundamental commitment to the principles and institutions of representative democracy is sufficient to sustain the legitimacy and effectiveness of current mechanisms of self-government” (Cain, Dalton, and Scarrow 2003b, 1). What this simply means is that democratic institutions cannot be reduced to representation, but must also include a significant and increasingly important participatory element. In conclusion, democratic political institutions perform the following two main functions:

- a) **The representative function.** This includes what Cain, Dalton and Scarrow mean by representative democracy. It encompasses the rules regulating the repartition of power, the process of selection of political elites and the modes of decision-making and policy implementation:

⁷ Cf. *supra*.

⁸ Advocacy democracy includes the participation of citizens, citizen groups or NGOs in advisory hearings, as well as “government in the sunshine”, ombudsmen, agencies to encourage freedom of information, and the possibility of judicially challenging the government (Dalton, Scarrow, and Cain 2004, 128)

- At the national level,
- between the national and the subnational levels.

b) **The participative function.** This second function includes some forms of democratic institutions that seek to go “beyond” traditional representative democracy at the national level by providing alternative modes of democratic involvement in decision-making and/or alternative tools for democratic participation in the traditional political process.

1.2.3. The investigation of six dimensions of reform of the core democratic rules

This thesis will examine reforms of the core democratic rules, **i.e. of the formal political rules enacted by the national parliaments regulating the direct relationship between elites within the political system, parties and citizens.** This thesis is centred on electoral democracy and on the first links in what Strøm calls “the chain of delegation”: between voters and elected representatives, and between legislators and the executive (2000).⁹

The choice of the six dimensions of reforms for examination in the following empirical chapters is the result of the availability of an external database as much as it is a theoretical reflection on the core democratic institutions. The following analyses are based on the expansion and the exploitation of a database collected for the project “Institutional Change in Advanced European Democracies” to cover a variety of institutional changes in 18 Western consolidated European democracies from 1990 until 2010 (for an exhaustive presentation, see Bedock, Mair, and Wilson 2011).¹⁰ The dimensions studied account for the functions of political institutions as defined above:¹¹

- a) regulation of the representative function at the national level (electoral (1) and parliamentary reforms (2)),

⁹ Strøm considers that “representative democracy features a chain of delegation from voters to those who govern, in which we can identify at least four discrete steps:

1. From voters to elected representatives,
2. From legislators to the executive branch, specifically to the head of government (the prime minister),
3. From the head of government (prime minister) to the heads of different executive departments, and
4. From the heads of different executive departments to civil servants” (Strøm: 2000, 267).

¹⁰ I did not participate in the initial stages of the database’s compilation (selection of the dimensions and collection of the data). I did engage in the subsequent transformation of the database into a resource suitable to statistical analysis, the collection of data for the period 2008-2010, and the inclusion of external indicators for the subsequent empirical analyses conducted.

¹¹ Cf. appendix 1.

- b) regulation of the representative function between the national and the subnational levels (federal/decentralisation reforms (3)),
- c) regulation of the participative function (reforms of the direct election of the head executive (4), direct democracy (5), and access to suffrage (6)).

The decision to focus on these six specific dimensions is necessarily debatable. For example, we might have used the ten indicators proposed by Lijphart to distinguish political regimes. Apart from the obvious empirical reasons not to do so (taking advantage of a new unreleased database), we consider there to be three theoretical reasons why some of these indicators are problematic when the focus shifts to institutional change. First, this framework does not tackle the confusion between the rules and their outcomes, especially in relation to the executive-parties dimension. For example, the electoral system is placed at the same level as the format of the party system. The electoral system is the formal rule, while the party system is the consequence (Duverger 1951, Cox 1997, Taagapera and 1989) or the cause (Boix 1999, Colomer 2005) of the former, and the result of informal practices and interactions as much as institutional constraints.

Secondly, Lijphart focuses purely on what I have defined as the representative democratic function. Grofman and Vatter, who use Lijphart's works extensively, have shown that a third, distinctive "orthogonal" dimension can be added to the political institutions other than the executive-parties and federal-unitary: direct democracy (Grofman 2000, Vatter 2008, Vatter 2009).¹² Therefore, this means that empirical evidence exists which shows that the participative dimension of the core democratic institutions is distinctive and should be accounted for.

Finally, Lijphart includes indicators which do not exclusively belong to the core democratic institutions as I have defined them (central banks¹³ and interest group systems¹⁴). The matter of reforms dealing with constitutional review, which is a dimension that is absent from our database, is more problematic as it is arguable that courts are performing increasingly central

¹² Previously, Grofman (2000) found that direct democracy could not be linked systematically with the two dimensions of patterns of democracy. Because he provides a more complex indicator of direct democracy, Vatter finds that this dimension is not fully independent of the previous two and is linked with broadly supported multiparty governments.

¹³ It should be noted that the creation of the Eurozone, to which many of the countries analysed belong, rendered the independence of central banks irrelevant in distinguishing between European political regimes.

¹⁴ The indicator of the structure of interest group systems is a consequence of the particular social structures of societies and its change does not depend on the pure social choice of political elites, but is rather a consequence of the social structures.

roles in mediation between citizens and elected representatives. Still, they do not regulate electoral democracy.¹⁵ Let us now present each of the six dimensions in greater detail.

a) Regulation of the representative function at the national level

The two following categories of reform deal with reforms of the rules for the selection of political elites, modifying the processes of decision-making and the allocation of power between the executive and the legislative.

1- Electoral reforms regulating the translation of votes into seats and the expression of votes adopted at the national level.

This concerns elections at the national level, the European level and, when applicable, the subnational level (in cases where the electoral system for local elections is decided by the national parliament). Electoral reforms are here understood as modifying the electoral formula, the system translating votes into seats, and the expression of votes. These reforms range from any modifications or substitutions of the electoral formula, to main modifications of the boundaries of constituencies,¹⁶ the introduction of corrective tiers or of a legal threshold, etc. Purely procedural reforms regarding the concrete organisation of elections (for example, regulations regarding voting days or times) have been left out. It should also be noted that reforms modifying the access rules for citizens wishing to vote, or changes to the size of the assembly, have been included in different categories (access to ballot and parliamentary reforms, respectively).

The dataset includes, for example, the introduction of an additional electoral tier in Austria in 1992 in the 43 districts, and the modification of the boundaries of electoral constituencies for the parliamentary elections which was adopted in 2009 in France.

2- Parliamentary reforms.

This category includes reforms altering the composition of the parliament, the main legislative procedures, the number of lower and upper chambers, the relationships between the executive and the parliament, and the duration of the term at the national level.¹⁷ Again, purely procedural reforms of the organisation of the parliamentary sessions have not been included. Compared to

¹⁵ The idea to expand the existing SIEPOL database to include other dimensions of institutional change is currently being studied, and so constitutional review might be a part of it in the near future. It would also be important to include reforms covering the “advocacy function” of democracy, which is absent from the database for the moment.

¹⁶ Including in countries using PR.

¹⁷ According to Lijphart, the distinction between unicameral and bicameral legislatures belongs to the federal-unitary dimension rather than to the executive-parties dimension.

Sieberer, Müller and Heller (2011), who focus on reforms of the standing orders, the reforms included in this category tend to be constitutionalised in most of the countries, meaning that the database focuses on parliamentary rules which are laid down in constitutions.

Reforms classified in this second category comprise, for example, the introduction of a single legislature to replace the tri-cameral legislature in Iceland in 1991, the reduction of the number of MPs in Portugal in 1997, which was enacted in the lower chamber, or the reform to increase the power of the parliament vis-à-vis the president which was adopted in Finland in 2000.

b) Regulation of the representative function between the national and the subnational levels

3- Federal reform or decentralisation reforms.

This third category encompasses reforms modifying the balance of powers between the national level and the regions or federal entities in terms of competences, fiscal autonomy and instruments of control, as well as provisions regulating the number and the organisation of subnational entities.

This broad dimension comprises reforms such as the amendment of the Basic Law to give German Länder direct involvement in EU decision-making in 1992, or the change in regional financing allowing regional governments to raise a substantial part of their own taxation enacted in Spain in 1996.

c) Regulation of the participative function

The three subsequent categories include reforms of the institutions dealing with the development of forms of direct head executive election at different levels, the regulation of access to direct democracy, and the provisions modifying the access to and the means to exert electoral suffrage.

4- Reforms of the direct election of the head executive/president.

This category encompasses reforms introducing the direct election of the president at the national level, and the mayors or presidents of regions or provinces adopted in the national parliament for part or all of the territory.¹⁸

¹⁸ The only exception to this rule is the case of Belgium, where the direct election of mayors was adopted in 2006 in Wallonia. The decision has been made to keep this case in the database, as this affects a very important part of the territory of a federal country, despite the fact that the national parliament did not vote on the matter.

This covers, for instance, the initiation of direct elections for the Finnish presidency via a two-round system in 1994, or the series of reforms organising the direct election of the mayors, and the presidents of regions and provinces implemented in Italy between 1993 and 1999.

5- Reforms of direct democracy at the national level.

This group of reforms involves all cases in which provisions for citizens' initiatives or referenda (not necessarily binding, but also agenda initiatives) were introduced or modified at the national level.

This fifth category includes the authorisation of citizen-petitioned local and national consultative referenda in the Netherlands in 2004, and Portugal's introduction of a constitutional amendment in 1997 allowing citizens to propose a referendum, which must have parliamentary approval before being held.

6- Reforms expanding suffrage or the means of access to suffrage.

This category of reforms concerns all cases in which suffrage has been expanded to include new sections of the population (people under 21, foreigners), or in which alternative methods of voting have been introduced or facilitated, ranging from the introduction of postal voting and electronic voting, to constituencies for citizens living abroad, the right to vote for overseas citizens, and proxy voting.

This final dimension covers, for example, the extension of voting rights for local elections to non-EU citizens living in Luxembourg in 2003, as well as the reform of postal and proxy voting to facilitate citizens voting away from their places of residence which was enacted in 1999 in the UK.

The reforms that have been labelled as regulating the participative function probably merit further explanation than those regulating the representative function, as the delineation of reforms included in the latter is relatively straightforward. While the inclusion of reforms dealing with direct democracy is quite clear-cut, the question remains as to why the reforms dealing with the expansion of suffrage and access to suffrage were not grouped together with the other electoral reforms. Why have reforms introducing direct elections for the head executive position not been included in the category about federal reforms or parliamentary reforms?

The reforms which regulate access to suffrage are a particular type of electoral reform. Rather than focusing on the translation of votes into seats, they define who should be entitled to vote and the means that they should be allowed to use in order to do so. Hence, these reforms regulate access to participation in the political process *ex ante*, which is clearly distinct from the

regulation of representation and access to office. The issue of the direct election of head executives at the national or subnational level is trickier. Scarrow highlights the following point: “while partisan elections are certainly the current norm in the political realm, we nevertheless can distinguish different degrees of party involvement in these elections” (2003, 44). Traditional representative democracy relies on the mediation of political parties to act as a catalyst in motivating citizens to vote. On the other hand, Scarrow argues that the direct election of public officials can be considered a more “direct” form of representation than traditional elections, since voters choose a candidate rather than for a party, although the same author also shows that in most such elections, the party mediation factor still exists (through party branding, party candidate selection, etc).¹⁹ By instituting a separation between the election of legislatures and executives at the local or national level, voters are given a direct say as to which individual should occupy the most important position in their government, and are allowed to split their ballots between legislature and executive. This could also be seen to go hand in hand with a process of presidentialisation of politics, undermining the relative power of parties.²⁰

2. The bundle of reforms: a conceptual and empirical instrument to analyse multidimensional institutional change

The main argument advanced in this chapter is that, since the existing literature has convincingly proved that institutions can be seen to form a coherent multidimensional structure, one should consequently also account for the systemic nature of institutions when studying change. This has led us to an initial outline of the SIEPOL dataset, which will be further expanded upon and detailed in the following chapters. This dataset provides a unique opportunity to systemically study multidimensional institutional change. It also enables us to overcome one of the main difficulties faced by researchers interested in institutional change, i.e., the lack of data taking into account not only single, but multiple dimensions of the institutional system over time and across different countries.²¹

¹⁹ There are a few exceptions to this, with true “non-party” elections for officials in many cities in the US and Canada, as well as in micro-states such as Micronesia, Palau and the Marshall Islands.

²⁰ The degree of presidentialisation is “determined by the shift of *political power resources and autonomy* to the benefit of individual leaders and a concomitant loss of power and autonomy of collective actors like cabinets and political parties” (Poguntke and Webb 2005, 7).

²¹ Cf. chapter 2, section 2.

As a consequence, a conceptual and empirical instrument to deal with multidimensional institutional change has been developed, through the notion of a bundle of reforms. This section presents two means of considering such a bundle of reforms: as a sequence, and as a package deal of reforms. In the second part, the empirical operationalisation will be briefly introduced. The significance of this concept is that it is suitable for both quantitative and qualitative analysis, and is firmly grounded in the premise that political institutions are clustered, and should be studied as such.

2.1. Two ways to conceptualise bundles of reforms: as sequences and as package deals

Bundles of reforms can be conceptualised in two different ways, which are not mutually incompatible, but it is important to distinguish between them, both theoretically and empirically. They can be defined as such: *institutional reforms which are linked to each other and relate to at least two dimensions of the institutional architecture*. This very general definition can lead to two interpretations about the manner in which the reforms are related. Firstly, the notion of the bundle of reforms could refer to the existence of a *package deal* in which a particular reform is part of a bigger game. Secondly, one could think of a bundle of reforms operating as a *sequence*: the adoption of one institutional reform leads actors to reflect on other dimensions of the institutional system, and potentially to reform other aspects, through a spillover effect.

2.1.1. Bundle of reforms as a package deal: some reflections on nested games and multifaceted reforms

Tsebelis provides many original insights on what he called “nested games” (1990). His intention was to show how apparently suboptimal choices can in fact be adequately analysed in terms of rational choice theory, with the following premise: “only the study of the *whole network of games* in which an actor is involved will reveal the actor’s motivations and explain his behavior” (Tsebelis 1990, 5, emphasis added). He considers the existence of two types of nested games: games in multiple arenas (those with multiple payoffs),²² and institutional design, whereby actors try to increase the number of possible options at their disposal through the manipulation of the rules of the game. As Tsebelis puts it: “I do claim that rational choice is a better approach to

²² He describes them as such: “technically, games in multiple arenas are games with variable payoffs, the game is played in the principal arena, and the variation of the payoffs in this arena are determined by events in one or more other arenas. The nature of the final game changes, depending on the order of magnitude of these payoffs, whether or not the actors can communicate with one another, and whether or not the game is repeated over time” (Tsebelis 1990, 10).

situations in which the actors' identity and goals are established and the rules of interaction are precise and known to the interacting agents" (1990, 32). My aim is not to engage in this debate, even though this thesis is also based on the premise that the interactions of political actors in parliament and in the political arena are indeed characterised by features which encourage strategic behaviour and calculations.²³ What is much more important for the argument about bundles of reforms is the idea behind these nested games: the outcomes of the game, the payoffs for each player, and the strategic moves used by each of them cannot be adequately explained if one only considers *one part* of the game, and not the *entire* game. Tsebelis uses the example of a number of UK Labour party constituencies which, having decided to replace their MPs for being too moderate, consequently lost the seats. Tsebelis argues that this apparently irrational behaviour should actually be understood as part of a repeated game between constituency activists, standing MPs, and Labour leaders, nested within the competition between the Labour Party and the Conservatives at constituency and national level. From this perspective, the activists' behaviour can be explained by their will to build a reputation for toughness in order to discourage their representatives from walking the line of moderation.

Rahat is another author who has produced a particularly valuable conceptual framework, this time one which is explicitly designed to analyse institutional change, to clarify what is meant by a bundle of reforms (2004, 2008, Rahat and Hazan 2011). Analysing the (failed) reforms of Israel's electoral system and the (successful) reform implementing the direct election of its prime minister, Rahat shows that, in contexts where the power is greatly dispersed between political actors, successful reforms are often multifaceted, combining a lot of different and potentially contradictory mechanisms, enabling coalitions to be built involving actors with potentially conflicting interests. He argues that, "constructive, multifaceted proposals must be detailed, allowing room for interpreting the political consequences of its mixed elements" (Rahat 2008, 71). Rahat does not analyse a bundle of reforms *per se*; rather, he shows how a reform focusing on one single dimension can itself be broken down into a multiplicity of small games, each of them dealing with a different element. In other words, ambiguity and uncertainty concerning the outcomes of a particular reform constitute strong catalysts for institutional change in contexts where power is dispersed. Rahat's approach, which analyses reforms separately, can easily be expanded to examine bundles of reforms by following the same logic as he develops with the notion of the multifaceted reform.

²³ The most notable characteristics of the "political game" include the salience of information, processes of learning, and the reinforcement of successful behaviour over time.

From this perspective, a bundle of reforms can be defined as a package deal of reforms.²⁴ The strategies and the interests of the actors must then be defined, taking into account the entire package of reform, and the sequencing of action (which reform is discussed first?). Unlike Tsebelis though, I shall insist, as Rahat does, on the importance of ambiguity, miscalculations, and the dispersion of power in explaining the adoption of bundles of reforms. Again, this approach is justified by the assumption that elements of institutional architectures are linked to each other in clusters. Therefore, from this second perspective, the initial definition of a bundle of reforms can be completed as follows: *institutional reforms relating to at least two dimensions of the institutional architecture, belonging to a single package deal and defining the strategies, interests and moves of the political actors accordingly.*

2.1.2. The bundle of reforms as a sequence: some reflections on embedded institutions

It was Grofman who proposed the notion of embedded institutions, which has since been argued against in several books (Grofman et al. 1999a, Bowler and Grofman 2000, Grofman and Lijphart 2002). He defined an embedded institution as follows: “I use [the term] to refer primarily to the notion that (1) a given institution is embedded in a *wider institutional framework* and social setting, and thus seemingly identical institutions may not always yield similar behaviour once we recognize contextual factors and constraints; and (2) the choice of institutions is not independent of context, thus *longitudinal historical analysis* is important if we are not to mistake the nature of causality” (Grofman 1999, ix, emphasis added). Although Grofman uses this idea primarily to show why the same rules can have different effects in different contexts, the idea of embedded institutions is of particular relevance to our understanding of why institutional change can be thought of as part of a broader sequence. In the first part of his definition, Grofman suggests that no particular institution “float[s] in the air”, but that all are part of a general institutional architecture in which democratic institutions are linked to each other, which clearly relates to Lijphart’s argument. When applied to institutional change, this means that the reform of one dimension of the institutional architecture should lead to strategic adaptations in terms of the political actors, and ultimately to other institutional changes, being that the different aspects of the institutional architecture are related. It also means that any given institutional

²⁴ Tsebelis uses the same basic argument to describe games in multiple arenas, and also introduces the importance of sequence: “when a political actor is confronted with a series of decisions presented sequentially, she can consider each either as an isolated event (an object of choice per se) or as part of a sequence of choices (an intermediate choice toward a final outcome)” (1990: 161).

change may be the result of something which had been deemed a necessary adaptation to a previous change. Methodologically, this vision of institutional change advocates for a process-tracing, backward-looking analysis of its development, with the outcome as a starting point, working backwards towards strategies and motivations.

Some authors have adopted this type of longitudinal and diachronic approach to the analysis of institutional reforms, with solid and promising findings. Flinders (2009), for example, has studied the evolution of British institutions since 1997 using a Lijphartian framework. He pays particular attention to the links between different institutions, arguing that the UK has tried (and failed) to accommodate incongruent models of democracy at national and regional levels (what he calls “bi-constitutionalism”), most notably through the adoption of mixed-member electoral systems for devolved assemblies in Wales and Scotland. This growing institutional incongruence has led to the multiplication of institutional reforms, with no general underlying logic to hold the whole structure together. The important issue for our argument is that his case study focuses not on a single dimension of institutional reform but on the evolution of the whole institutional system over time, hence Flinders shows the relevance of studying individual reforms as part of a temporal sequence, and the importance of accounting for the existence of embedded institutions.

From this perspective, our initial definition of bundles of reforms could thus be completed as follows: *institutional reforms relating to at least two dimensions of the institutional architecture, belonging to a broader sequence beginning or finishing beyond the moment of adoption and discussion of a given reform*. Unlike the definition of bundles of reforms as package deals which can be examined through a large-N analysis and by qualitative analysis, this second conception of a bundle of reforms as a sequence is limited to circumstances in which the researcher has a broad knowledge of the country under analysis and is capable of identifying the beginning and the end of the institutional sequence precisely. As a conclusion, the bundle of reforms as an analytical tool derives directly from the Lijphartian notion that democratic institutions sit together in clusters. I have formulated the following general definition of bundles of reforms: *institutional reforms linked to each other relating to at least two dimensions of the institutional architecture*. This concept can be interpreted synchronically, as reforms *belonging to a single package deal and defining the strategies, interests and moves of the political actors accordingly* (1), or diachronically, as reforms *belonging to a broader sequence beginning or finishing beyond the moment of adoption and discussion of a given reform* (2).

2.2. Operationalising bundles of reforms through a mixed-method strategy

This study investigates the reforms of core democratic rules in Western European democracies between 1990 and 2010. Bundles of reforms are examined using both quantitative and qualitative methods in order to understand their occurrence. The mixed-method strategy is best systematised by Lieberman (2005), who proposes a research strategy involving intensive case studies and statistical analysis. This is the track that this thesis will follow, by focusing both on the determinants and timing of reforms in the large-N analysis, and on the processes of reform in the case studies. Consequently, the notion of bundles of institutional reforms will be operationalised differently in the two parts of the analysis.

2.2.1. Bundles of reform in a large-N analysis

Operationalising a complex concept in a large-N analysis necessarily leads to conceptual shortcuts that should really be made explicit. In the subsequent large-N empirical investigations, bundles of reforms are defined as all the moments at which *a given legislature adopted more than one institutional reform in one or more of the six dimensions included in the analysis.*

This choice of operationalisation is based on the notion that one can reasonably believe that several reforms happening within the same legislature with the same parliamentary majority are linked to each other and can be considered as part of a bigger game, even though they might not appear to be completely related in the dataset. This assumption is to some extent unsatisfactory and rough, as the dataset at our disposal only includes reforms that were successfully adopted and gives no indication of when exactly they emerged on the parliamentary agenda. In addition, even when some institutional reforms are clearly linked, one might imagine that, for strategic reasons, the elites might not necessarily want to discuss them together, in order to simplify the game, to avoid particular interests being raised in debates on a given reform, and so on. In other words, the only thing the large-N analysis will be able to establish is the concomitance in time of the *adoption* of a package of institutional reforms. I insist on adoption, because this term suggests only that these reforms might have been linked in the discussions, and nothing about the moment at which they were put on the agenda. What it does show is the existence of more or less intense moments of reform that should be examined closely. Moreover, the following analysis will, if anything, overlook rather than overestimate the frequency with which bundles of reforms are put forward, as only successful reforms are included in the dataset.

Consequently, in the large-N analysis, this operationalisation of bundles of reforms will serve two purposes. First, the term ‘bundles of reforms’ will be used to simply describe

multidimensional institutional reforms. Particular attention will be paid to the apparently pedestrian task of describing the dataset and the bundles of reforms that were instigated during the 1990–2010 period. Therefore, I will look at the timing (are there periods which proved more fertile for bundles of reforms?), the frequency of bundling (how often do reforms come as part of a bundle? Is this frequency uniform across countries?), and at the institutional dimensions that are reformed together (the “composition” of the bundles).²⁵ Secondly, the notion of bundles of reforms will enable us, using the large-N analysis, to identify the more intense moments of institutional reform, before studying the contextual determinants of reform, where we will focus on the number of reforms adopted by a given legislature.²⁶

2.2.2. Bundles of reforms in a process-tracing analysis

Using the notion of bundles of institutional reforms as defined in the first section is clearly more conceptually and empirically powerful in a process-tracing analysis than in a large-N analysis, as one can look at the processes of institutional reform in all of their complexity. Therefore, in the chapters dealing with the case studies, the concept of bundles of reforms will be used to evidence the *causal mechanisms* behind reforms, by focusing on the following questions: how do bundles encourage tradeoffs? Can we reconstruct the sequence of events leading to the change and identify which reforms belong to this sequence? What reforms were linked (or not) by those who initiated the reforms, and why? What form did the discussions take and in what arenas were the reforms discussed? Ultimately, why did some reforms succeed and others fail? In other words, intensive process-tracing enables us to focus on bundles both as package deals and as wider sequences of reforms.

The adoption of what Scharpf calls the “backward” strategy (1997b) of causal analysis to investigate how an interesting outcome such as an institutional reform has been reached is in itself an extremely common and widely used strategy. Sherlock Holmes’ observation, in the words of Conan Doyle,²⁷ is probably more accurate, and more telling about the difficulty of the process-tracing enterprise: “In solving a problem of this sort, the grand thing is to be able to reason backwards” (*A Study in Scarlet*). To put it more academically, George and Bennett define process-tracing as a “method [that] attempts to identify the intervening causal process - the causal chain and causal mechanism - between an independent variable (or variables) and the outcome of

²⁵ Cf. chapter 3.

²⁶ Cf. chapter 4.

²⁷ I stole the idea of making a parallel between process-tracing and Sherlock Holmes’ method from the stimulating Comparative Method seminar I followed with Peter Mair in autumn 2011.

the dependent variable” (2005, 206). The same authors argue that this method consists of examining “histories, archival documents, interview transcripts, and other sources to see whether the causal process a theory hypothesizes (...) is in fact evident in the sequence and values of the intervening variables in that case” (2005, 6). Process-tracing differs from simple narratives in three ways: it deals only with selected and focused aspects of a phenomenon, is based heavily on a theoretical framework, and its goal is to reach a narrative explanation of a causal path that results in a specific outcome (Vennesson 2008, 235).

This methodology enables us to investigate complex causal relationships characterised by multiple causality, complex interaction effects, feedback loops, or endogeneity. Put differently, while statistical methods enable the investigation of causal effects, process-tracing enables the unravelling of causal mechanisms. Hall (2002, 2007) insists on the fact that process-tracing, during backwards reasoning, should be structured by theories and hypotheses about the causal mechanisms investigated. In the course of the chapters dealing with case studies of processes of reform,²⁸ bundles of reforms will enable us to identify the outcomes to investigate. The following characteristics will serve to determine what exactly a bundle of institutional reforms is:

- 1- One reform, or attempt to reform, modifying several dimensions of the institutional architecture at once;
- 2- Two or more reforms, or attempts to reform, dealing with several dimensions of the institutional architecture, which were initiated, discussed and/or adopted, concomitantly or otherwise, and were explicitly linked by the reform initiators during the process.

A crucial point is that bundles of reforms do not necessarily include only successful reforms, and that a conscious and identifiable will must exist on the part of the initiators of the reform to link it to several institutional dimensions, either through one multidimensional reform, or through several reforms which are part of the same broader game and sequence. The constitutional package adopted in 2008 in France corresponds to the first type. This included provisions to modify the balance of powers between the executive and the parliament and introduced the possibility that a group of parliamentarians and citizens could promote a popular referendum. All of these provisions were discussed as part of the same reform. The parallel (successful) electoral and (failed) constitutional reforms of 2005 in Italy, on the other hand, correspond to the second type of bundle.²⁹

²⁸ Cf. chapters 6, 7 and 8.

²⁹ Cf. appendix 1.

In short, defining processes of reform through institutional bundles is helpful because it forces us to identify the starting and end points of the process being investigated. It abandons a single-dimensional vision of institutional reform in insisting on the multidimensionality of the tradeoffs taking place when discussing institutional matters, and focuses strongly on sequence and complex causal mechanisms.

Conclusion

Using the framework developed by Lijphart, this chapter has first and foremost shown why, since indubitable empirical evidence has shown that institutions are clustered, institutional change should also be studied as a multidimensional and systemic process. This chapter has also defined the two main functions of democratic institutions (representative and participative functions), and justified the six dimensions of institutional reforms that will be studied in subsequent chapters. I have introduced the SIEPOL database, which constitutes a major empirical contribution to the study of multidimensional institutional change in consolidated democracies. Finally, I have presented the notion of the bundle of reforms, a conceptual and empirical tool that will enable us to study multidimensional institutional change. The bundle of reforms is a concept built to illuminate the motives and the strategies of political actors, enabling us to better describe the processes of reform and non-reform, and helping to identify and understand the circumstances of intense institutional reforms.

Chapter 2 To reform or not to reform? The determinants and processes of institutional change in established democracies

The first chapter has seen an interesting paradox taking shape: whereas this is now seen as common sense to treat political institutions as a coherent system, there are few tools in the literature with which to analyse systemic institutional change affecting several dimensions at once. The concept of the bundle of reforms is meant to address this contradiction. So far, the issue of the determinants and processes of reform, which is the core interrogation of this thesis, has not been developed. The aim of this chapter is to answer the following questions: what are the determinants behind institutional reforms in established democracies that have been identified by the existing literature? How do the dynamics inherent to the processes of reform facilitate or impede change? Finally, how does the current context faced by Western European elites enable us to formulate hypotheses concerning the determinants and processes of reform?

The chapter will proceed in three sections. In the first section, I will show that three fields of literature prove useful in tackling the issue of the determinants and mechanisms of change: the first deals with electoral system change, the second with regime change, and the third with policy change. These accounts suggest several sets of incentives and obstacles to change: political crisis, political instability, and the state of the pre-existing institutional system. Some incentives and barriers to change are exogenous to the political actors that make institutional changes, while others result from the endogenous interactions of actors within the political system. On the other hand, the research in this field has confirmed the existence of several barriers to change, the importance of taking the roles of complexity and uncertainty into account, and how the type of reform and the type of process leading to reform (or non-reform) are intrinsically linked.

The second section shows that authors often fall into traps, of which there are several, and these mainly derive from the absence of cross-national and multidimensional data on institutional change: that reforms are rare, mainly self-interested, and tend to happen as isolated events. Moreover, when authors studying institutional change adopt a strategy that is not based on case studies, insufficient attention is paid to the particular context in which political elites govern and compete as an integral part of the explanation.

There is good reason to believe that the existing literature does not adequately respond to the challenges posed by the analysis of multidimensional reforms of the core democratic rules,

and this is the object of the final section. Political science tends to assume that a static world exists outside of the political system, whereas specific contexts entail specific sets of explanations for change. Therefore, I argue that the context is central, not only to the understanding of the differences between countries, but also to the understanding of the differences between periods. Indeed, numerous conceptual and empirical arguments have been put forward suggesting that political elites in Western European democracies have been trapped in areas of turbulence for the last two decades, with this taking the form of a general “erosion of political support” (Dalton 2004) I conclude by presenting three sets of general propositions about the description of change, the determinants of change and the mechanisms of change which I will present in further details in the empirical chapters.

1. Explaining the determinants and processes of institutional change

In 1992, Steinmo and Thelen wrote that “although arguably one of the most important issues in comparative politics, [the question of institutional formation and change] has received little attention in most of the literature to date” (1992, 15). So what has happened since the authors specified this agenda of research? Quite a lot, actually. Institutions used to be treated as independent variables, explaining a number of political outcomes. Having identified sources of institutional stability, political science has made considerable progress in providing insights into the determinants and the mechanisms of institutional change. This was made possible by the combined efforts of three fields of study: works on electoral system change (on which this thesis relies more particularly), regime change, and some accounts on policy change. Authors working on institutional reforms have tried to answer two broad questions: the “why” (the triggers that might explain the use of reforms and their motives), and the “how” (the processes that can explain the final outcome of reforms).³⁰ Drawing from the conclusions of these three strands of literature, I will present first the main triggers of change in established democracies, and secondly, the mechanisms and processes of institutional reform.

³⁰ Although this specific literature is not used in this chapter, the questions of “why” and “how” things change have undoubtedly been investigated by authors focusing on party system change (Mair 1997, Smith 1989) and on changes within party organizations (Aucante, Dézé, and Sauger 2008, Katz and Mair 1995, Katz and Mair 2009).

1.1. Triggers of reform: exogenous factors, endogenous factors, and their interaction

Reflections on the triggers of institutional reforms have usually followed the progress of the debate begun by the new institutionalists concerning the crucial importance of institutions. Starting from the assumption that institutions are intrinsically stable, authors have progressively accounted for the possibility of institutional change. Earlier accounts focused on exceptional circumstances that prompt institutional reform, namely democratic transitions and deep political crises. More recently, authors have taken into consideration reform triggers taking place in “everyday” politics, such as shifts in political competition. These factors can be characterised as exogenous to the political systems. Finally, recent reflections have insisted on the interaction between “exogenous” and “endogenous” triggers of change. These accounts develop the argument that certain political systems are more prone to reform than others *if* certain circumstances are present.

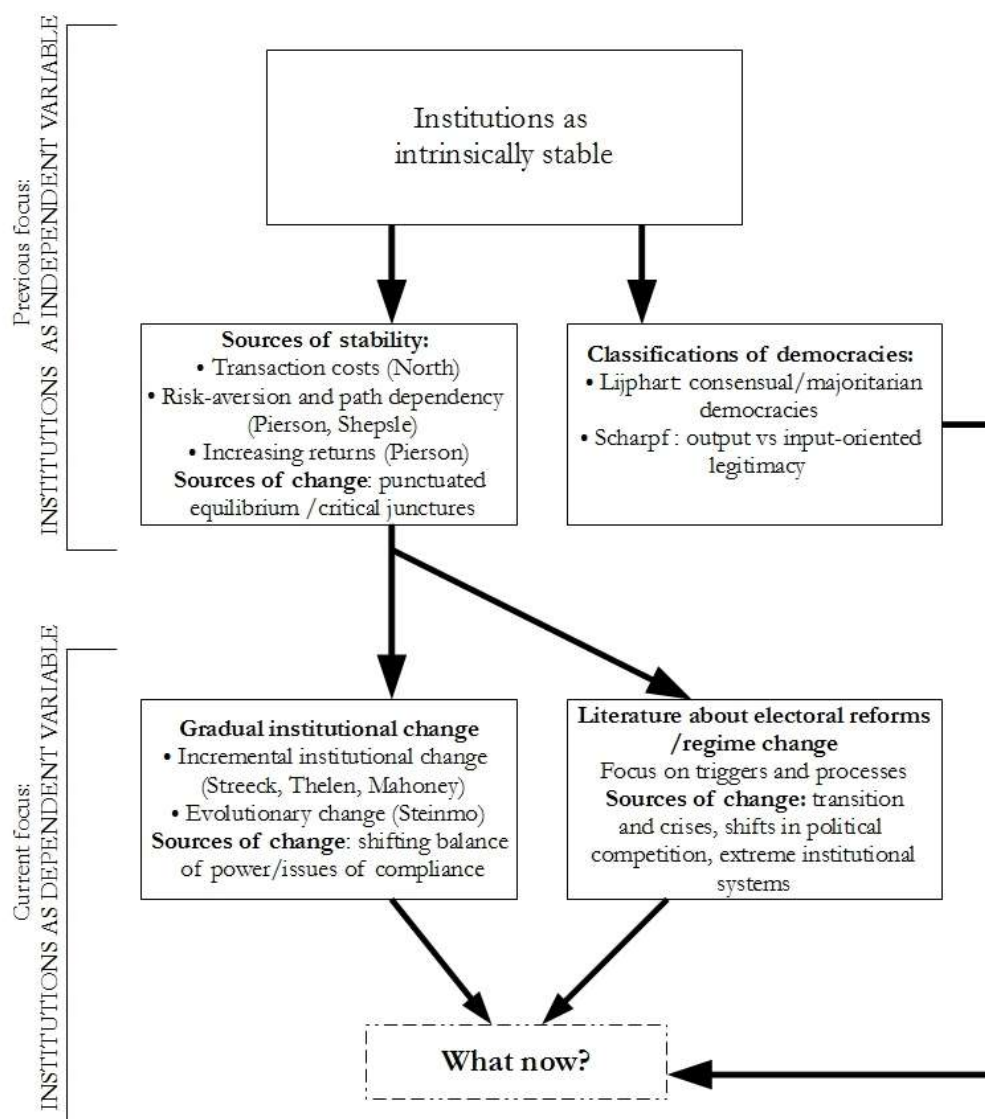
1.1.1. From institutions as independent variables to institutions as dependent variables: accounting for the possibility of change

The beginning of the 1990s saw a renewed interest in the role of institutions that has been broadly labelled as new institutionalisms. Very early on, analysts confessed the lack of works dealing with institutional change. Indeed, the underlying assumption of most authors was that institutions are by definition relatively stable features, since they are meant to shape human interactions. By drawing on the general concepts of self-enforcing institutions³¹ and path dependence (Pierson 2000a), new institutionalist scholars have identified three main factors of stability. Firstly, there are transaction costs inherent to institutional reform (reforming is never cost-free, North 1990). Secondly, actors with the power to change the rules are characterised by risk-aversion (actors might prefer the status quo to risk even if they anticipate they could theoretically gain something from change). Thirdly, and more crucially, as actors benefit from increasing returns through the use of existing institutions over time, there is an absence of rationale for institutional reform (Pierson 2000a, 2000b): the more they use them, the more benefits they get from their use. The conjunction of these three factors leads to a situation of stability that Shepsle has called “structure-induced equilibrium”. He defines this situation as the moment where “no alternative allowed by the rules of procedures is preferred by all the individuals, structural units, and coalitions that possess distinctive veto or voting power” (1989,

³¹ Self-enforcing institutions are defined by the fact that “it is in the interest of the actors to abide by the limits imposed by the institutions” (Weingast 1998, 175).

137). As long as institutions are seen to exist as equilibria, change is difficult to consider except in moments of great disruptions. Indeed, the initial explanations of institutional change were hardly more than expressions of an implicit reluctance to admit that *intentional* institutional change is even possible. Consequently, change was seen as the consequence of a punctuated equilibrium, i.e., the fundamental and exogenous disruptions of the political system leading to substantial change (Baumgartner and Jones 1993), that other authors refer to as a “critical juncture” (Collier and Collier 1991, Capoccia and Kelemen 2007), following long periods of stability.

Figure 1. *Evolution of the theoretical debate about institutions and institutional change*



The last two decades have witnessed a major change of focus. Institutions have been studied progressively not only as independent variables, influencing social, economic and political outcomes, but also as dependent variables (Figure 1), subject to change and even to constitutional engineering (Sartori 1994).

One can distinguish between the literature which focuses on policy change, investigating gradual institutional change, and the literature that deal with regime change and electoral system change. The former is particularly useful for the analysis of certain types of “slow-moving” processes, relating to what Pierson called “politics in time” (2004). Some historical neo-institutionalist authors apply concepts of evolutionary theory to the study of institutional change, showing that “from an evolutionary perspective, change is the normal state – not something that is punctuated occasionally” (Steinmo 2010, 16). They demonstrate how different variables matter to varying extents depending on their contexts, and how cognitive schemas and ideas constantly generate variations which enable us to explain the diversity of human institutions (Lewis and Steinmo 2012). Others have focused on incremental change. Thelen was among the first to explicitly acknowledge that discontinuous, abrupt change may not be the most common manner in which institutions change over time, also noting that institutions were sometimes surprisingly resilient in times of massive upheaval (2004). This interest in the incremental processes of institutional change continued in 2005 with the elaboration of a typology about four different types of change: displacement (replacement of rules by new ones), layering (introduction of new rules in addition to existing ones), drift (changed impact of existing rules due to environmental shifts), and conversion (changed enactment of existing rules due to strategic redeployment, Streeck and Thelen 2005). Based on this perspective, the core focus is not the moments when changes occur, but rather the mechanisms that lead to change and stability over time. The literature on regime and electoral change, on the other hand, has tackled both the triggers and the mechanisms of institutional change.

Now that the evolution of the debate on institutions over the last few decades has been briefly presented, we can focus on the determinants of institutional change as they have been developed through the literature on regime change and electoral system change. For the sake of simplicity, these institutional reform factors can be divided into two main categories: exogenous factors of change, and endogenous factors of change.

1.1.2. Exogenous factors of change: crises, transitions, and shifts of political competition

The development of explanations about the determinants of institutional change has resulted from certain tangible, albeit puzzling, developments that have taken place during the last few decades: on one hand, the third wave of democratisation that began in the 1970s (Huntington 1993); and on the other hand, the concomitance of three major electoral reforms in three

established democracies in 1993. Earlier explanations for this pointed to the presence of political crises or democratic transitions. Others – more relevant to our own study of established European democracies- have illustrated how party system change and electoral instability have constituted decisive incentives for electoral system change.

In the year 1993 alone, three “old” democracies have adopted new electoral systems: New Zealand, Japan, and Italy. The three countries were experiencing particularly high levels of political dissatisfaction, taking different forms in each country: corruption scandals in Japan and Italy, economic turmoil in New Zealand, popular referendums in both New Zealand and Italy, rapid electoral change in all three countries.³² The combination of political crisis and widespread citizen dissatisfaction has been interpreted as a crucial trigger of electoral system change. Other authors, who have focused on democratic transition in post-communist countries (Birch et al. 2002) have emphasised the link between electoral system change and the process of stabilisation of party systems. For instance, Benoit and Hayden show how the successive electoral outcomes in Poland led to progressive readjustments being made to the electoral law initially adopted after the transition (2004).

This focus on crisis is even more overwhelming as regards the literature on regime change. Moore’s seminal account, in which he examined the social genesis of democratic, fascist and communist regimes, demonstrated the central role of violent social revolution in bringing about democratisation (1966); a theory expanded by Skocpol who examined the social conditions prior to social revolutions (1979). Unlike accounts of electoral system change where authors usually rely on case studies, this agenda of research has also used large-N studies extensively. Haggard and Kaufman (1995) show that democratisation, and to an even greater extent coups and returns to dictatorships, are strongly associated with economic crises. In a later piece of work, two authors cite empirical evidence that moves towards democracy occur “in the face of significant social conflict and possible threat of revolution”, in combination with the fact that policy concessions are not credible and repression is too costly (Acemoglu and Robinson 2006, 29). Overall, what Congleton calls the “revolutionary hypothesis” (2010) constitutes the dominant understanding of how regime change occurs.

The main issue with these “crisis” explanations of electoral system and regime change is that they deal with exceptional rather than everyday politics. By definition, during regime transitions, the former constitutional order is suspended, so that the applicability of these explanations to

³² For the reasons behind the crisis and its consequences in Italy, Cf. Bartolini and D’Alimonte (1995), D’alimonte (2005), Donovan (1995), Fabbri (2000), Massetti (2006), Renwick (2010). For Japan, cf. Reed and Thies (2001), Renwick (2010). For New Zealand, cf. Vowles (1995), Renwick (2010).

study institutional reforms in established democracies is probably limited. That being said, the context in which the 1993 electoral reforms took place was also relatively unusual in many ways, as the Japanese, Italian and New-Zealander systems had shown signs of malfunctioning (corruption and low governability for Japan and Italy, reversed majorities for New Zealand) for quite a few years.

Recently enough, the literature on electoral system change has endeavoured to go beyond crisis-based explanations. The focus had centred on shifts in political competition, and the previous state of the party system, as determinants of electoral reforms. Several authors have analysed the link between electoral reform and change in terms of political competition by “reversing” Duverger’s laws³³ (Benoit 2007, Colomer 2005). They have turned around the common assumption that electoral laws shape electoral outcomes, and ultimately, party systems. In doing so, these authors show that, in countries such as Belgium or Holland for example, which adopted proportional representation at the beginning of the 20th century, the proliferation of multiple parties in parliament *preceded* the adoption of PR. Thus, the conventional wisdom considering that PR actually caused multipartism was reversed. A number of authors have developed empirical models based on the switch from single-member plurality to proportional representation in Europe at the beginning of the 20th century. These pieces of research have demonstrated how the emergence of socialist parties threatening incumbent elites (Rokkan 1970, Boix 1999). Authors have also outlined the correction of “partisan biases” caused by majoritarian electoral systems after the extension of electoral franchise (Calvo 2009), along with showing how contexts of extreme political uncertainty for the main national parties vis-à-vis future electoral success have led to proportional electoral reforms in Western Europe (Andrews and Jackman 2005). Focusing on more recent times, Remmer shows how, over the last few decades, the degree of electoral volatility in Latin-America, as well as the variation in the effective number of political parties contributes helps to explain the frequency of electoral system change (2008).

As a conclusion, these studies show that certain exceptional circumstances (political crisis, democratic transition), as well as shifts in political competition (emergence of new parties, growing volatility, etc.) constitute factors that facilitate institutional reforms. However, are all political systems equally sensitive to these particular circumstances?

³³ Duverger’s “laws” analyse the link between electoral systems and the format of party systems (1951).

1.1.3. Endogenous factors of change: why are some political systems more vulnerable to change?

The literature which has been reviewed concerning the determinants of change has enabled to identify certain circumstances in which change is more likely. However, change does not depend solely on the existence of favourable circumstances. Certain political systems are more prone to institutional reform than others. Thus endogenous factors of change (the current state of a given system, the number of veto players) interact constantly with exogenous factors of change.

The literature on regime change has only marginally, and very recently, addressed the issue of the interaction between existing institutional systems and change. Congleton (2010), who examined the emergence of the modern parliament in Western Europe during the 19th century, shows that in many instances, institutional reforms have occurred, and yet circumstances which are favourable to change (crisis, political shifts and so on) have not always been present. The divided nature of political power (between the king and the council) in some European countries, as well as the progressive emergence of new economic interests and new ideas, have led to a series of peaceful and cumulative institutional reforms, and eventually, to parliament and government as we now know them. This theory differs quite substantially from that developed by Acemoğlu and Robinson, for instance, as Congleton insists on the interaction between endogenous factors of change (divided power) and exogenous factors of change (changing ideas and economic interests).

In the field of electoral system change, Colomer (2004) bases his research on a large dataset of electoral reforms in 94 countries, dating back to the beginning of their democratic histories, and notes a general trend towards proportional representation. He attributes this to the fact that majoritarian systems are more easily replaced when new challengers emerge within the electoral arena. His main hypothesis, which is confirmed by the data, is stated as such: “it can be postulated that the more restrictive and exclusionary the existing electoral system – such as those based on majority rule – and the higher the number of parties with popular support or reasonable expectations of getting it, the stronger the pressures for electoral system change in favour of more permissive and inclusive formulas will be” (Colomer 2004, 4). Again, his underlying argument is that the existing party systems and incentives for change (such as the emergence of new electoral challengers) interact to produce stronger or weaker incentives for change.

Other authors have focused on the link between the “extreme” character of electoral systems, and change-related tensions (Shugart 2003). Shugart develops the idea that reforms are the result

of the conjunction between what he calls “contingent” events, and “inherent” characteristics (an electoral system considered to be extreme based on the degree of personalisation of the votes and the concentration of power in the government). He shows that, before the reforms of the 1990s, both Italy and Japan displayed extreme characteristics in relation to the personalisation of voting (because of electoral systems based heavily on preference voting), which, in combination with corruption scandals and political crises, served to fuel reform.

In an updated version Shugart defines the inherent condition as such: “poor performance, relative to normal standards for the electoral system in use that results from the mechanical application of the seat allocation principle of the existing system.” He adds: “when this poor performance leads to obviously anomalous outcomes, it can be said that the inherent tendencies of the system have generated a *systemic failure*” (Shugart 2008, 9–10). Anomalous outcomes would include, for example, the fact that a party that receives the second largest amount of votes can still win more seats than its main opponent in a First-Past-The-Post system (“plurality reversal”), which happened twice in New Zealand during the 1980s. He concludes by saying that, in order to find a place on the agenda, a governing party must acknowledge that it has an interest in modifying the system. In other words, systemic failure is a necessary but insufficient condition for reform.

Finally, some authors, focusing on policy change as opposed to institutional change, have developed theories concerning veto points, or veto players. This approach was introduced by Immergut (1990, 1992)³⁴ and has been systematised by Tsebelis (2002). Tsebelis’s core argument posits that “to change the legislative status quo, a certain number of individual or collective actors have to agree to the proposed change” (2002, 2). Consequently, opportunities to change the status quo are dependent on both the number of veto players and on the ideological distance between them. Tsebelis concludes bluntly predicting that “countries with many veto players *will* have policy stability, while the ones with one veto player *may* have instability” (2002, 5). Of course, one question immediately springs to mind in contemplating the applicability of the veto player theory to institutional change: are policy change and institutional change comparable? Many authors, Colomer included, have argued that they are incomparable, and that bringing about change in institutions is a more difficult task than changing policies (2001, 235). Acemoglu and Robinson argue that “conflict about policies is static - it is about what happens today. Rational actors also care about the future. This is where political institutions - which are durable, and,

³⁴ Immergut was actually not talking of veto players, but of veto points, later defined by other authors as “areas of institutional vulnerability, that is, points in the policy process where the mobilization of opposition can thwart policy innovation” (Steinmo and Thelen 1992, 7).

consequently, have the capacity to influence political actions and political equilibria in the future - come in” (2006, 173). Are policies “static” and easier to change than institutions? Actually, the number of longitudinal and cross-national studies on institutional reforms that have been conducted is too small to be able to accept or reject the postulate that policy change works in the same way as institutional change.

As a conclusion, my hypotheses on the determinants of change will rely heavily on the interaction between “exogenous” triggers, such as electoral instability and “endogenous” triggers (pre-existing institutional and party system, veto players) and their impact on the adoption of institutional reforms. Still, several implicit premises will be challenged, in particular the notions that reforms are exceptional events, that they can be explained through parsimonious models of self-maximising utility in zero-sum games, and finally, that they occur independently from each other.³⁵

1.2. The processes of institutional change: paths and barriers of reform

Even when circumstances favourable to institutional reforms are present, a lot must happen in the time between when an institutional change first appears on the agenda, and the moment of adoption and implementation of a reform or series of reforms. Therefore, it is important to understand the processes behind institutional change.³⁶ Existing works note the existence of various paths and barriers that encourage and impede institutional reform. They also draw attention to the uncertain impact of ambiguity and complexity on the final outcome of reforms. Finally, authors focusing on incremental institutional change have provided evidence that not all types of rules offer the same incentives for reform. This means that different actors and processes lead to different forms of change according to the nature of the rule at stake.

1.2.1. Who initiates reform? The existence of distinctive paths for institutional reform

Contrary to the literature dealing with triggers for institutional change, where attempts have been made to utilise large-N analysis, the literature dealing with the processes of adoption of institutional reforms is mostly based on case studies, and most of the authors in this bracket share a qualitative, comparative and historical perspective.

³⁵ Cf. section 2.

³⁶ Cf. also chapter 5, in which the mechanisms behind processes of reform are studied in much more detail.

In the field of regime change, one of the most influential accounts on the “problems of democratic transition and consolidation” is the aforementioned book by Linz and Stepan (1996). The two authors, in examining the processes leading to (or failing to result in) complete democratic consolidation in three regions (Southern Europe, South American and post-communist Europe) distinguish between different paths of transition. They argue that these paths result from crucial differences in the basic characteristics of regime-ideology, in conceptions of pluralism, in forms of mobilisation and finally, in the leaderships of the previous regimes. For example, they refer to “pacted” transitions which occur through the negotiation of tacit agreements concerning the character and sequence of political change. This pathway away from authoritarianism would not be feasible in regimes where no organised opposition or “moderate” elites are present within the authoritarian regime. Therefore, the path of democratic transition depends on actor-centred variables (the type of elite and leadership strategies) as well as other factors (cultural, economic, and political).

In the field of electoral system change, many countries have been studied, including Italy (Chiaromonte and Di Virgilio 2006; Katz 1995; Renwick, Hanretty, and Hine 2009), France (Browne and Hamm 1996), Germany (Bawn 1993), Israel (Diskin and Diskin 1995; Rahat 2004) and Mexico (Diaz-Cayeros and Magaloni 2001).³⁷ Renwick provides the most comprehensive summary of all of the knowledge accumulated through these case studies over the last two decades. He developed a crucial distinction between the two main pathways of electoral reform in established democracies, distinguishing between reforms characterised by “elite-majority imposition” and those characterised by “elite-mass interaction”. The former is defined by the fact that “politicians dominate the reform process and (...) primarily seek to advance their own power” (Renwick 2010, 138). The electoral reform of 1986 in France replacing majority runoff with PR in order to avoid the electoral defeat of the Socialist Party, is presented as the archetypical example. The latter is characterised by the fact that a minority of politicians brought the issue of reform to the people in order to achieve sufficient popular mobilisation to bring the issue to the parliament.

The significance of this approach is its ability to illustrate that different reform routes imply different building blocks, and distinct processes in the achievement of reform, depending on who initiates the reform. Jacobs (2011a, 2011b), who examines a wide range of electoral reforms in consensual democracies, has developed the notion of the “onion model”: when governing politicians initiate the reform process, they are more likely to try to modify more substantive

³⁷ To name only some of the studies dealing with established democracies.

aspects of the institutional system (“inner layers”) that have a greater influence on the distribution of power. In instances, when they are subjected to the introduction of reforms on the agenda, they are more likely to give up symbolic measures affecting the “outer layers”. Reformulating his conclusions, it could be argued that politicians tend to focus on divisive issues when they are the initiators of reform, while focusing on consensual institutional reforms when they are forced to act.

1.2.2. Barriers for change and the role of uncertainty in the outcomes of reform

The distinctive processes which lead to successful or failed attempts of reforms can also be accounted by the presence of different barriers for change interacting in a unique way in each political setting. It is important to acknowledge that we are not looking at a deterministic process: the outcome of a given reform is always contingent and probabilistic.

Two authors (Rahat and Hazan 2011) have tried to synthesise and articulated the seven possible barriers for electoral reform, which can be expanded to include institutional reforms in general: legal barriers (1); the cultural and political traditions of the countries (2); the social structure within the society (3); the fact the system produces certain expected outcomes (4); the vested interests of parties within the existing electoral system (5); coalition politics (6); and disagreement over content (7). They show that political traditions, social structures and systemic barriers are the easiest obstacles to overcome, especially if some of the more powerful actors have strong interest in reforming. Legal barriers and disagreements over content can delay reform, while the strongest barriers are those posed by vested interests and coalition politics. The authors also rightly note that the relative strength of each of these barriers varies across specific reform constellations, based on the previous scenario, constitutional arrangements, the political context of the reform’s introduction, and so on. For example, coalition politics constitute more of a barrier in countries where a large number of parties are in government, such as Israel or Belgium, while vested interests in the electoral system play a more prominent role in countries characterised by single member plurality such as the United-Kingdom.

There are many barriers for reform that could potentially influence final outcomes, but the process is also dynamic and sequential, so that “the analysis of the process [of institutional reform] demonstrates that the politics of reform are to a great extent about building and rebuilding coalitions” (Rahat 2008, 3). Therefore, at each step of the process of reform, new actors and dynamics come into play. One of the major findings of the analysis of processes of institutional reforms, and particularly electoral reforms, was to show the central role of

“recognized uncertainty” (Renwick, 2010). The very fact the final outcome of reform is constructed through a series of sequence goes some way to explaining why misperceptions and uncertainty as to the effect of a given reform might not impede, but rather facilitate the process of reform.³⁸ Several authors, including Katz (2005) and Rahat (2004), have shown that main parties commonly underestimate the future effects of reforms. These misperceptions have, in several cases, led to the adoption of a reform apparently contrary to the interests of the main actors. Such misperceptions are all the more common when the reforms in question are complex, such as during the discussion on mixed-member electoral reforms (Shugart and Wattenberg 2001).

In conclusion, actors face a series of barriers when promoting institutional reform, and these barriers should be assessed and differentiated depending on the context. Moreover, it is important to take into account the sequencing of reform, as well as the inherent uncertainty and complexity thereof, as they are likely to contribute meaningfully to our understanding of play the final outcomes of processes of reform.

1.2.3. Incremental institutional change: the link between the nature of reform, the actors of reform, and change

Mahoney and Thelen attempted to understand whether a precise combination of factors could explain the success or failure of policy change by developing an original model of gradual institutional change, focusing on the notion that particular institutional properties drive certain actors towards behaviour that fosters change (Mahoney and Thelen 2010b). The authors argue that shifts in balances of power serve as important sources of change. So too do issues of compliance, i.e., the varying degree of openness in the interpretation and implementation of rules. Two central questions are seen as determining both the agents of change and the type of institutional change that is likely to occur: (1) how strong is the veto capacity afforded to defenders of the status quo in the given political context? (2) Does the targeted institution allow actors to exercise discretion in the interpretation and enforcement of rules? Mahoney and Thelen argue, for example, that displacement is more likely where veto possibilities are low, and where the margin of discretion is low too. They also argue that, in combination, the margin of discretion and veto possibilities can offer a greater or smaller field of action to certain actors. For instance, the actors they refer to as the “insurrectionaries” (those who do not want to preserve the status

³⁸ In particular, the framework developed by Rahat (2004, 2008) was presented in more details in the first chapter, section 2.1.1.

quo nor to abide by the rules) are expected to play a central role in bringing about displacement. To summarise, “political context and institutional form have these effects because they shape the type of dominant change agent that is likely to emerge and flourish in any specific institutional context, and the kinds of strategies this agent is likely to pursue to effect change” (Mahoney and Thelen 2010b, 15).

Mahoney and Thelen do not dwell on the modification of formal rules at specific moments, but instead focus on changes that have been made to formal and informal institutional rules over an extended period. Therefore, their theory is not directly applicable in this study. That being said, their analysis is particularly interesting for our investigation of the processes contributing to bundles of reforms, for several reasons. First, the authors establish a link between the type of institution that is being modified, the ability of veto players to stop that change, and the type of institutional change process that is likely to occur. Hence, the nature of the institution in question is central to understanding why institutional change is rolled out in one direction or another. Here, these authors focus on the level of discretion afforded by the institutions. When it comes to changing formal core democratic rules, other defining characteristics of the relevant institutions may be central to explaining the outcomes of the processes of reform, such as the (perceived) level of support for the proposed modification.³⁹ Secondly, and as Tsebelis, Mahoney and Thelen assert the “veto possibilities” are a central variable. Thirdly, these authors maintain that there is no single path to reform, but several: they also maintain that certain paths to reform have affinities with particular types of reform, and particular actors leading reform.

These reflections lead us to ask three questions regarding the processes of bundles of reform: (1) can reforms of core democratic rules be divided into different types, with defining characteristics? (2) Can several distinct processes of institutional change of formal core democratic rules be identified, and are these processes linked with particular actors? And finally, (3) is there a link between these types of reforms, and the types of processes leading to reform or non-reform?⁴⁰

³⁹ Cf. *infra*.

⁴⁰ Cf. *infra*, chapter 5.

2. The three illusions of the literature on institutional reforms

The research conducted on electoral system change and regime change has undoubtedly represented a major milestone in overcoming the focus on institutional stability and in finally explaining (or at least attempting to) institutional change in established democracies. However, this research has relied on three illusions that must be reflected upon in order to provide an understanding of institutional reforms in a multidimensional perspective. The first illusion is the contention that reforms are rare. The second is that parsimonious models based purely on the redistribution of power can account for the outcome of reform. The third illusion is that reforms only occur as isolated events. Issues with the current literature derive mainly from the restrictive definition of the dependent variable. They can be summed up as three separate questions: are institutional reforms so unusual? Are they zero-sum games? Can they be described as “one-shot” games? If the answer to these three questions is a triple “no”, then, distinctive models and tools for reflecting and measuring change must be developed in order to enable us to analyse reforms of core democratic rules.

2.1. *The illusion of rarity: are institutional reforms so unusual?*

For a great part, the enthusiasm shown in the study of electoral system change and regime change has been, and still is, a consequence of the academic will to bear witness to exceptionally uncommon developments. In fact, this has mainly been due to the implicit adoption of stringent definitions in relation to what “classifies” as an institutional reform, leading to limitations of focus in the study of major reforms. Recent attempts to expand the definition of the dependent variable in both fields of study have tended to suggest that the difficulties in achieving institutional reform might have been exaggerated, while the frequency of institutional reforms in established democracies may have been greatly underestimated.

2.1.1. *The overwhelming focus on major institutional reforms*

In 1994, Lijphart found evidence of only 14 cases of substantial electoral reform in the 27 democracies he studied.⁴¹ Renwick (2010) highlights the rarity of major electoral reforms, stating that only ten far-reaching electoral reforms were adopted in established democracies between

⁴¹ Among these, six reforms happened in France and five in Greece (Lijphart 1994, 57).

1945 and 2010. Like most authors, he attributes this stability to the fact that the actors that benefit from the existing rules are the same ones that have the power to change them. More concretely, this means that in the vast majority of cases, the reforms that have been investigated in depth are reforms that have substantially influenced the translation of votes into parliamentary seats at the national level (or in other words, the balance of powers between political actors).

Katz phrases this as a paradox: “why are there so many (or so few) electoral reforms?” His objective is to show that two different issues arise according to the way electoral reforms are defined:

“If electoral reform is understood to apply only to such major changes in the electoral system as the replacement of SMP with PR, or of PR with MMP, then the question is why such reforms occur at all (...) Why, it is often asked, would politicians change the rules of a game they have been winning? (...) On the other hand, if electoral reform is understood to include such apparently more minor changes in the electoral system as the alteration of ballot access requirements (e.g. the British increase in electoral deposit from £150 to £500 in 1985) or a change from one PR formula to another, then the question is why reforms remain relatively infrequent.” (Katz 2005, 59–60)

The argument is important, because Katz states, in simple terms, that which has remained implicit in the previous accounts on electoral reform, and institutional reform in general: according to the manner in which the dependent variable is defined, different aspects may seem puzzling. Even more significantly, the criteria which explain the final outcome of reform can be seen to differ as well. The same remarks apply to the literature on regime change: I have already mentioned the fact that the existing explanations focus on exceptional factors because they implicitly adopt a maximalist definition of regime change, focusing only on wholesale replacement of institutions.

What happens if one adopts a more modest vision of institutional reforms, one that is not limited to major changes, but also includes (apparently) less far-reaching reforms? The assessment might well be extremely different, and might help to put other assumptions of authors studying institutional change into perspective. As the previous section has shown, while major advances have been made in identifying the determinants of change, most authors see reform as a consequence of the rare conjunction of structural and contingent elements. This “exceptionalist” conception of reform may have consequences when an expanded range of reforms is taken into account. Empirically, the actual extent of change might be overlooked. Theoretically, existing hypotheses may overestimate the effect of certain barriers to change, and exaggerate the rational and self-interested character of institutional reforms.

2.1.2. Some fragmented attempts to move beyond major reforms

Authors have only very recently begun to tackle the issue by expanding their definition of reform. In the field of electoral reform, two authors have developed tentative classifications of major and minor reforms (Jacobs and Leyenaar 2011). However their work shows the difficulty in distinguishing between the concepts of “major” and “minor” reforms without taking into account their *ex post* consequences. This issue is all the more significant in that in practice, it has consistently been demonstrated that apparently innocuous reforms can have lasting and important consequences, whereas seemingly more ambitious reforms can be bypassed.⁴² As a consequence, Jacobs and Leyenaar develop a convincing classification that distinguishes *ex ante* between three categories of reforms: major, minor and technical reforms.⁴³ These are based on the expansion of what Lijphart calls the “20% criteria” for several types of electoral system change.⁴⁴ This criteria, in turn, is based on the idea that for every aspect of the electoral system that can be “quantified”, such as the number of constituencies, the size of the electorate and so on, any reform that represents a change of more than 20% when compared to the previous “level” (for example, a 21% increase in the number of constituencies) constitutes a major reform. Inspired by this method of classification, the next chapter will include a categorisation of reforms (breaking reforms up into their functions, their scope, and into various categories for each dimension), as such important empirical distinctions are crucial to our understanding of change.⁴⁵

The same authors have also shown that the existing theories used to account for the behaviour of political elites during processes of reform, relating mainly (although not exclusively) to the maximisation of seats (or at least to the minimisation of losses), do not convincingly account for cases of minor electoral reform. Taking the example of the 1997 electoral reform in Holland, which falls into the category of minor reforms, Jacobs and Leyenaar show that self-interest is only marginally able to explain party strategies, since the parties had believed that this reform would only marginally affect the repartition of seats in the Parliament.

⁴² This has been eloquently illustrated by the case of Italy from 1993 onwards, where small political parties managed to bypass the majoritarian part of the new electoral system by negotiating constituencies leading to a de facto “proportionalization” of the majoritarian system (Bartolini and D’Alimonte 1995). In 2008, small parties were virtually erased from the Italian parliament after the adoption of apparently ridiculously low thresholds.

⁴³ Technical reforms actually refer to very minor reforms.

⁴⁴ Jacobs and Leyenaar (2011) distinguish five categories of reforms: reforms of the proportionality of the electoral system; reforms of the ballot structure; reforms of the inclusiveness of the electoral legislation; reforms of the election level; and finally, reforms of the practical organisation of elections, with each one of these categories being further divided into major, minor and technical reforms.

⁴⁵ Cf. appendix 2.

Within the sphere of research on regime change, Congleton (2010) develops a theory of constitutional reform for the purpose of analysing the peaceful and lawful shift from feudalism to modern parliamentarism. Unlike most other authors, Congleton does not limit his study to moments of wholesale institutional replacement. He focuses on how the accumulation of minor institutional reforms conducted through constitutional bargaining eventually led to the emergence of a new parliamentary constitutional order in Western Europe during the 19th century. Again, what this example shows is that when we expand the definition of what “classifies” as an institutional reform, the explanations for change and the “narrative” behind them differ quite substantially.

To conclude, at this point we are not in position to answer the question, “are institutional reforms so uncommon?” So far, all we know is that major reforms are rare. There is a striking need to adopt a more all-encompassing definition of institutional reform (one which is not limited to major changes), and to evaluate the frequency of reforms empirically. This re-evaluation may also put parts of the theoretical premises used to study processes of institutional reforms into perspective, most notably in the national case studies.

2.2. The illusion of parsimony: are institutional reforms zero-sum games?

Almost invariably, the premise of research dealing with both electoral reform and regime change, to a greater or lesser degree, lies in the belief that all actors act as self-utility maximisers. The underlying assumption is that the politics of institutional reform can be thought of as a zero-sum game, with clear winners and losers. In fact, significant empirical and theoretical evidence suggests that, as a shortcut in accounting for institutional reform, this is particularly problematic.

2.2.1. Actors as self-maximisers: the consequence of a redistributive vision of institutions

Few fields of study seem better suited to the development of parsimonious, self-maximising, explanations for change as institutional engineering, at least at face value. Indeed, in analysing both electoral system change and regime change, authors tend to present the politics of reform as a game that is played to distribute political power. For instance, some of the most influential authors working on democratic transitions define political institutions as “the social and political arrangements that allocate *de jure* political power” (Acemoglu and Robinson 2006,

21). Conflict over institutions is seen as a struggle for power between elites, who already have power, and citizens, who want more.

Electoral reforms, on the other hand, seem to be one of the few “real-life” examples of zero-sum games in political science: what is gained by one party is lost by another, so that there are clear winners and losers after a given reform which can be identified by looking at the repartition of votes and seats. This enables us to develop parsimonious theoretical models to explain the results of the processes of electoral reforms almost entirely on the basis of seat maximisation. In one of the most cited articles on the topic, Benoit argues that “a change in electoral institutions will occur when a political party or coalition of political parties supports an alternative which will bring it more seats than the *status quo* electoral system, and also has the power to effect through fiat that institutional alternative” (2004, 373–374). Undeniably, these parsimonious explanations can account for many of the interactions between actors when it comes to major reforms of national electoral systems, most particularly in the case of what Renwick (2010) calls reforms through “elite-majority imposition”, in which “external” actors are not involved.⁴⁶

Yet, I explained in the first chapter that my investigation is not limited to a single dimension of institutional reform, such as electoral reform, but has a broader scope, as six different dimensions are studied. Moreover, it was already specified that the function of political institutions cannot be limited to the mere allocation of political power, as they also serve to regulate and enhance political participation. Tsebelis provides a useful distinction between “redistributive institutions” and “efficient institutions”. They are defined as such:

“I call institutions efficient if they improve (with respect with the status quo) the condition of all (or almost all) individuals or groups in a society. Such institutions would have the unanimous (or nearly unanimous) support of a society. (...) I call institutions redistributive if they improve the conditions of one group in society at the expense of another. Such institutions would be supported by only part of a society’s population. The most prominent example of such legislation is electoral laws” (Tsebelis 1990, 104).

Parsimonious and self-maximising explanations for change should be limited to those reforms where the stakes are apparent and the future outcomes are relatively predictable, so that actors may reasonably be able to identify “winners” and “losers”. This is clearly not the case in relation to many processes of institutional reform.

⁴⁶ Cf. *infra*.

2.2.2. Moving beyond zero-sum games

A growing branch of the literature has already challenged these parsimonious, self-maximising models, even when it comes to the apparently “archetypical” redistributive institution of the electoral system. In the field of electoral system change, some authors have underlined how ideas and values also have roles to play in reform processes (Bol 2011, Renwick and Pilet 2009), in most cases through interaction with actors’ interests. Others accounts have shown that elites cannot ignore the roles of citizens and external actors, such as judges and experts (Farrell and Bowler 2009, Norris 2011). Still others emphasise the great uncertainty surrounding the adoption of electoral reforms, and the numerous information biases that put the “self-interest maximising” explanations into perspective, particularly the self-maximisation of seats (Andrews and Jackman 2005). Pilet (2007, 2008), in examining several attempted electoral reforms in Belgium, reaches the same conclusion by showing that political actors, rather than being self-interested maximisers, are actually risk-averse. They prefer to maintain an acceptable *status quo* rather than risk adopting a hypothetically more favourable, but potentially destabilising, electoral system. Time in government also decreases the likelihood of supporting reform, meaning that governing parties are less willing to take risks than parties in opposition (Pilet and Bol 2011). Finally, as already mentioned, Jacobs and Leyenaar (2011) show that not only are the obstacles faced by minor electoral reforms much smaller than those faced by major reforms, but also that ideological, value-based, “act-contingent” (Reed and Thies 2001) and non-utilitarian considerations play much greater roles in the explanation of actors’ strategies.

Still, although many recent studies have relaxed the maximisation premises and greatly amended the existing models, the notion that institutional reforms in general, and electoral reforms in particular, are normally zero-sum games remains dominant. Exceptions to this rule (Bowler, Donovan, and Karp 2006; Fournier et al. 2011) are still seen as puzzling, and even anomalous. The reasoning behind this comes from the fact that reforms are thought of as falling within the borders of political competition. As soon as the range of institutional reforms considered is expanded, this assumption does not hold; indeed, some institutional reforms have no direct impact on the actors in terms of redistribution of political power. In these cases, it is perfectly legitimate to think that cooperation, or even collusion between political actors, might offer a more logical explanation for the final outcomes of some processes of reform than competition. Bartolini also shows how the interaction between political actors can be described as a continuum between collusion and competition (1999, 2000).

In brief, the parsimonious assumption of self-maximisation, based on the notion that institutional reforms are redistributive, is a direct consequence of a partial and limited conception

of what “counts” as institutional change. This assumption will be challenged in greater depth in the case studies, where we will show that cooperation accounts for the outcome of institutional reforms as much as political competition, especially when institutional bundles are on the table and contain consensual reforms.⁴⁷ Thus, no single motivating factor can explain these processes, and neither can any single form of interaction between actors.

As a conclusion, in response to the question, “are institutional reforms zero-sum games?”, the answer has got to be “not all of them”. Moreover, when it comes to a broader, more all-encompassing vision of institutional change, as in the case of bundles of institutional reforms, my provisional answer would still be “no”, as such bundles imply complex and multifaceted processes of institutional reform.

2.3. The illusion of singularity: are institutional reforms best described as “one-shot” games?

The two previous illusions (that institutional reforms are rare, and can be accounted for by parsimonious models) can be dispelled relatively easily through new empirical investigations on the one hand, and models accounting for the possibility of institutional reforms that are not motivated purely by self-interest, on the other. The third commonly held illusion, or assumption, in the existing literature is in fact the most problematic for the purposes of developing an argument centred on bundles of reforms.

2.3.1. The limits of single-dimensional and single-country analyses in analysing institutional change

So far, studies taking into account the multidimensional, clustered nature of political systems in investigating institutional change have been scarce. In the field of regime change, the differences in the dimensions of the institutional systems examined have tended to be underreported, or have been understood very broadly, together with social and economic structures (cf. Skocpol 1979, for instance). Authors often adopt a minimal definition of democracy in order to define the transition from one regime to another, focusing mainly on the existence of free elections in order to simplify matters, and to raise the number of cases. For example, Acemoglu and Robinson argue that their definition of the move from non-democracy

⁴⁷ For the theory, cf. chapter 5, and for the empirical applications, cf. in particular chapter 6 on Ireland, and chapter 7 on France.

to democracy is “Schumpeterian in the sense that we emphasize that a country is democratic if a certain political process takes place – if certain key institutions, such as free and fair elections and free entry into politics, are in place” (2006, 17–18). Such an “all-or-nothing” approach is limited to very specific institutional dimensions and institutional changes. In the field of electoral reform, analysts also often ignore or underestimate the possibility that in many cases a given reform might be part of a bigger game.

Therefore, most authors have generally focused on a single country and/or a single dimension of institutional reform. Consequently, reforms have generally been considered to result from contexts of crisis, this being seen as the only possible explanation for the positive outcome of a given reform process. Overcoming this “exceptionality” premise requires not only an examination of a wider range of institutional reforms and the abandonment of parsimonious accounts of actors’ behaviour, but also an understanding that a single institutional reform may very well be part of a wider set of reforms of the political game in an established democracy. This is precisely why the concept of bundles of institutional reforms has been elaborated.

2.3.2. Some fragmented examples of cross-national and multidimensional studies of institutional reforms

What has become apparent in this discussion is that, in the end, the three “illusions” of rarity, parsimony and singularity are intrinsically linked, and that all derive from an empirical focus on major institutional changes, not least because of an absence of comparative cross-national data on the topic. This review of literature would be incomplete if I failed to mention the few exceptions.

Armingeon has developed a study dealing with institutional change in OECD countries from 1970 to 2000 (2004), in which he has found evidence of limited institutional change and an absence of institutional convergence. However, he uses derived measures of institutional change and proxies, such as fiscal decentralisation, to measure the degree of federalism and decentralisation, and uses the number of electoral parties to assess the extent to which a country is consensual or majoritarian. Moreover, Armingeon examines a wide range of countries that are not fully comparable in terms of democratic experience. He adopts broad definitions of political institutions, including the welfare state and corporatism, compounding the existing confusion between political and economic institutions. A study of post-communist countries from 1990 to 2002 led by Armingeon and Careja (2008) tackles these issues partially. The authors measure the “constitutional core” (2008: 438) by examining several dimensions, such as the number of

chambers, special majorities for referendums, flexibility of constitutions, degree of presidentialism, type of electoral formula, etc.⁴⁸ The authors then distinguish between this constitutional core and the “flexible institutions” which characterise the party systems. The findings are consistent with those of the previous study, showing limited institutional change (but change nonetheless).

In conclusion, in response to the question “can institutional reforms be adequately described as ‘single-shot’ games?”, my answer is an unequivocal “no”. This underlying assumption, as well as the two outlined previously, is a consequence of the difficulty in developing a cross-national, multidimensional database on institutional change. Another major issue is that many authors who focus on institutional change tend to base their reasoning on the misconception that parties compete and survive in static political systems, immune to their changing environments.

3. Challenges to legitimacy in Western Europe and institutional change

Despite the limitations of the existing explanations regarding the determinants and mechanisms of institutional reforms, which have been outlined, the hypotheses that will be developed in the empirical chapters are heavily influenced by previous findings. Yet, my own hypotheses about the determinants of change derive from the consideration that Western European political elites currently compete and govern in a context where their legitimacy is more at risk than it has been for decades, especially since their “output legitimacy” is increasingly difficult to maintain. In a democratic setting, elites need to sustain a certain amount of assent, so as not to be swept away by new political forces. Institutional reforms may be thought of as means for presiding political elites to achieve this objective in an uncertain environment. The final section of this chapter will be devoted to a presentation of the general hypotheses deriving from this particular context, as well as from the literature that has already been presented.

⁴⁸ The datasets used for these two studies are available at the website addresses below. The first is an actualisation of the one that was used for the 2004 article. Armingeon et al. (2010). Comparative Political Dataset I, 1960-2009. Bern. Available online at: http://www.ipw.unibe.ch/content/team/klaus_armingeon/comparative_political_data_sets/index_ger.html Armingeon, K. & Careja, R. (2005). Comparative data set for 28 post-communist countries, 1989–2005. Bern. Available online at: http://www.ipw.unibe.ch/content/team/klaus_armingeon/comparative_political_data_sets/index_ger.html.

3.1 1990s-2000s: an uncertain context for Western European political elites spurring institutional change

The theoretical discussion of the first chapter has shown that political parties, which constitute the main incarnation of modern democracy, derive their legitimacy from two sources: representing citizens and “getting things done”. Whereas different democracies place greater or lesser emphasis on one aspect or the other, both of these sources of legitimacy are necessary in order to ensure the resilience of political systems. Yet various developments have made it increasingly difficult for political elites to achieve “output-oriented legitimacy” (Scharpf 1997a, 1999). In considering that political delegitimation spurs institutional reform, one might hypothesise that democracies deriving their legitimacy from policy outcomes, rather than from fair representation, face greater incentives to reform their institutions.

3.1.1. “Ruling the void”? The erosion of political support and its consequences for output-oriented legitimacy

One of the most important premises of this research contends that political elites in Western European democracies have faced unprecedented challenges to their legitimacy during the last two decades, a phenomenon which Dalton calls “the erosion of political support” (2004). These challenges are illustrated by diverse developments: the rise of radical and populist alternatives (Mény and Surel 2002, Mudde 2007); the gradual disengagement of citizens from political parties (Mair and Biezen 2001); lower voter turnout (Franklin 2004); rising electoral volatility (Mair 2011a); the erosion of traditional voter loyalties (Dalton and Wattenberg 2000); the decline of the traditional left/right cleavage and the proliferation of parties representing new interests (Kriesi et al. 1995, Kriesi 2008); the fading of ideologies (Dalton 2006); and growing scepticism towards political parties, political institutions and politicians (Dalton 2004). The sources of this general disengagement are diverse and complex. Dalton, who conducted a large cross-national empirical review of this issue, concludes that, “the gap between expectations and performance has widened because expectations have risen faster than performance” (2004, 199). The author focuses on factors that affect all advanced democracies. He shows that the main reason behind the propagation of “dissatisfied democrats” (Norris 1999) arises from an increase in citizens’ expectations of politics (due to higher standards of education compared with previous decades) and a simultaneous proliferation of interests, resulting in a denser policy space. To paraphrase, citizens are better educated and therefore more demanding, while policy-making has become increasingly complex and less intelligible, leading some authors to talk about

“technical democracy” (Callon, Lascoumes, and Barthe 2001). As Dalton puts it, “in a fluid, multidimensional policy space, it is very difficult for government to satisfy most of the people most of the time” (2004: 195). Obviously, the intensity and the specific impact of these factors of disengagement vary across countries, but overall, one is on safe ground in asserting that, virtually everywhere in Western Europe, political elites are more commonly challenged than they used to be.

However, it is not just that citizens are becoming more critical, nor is it simply that policies are becoming more complex. There is also widespread evidence of greater policy constraint and an overall reduction in the capacities of national parties to shape policies, mainly as a result of European integration and globalisation. Some authors go even further, arguing that parties deliberately and actively choose to limit policy competition. In an article about the European Union’s impact on party systems, commenting on the paradox that European and policy issues are discussed in the arenas where parties have the least real capacity to enact change, Mair makes the following argument:

“That is, by debating Europe within an arena (the European arena) where competence in the area is negligible, and by debating policy questions in another arena (the national arena) where choices are increasingly circumscribed, voters are being offered a voice that is likely to have little or no effect on the practice of decision-making” (2000, 47).

According to Mair, this is so because it enables parties to remain insulated from electoral constraints, in a context where they are all too aware of the difficulties in achieving policy outcomes. This strategy of insulation and blame avoidance (Weaver 1986) comes with a price, i.e. the disillusionment of the citizenry towards politics, and the “hollowing of Western democracy” (Mair 2006, 2013). Mair goes so far as to say that European citizens are now not only semi-sovereign (Schattschneider 1975), but are, in fact, non-sovereign. Knowing whether it’s right to be this pessimistic is not really the issue here. What is important and relevant is that, both as a result of constraints which did not exist until the last two decades (globalisation and the EU) and as a result of intentional party strategies, there is less emphasis placed on policies in political competition, where it still exists, than there was in the past. To use Scharpf’s distinction once again, achieving “output legitimacy” (1997a, 1999) is becoming an increasingly impracticable task for political elites, both as a result of objective and exogenous factors, and as a result of the deliberate will of national parties. Therefore, one of the two sources of legitimacy for political parties is running dry.

3.1.2. The “Gattopardo argument”: the consequences of dwindling legitimacy on the incentives for institutional reforms

Today, traditional political parties paddle in troubled waters, as they find themselves in a context of growing uncertainty and dwindling legitimacy. Existing in an expansive context of policy constraints and demanding citizenry, parties are less relevant than they used to be. This is all well and good, but one major question remains: do they respond, and if so, how do they respond?

Institutional reform is only one of the tools at political parties’ disposal that enables them to react to and shape their environments. Moreover, the literature review appears to implicitly confirm that institutional change is considered to be a particularly costly choice. Mair, Müller and Plasser (2004) identify six possible responses to the new challenges parties face: non-response; organisational responses (making changes to party structures and means of selecting candidates); redefinition of “target groups” of voters; redefinition of strategies *vis-à-vis* other parties (changing coalition strategies, mergers, etc); programmatic and policy-oriented responses; and finally, institutional responses through reforms of the rules of the game. To be sure, most of these strategies are not incompatible. Moreover, institutional reform is certainly the most costly response in a context of relative political stability, given that it leads to uncertainty and given that the political actors with the power to modify the political system are the ones in power.⁴⁹

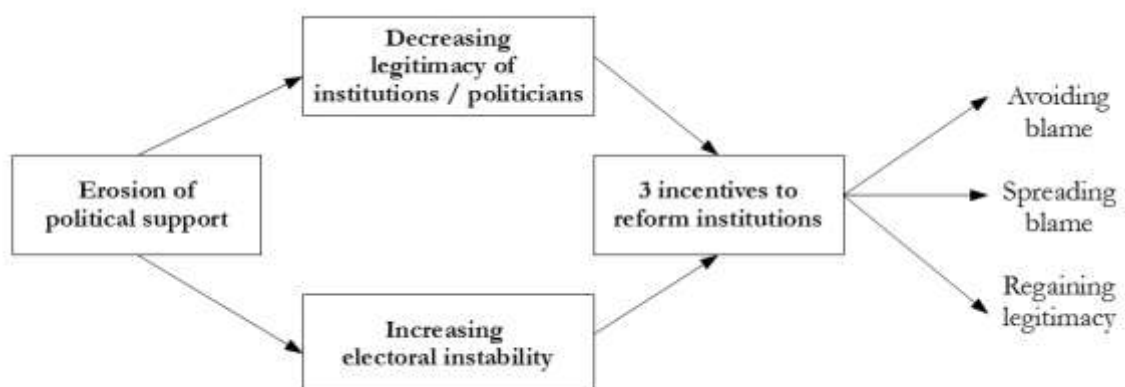
Therefore, the question at issue is whether or not the context previously described is sufficiently threatening to the governing parties of established democracies for them to respond through institutional reform. On this matter, Dalton remains optimistic, arguing that “an increasingly critical public has not posed a major challenge to the stability and vitality of democracy in the OECD nations. In part, this is because the potential systemic implications of decreasing support are moderated by the strong commitment to democratic values and the political community among contemporary publics” (2004, 199). While one might to some extent agree that the democratic regime has not been endangered (although recent economic and political developments have served to weaken this argument), I believe, on the contrary, that the erosion of political support has posed a serious challenge to (some of) the political systems in (some) Western European democracies. In addition, the stability of Western European

⁴⁹ Cf. *supra*. Katz’s paradox (“Why are there so many electoral reforms?”, 2005)

democratic regimes like this may well eclipse the changes taking place conducted in order to preserve the status quo. This is the classical “Gattopardo argument”.⁵⁰

I argued in the previous section that governing parties exist in uncertain times, which suggests that institutional reforms are not now as costly to use as they would have been in previous decades, when their domination was evident. I begin with simple assumptions. Firstly, “parties begin with two goals: the first is survival, the second is success” (Mair, Müller, and Plasser 2004a, 261). Hence, governing parties aim to respond to their changing environments in such ways as to enable them to maintain their relevance within the political system, and to limit instability. Secondly, in a context of delegitimisation and political uncertainty, governing parties have three main incentives to modify (or at least attempt to modify) the core democratic rules as defined in the previous chapter: (1) avoiding blame; (2) spreading blame; and (3) regaining legitimacy (see Figure 2). The concept of “blame avoidance” has been developed by Weaver. Originally, he developed this idea to describe the behaviour of politicians as policy-makers, arguing that, “politicians are motivated primarily by the desire to avoid blame for unpopular actions rather by seeking to claim credit for popular ones” (1986, 371). Blame avoidance is based on the fact that citizens judge their politicians to at least some extent retrospectively, but also on the fact that political parties anticipate punishment by ballot, and try to avoid it.

Figure 2. *Relationship between erosion of political support and incentives for institutional reforms*



If one applies this theoretical framework to the issue of institutional reform, it is easy to argue that changing some of the core democratic rules is a means for political elites to avoid blame, particularly when they are challenged. The delegation of certain policy decisions to non-

⁵⁰ In the movie “Il Gattopardo” by Luciano Visconti, Prince Salina has one of the most famous lines, saying, “Qualcosa doveva cambiare perché tutto restasse com'era prima”, referring to Sicily facing the wave of change brought by Garibaldi.

majoritarian institutions, or the development of constitutional courts (Stone Sweet and Thatcher 2002) may be thought of as institutional strategies on the part of political elites to avoid blame for unpopular actions or decisions. Blame avoidance strategies may also take more “cynical” forms, preventing voters from fully expressing their dissatisfaction. For instance, in the case of the French electoral reform of 1986, it was absolutely clear that the Socialist Party’s main motive in adopting PR was to mitigate the severity of the electoral losses expected in the 1986 parliamentary elections (Renwick 2010).⁵¹ Arguments about blame avoidance could also be linked with the literature on the strategies of cartelisation and seclusion within the political system. Katz and Mair develop the idea that parties have penetrated deeper and deeper into the recesses of the state in order to find new financial resources and ensure their own political survival. This has given them power to co-opt or exclude new actors from the political system, to the extent that many established parties can now be described as cartel-parties (1995). The cartel party thesis holds that political parties increasingly function like cartels, employing state resources to limit potential competition and ensure their own electoral success (Katz and Mair 2009, 753). Applied to institutional reforms, one could argue that political elites attempt to avoid blame by restricting access to the political system for new actors, effectively insulating themselves against electoral sanction.

In his 1986 article, Weaver also listed several possible blame avoidance strategies. One of them, which he calls “passing the buck”, is of particular relevance to our understanding of the incentives for parties to use institutional reforms. Indeed, the notions of blame and reward are intimately linked with the fact that it is now possible for the citizenry to clearly identify who is responsible for what. Therefore, spreading decision-making powers between more actors, or getting citizens more directly involved in political processes through institutional reforms could serve not even to shift blame, but to effectively neutralise it. In this regard, processes of decentralisation, or reforms increasing the proportionality of electoral systems can be seen not only as ways to share power, but also to attenuate the responsibilities of central governments or individual parties in the decisions undertaken. One motivation for institutional reform may be the attempt to dilute and obscure the personal responsibility of actors for policy outcomes, making it more difficult for citizens to sanction parties.

⁵¹ In 1986, the socialist president, Mitterrand, pushed for the replacement of the run-off electoral system with a PR system with small constituencies at *département* level. This constituted an attempt to weaken the right, bringing the National Front to the Parliament, while keeping the extreme left and the ecologists out. After the victory of the centre-right, the system was immediately abandoned and the traditional run-off system was used in 1988.

The third, and final, strong incentive for parties to reform institutions in a situation of eroded political support is to regain legitimacy through institutional change. This argument is central to Cain, Dalton and Scarrow's investigation (2003a), which focuses on the transformation of democracy from much the same broad perspective as the one developed in this thesis, comparing a large set of different institutions and consolidated democracies. These authors argue that the erosion of political support for traditional forms of representation and dominant parties "suggest[s] that the public's preferred mode of democratic decision-making is moving toward new forms of more direct involvement in the political process". They conclude that the current *zeitgeist* dictates that "the cure for democracy is more democracy" (Cain, Dalton, and Scarrow 2003b, 2).⁵² The book is guided by the idea that political elites tackle existing democratic challenges by expanding the electoral marketplace (Dalton and Gray 2003) and by placing greater emphasis on what we call the participative function of democracy.⁵³

In conclusion, while the first incentive (avoiding blame) can lead elites to adopt reforms that limit access to the political process, on the other hand, spreading blame and relegitimation strategies through institutional change could lead to the adoption of reforms that would expand this access. The "Gattopardo argument" suggests that political elites want to survive, and will enact institutional reforms in changing and uncertain environments.

3.1.3. A context providing incentives to increase input-oriented legitimacy

So far, I have reasoned as though Western European democracies all face equally intense challenges to their political systems. The first chapter was devoted to demonstrating that institutions form a coherent system based on distinctive and even conflicting visions of what ensures enduring democratic legitimacy. Hence, as different clusters of institutions entail finding different "institutional balances" between the two sources of democratic legitimacy, the knowledge that institutions rarely perform adequately should put the existing institutional balance into perspective, and suggest the need for institutional reforms in *several* dimensions (bundles of reforms). I have also just argued that recent developments have made it increasingly difficult to achieve output-oriented legitimacy. Therefore, if one sees the institutional system as a balance

⁵² The term *zeitgeist* is not overworked here: in other places and times, institutions such as direct democracy were observed with suspicion, such as in Germany after the Second World War. At other times, institutional engineers have not had the same objectives. For example, the limitation of access to the decision-making process provided by numerous constitutional amendments in the French 5th Republic were seen as a necessary answer to the political stasis of the 4th Republic, which was characterised by the spread of power between many political forces and an almighty parliament.

⁵³ Cf. chapter 1, section 1.2.2.

between the two objectives of representation (input-oriented legitimacy) and policy outcomes (output-oriented legitimacy), one might expect political elites to have greater incentives to “increase” the former aspect at the expense of the latter. In other words, countries whose institutional arrangements emphasised input-oriented legitimacy should be *a priori* less vulnerable to recent political developments than those built on output-based legitimacy, as their legitimacy is not derived from policy capacity to the same extent, but rather from their ability to ensure fair representation. Consequently, countries like Holland and Switzerland should have less incentive to modify their institutions than countries like the United Kingdom.

The different “institutional balances” between definitions of democratic legitimacy must also, to some extent, limit and define the preferred choices of institutions for political elites, and therefore limit and shape the options for institutional change. As Lijphart makes clear (1984, 1999), different institutional arrangements constitute different answers to the question “who should govern and who should the government be responsive to?” Therefore, the core issue in evaluating the direction of a given institutional reform is the assessment of whether it *dispersed* power or *concentrates* it. In other words, one can distinguish between inclusive reforms (dispersing power) and exclusive reforms (concentrating power).⁵⁴ What starts to become clear from the previous considerations is that actors in different political systems have different incentives to adopt bundles of institutional reforms, but also that these incentives encourage reforms going in a *certain direction*: towards greater inclusiveness.

3.2. Three sets of general propositions about institutional reforms in Western European democracies

To conclude this chapter, I will present the general propositions that will guide the empirical analyses that will be developed into more precise hypotheses in the relevant empirical chapters. The descriptive propositions aim to address simple empirical problems: the scope, the format and the direction of institutional engineering in Western Europe during the last two decades. The propositions concerning the determinants of change aim to provide greater understanding of the particular circumstances leading to institutional reforms and the endogenous variables that encourage or discourage change. Finally, the propositions about the mechanisms of change focus on understanding why, in given bundles of reforms, certain reforms fail, while others succeed.

⁵⁴ Cf. chapter 3.

3.2.1. Propositions about the scope, format and direction of reforms

I have three general expectations about the frequency, the format, and the direction of institutional engineering in Western Europe: institutional reforms have been part of everyday politics, they have tended to modify several dimensions of the institutional system at once, and they have moved towards greater inclusiveness. I have already referred to the fact that there is widespread agreement among contemporary scholars that institutional change is rare. On the contrary, I believe that the amount of change has been considerably underestimated because of the tendency to dismiss minor reforms and to focus on single dimensions of reforms. Secondly, I have argued that given the “clustered” nature of the institutional systems, it is reasonable to expect that when elites decide to put the topic of institutional reforms on the table, they do not limit themselves to a single aspect, but discuss several aspects at once. Finally, as the main premise of the thesis is that political elites use reforms to react to a less certain and more hostile political environment, one could have competing expectations: either elites try to depoliticise certain issues and to avoid blame (Weaver 1986) by closing off the decision-making process to citizens, or they try to spread blame and relegitimise themselves through institutional change. I tend to favour the latter argument, as political elites are having greater difficulty than ever in achieving “output-oriented legitimacy” based on substantial policy outcomes (Scharpf 1999). Consequently, elites should have greater incentive to try to achieve “input-based legitimacy”, based on the inclusion of more citizens in the decision-making process. This might be especially true for the case of majoritarian polities, where legitimacy is mainly based on output-based legitimacy.

3.2.2. Propositions about the determinants of institutional reforms

a) Exogenous triggers for change

The main proposition that will structure the thesis concerning the determinants of institutional change can be formulated as such: *the more delegitimised the political elites and the existing institutions, and the more uncertain the environment in which governing parties evolve, the greater the incentive to instigate institutional reform.* The first part of this idea derives from the conclusions about the general context in which political parties have competed during the last two decades in Western Europe. It starts with the simple assumption that presiding political elites will not change core democratic institutions unless they feel they are compelled to do so. I posit a negative relation between citizen satisfaction levels in relation to institutions and politicians and the propensity to adopt institutional reforms. The second part of the proposition states that electoral instability is a

crucial trigger for institutional change, because of the expectation that political elites will use institutional reforms to shift blame or relegitimise themselves when they face new threats or increasing dissatisfaction. Shifts in political competition signal to political elites that their environment is changing, so it is indeed logical that countries characterised by unprecedented instability, as Italy has been since the 1990s, are characterised by much more frequent institutional reform.

b) Endogenous barriers and incentives for institutional change

The literature review developed in the second part of this chapter has shown that favourable circumstances for change are, at best, a **necessary but insufficient condition for change**. The exogenous factors interact with the pre-existing party and institutional systems. Therefore, I argue that, under the same circumstances, some countries should be more vulnerable to change than others: majoritarian democracies. It will also be necessary to investigate the effect of the number of veto players. This proposition simply states that not all party systems and institutional configurations offer the same incentives and the same “chances” for the adoption and implementation of reforms. Majoritarian democracies base most of their democratic legitimacy on accountability and efficiency. I have explained why output-oriented legitimacy particularly has been challenged in the last two decades. Therefore, one might expect that majoritarian countries such as the United Kingdom, and to a lesser extent France, face greater incentives to reform their core democratic institutions, and to reform more often, than democracies where legitimacy is based more on input-oriented legitimacy. Concerning the impact of veto players, I will question ‘Tsebelis’ assumption, i.e., that more veto players mean greater stability. Indeed, it should already be clear that there are a number of counter-arguments that might challenge this assertion, both in the quantitative analysis of the determinants of change⁵⁵ and in the qualitative analysis of the mechanisms of change.⁵⁶ Like ‘Tsebelis, I will distinguish between institutional and partisan veto players. Some other authors would say that institutional veto players represent “constitutional rigidity”. Here, this can be roughly understood as the “rules to change the rules”. If ‘Tsebelis’ assumption holds true, it would mean, firstly, that rules would be harder to change in cases where the constitutional requirements for such reforms were stricter. Secondly, in countries characterised by bipolarism and single-party majorities (and therefore by a low number of veto players) such as France, Greece and the United Kingdom, institutional reforms should be significantly easier to achieve and should occur more frequently than in

⁵⁵ Cf. chapter 4, section 1.1.1.

⁵⁶ Cf. chapter 5, section 1.1.1.

countries characterised by multiparty coalition governments and a higher number of parties represented in the parliament (and therefore by a higher number of veto players), such as Holland or Switzerland.

3.2.3. Propositions about the processes of change

Regarding the assumptions leading the analysis of the processes of change, I will be less precise here as the fifth chapter is devoted to the development of a theory about the mechanisms behind bundles of institutional reforms. The general assumption is that the dynamics of these processes can help to explain why, in favourable circumstances for institutional reforms, some reforms succeed, while others fail. It is sufficient to say here that, firstly, *the types of reforms that emerge depend on the identity of the actor that puts the reforms on the agenda*. Secondly, *the roads leading to successful reforms depend to a great extent on the interaction between the type of reforms discussed in the bundle and the type of processes used to conduct them*. Thirdly, *the barriers to reform vary according to the type of reform on the agenda*. Extrapolating from theories put forward by Renwick (2010) and Jacobs (2011b), I expect that when bundles of reforms are initiated “endogenously” by governing parties, the reforms on the agenda are more divisive and subject to self-interested considerations. Conversely, when bundles of reforms are put on the agenda through the combined efforts of elite outsiders and the public, I anticipate that these are more consensual and obey a mixed logic of cooperation and competition. The second proposal is inspired by the findings of Mahoney and Thelen (2010b), who demonstrate that according to the nature of the rule at stake, different actors and factors can be more or less prominent, explaining why institutions change or remain stable. What it means here, concretely, is that I do not expect bundles of divisive reforms to succeed or fail for the same reasons as bundles of reforms relating to largely consensual measures. To be more precise, I expect three factors to come into play differently in consensual and divisive reforms: the type of reform process (which will depend on the degree of inclusion of political and non-political actors in its elaboration); the number of veto players; and the multifaceted nature of the reform proposals. This argument resonates with that of Rahat and Hazan (2011), who assert that the relative strength of barriers to reform varies widely across reform constellations.

Regarding this last aspect, I explained in the first chapter why the notion of bundles of reforms is based on the idea of institutional sequences, and of institutional reforms as package deals. This implies a complex and uncertain process of negotiation, re-negotiation, building and rebuilding of coalitions in promoting bundles of reforms. Thus, ambiguity, complexity and uncertainty may not necessarily prevent reform. Bundles of reforms may enable the (diverging)

interests of multiple actors to be reconciled, either through mutual concessions or because of misperceptions about the effects of reforms. The multifaceted nature of some reform proposals may also obscure or damage the interests of certain actors, and thereby impede reform. In any case, this constitutes a worthy factor for analysis.

Conclusion

This chapter has presented the main the triggers for and processes of institutional reform that have been identified by the existing literature on regime change, policy change and electoral system change. Exogenous factors such as political crises and instability, as well as endogenous factors such as the existing institutional system have been seen to trigger, or indeed impede change. The literature is unsatisfactory if the goal is to achieve an expanded focus on a multidimensional conception of institutional reform. Indeed, mainly as a result of the lack of cross-sectional and cross-dimensional datasets on institutional reforms, the existing literature has focused mainly on major changes, assuming that reforms are rare, essentially self-interested, “isolated” events. I reject these three illusions and develop three descriptive hypotheses, arguing that change is relatively frequent, usually “bundled”, and inclusive. In the final part of the chapter, I have examined the challenging context that Western European political elites have faced during the last two decades, and shown why the “erosion of political support” has spurred on the progress of bundles of institutional reforms, particularly in democracies where legitimacy is based on policy outcomes. Finally, regarding processes of reform, I have presented some accounts suggesting that the outcomes of reforms depend on the nature of the reforms at stake, the process chosen to conduct them, the configuration of veto players, and finally, the multifaceted nature of the reform proposals.

Chapter 3 The changes to core democratic rules in Western Europe, 1990-2010: an overview

The second chapter has illustrated the state of the discourse concerning the triggers and processes of institutional reforms in consolidated democracies. Among other assumptions that must be tested, nuanced, or possibly discarded, “three illusions” about change have been presented, namely that reforms are rare, happen as single instances, and serve as pure zero-sum games. In the initial chapter of the thesis, it was also made clear that one of the main issues hampering more thorough understanding of institutional change is the lack of data encompassing multiple dimensions of institutional change, data which would enable these assumptions to be tested. In this chapter, two of these three illusions will be empirically investigated: that of the rarity of reform, and that of its singularity. In order to do this, one must take into account seemingly minor as well as substantial institutional reforms, and go beyond single country-based and single dimensional analyses of institutional reforms. Secondly, the chapter will investigate the idea that, as a result of the difficulty in achieving output-oriented legitimacy, reforms tend to be inclusive so as to get citizens more involved.

This chapter aims to describe the changes that were made to core democratic rules in Western Europe between 1990 and 2010, by using the SIEPOL¹¹³ (Seclusion and Inclusion in the European Polity: Institutional Change and Democratic Practices) project database of “Institutional Change in advanced European democracies”. With the inclusion of six dimensions of reform over 20 years in 18 Western European democracies, this database enables us to grasp the amount, the direction and the format of change in consolidated democracies. In the first part of the chapter, the theoretical and empirical challenges presented by a study of multiple dimensions of institutional reforms will be very briefly reviewed. This will consist of a short account of existing works on multiple dimensions of institutional reforms, a presentation of the three empirically tested hypotheses (namely that institutional reforms are frequent, bundled, and inclusive), and a thorough examination of the SIEPOL database, its construction, and the several qualitative trends that have been apparent over the last twenty years. In the second part, the

¹¹³ This chapter makes extensive use of parts of a presentation on the results of the SIEPOL database that was outlined during the ECPR General Conference in Reykjavik, and which then became a standalone working paper from the Robert Schuman Centre – EUDO (European Union Democracy Observatory) project in 2012, with Alex Wilson and Peter Mair (Bedock, Mair, and Wilson 2011; Bedock, Mair, and Wilson 2012). Any quotes or figures from these two papers will be duly referenced in the chapter.

contrasts and the common trends that appear across dimensions of reform and across countries will be discussed, focusing on the number and extent of reforms (minor vs. substantial), their direction (inclusive vs. exclusive), and their format (bundled or isolated). The main conclusions to be drawn are that both the rarity and singularity of reform can be dismissed as the illusions they are, and that reforms adopted over the last decades have overwhelmingly moved towards greater inclusiveness. However, there are strong and puzzling differences across countries and dimensions.

1. Analysing multiple dimensions of institutional change: the theoretical and empirical challenges of the SIEPOL database

Existing works that have tried to overcome the lack of empirical and theoretical findings on institutional reforms have provided fragmented, but relatively clear evidence of a move towards greater citizen involvement, and of limited but regular institutional change. This leads us to formulate three hypotheses about change: reforms occur more frequently than is usually assumed, they tend to happen in bundles, and finally, the recent tendency is towards the adoption of inclusive institutional reforms.

1.1. Frequent, bundled, and inclusive: three hypotheses about reforms of the core democratic rules in Western Europe

1.1.1. The main conclusions of the existing works on multiple dimensions of institutional change

Describing institutional reforms is a difficult task, insofar as one must precisely define the institutions under consideration. Here, I refer specifically to reforms of formal core democratic rules in consolidated democracies in Western Europe during recent decades.¹¹⁴ There have been numerous normative reflections on the evolution of representative democracy, through what has been labelled as “participatory democracy” (Zittel and Fuchs 2006), or “deliberative democracy” (Elster 1998). The two concepts do not overlap completely (Mutz 2006), however both of these normative models concern the management of “the decision-making among free and equal citizens” (Elster 1998, 1), the directness of participation, and deliberation. Yet, actual empirical

¹¹⁴ Cf. *supra*, chapter 1.

evidence enabling the confirmation or refutation of these theories has been quite scarce, generally unsystematic and based on single countries, single reforms, or even more localised examples. Studies attempting to provide multidimensional, empirical and longitudinal evidence about institutional reforms in consolidated democracies are quite uncommon. Studies with such a focus include the works of Armingeon and Careja (Armingeon 2004, Armingeon and Careja 2008), Scarrow's work on direct democracy (1999, 2001) and the seminal book edited by Dalton, Cain and Scarrow, *Democracy transformed* (Cain, Dalton, and Scarrow 2003a).

Armingeon and Careja's works have already been presented in this thesis in relation to the lack of precise data on institutional reforms over time.¹¹⁵ To summarise, the authors found no evidence of convergence between countries, and found limited, incremental, and path-dependent institutional change. Dealing specifically with direct democracy, Scarrow focuses on trends in institutional design in OECD countries and Israel from 1970 to 2000, looking at "a range of procedures that enhance possibilities for citizens to directly affect political decisions": local referendums, direct election of mayors and heads of state, and national referendums (2001, 656). She finds widespread evidence of institutional reforms favouring direct democracy, although changing patterns in the use of referendums are confined to a few countries. Therefore, there is no clear evidence of the expansion of the narrow, traditional vision of direct democracy, but there is evidence of the development of devices that enhance citizens' choices. In a study focusing on Germany, Scarrow found evidence that when German parties faced a citizenry disenchanted with partisan politics, they responded with the extension of direct democracy in order to "regain sympathy" (1999, 358).

The most systematic attempt to study multiple dimensions of institutional reforms in established democracies is contained in the edited book *Democracy Transformed* (Cain, Dalton, and Scarrow 2003a).¹¹⁶ Among other findings, the authors find strong support for a hypothesis pertaining to the expansion of the electoral marketplace in four dimensions: citizens being called to vote more often, the creation of more levels of decision-making, allowing more voters to access the electoral process, and establishing various devices to provide greater choice for voters at election time (preference vote, directly elected mayors, referendums, etc.) (Dalton and Gray 2003). Scarrow finds some evidence of an "opening up" of opportunities for citizens to select executive leaders or decide on issues directly, but notes that the use of these devices remains quite rare, concluding: "we are far from witnessing a radical move away from parties or party-dominated political processes" (2003, 57). In the same volume, contributors focusing on

¹¹⁵ Cf. *supra*, chapter 2, section 2.3.2.

¹¹⁶ Cf. *supra*, chapter 2, section 3.1.2.

decentralisation find that more decentralisation has occurred within unitary than in federal states, with complex and quite different agendas (Ansell and Gingrich 2003).

It would be fair to say that there are also some strong contenders of the expansion of opportunities for citizen participation. These include Hibbing and Theiss-Morse, for example, who examine the preferences of the American public in relation to institutions and participation, and find that, rather than hoping to increase their involvement in the democratic decision-making process, citizens prefer to stay as far away from such matters as possible:

“The last thing people want is to be more involved in political decision making: they do not want to make political decisions themselves; they do not want to provide much input to those who are assigned to make these decisions, and they would rather not know all the details of the decision-making process. (...) Rather than wanting a more active, participatory democracy, a remarkable number of people want what we call stealth democracy. (...) The people want to be able to make democracy visible and accountable on those rare occasions when they *are* motivated to be involved” (2002, 1–2).

However this is a relatively marginal view, and most of the empirical findings (Ansell and Gingrich, 2003; Cain, Dalton and Scarrow, 2003b, Dalton and Grey, 2003; Scarrow, 1999, 2001) point towards a will on the part of the elites, if not the citizens, to move towards more inclusive institutions.

A couple of conclusions can be drawn from these studies. When institutional reforms occur in established democracies, recent trends suggest that they move towards what we could call greater citizen inclusion, although it should be made clear that this trend is not limited to direct democracy. Secondly, authors have found evidence of change, but not of massive change, and certainly not of regime change. This strongly implies the need to take minor reforms into account in order to have a complete picture of the amount of change taking place. Finally, the postulate of these authors, which is made explicit in Cain, Dalton and Scarrow’s book, is that in the end, all of these changes are part of a context of crisis, or at least of discontent with democracy, and that these various reforms are all part of similar stories, rather than being led by radically different logics.

1.1.2. Three hypotheses about institutional reforms: frequent, bundled, and inclusive

The second chapter has theoretically justified our expectations about institutional reforms in consolidated democracies, and particularly about what we have referred to as the illusions of rarity and singularity. Hence the three main hypotheses tested in this chapter are only briefly

recalled and justified: institutional reforms are not nearly as rare as was believed to be the case in the past; they tend to move towards greater inclusion in institutional reform; and they usually take place in bundles.¹¹⁷

“H1. Elites in established democracies have frequent recourse to institutional reform.”

We believe that the amount of change has been considerably overlooked by the tendency of existing literature to dismiss minor reforms and to focus on single dimensions of reforms. Our first hypothesis is therefore that change is relatively commonplace in advanced European democracies as soon as the focus is widened to a bigger set of dimensions of reforms.

H2. There is a general convergence of Western European democracies towards the adoption of more inclusive institutional reforms.

As the main background hypothesis of this study is that political elites use reforms as a reaction to a more uncertain and more hostile political environment, one could have competing expectations: either elites try to depoliticise certain issues and to avoid blame (Weaver 1986) by closing the process of decision-making to citizens, or they try to spread blame and re-legitimise themselves through institutional change.” I argue that the latter is more likely, since it is becoming difficult to achieve popular policy outcomes.¹¹⁸ As a consequence, “and concurrently to the already well-documented trend towards delegation of competences to non-majoritarian institutions, elites should have more incentives to try to achieve “input-based legitimacy”, based on the inclusion of more citizens in the process of decision-making in the core democratic institutions.

H3. Institutional reforms tend to happen in bundles.

Since institutions tend to be “clustered” in several dimensions,¹¹⁹ it is reasonable to expect that when elites decide to put the topic of institutional reforms on the table, they do not limit themselves to a single aspect, but on the contrary discuss several aspects concomitantly. Therefore, we expect that change itself tends to be “clustered”, or “bundled”.”

¹¹⁷ The following section quotes Bedock, Mair, and Wilson 2012, 4–6. Unless otherwise stated in the footnotes, when parts of this text are quoted, these are parts that have been drafted and written by myself.

¹¹⁸ Cf. *supra*, chapter 2, section 3.1.3.

¹¹⁹ Cf. *supra*, chapter 1.

1.2. The SIEPOL project: a multidimensional database about reforms of the core democratic rules in Western Europe

The SIEPOL (Seclusion and Inclusion in the European Polity) database “Institutional Change in advanced European Democracies” is the result of a research project funded by the EUI Research Council, directed by Peter Mair and collected by Alex Wilson. Six of the seven dimensions of the initial project will be analysed, thus including a broad range of institutional reforms which can be divided into two categories: representative reforms (focusing on “traditional” aspects of representative democracy), and participative reforms (providing alternative modes of democratic involvement in decision-making and participation to those of traditional democracies).¹²⁰ In order to investigate the three hypotheses outlined above, three dimensions of classification have been utilised: one on the scope of reform (substantial vs. minor reform), one about the direction of reform (inclusive vs. exclusive), and finally, one on the format of reform (bundled vs. isolated).

1.2.1. Construction of the database and dimensions included

The database “Institutional Change in Advanced European Democracies” aims to enable better understanding of institutional change in circumstances “where such changes are not part of the initial process of democratic consolidation and institution building” (Bedock, Mair, and Wilson 2012, 3). This is only one small element of the SIEPOL project, as its main interest is in the puzzling and contrasting developments occurring within the European polity. On the one hand, “key political decision-makers are increasingly “sealed off” from their wider constituencies, and, indeed from the rank-and-file of elected politicians” (Bedock, Mair, and Wilson 2012, 2), as a result of several developments: party organisational changes (Katz and Mair 1995; Katz and Mair 2009); challenges arising relating to European Union decision-making (Moury and Sousa 2009); the development of the regulatory state (Majone 1994a, 1994b, 1996); and the proliferation of depoliticised agencies and non-majoritarian institutions (Stone Sweet and Thatcher 2002). This process of seclusion has been strengthened by other factors, such as the presidentialisation of politics (Poguntke and Webb 2005). On the other hand, “and seemingly paradoxically, we are also witnessing multiple and diffuse attempts at a radical opening-up of democratic decision-making that invokes direct-democratic procedures and enhanced contacts with civil society, and that

¹²⁰ Cf. *supra*, chapter 1, section 1.2.2.

appears to establish direct links between the governors and the governed” (Bedock, Mair, and Wilson 2012, 2).¹²¹

The motivating factor behind this collection of data was, therefore, the will to examine these two parallel developments (seclusion and inclusion) from the perspective of institutional reforms adopted in Western European democracies. The 18 democracies included were all democratised at least twelve years before 1989: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the UK. The initial time frame (1990-2008) was extended as far as 2010, thereby enabling us to focus on the two most recent decades. As was explained in the first chapter, “to facilitate cross-country and cross-time comparisons, the study uses indicators that were naturally and directly comparable. These were electoral system reform; parliamentary reform; federal reform or state decentralisation; (...) direct election of the executive head or president at the national or local level; referendums and citizens initiatives at national level; and regulations of access to suffrage (alternative methods of voting, age required to vote”.¹²² “The first [three] categories encompass reforms of what is generally understood as “representative democracy” (the rules regulating the repartition of power, the process of selection of political elites and the modes of decision-making and policy implementation)” (Bedock, Mair, and Wilson 2012, 3). The last three categories correspond to forms of democratic institutions that aim to provide alternative means of involvement in decision-making and/or alternative tools for participation in the traditional representative political process.¹²³ I refer to those in the first category as “representative reforms”, and those in the second as “participative reforms”. In other words, the data collection has followed a dimension-by-dimension logic, with the aim of being as exhaustive as possible on each dimension. This means that the dataset does not only include major changes, but also small ones.

The initial phase of data collection, which lead to reports of reforms both by country and by dimension, provided the preliminary list of reforms up to 2008, which I then expanded to include those up to 2010.¹²⁴ The collection of data was conducted through a “series of primary sources

¹²¹ These preliminary remarks on the SIEPOL project were written by Peter Mair.

¹²² For a much more detailed description, cf. *supra*, chapter 1, section 1.2.3.

¹²³ In this chapter, the seventh dimension of the SIEPOL database, i.e. the reform of public subsidisation of political parties, was left aside for two reasons. First, it was hard to classify this as either a representative or participative reform, since it affects party resources rather than the rules within the political system (representative reforms), or wider links with the citizenry (participative reforms). Thus, I considered this as covering another, distinctive dimension (resources and access to competition), so I decided not to include it.

¹²⁴ Alex Wilson, who was in charge of the crucial initial phase of data collection, should be very warmly thanked for these reports.

and key secondary literature, as well as the use of existing datasets, whether publicly available or obtained directly from scholars.”¹²⁵ “In all cases, existing datasets were supplemented and updated by our own data collection, carried out by a team of political scientists with diverse linguistic expertise. Each national data file was sent for verification to (at least one) national expert. The national expert was invited to highlight any mistakes and suggest corrections, a process that ensured a high level of accuracy for our findings” (Bedock, Mair, and Wilson 2012, 3). In a later phase, these reforms were loaded onto a database suitable for statistical analysis, and complemented by a large number of independent variables for each country, in order to enable quantitative analysis concerning the determinants of particular reforms.¹²⁶ It was considered that a “case” of reform refers to any modification of the formal rules in one of these six dimensions, meaning that if a single piece of legislation reforms n dimensions at once, then n reforms have taken place.¹²⁷ This choice was made mainly for practical reasons: the sources on which the data was based were not always sufficiently precise to refer to the exact text of the law implementing the reforms, therefore we were not always aware of whether several dimensions that were modified in the same year had previously been discussed together, or separately. Still, this has allowed us to account for all of the modifications occurring in each dimension, and therefore to be more exhaustive than if we took a single case to mean a single law.

1.2.2. Three aspects to be systematically analysed: scope, direction, and format of reform

In describing the reforms of the core democratic rules in Western Europe between 1990 and 2010, three aspects appear to be particularly important for our understanding of how much, in what form, and how change took place: namely, the scope, the direction, and the format of the reforms. The choices presented below are necessarily unsatisfactory to some extent, as making

¹²⁵ Key sources included the EJPR Political Data Yearbook; the dataset on Regional Authority by Gary Marks et al. (2008); the Committee of the Regions (2008) dataset on local and regional governments; the study by Magre and Bertana (2007) on the direct election of mayors; the comparative study of electoral systems by Gallagher and Mitchell (2005); the online IDEA dataset on the alternative forms of voting (ACE) project; the IDEA dataset; as well as Nassmacher (2009) and Bischoff (2006) on public funding of political parties.

¹²⁶ Cf. *infra*, chapter 4. These independent variables include formats and ideology of governments, main indicators concerning party systems and party system change, electoral change, the level of political support for various dimensions, constitutional rigidity and other important institutional features.

¹²⁷ This point is important, since it means that the number of reforms counted in the database is dependent to a very large extent on the definition used and the accepted boundaries of each dimension of reform.

change comparable across six dimensions of institutional reforms necessitates some complex arbitration.

a) Scope of reforms

Evaluating the scope of reforms across six dimensions inevitably leads to the determination of some form of arbitrary threshold. I have chosen to speak about substantial vs. minor reforms. A substantial reform is a reform that substantially alters the balance of power and the relationship between parties, the executive and the legislative powers, or between citizens and the political system. The notion of a “substantial” institutional reform is necessarily partly subjective, as it is possible to evaluate the scope of a reform based on two factors: its objective content, and its impact. Defining a substantial reform by assessing its impact is quite problematic. Apparently small institutional reforms can have enduring consequences, major reforms can have delayed effects or be largely neutralised by actors’ behaviour, while identical reforms can have extremely different effects in different settings (Grofman et al. 1999). It would also require extensive knowledge of each of the cases included in the database. In order to be able to classify such a large range of reforms according to their scope, it was necessary to develop precise, *ex ante* (regardless of the importance of the consequences of a given reform) criteria for each of the dimensions that would be cross-comparable with a variety of countries.

In order to avoid subjectivity in the classification, as much as this is possible, a variety of criteria were developed for each of the dimensions included in the database using criteria developed by specialised secondary sources (such as Jacobs and Leyenaar 2011; Hooghe, Marks, and Schakel 2010) whenever possible. In cases when the content of a given institutional reform could be assessed through quantifiable set-off points (such as district magnitude, the number of seats in the parliament, the number of citizens entitled to vote, and so on), a threshold of 20% was used to determine the scope of the reform, as proposed by Lijphart in his dealings with electoral reforms (1994). Overall, reforms are classified as substantial when they affect the national level (the whole country), have a direct impact on the relationship between the citizenry and the political system, and between the actors within the political system, and when their quantifiable dimensions meet the 20% threshold.¹²⁸

b) Direction of reforms

One of the central aspects studied by the SIEPOL project is the shifting relationship between elites, citizens and institutions. I mentioned the fact that institutional arrangements, as Lijphart argues (1984, 1999), are essentially different answers to the question, “who should govern and

¹²⁸ Cf. appendix 2.

who should the government be responsive to?”¹²⁹ From this angle, evaluating the direction of a given institutional reform consists of determining whether it serves to disperse power or to concentrate it. Inclusive reforms are defined as reforms which *open up the decision-making process to new political actors/citizens* (dispersing power). Exclusive reforms, on the other hand, are reforms which *close off the decision-making process to some political actors/citizens* (concentrating power).¹³⁰ Indeed, “it is essential to understand the direction of an institutional reform and to know if elites try to build more inclusive institutions, enabling a larger range of actors and citizens to directly participate in the democratic process, or, on the contrary, try to limit access to processes of decision-making. As noted above, both hypotheses – the one suggesting inclusion, the other seclusion – have been defended in the literature and developed within a context where citizens become more critical of political parties and elites.

“Since the database provides a description of each reform, all of them were classified to assess to what extent they opened-up or closed-off the process of decision-making to citizens or to new political actors. This general criterion was further delineated with several sub-criteria for each type of reform. Three categories were considered: inclusive reforms, opening-up decision-making, reforms with multiple logics, containing elements both opening up and closing off decision-making, and exclusive reforms that close off decision-making”(Bedock, Mair, and Wilson 2012, 12).¹³¹ Inclusive reforms would include, for example, electoral reforms implementing a more proportional electoral formula or increasing the preference vote, parliamentary reforms increasing the powers of the lower chamber, reforms increasing the power of regional or federal entities to raise taxes, or introducing the direct election of mayors. Of course, one might argue that so-called “inclusive” and “exclusive” reforms are led by different logics: giving more say to the citizenry, increasing personalisation, increasing one actor’s power at the expense of another’s. Still, one can argue that there is an underlying logic in dispersing or concentrating power that can and must be identified.

c) Format of reforms

The concept of the bundle of reforms has been developed with the argument that institutional reforms are in many cases not isolated occurrences, but that they come into play as part of a package-deal and/or sequence.¹³² “Most of the existing literature on institutional change assumes implicitly that reforms are one-off occurrences. Yet each reform can be also considered as a “nested game”, in which, as Tsebelis suggests (1990: 5), only an analysis of the wider panoply

¹²⁹ Cf. *supra*, chapter 1, section 1.1.1.

¹³⁰ *Ibid.*

¹³¹ Cf. appendix 3.

¹³² Cf. *supra*, chapter 1, section 2.1.1. and 2.1.2.

of reform activities might get to the core of the actors' motivations and behavioural choices. In some cases the wider panoply of reforms is dealt with more or less simultaneously, with individual reform being part of a package of changes. In other cases, the reforms occur in sequence, with the possibility that reforms further down the line are dependent on the successful passage of prior proposals. (...) We have considered reforms as being part of a bundle of reforms each time *two institutional reforms or more relating to one or several dimensions of the institutional architecture were adopted in the same legislature* (which could take the form either of a single multi-dimensional reform or of several reforms enacted alongside each other). The very concept of institutional bundling is clearly related to the idea that institutions form coherent systems, and that as a consequence change can and should be studied systemically as well" (Bedock, Mair, and Wilson 2012, 14). This operationalisation of bundles of reform, and the limits to such operationalisation have been explained in the first chapter.¹³³ Indeed, there is no certainty that reforms which occurred concomitantly were explicitly linked in the strategies and negotiations of political elites. However, being that only successful reforms are included in the dataset, at worst, one might underestimate rather than overestimate the phenomenon of bundling.

1.3. A qualitative description of the database's main trends: representative and participative reforms

Before looking at the main figures and the patterns that have become apparent over time, placing emphasis on the scope, number, direction and format of reforms, a few words should be said about the main qualitative trends that have emerged for each of the six dimensions. A brief overview of the representative reforms shows very limited convergence in terms of countries and dimensions.

1.3.1. Representative reforms: very limited convergence

a) Electoral reforms

First of all, nearly all of the countries included in the study pursued some, or even several electoral reforms during the period in question. No striking trends emerge, however, apart from a timid inclination towards reinforcement of the proportionality of electoral systems, very much like Colomer predicted (2004). Some countries replaced their electoral systems at the national level altogether in order to introduce either a mixed-majoritarian system (Italy 1993) or PR with bonus (Italy 2005; Greece 1993, 2007). Others, particularly the UK, introduced distinctive mixed-

¹³³ Cf. *supra*, chapter 1, section 2.2.1.

proportional electoral systems at the regional and European level. Most of the countries pursued smaller reforms: introducing thresholds to reduce fragmentation (Belgium, Iceland, Italy), increasing or introducing preference voting (Austria, Belgium, Luxembourg, Netherlands and Sweden), correcting imbalances between rural and urban areas (Finland, Iceland, Norway), or introducing gender quotas (Belgium, France). The relative enthusiasm shown for preference voting goes hand in hand with what Renwick and Pilet call the personalisation of electoral systems (Renwick and Pilet 2010, Renwick 2011), although it should be made clear that these provisions were limited, “reflecting the ambivalent attitude of party elites towards allowing voters a free hand at choosing their political representatives, particularly if this risks undermining internal party cohesion” (Bedock, Mair, and Wilson 2012, 6).¹³⁴ Italy is the only clear exception to this trend, with the abolition of preference voting in 1991 at the national level coming as a result of an abrogative referendum following a deep political crisis. In conclusion, some countries, particularly Italy, Greece and the UK, have moved towards more complex, “mixed” electoral systems at the national and/or local level, a shift which has not been missed by the general literature (Shugart and Wattenberg 2001).

b) Parliamentary reforms

One overall tendency that can be observed from the parliamentary reforms adopted over the last two decades in Western Europe is a move towards the facilitation of governmental decision-making, “by reducing the veto power or delaying capacity of institutional actors that are not directly controlled by the government” (Bedock, Mair, and Wilson 2012, 7).¹³⁵ This has taken several forms: the abolition of upper chambers in countries such as Iceland and Norway, or the introduction of procedures enabling most amendments and provisions to be taken by normal majority as well as the reduction of presidential power (Finland). There has also been a move towards four- or five-year terms for most offices, with the reduction of the presidential term from seven to five years and of the senatorial term from nine to six years in France, and the lengthening of MP terms to four years in Sweden (from three years), and to five years in Austria (from four years). Finally, moves have been made towards reducing the number of parliamentarians, even substantial moves in some cases (in Belgium, Germany, Portugal and the UK), although occasionally the numbers have increased slightly, as in France and Norway. If anything, Western European democracies now look more similar than they did twenty years ago in terms of organisation of parliamentary work, moving closer to what Poguntke and Webb call

¹³⁴ This passage was written by Alex Wilson.

¹³⁵ Ibid.

the presidentialisation of politics (2005), insofar as mechanisms favouring executive dominance and rationalisation of parliaments have developed across the board.

c) Decentralising and federal reforms

The examination of the list of reforms clearly shows the reinforcement of decentralisation across Western Europe over the last 20 years. This also confirms the conclusions of Ansell and Gingrich (2003, 155), who argue that this trend differs to a great extent in both nature and degree across countries. Belgium became a fully-fledged federal state in 1993 and Spain has reinforced its regional powers quite considerably, making it a quasi-federal nation, whereas unitary countries like France and Italy have decentralised and given new competences and/or resources to local entities. The UK has also been characterised by an important process of devolution, although an asymmetrical devolution, in that it excluded England and granted important regional autonomy to Scotland, Wales and Northern Ireland. “Asymmetrical arrangements can also be found in France (special regime for Corsica), Finland (special regime for Åland Island), Portugal (strong regional governments in Azores and Madeira) and Italy (5 Special Status regions). Other countries are experimenting with different forms of regional self-government, reflecting a move towards functional decentralisation whereby complex policy areas (e.g. healthcare or EU funds) are managed at a “meso” level more appropriate for planning than small municipalities or the central bureaucracy (Marks, Hooghe, and Schakel 2008). This tendency is most pronounced in the Nordic Countries, where several “pilot schemes” for regional government are being tested with a view to implementation across the country” (Bedock, Mair, and Wilson 2012, 7).¹³⁶ There have also been notable attempts to rationalise municipalities and counties, either through greatly reducing their numbers (Denmark, Finland, Iceland), or through mechanisms to enable municipal cooperation (Luxembourg). Very centralised countries like Ireland have also introduced rather fragmented reforms, such as the creation of regional authorities, which monitor local authorities.

To conclude, some signs of common trends in representative reform emerge when one looks at the big picture (there are more proportional and mixed electoral systems, decision-making is becoming more “rationalised”, decentralisation has increased). However, this in no way alters the fact that the precise mechanisms and provisions chosen by each country differ quite significantly. If anything, the convergence has been quite limited.

¹³⁶ This passage was written by Alex Wilson.

1.3.2. Participative reforms: reinforcing the means of participation, without disrupting the representative model

a) Direct election of the head executive

There has been a general trend towards the direct election of the head executive (and in particular of the local executive) in many European countries over the last twenty years. Provisions for direct election have, for example, been introduced in Austria, Wallonia, Greece and Italy, while provisions to allow direct election in certain cities have been introduced in Ireland and the UK. Direct election of the head executive has even been introduced at the national level in Finland, while Greece and Italy have extended direct election to all levels of government (provincial, regional). This points towards the personalisation of politics (McAllister 2007), or what other authors call “presidentialisation” (Poguntke and Webb 2005), or “presidential parliamentarism” (Hazan 1996), but at the local level. As noted by Alex Wilson, “this may be a response to citizen disengagement from municipal party politics, or may reflect an assumption among political elites that citizens want more personalised politics and accountability at local levels. In some countries, the introduction of directly elected mayors has proven popular (i.e. Germany, Italy), becoming an integral part of the political landscape. In other countries, a form of *de facto* direct election occurs without institutional change, as the main parties put forward their candidates for mayor (i.e. Spain, France), and the winner is rarely challenged by the legislature. In a few countries, direct election has proved somewhat unsuccessful and been partially reversed, notably in the Netherlands and the UK (with the exception of the London mayor). This reflects the uneasy interaction between distinctive municipal traditions and a single model of personalised electoral accountability” (Bedock, Mair, and Wilson 2012, 8). Interestingly, Scarrow classifies such reforms within the realm of “direct democracy”, in that they maximise “opportunities for citizens to directly affect political decisions” (2001, 655). Magre and Bertrana note that such provisions have not led to much convergence in terms of local institutional configurations, but have been the “most superficial element in the reform process undergone by the European local governments” (2007, 190). Hence, rather than representing radical change in the conception of the executive role, it seems that most of these reforms were seen as elements aiming to reinforce the legitimacy of such executives by involving citizens more directly.

b) Mechanisms of direct democracy at the national level

Despite intense – mainly scholarly and theoretical – discussions about the development of – and the almost inevitability of – participatory mechanisms and direct democracy to open up decision-making processes to the public at the national level (through referendum provisions or citizens’ initiatives), this development has in reality been extremely limited within Western

Europe during the last 20 years. Where citizens' initiatives exist, it is usually the result of a long institutional tradition that is well entrenched in the constitution (Ireland, Italy). Limited provisions have been introduced in Luxembourg and the Netherlands, and introduced but not fully implemented in France and Portugal. Moreover, when such provisions exist in the form of petitions or abrogative referendums, political elites often tend to ignore or challenge them (for Italy, see Uleri 2002, for example). Therefore, there certainly haven't been any great developments in terms of mechanisms of direct democracy over the last decades at the national level, and the use of referendums is still limited to a few countries to a great extent (Ireland, Italy and Switzerland). This level of progress is actually in line with the conclusions drawn by Cain, Dalton, and Scarrow (2003), who note the multiplication of opportunities for participation within the framework of party politics, recalling that parties remain the main political actors. In other words, mediated representative democracy remains the norm.

c) Access to suffrage

When institutional provisions have been implemented regulating access to suffrage, they have aimed to facilitate the casting of votes, to boost the participation of emigrants, or to extend access to suffrage to include new elements of the population, such as young people or immigrants. Mechanisms such as postal and proxy voting have been introduced in some countries (Austria, Belgium, Switzerland and the UK). Italy and France have created constituencies for their citizens overseas, while voting for overseas citizens has been facilitated in Belgium, Portugal, Switzerland and the UK. The voting age has been reduced to 16 in Austria, by six months in Finland, and to 18 in Switzerland. Non-EU immigrants have been granted the right to vote in local elections in Luxembourg and in presidential elections in Portugal. "Increases in the use of alternative forms of voting can be seen as a response to the challenge of declining turnout in elections, and as a way to facilitate participation in the electoral process for increasingly mobile voters. Through such institutional changes, political elites can open up decision-making without the risk of highly disruptive consequences, since these changes rarely shift the balance of power in general elections. An interesting exception to this rule is the 2006 Italian election, where the narrow centre-left majority in the Senate was only secured through the votes of Italians that resided overseas in newly created constituencies"¹³⁷ (Bedock, Mair, and Wilson 2012, 8).

As a conclusion on participative reforms, the tendency across Western Europe is towards complementing the means of citizen participation in the representative process, rather than

¹³⁷ This passage was written by Alex Wilson.

fundamentally disrupting the model through the development of direct democracy. This is evidenced by the prevalence of direct election reforms, and reforms expanding access to suffrage, as well as by the lack of reforms implementing new mechanisms of direct democracy. But what trends might appear if we move away from the qualitative description of individual indicators? This is the issue which will be developed in the second section.

2. Contrasts and common trends in the reforms of the core democratic rules in Western Europe

This section first examines the extent and the scope of the reforms of core democratic rules that have been adopted in Western Europe during the last two decades, showing that such reforms were far from rare occurrences, although substantial reforms have not exactly been common. Secondly, the analysis of the direction and format of reforms shows that these were overwhelmingly more inclusive, and that they came as parts of bundles. This should not overshadow the significant differences between countries.

2.1. Extent and scope of reforms

The data suggests that there has been a large number of reforms overall, with no less than 147 reforms adopted between 1990 and 2010 in the 18 countries included in the analysis,¹³⁸ with an average of 8.2 reforms by country and of 2.7 substantial reforms per country.

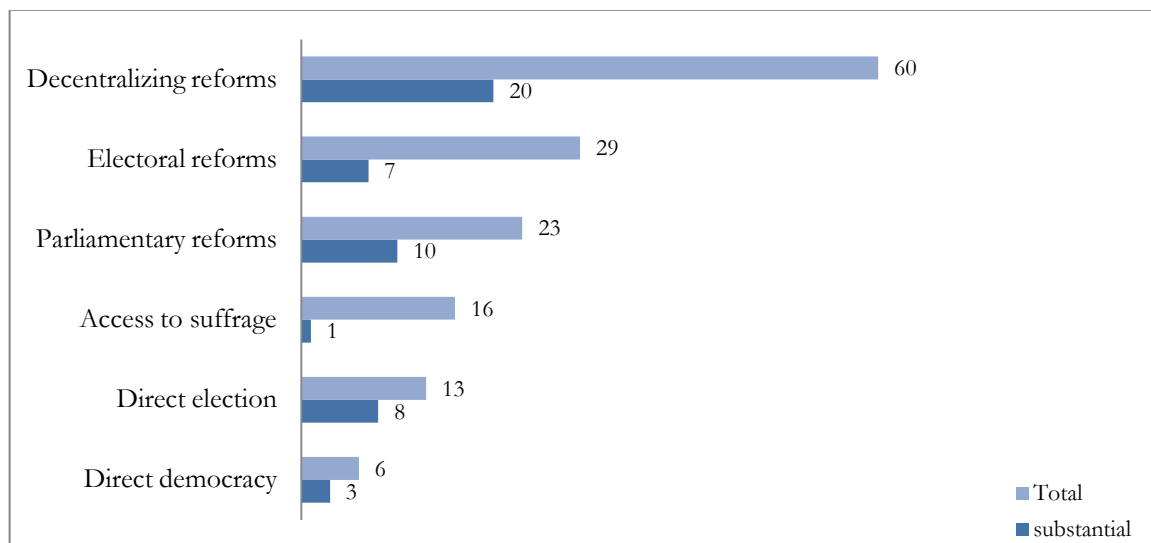
2.1.1. Extent and scope of reforms by dimension

Clearly, the assumption that institutional reform is a rare event can be confidently rejected. A third of the reforms adopted (49 exactly) were classified as substantial institutional reforms, meaning that they significantly affected the balance of power and/or the nature of the relationship between parties, executive and legislative powers, citizens and elites. Figure 3 shows the considerable discrepancies between the number of reforms adopted in each of the 6 categories, with a clear predilection for what we call representative reforms.

¹³⁸ Compared to the reforms analysed in the working paper published in 2012 for the Robert Schuman centre, two decentralising reforms were added in the database for Ireland, and the 28 reforms of public subsidies of political parties were left aside for reasons mentioned above.

Indeed, these accounted for no less than 76% of the reforms analysed here (adding electoral, parliamentary and decentralising reforms), with participative reforms accounting for 24%. Therefore, most of the institutional engineering activism in Western Europe during the last two decades has been devoted to reform of “traditional” representative democracy. By far the most common reforms, no fewer than 60, concerned decentralisation and federalisation, thus accounting for more than 40% of the total.

Figure 3. *Number of institutional reforms adopted between 1990 and 2010 for each of the six categories*



The data also confirms that electoral and parliamentary reforms are far from uncommon once minor reforms are taken into account, with 29 and 23 cases, respectively, across the 18 Western European democracies. The last three categories (access to suffrage, direct election, and mechanisms of direct democracy) display 16, 13 and 6 reforms respectively, thus confirming that these, of all the institutional reforms adopted, were reforms which complemented, rather than endeavoured to supplant, the representative model. The proportion of substantial reforms varies from dimension to dimension, by an average of one third. The large number of decentralising reforms, along with the multiplication of reforms expanding the access to suffrage and direct election in particular, could imply the existence of diffusion mechanisms, with a move towards more decentralised democracies allowing increased citizen participation.

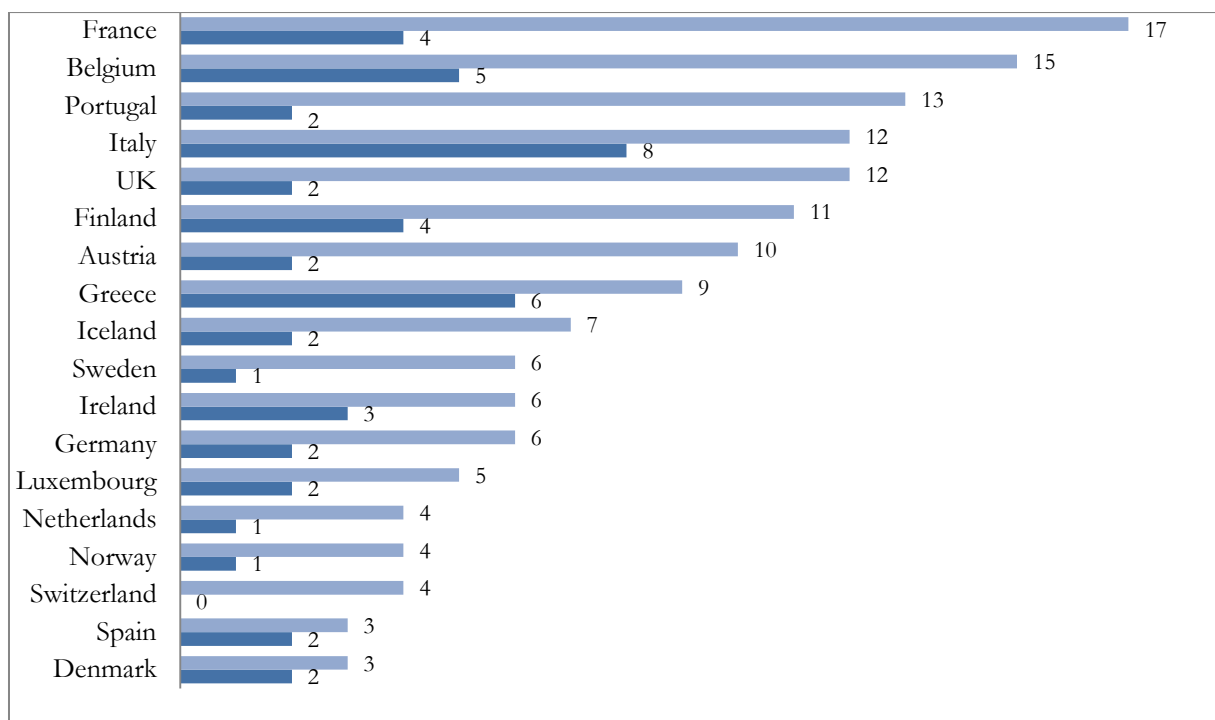
2.1.2. Extent and scope of reforms by country

There were big differences in the use of institutional engineering across countries between 1990 and 2010 (Figure 4), in terms of the overall number of reforms and the number of

substantial reforms adopted during that time. France has been the “champion” of institutional reforms among our sample group of countries, and has reformed almost six times as much as Denmark (17 reforms vs. 3). Italy has adopted the greatest number of substantial reforms of its core democratic rules, with no fewer than 8 substantial reforms. Switzerland, on the other hand, has adopted no substantial institutional reform.

Some countries seem to be characterised by limited use of institutional engineering (less than the average of 8.2 reforms):¹³⁹ Denmark, Iceland, Luxembourg, the Netherlands, Norway, Spain, Sweden and Switzerland. Reforms here have tended to focus on specific dimensions. These have, in some cases, involved major changes: important decentralising reforms in Denmark, Spain, Germany and Ireland, the introduction of the citizens’ initiative and national referendum in Luxembourg, and the abolition of the higher chamber in Norway. In countries such as Luxembourg and Norway, the reforms were relatively uncontentious and won widespread cross-party agreement. The countries in which some minor and some substantial reforms were adopted have some characteristics in common (with the exception of Spain): “a high trust in their institutions and the way democracy works in general and/or proportional electoral systems as well as relatively consensual institutions as defined by Lijphart (1984, 1999)” (Bedock, Mair, and Wilson 2012, 11).

Figure 4. *Number of reforms of the core democratic rules adopted between 1990 and 2010 for each country*



Note: The lighter bar expresses the total number of reforms, and the darker bar the number of substantial reforms.

¹³⁹ Cf. appendix 4.

One can delineate a second category of countries, wherein reform has taken place either (much) more frequently than usual, and/or where an important number of substantial reforms have been adopted: Austria, Belgium, Finland, France, Greece, Italy, Portugal and the UK. “These countries can either be classified as majoritarian democracies (Greece, France, and UK), or they have experienced a major restructuring of their party systems (Austria, Belgium), intense popular dissatisfaction (Italy), or changes of governing majorities in a context of bipolar political competition. For instance, in Portugal, the Socialists came back into power after more than 12 years of domination of the PSD, while the UK Labour Party returned to power in 1997 after 17 years in opposition. France, Greece, and Italy (since 1994) are also characterised by bipolar competition, although the change in governing majorities has been even more frequent than in the UK. Finland suffered severe economic turmoil at the beginning of the 1990s which prompted an intense political debate, which suggests that the difficulties that political parties faced in dealing with policy issues also contaminated the debate about constitutional and institutional issues. (...) Belgium and Italy were both characterised by an intense restructuring of their party systems in recent decades” (Bedock, Mair, and Wilson 2012, 12). Similarly, in Austria, the historical domination of the ÖVP and the SPÖ has been eroding since the rise in power of conservative and radical right parties in the late 1990s. One might also note that several of these countries are semi-presidential regimes: Austria, Finland, France and Portugal. To summarise, countries characterised by (frequent) alternation in power, changing party systems, popular dissatisfaction, or opposition between two main parties or blocks have been more prone to adopt reforms of their core democratic rules than the first set of countries.

2.2. *Direction and format of reforms*

Whereas the number and scope of institutional reforms have varied a great deal across parties and dimensions, the picture is clearer when it comes to the direction and the format of reforms: an overwhelming majority of them have moved towards greater inclusiveness, and most have been part of bundles.

2.2.1. *Direction and format of reforms by dimension*

Three categories have been considered in the classification of the direction of the reforms adopted: inclusive reforms, which open up decision-making; reforms with multiple logics, capable of closing off and/or opening up decision-making processes; and exclusive reforms, which close off decision-making. In order to give a clearer picture, and to adopt a more stringent definition of

inclusive reforms (including only “pure” inclusive reforms), the last two categories have been collapsed (Table 1), keeping in mind that the number of reforms ranges from 6 to 60. The general picture suggests a strong predilection for inclusive as opposed to exclusive reforms or reforms with multiple logics, with more than two-thirds (100) of the 147 reforms adopted moving towards greater inclusiveness. It is important to recall that, as the analysis only takes into account reforms of core democratic rules, the data does not cover institutional power shifts towards non-majoritarian institutions, which may very well counterbalance such changes (Mair 2005). Inclusive reforms account for 60% or more of the reforms adopted in Western Europe for 5 out of the 6 categories included in this analysis. Only a little less than half of the electoral reforms adopted in the last decades went in the direction of opening up decision-making, whereas 15 out of the 16 reforms regulating access to suffrage led to decision-making being opened up to more citizens. Moreover, it is striking to see that for the reforms that have been labelled representative (electoral, parliamentary and decentralising reforms), there is less of a tendency towards inclusiveness than with participative reforms, which have moved almost exclusively towards greater inclusion. The fact that electoral reforms (which are long considered by the literature to be the “most manipulative instrument of politics”; Sartori 1968, 273), and to a certain extent parliamentary reforms, display less affinity with inclusiveness is interesting, “as it shows they probably obey a more competitive and self-interested logic than other types of reforms, in which questions of institutional legitimation may loom larger” (Bedock, Mair, and Wilson 2012, 14).

Table 1. *Direction of the reforms of the core democratic rules by dimension in Western Europe, 1990-2010 (in %)*

	Inclusive reforms	Mixed logic and exclusive reforms	Total	N
Electoral reforms	48	52		29
Parliamentary reforms	61	39		23
Federal and decentralisation reforms	67	33		60
Direct democracy mechanisms	83	17		6
Direct election of head executive	92	8		13
Access to suffrage	93	7		16
All	67	33	100%	147

Reading: out of the 29 electoral reforms adopted between 1990 and 2010, 48% were inclusive reforms.

When turning to the most common format of reforms, dimension by dimension, the picture is even clearer: a full 75% (110 of 147 reforms) were part of a bundle of reforms, making it by far

the most common outcome, much more so than one-off reforms.¹⁴⁰ When looking at the distribution of reforms across legislatures (Table 2), it appears that in around 30% of the legislatures, at least two institutional reforms have been adopted. In other words, 75% of the reforms have been adopted in less than a third of the legislatures observed, meaning that most of the reforms of the core democratic rules in Western Europe have been adopted during intense moments of institutional activism concentrated within particular legislatures. The differences across dimensions in terms of bundling are relatively trivial, with electoral reforms the most frequently “bundled” reforms (90% of the 29 cases), whereas “only” two-thirds of decentralising reforms and direct democracy reforms formed part of a bundle (Table 3). The second, more interesting insight that can be drawn from the analysis of the bundles of reforms by dimension is that certain dimensions have been reformed together much more frequently than others.

Table 2. *Number of institutional reforms adopted by legislature in 18 Western European democracies, 1990-2010*

Reforms by legislature	N	%
0	43	37.1
1	37	31.9
2	19	16.4
3	8	6.9
4	3	2.6
5	2	1.7
6	3	2.6
7	1	0.9
Total	116	100%

Source: my own elaboration of the SIEPOL database (Bedock, Mair, Wilson, 2012)

Reading: In 37 out of the 116 legislatures, only one reform has been adopted.

Table 3. *Proportion of bundled reforms adopted by dimension in Western Europe, 1990-2010 (in %)*

	Bundled reforms	Reforms (N)
Electoral reforms	90	29
Parliamentary reforms	70	23
Decentralising reforms	67	60
Direct election of the head executive	77	13
Direct democracy	67	6
Access to suffrage	88	16
All	75%	147

Reading: among the 29 electoral reforms adopted between 1990 and 2010, 90% were part of a bundle of reforms.

¹⁴⁰ As the database covers the 1990-2010 period, this means that a certain number of legislatures in each country are incomplete. When recomputing the proportion of reforms that are part of a bundle after eliminating these incomplete legislatures, we find that 77% of the reforms have been adopted as part of a bundle.

Table 4 presents all of the incidences of the paired combinations encountered in the data across the six dimensions. “In his classic analysis of patterns of democracy, Lijphart (1999) drew a strong connection between electoral system rules and the rules regulating the relationships between executive and legislative powers, with both being clustered together in a distinct executive-parties dimension. This connection is also visible in our data, with electoral reforms often going hand in hand with parliamentary reforms (11 cases). The data also suggests that electoral reforms are often associated with other dimensions that impact on the electoral process and access to the electoral arena more generally, including direct election of executive heads (7 cases), and access to suffrage (9 cases). It is also interesting to observe that electoral reforms are often linked to federal or decentralizing reforms, a combination which occurs in fourteen cases. There are also nine cases of parliamentary reforms being linked to decentralizing reforms. This may suggest that Lijphart’s particular clustering of institutions into two broad dimensions is less visible when it comes to institutional reform as such, with political actors tending to reform both institutions at the national level (electoral system, organization of the parliament) and institutions affecting the balance between national and subnational level at the same time” (Bedock, Mair, and Wilson 2012, 16).¹⁴¹

Table 4. *Combinations of reforms encountered on the six dimensions in Western Europe, 1990-2010*

2x2 encountered combinations	Occurrences (N)
Electoral reform + decentralising reform	14
Electoral reform + parliamentary reform	11
Electoral reform + access to suffrage	9
Parliamentary reform + decentralising reform	9
Decentralising reform + access to suffrage	8
Electoral reform + direct election	7
Decentralising reform + direct election	7
Several decentralising reforms in one bundle	7
Parliamentary reforms + access to suffrage	6
Parliamentary reform + direct election	4
Electoral reform + direct democracy	2
Direct election + access to suffrage	2
Direct democracy + access to suffrage	2
Parliamentary reforms + direct democracy	1
Decentralising reform + direct democracy	1

¹⁴¹ Compared to the version of 2012, the numbers are updated taking into account that only six out of the initial seven dimensions are included.

Finally, even though representative reforms are sometimes implemented together with participative reforms (for example, the frequent combination of electoral reforms with access to suffrage), we more frequently see combinations of representative reforms implemented together. Combinations of participative reforms have been relatively rare, suggesting again that these mainly served to complement the representative model rather than introducing something radically new.

2.2.2. Direction and format of reforms by country

I have chosen again to display the results in percentages to make them easier to read (Table 5), but because the number of reforms ranges from 3 to 19, one should be cautious not to over-interpret the differences between countries.

Table 5. *Direction of the reforms of the core democratic rules by country in Western Europe, 1990-2010 (in %)*

	Inclusive reforms	Mixed logic and exclusive reforms	Total	N
Iceland	29	71		7
Denmark	33	67		3
Ireland	50	50		6
Sweden	50	50		6
Portugal	54	46		13
France	59	41		17
Italy	67	33		12
Germany	67	33		6
Austria	70	30		10
Finland	73	27		11
Netherlands	75	25		4
Norway	75	25		4
UK	75	25		12
Greece	77	23		9
Belgium	87	13		15
Spain	100	0		3
Luxembourg	100	0		5
Switzerland	100	0		4
Mean	<i>69</i>	<i>31</i>	100%	147

The aim was to evaluate whether, for example, countries in which relatively few reforms have been adopted had been also more (or less) likely to adopt inclusive reforms. Overall, there

seems to be no pattern of association between low numbers of reforms, and low numbers of inclusive reforms. While countries like Denmark, Iceland, Ireland and Sweden have adopted relatively few reforms, and small numbers of inclusive reforms, the opposite can be said about Spain, Luxembourg and Switzerland, where all of the reforms adopted between 1990 and 2010 have been inclusive. Overall, this suggests that there has been a general shift towards more inclusive political institutions in almost all of the consolidated European democracies, regardless of the frequency of institutional reforms. Turning to the proportion of bundled reforms by country (Table 6), there is evidence that the proportion of reforms occurring in clusters (although again, this is the vast majority) varies quite substantially across countries, not least because of the small N in some of the polities included. There are, on average, 4.5 complete legislatures by country, and unsurprisingly, the proportion of bundled reforms by country rises when truncated legislatures are left out (Table 6).

Table 6. *Proportion of bundled reforms adopted by country in Western Europe, 1990-2010 (in %)*

	<i>All legislatures</i>		<i>Without truncated legislatures</i>	
	Bundled reforms	Reforms (N)	Bundled reforms	Reforms (N)
Spain	0	3	0	3
Switzerland	50	4	67	3
Ireland	50	6	60	5
Netherlands	50	4	67	3
Norway	50	4	50	4
Iceland	57	7	67	6
Germany	67	6	67	6
Denmark	67	3	100	2
Greece	67	9	67	9
Portugal	69	13	60	10
Finland	73	11	80	10
Austria	80	10	89	9
Italy	83	12	91	11
Sweden	83	6	100	5
Belgium	87	15	87	15
UK	92	12	92	12
France	96	17	89	9
Luxembourg	100	5	100	5
Mean	68%	147	74%	127

When taking into account all legislatures, in Luxembourg, all of the five reforms adopted were bundled, and this was also the case for the overwhelming majority of reforms (more than 80%) in Austria, Belgium, France, Italy, Sweden and the UK. Below-average adoption of bundled reforms has been common in countries where only a small number of reforms have taken place: none in Spain, and only half of the total for Switzerland, the Netherlands, Ireland and Norway. There is a

mechanical positive relationship between the proportion of bundled reforms and the number of reforms adopted, with a positive correlation coefficient of 0.62. What we have yet to see is that the construction of bundles *actively* facilitates agreement on institutional reforms. This hypothesis will be carefully investigated in the second part of this thesis through case studies.¹⁴²

As a conclusion, more generally, “these figures underline the relevance of analysing a series of reforms together rather than separately, as in the overwhelming majority of the cases, at least in Western Europe between 1990 and 2010, the reform of a given institutional dimension appears to occur concurrently with other dimensions. Like Hamlet’s spies, they come not in single file but in battalions” (Bedock, Mair, and Wilson 2012, 15).

2.3. *From common trends to country-specific differences in the propensity to reform*

2.3.1. *Common trends and contrasts: the nature of the change of core democratic rules in Western Europe*

Examining the reforms of the core democratic rules which have been adopted in the last two decades in Western Europe leads us to a number of conclusions. Firstly, the three hypotheses drawn from the various theories developed in the first two chapters are confirmed. Therefore, change is relatively frequent, represents a move towards more inclusive institutions, and in the great majority of cases, happens in clusters, or bundles, of institutional reforms. These three conclusions, in turn, show the importance of gathering empirical knowledge on a multidimensional, cross-sectional and longitudinal database on institutional reforms, in that this calls several existing assumptions about institutional reforms into question, particularly what we have called the illusions of rarity and singularity.

However, aside from these conclusions, it is also quite clear that the database shows important differences across dimensions and across countries. Representative reforms, or in other words, institutional reforms regulating the traditional understanding of representative democracy, still constitute the lion’s share of the reforms adopted. Participative reforms, on the other hand, have mainly concerned direct election and the extension of access to suffrage, rather than direct democracy, suggesting a will on the part of the European political elites to expand the opportunities for participation, but also a reluctance to develop an alternative, more direct model of democracy at the national level through institutional reforms. Still, in all dimensions (with the

¹⁴² Cf. *infra*, and in particular the chapter on Italy.

notable exception of electoral reforms), elites have tended to move towards more inclusive institutions, opening up opportunities to participate in decision-making. Across all dimensions, reforms have tended to come in bundles, and the analysis of the 2x2 combinations shows that no dimensions of reforms appear to have been considered incompatible. Elites have often adopted different types of representative reforms together, or even both participative and representative reforms at once. This may suggest that, during the processes of institutional reforms, and depending on the countries and circumstances, changes can take very different forms and touch upon very different dimensions with no *a priori* incompatibilities, although again, this should be investigated by through observation of concrete instances of bundles of reforms.

The differences across countries are more puzzling, particularly in terms of the number of reforms, where discrepancies are most apparent. I have shown that the move towards more inclusive institutional reforms has tended to be quite general, and that in any case, there are no obvious factors coming to mind which can account for the differences in the proportion of inclusive reforms across countries. The proportion of bundled reforms appears to be linked with the overall number of reforms adopted, suggesting that “clustering” of reforms may facilitate their adoption. The analysis of such a mechanism will be a major focus of the second part of the thesis.¹⁴³ Returning to the main differences among countries, regarding the number of reforms adopted, both long- and short-term factors may help to explain these differences: the nature of the institutional system, electoral and opinion change, changes of actors in power, etc. So far, I have suggested that majoritarian democracies, democracies that have experienced party system change, popular dissatisfaction, and political alternation between two blocs, seem to be particularly vulnerable to reforms of the core democratic rules. But how should we go about disentangling the elements stemming from the varying vulnerability of each institutional system to change from those resulting from favourable circumstances? In other words, how can we assess the impact of long- and short-term factors on the propensity to reform? Before developing these aspects,¹⁴⁴ a brief look at the moments when reforms were adopted by legislatures, and at the amount of reforms, might help us to understand some of the differences between countries.

¹⁴³ Cf. *infra*, from chapter 5 onwards.

¹⁴⁴ Cf. *infra*, chapter 4.

2.3.2. The reforms of the core democratic rules adopted by legislature: country-specific factors at play

Figure 5 displays the number of reforms adopted by legislatures, by country, between 1990 and 2010. The patterns that emerge are relatively fragmented. It is clear that legislatures in which three or more reforms were adopted constitute a very small minority of cases, with a maximum of seven reforms in Belgium between 1999 and 2003. One might have thought that there may have been periods of intense institutional engineering across all countries in Europe, during which most of the reforms would have been adopted, but there is no evidence of this. In countries such as Austria, Finland or Portugal, the vast majority of the reforms adopted took place during in the 1990s. In other countries, such as France and the UK, and also Luxembourg, the pace of reforms accelerated at the end of the 1990s, and peaked during the 2000s. In others, like Italy and Belgium, reforms took place over a relatively long period of time, between 1993 and the mid-2000s. In the rest of the countries, a relatively low number of legislative reforms were adopted over time, with no apparent or striking logic behind this. What can explain the instances in which more reforms have taken place?

Figure 5. *Number of reforms adopted for each legislature and country in Western Europe, 1990-2010*

	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Austria	<u>0</u>	4				0	2			0			1			2		1			
Belgium	<u>0</u>	4			2			7					1		1		<u>0</u>				
Denmark	<u>0</u>	0				0		0			0			2		1					
Finland	<u>0</u>	5				3			1				1			1					
France	2		1			3				5					6						
Germany	<u>0</u>	2			1			1				0		2			<u>0</u>				
Greece	2	1		2		1		1			2			0		<u>0</u>					
Iceland	<u>0</u>	1				2			2			1			0		1				
Ireland	1		0			3				1			1								
Italy	1	3	1	4				3					0		<u>0</u>						
Luxembourg	0			0			2				3					<u>0</u>					
Netherlands	0			2			0			0		1			0		<u>1</u>				
Norway	1		0		0				2			1			1		<u>0</u>				
Portugal	3	0			6			1		1		1		1		1					
Spain	<u>0</u>		1		1		0			0			1		<u>0</u>						
Sweden	1	2		3			0			0			0								
Switzerland	1	1			2			0			0			0		<u>0</u>					
UK	0	1			6				3			2			0						

Reading: In Austria, in the legislature lasting between 1991 and 1994, 4 reforms were adopted.

Note: the figures in bold show legislatures in which at least two substantial reforms were adopted. The figures in italic indicate truncated legislatures.

In many of the cases cited above, and in others, political alternation, i.e. changes in terms of leadership and composition of the parties in power, has preceded the adoption of reforms of core democratic rules. Examples include Finland in 1991 and 1995, France in 1997 and 2002, Ireland in 1997, Italy in 1996 and 2001, Portugal in 1996, Sweden in 1994, and the UK in 1997.

In countries such as Finland and Sweden, the sequences of institutional reforms during the 1990s were preceded by deep public concern over the period of economic recession that the two countries experienced in the early 1990s. Evidence of restructuring of existing party systems could be found in countries such as Austria, Belgium, and even more strikingly in Italy. Countries like Belgium and Italy are, moreover, characterised by a high degree of party fragmentation, and a large number of veto players in government and in parliament.

To summarise briefly, both long-term structural elements and short-term contextual factors seem to influence both the number of reforms and the timing of these reforms. Looking only at the overall number of reforms across time, it seems that **majoritarian democracies**, democracies in which the number of **veto players is high**, and with **changing party systems** have reformed more than others. When it comes to the timing of reforms, **political alternation**, periods of **economic and political crisis** and **dissatisfaction** seem to have presented favourable conditions for institutional change. These conclusions are partial, incomplete, and do not really provide a fair description of the consequences of structures, and of context. This will be the object of the next chapter.

Conclusion

This chapter has provided an overview of the reforms of the core democratic rules which have been adopted in Western Europe during the last two decades. We have shown that representative reforms have dominated the institutional engineering agenda, rather than participative reforms. No clear convergence between the European polities is apparent, apart from a relatively strong tendency towards greater decentralisation, the development of direct election, and expansion of the access to suffrage. A surprising result of this study has been the rarity of reforms moving in the direction of more direct democracy, putting into perspective a relatively widespread understanding that the representative model of democracy is increasingly being challenged. When it comes to the actual formal core democratic rules, it seems, to the contrary, that direct democracy remains very marginal in the minds of reformers. In general, the domination of representative reforms shows that participative reforms have complemented rather than challenged the traditional model of representative democracy.

The three hypotheses developed, i.e. that reforms tend to be frequent, inclusive and bundled, have all been confirmed by the general picture, with interesting exceptions for certain

countries and dimensions. Electoral reforms have tended to be less inclusive than reforms in other dimensions. Certain countries have reformed their institutions significantly more than others, for reasons that are yet to be explored, which suggests that the particular structures of their institutional and political systems, or contextual events such as political alternation in particular, may have been key factors contributing to these differences. Moreover, one might add that there is no evidence of periods of general activism in terms of institutional engineering across Western Europe, insofar as reforms have occurred at different times, with no general cross-country pattern. This remark points to the need to analyse circumstances and characteristics specific to each country in order to understand the main country differences, rather than focusing on the general context common to all Western European democracies. Indeed, there are some commonalities in the use of reforms of core democratic rules which have been demonstrated in this chapter. Still, when talking about the propensity to reform core democratic rules, it would seem that this is country-specific, and linked to both the long-term, structural characteristics of each polity, and to the national shocks with which they are confronted.

Chapter 4 Disentangling the long- and short-term determinants of the reforms of core democratic rules: a model for Western Europe, 1990-2010

Authors focusing on institutional reforms in established democracies have mostly shown that change is either the result of gradual trends in the long run or of changes following periods of punctuated equilibrium.⁸⁹ Streeck and Thelen call the former “transformation without disruption” (2005, 4), and Steinmo refers to this as the “evolution of modern states” (2010), whereas Baumgartner and Jones described the latter as “disjoint[ed], episodic, and not always predictable” change (2012, 1). Based on these two perspectives, change is either imperceptible, or very sudden and hard to predict. These theories, moreover, have focused mainly on analysing *how* institutions change, rather than on predicting *when* they might change by identifying moments when change would be more frequent. And yet, the previous chapter has shown that, despite some common tendencies across Western Europe, the differences between countries in terms of the frequency with which they reform core democratic rules are huge, and these are not so easily explained at first glance. Preliminary considerations lead to the reflection that long-term factors spurring dissatisfaction with existing institutions and short-term factors, and indeed the vagaries of everyday politics, constitute determinants which can help to account for the amount of reforms, and the moments at which more reforms of core democratic rules take place. Democratic institutional systems are products of conscious decisions made by political elites and other actors, in response to the challenges and incentives that they face. Therefore, there are strong reasons to believe that parties do in fact adapt institutions. Consequently, it is logical to expect that both long-term conditions and short-term shifts and factors can have significant impact on the propensity to adopt more institutional reforms, and on the number of reforms. This is the case for the level of political support and institutional characteristics, but also for electoral shifts and the changing preferences of elites in power, etc.

The aim of this fourth chapter, which closes the first part of the thesis, is to understand the determinants of reforms of core democratic rules through a macro analysis taking into account both long-term and short-term factors of change. The objective is to disentangle the

⁸⁹ For an early, seminal presentation of this debate, cf. for example, *Structuring Politics* (Steinmo, Thelen, and Longstreth 1992).

enduring features that pave the way for reform, and the short-term shocks that explain why particular numbers of reforms are adopted in particular legislatures. Two dependent variables will be examined: firstly, the total number of reforms adopted per country between 1990 and 2010; and secondly, the number of institutional reforms adopted by legislatures. The former will enable us to investigate the long-term trends and characteristics that impact on the total number of reforms. The latter will focus specifically on the short-term shocks which change from legislature to legislature, in order to explain the variation of this number within countries, and the moments at which reform is more likely.

In the first part, the main theoretical expectations drawn from the existing literature are presented. I focus first on the factors that may be expected to lead to change in the long run: institutional characteristics deriving from a predilection for output-oriented legitimacy, and the lack of political support. Crucially, as this aspect is not usually examined, this section presents theories about the short-term determinants that lead to greater numbers of reforms at particular moments, using the works of authors who have investigated electoral system change. The factors that have been identified include the roles played by public opinion, electoral uncertainty and alternation. In the second part of the chapter, the hypotheses, the models and main variables, and the empirical results will be presented, again using the SIEPOL database. The main hypothesis posits the existence of a link between challenges to legitimacy and certain institutional systems in the long term, and electoral and opinion change in the short term, and more frequent reforms of core democratic rules. In the long term, polities with a lack of political support, majoritarian polities, and when accounting for other factors, democracies with a high number of veto players are reformed more often than others. Focusing on short-term determinants, the results show that rising electoral uncertainty, as measured by volatility, along with the changing preferences of actors in power as measured by the advent of new forces in government, lead to the adoption of greater numbers of institutional reforms in some legislatures.

1. Challenges to legitimacy, institutional characteristics, electoral change, and reforms of core democratic rules

In order to disentangle long- and short-term factors which influence reforms of core democratic rules, it is essential to identify two elements. First of all, certain polities display institutional characteristics and enduring trends that make them more vulnerable than others to pressures for institutional change. Secondly, certain circumstances – or short-term shocks –

produce conditions that lead to greater numbers of reforms at particular moments. I will examine both elements in each of the following sections. Note that although most of the following arguments have focused on the occurrence of change, they can be applied to the issue of the frequency of change as well, or in other words, to more intense moment of institutional activism.

1.1. Change in the long run: the link between institutional characteristics, levels of political support, and reforms

A number of theoretical reflections suggest that majoritarian polities may be particularly vulnerable to institutional change. When it comes to the relationship between veto players, policy inertia, and institutional reforms, the literature has not agreed on the exact relationship between the three elements, and the debate is still ongoing. Finally, the literature provides strong theoretical elements leading to believe that there is a link between low political support and the frequency of institutional reforms.

1.1.1. Output-oriented legitimacy, policy inertia and vulnerability to reforms

Shugart has shown that “extreme” electoral systems are more vulnerable than others to change. He refers to extreme institutional systems as those displaying “poor performance, relative to normal standards for the electoral system in use that results from the mechanical application of the seat allocation principle of the existing system” (Shugart 2008, 9–10). It is possible to expand his reasoning to make assumptions about which institutional systems are more vulnerable than others to institutional change. One could argue that two types of institutional systems may be particularly vulnerable to change in Western Europe, for radically different reasons: majoritarian democracies, because of their reduced capacity to rely on output-oriented legitimacy, and democracies with a high number of veto players, as a result of the difficulties in achieving substantial policy outcomes.

Using Scharpf’s argument (1999), we highlight the existence of two main sources of democratic legitimacy, namely input-oriented legitimacy (based on representivity) and output-oriented legitimacy (based on the quality of policy outcomes and decisiveness). The growing levels of citizen disengagement and scepticism about the traditional democratic process have also been examined, focusing on the high expectations of citizens, the increasing complexity of policy-making, and the increasingly stringent policy constraints faced by decision-makers in

Western European democracies.⁹⁰ I argue that the conjunction of the rising scepticism of European citizens and the reduced capacity to implement policies provides an incentive for Western political elites to reinforce representation and input-oriented legitimacy at the expense of output-oriented legitimacy, on which they have much less capacity to act.

I expect that majoritarian democracies as defined by Lijphart (1984, 1999) are more vulnerable than their consensus-based counterparts as regards the reform of core democratic institutions, as their legitimacy is primarily based on output. Indeed, the institutional design, which allows various institutional devices to concentrate power in the hands of a single actor, or a very small number of actors, can only be justified insofar as it spurs policy capacity and helps to “get things done”. One could go further: there are stronger incentives to enact reforms in polities where the results are “skewed” in favour of the stronger parties. Where power is disproportionately concentrated in the hands of a small number of parties, i.e., to use Shugart's term, in polities that are more “extreme”, elites have both greater motivation (because of the difficulty in achieving output-oriented legitimacy) and more opportunities to achieve reforms. Indeed, if the policy capacity of parties is reduced by a certain number of developments, the institutional framework can be thought of as inefficient, as it does not deliver what it is supposed to deliver. In other words, it is hard to legitimise the concentration of power when policy capacity is lower, meaning that countries where power has remained centralised, such as the UK or France, should be more vulnerable to change than countries where institutional power has been more widely distributed, such as Holland.

Secondly, one might wonder whether the relationship between veto players and institutional reforms is of a different nature than that between veto players and policy reforms. Tsebelis argues that there is a clear relationship between the number of veto players and policy inertia (2002). His argument relies on the fact that policy outcomes are the result of two elements, namely the actors' preferences and the prevailing institutions, which leads him to the following conclusion: “one analytical truth connecting veto players with policy stability is that as the number of vp increases, policy stability does not decrease (a change in the status quo does not become easier, though it may not become more difficult) (...) What is not possible under any set of conditions is to add a veto player and make changes in the status quo easier” (Tsebelis 2010, 4). This is a more relaxed attitude than that of his previous argument, in 2002, when he considered that countries with a large number of veto players were doomed to be characterised by policy stability. Tsebelis' assumptions, however, are based on the idea that a single status quo

⁹⁰ Cf. chapter 2, section 3.1.1.

point exists, that this can be located and identified by the actors, and that these actors hold well-established preferences that allow the win-set of the status quo to be defined. Following his hypothesis, and applying it to institutional change, this means that there should be significantly more reforms in countries characterised by two-party or single-party majorities (and therefore with a low number of veto players) such as France, Greece and the UK, and less in countries characterised by multi-party coalition governments, such as Holland, Switzerland and Belgium.

Since the very early formulations of the veto players hypothesis, disagreements have arisen about the actual relationship between veto players and policy stability. Authors such as Immergut, who developed the notion of veto points before Tsebelis in her work on health policies (1992), shows that the main impact of veto players is to give greater influence to certain interest groups. Bonoli (2012), focusing on pension reform, finds that the number of veto players changes the nature of the policy concessions that must be made, meaning that certain constituencies are more commonly targeted. Crepaz (2002) distinguishes between the impact of institutional and collective veto players, which favour the adoption of reforms through logrolling, while increased numbers of partisan veto players can lead to policy inertia. These authors demonstrate that a higher number of veto players influences both the process and the nature of the deal, rather than leading to policy deadlock. Rahat⁹¹ (2008) assumes the existence of a negative, curvilinear relationship between veto players and reforms:⁹² adopting institutional reforms is easier in instances when power is highly concentrated, or when it is highly dispersed.

Several questions arise when it comes to applying the veto player theory to institutional change. Firstly, it is even possible to apply conclusions drawn in relation to theories concerning veto players and policy stability to institutional stability? Secondly, if so, what is the nature of the relationship between reforms of core democratic rules and veto players? Institutions are typically defined as “*stable*, valued, recurring patterns of behaviour” (Huntington 1965), structuring actions and preferences, and as a consequence, they cannot be considered “just another variable” (Steinmo and Thelen 1992, 9). Many authors argue that changing institutions is (even) harder than changing policies: “Standard models in political science and public policy studies basically focus on three elements: citizens’ preferences, political party’s or candidate’s positions, and

⁹¹ Rahat makes the following argument: “If conventional wisdom tells us that reform requires the concentration of power in the hands of the reformers so that the proposition can overcome the rejection of other actors, here it is suggested that reformers can also take advantage of a situation in which power is highly dispersed. In short, a major claim of this study is that the relationship between power concentration/dispersion and reform should be interpreted as curvilinear rather than linear” (2008, 5).

⁹² Steinmo and Tolbert developed a similar argument about the link between party domination and tax burdens, showing that taxes are lower when there is a single dominant party, or no dominant party (1998).

institutional rules. The typical assumption is that the set of institutional rules is the most stable of these elements” (Colomer 2001, 235). Ironically, the argument is circular and implicitly tautological: institutions are stable because they are institutions, and institutions are, by definition, stable. Actually, not enough longitudinal and cross-national studies have been conducted on institutional reforms to enable us to accept or reject the postulate that policy change works in the same way as institutional change.

At this stage, and in a preliminary macro analysis, one can only make a couple of logical suppositions, working in several directions. To begin with, if one wishes to demonstrate that countries with a higher number of veto players have higher levels of institutional reform than other countries, one might outline two conclusions. Firstly, the actors in such systems have more preferences that motivate them to move towards institutional change than is the case in countries with lower numbers of veto players. Secondly, it would mean not only that the existing institutions do not prevent such change, but that in some cases, they might actually encourage it. Logically, this is not impossible. Considering that the implementation of preferred policies (Müller and Strøm 1999) is among the three main objectives of parties, the difficulties in doing so in environments with many veto players could push actors to try to implement different institutional rules, either to prevent future policy deadlock, or because they cannot agree on anything else. This would imply that institutional change and policy change “complement” each other: one does the former when one cannot do the latter. A less stringent hypothesis would consist of saying that, just as the linear relationship between the number of veto players and policy change has been challenged, the relationship between veto players and institutional change might also be relative, or even non-existent. Indeed, even in complex environments where change is difficult to implement, mechanisms to manage coalition deals, concessions, tradeoffs and complex processes could ultimately serve to enable change. Rahat’s contention (2008, 5) is that institutional reforms can be facilitated, or at least are unimpeded, by the dispersion of power, insofar dispersed power means that no single actor can block a reform. What Rahat implicitly means is that not every veto player actually has veto capacity: this capacity is absolute when the number of veto players is low, but beyond a certain threshold there can be too many actors for anyone to be truly able to block anything, meaning that veto capacity is relative. Hellman, who examines reforms in Eastern European countries, also finds that greater numbers of veto players can actually mean greater change in situations where, because of large, inclusive coalition governments, parties against reforms can more easily be swayed (1998).

1.1.2. Level of political support and reforms of core democratic rules

Considering the fact that parties today face unprecedented challenges to their legitimacy,⁹³ and that political support has reached an all-time low in Western Europe, I have argued that there are three incentives for parties to respond to this context through institutional reforms: to avoid blame; to spread blame among a greater number of political actors in order to dilute political responsibility; and to regain lost political support through a proactive strategy. This reasoning has been labelled the “Gattopardo argument” and shows that political elites are motivated to remain in power, or at least to preserve their own positions within the institutional system, and thus they enact change in situations when they face increased environmental uncertainty and hostility.⁹⁴

There are many tangible examples of the challenges faced by European political elites, which take multiple forms: changing party organisations, rising electoral volatility, the decline of traditional cleavages, the rise of populist parties and other new political actors, and the growing dissatisfaction with political and democratic systems. At this point, I am specifically interested in the link between political support and institutional reforms. Dalton has distinguished no fewer than five spheres of political support: confidence in public authorities (parties, politicians); confidence in political institutions (government, parliament); evaluations of regime performance (satisfaction with the functioning of the democratic system); support for democratic principles; and support for the political community. While shifts in the first of these spheres express “no more than dissatisfaction with the incumbents in office, a normal and healthy aspect in democratic process” (1999, 57), and the last two aspects concern support for the polity itself, which tends to be relatively unproblematic in (most) consolidated Western democracies, the second and the third dimension of political support are interesting for the purposes of this analysis.

The assumption developed in the remainder of the chapter is simple: in the long term, the polities that are the most severely affected by low levels of confidence in political institutions and by public dissatisfaction with the functioning of the democratic system are also the ones in which most reforms of the core democratic rules are enacted. This, again, is a consequence of the *triple incentive* of blame avoidance, blame shifting, and the attempt to regain democratic legitimacy. In this chapter, based on macro analyses, it is not possible to disentangle these motivations from one another. However, one might reasonably assume that polities in which the political institutions are not supported, and in which citizens are unhappy with the workings of

⁹³ Cf. chapter 2, section 3.1.1.

⁹⁴ Cf. chapter 2, section 3.1.2.

democracy, are much more vulnerable. Indeed, this lack of political support expresses a general dissatisfaction that can translate into several different types of political crisis, taking the form of electoral shifts, protests, low voter turnout, etc. Political elites do not operate within a bubble; they do need a certain level of support in order to be able to enact their functions (governing, opposing, implementing policies, etc.). I deliberately ignore the question of the efficiency of institutional reforms in restoring political support. The argument here is that elites tend to react to environments with low levels of political support by enacting more institutional reforms.

1.2. Moments of change: favourable short-term conditions for reforms of core democratic rules

The overall level of political support and the characteristics of institutions can be considered as two elements which structure the environment in which political parties compete and cooperate. However, if one is interested in understanding the timing of reforms and their intensity, then short-term determinants become paramount, and these have been less frequently investigated. I do not expect short-term determinants to entirely explain the choice of recourse to institutional change, or for them to be the main determinants at all. However, they constitute an important part of the picture, in that they mediate the link between the short-term evolution of the political context, and the changing of formal institutions. Previous works on electoral system change offer helpful insights to provide a better understanding of this link. When studying electoral system change, the main explanations dealing with the exogenous determinants of change have fallen into two groups, with the role of electoral and opinion shifts on one hand, and the advent of new political forces in power on the other.

1.2.1. The roles of public opinion and electoral uncertainty on electoral system change

The literature on electoral system change shows that significant attempts have been made to examine the impact of exogenous triggers on institutional change. I have already discussed the theoretical and empirical links that have been established by various authors between situations of acute political crisis, party system change, and alternation, in particular.⁹⁵ Here, I focus on the theoretical link between periods of “relative” political crisis and institutional change, i.e. between

⁹⁵ Cf. chapter 2, section 1.1.2

periods in which the political system is contested, but not truly endangered (when public satisfaction with the existing regime is low), and electoral uncertainty. Finally, I examine how authors have evaluated the impact of alternation on the reform of electoral and institutional rules.

Norris (2011) provides one of the few attempts to find a statistical link between what is broadly understood as democratic legitimacy and electoral reform. Comparing the countries included in the World Value Survey between 1993 and 2004, she shows that there is a link between what she calls “democratic aspirations” (support for democratic ideals) and electoral reform. She finds no evidence of a link between confidence in institutions, evaluation of the democratic performance of a country, and electoral reform. However, these results may have been influenced by the research format, and by the wide variety of countries included, along with the fact that Norris studied the link between the overall level of democratic legitimacy and reform (i.e. the long-term impact of this factor), rather than the impact of short-term shifts on the propensity to reform. Indeed, whereas Norris studied the level of legitimacy as an “inherent” factor of reform (Shugart 2003), just as we did in the previous section, one could argue that shifts in the levels of public trust in political institutions and in the overall level of appreciation of democratic performance might be “contingent” factors for reform (i.e., short-term triggers).

Secondly, among the authors who have studied the link between electoral system change and party system change, Andrews and Jackman (2005) have made a particularly interesting contribution, focusing on the impact of uncertainty on the behaviour of the political actors that are able to implement reform (who they call “strategic fools”). The notion of uncertainty is particularly interesting, as the authors show that such a context encourages political parties to act according to a short-term logic, and can result in miscalculations regarding the anticipated effects of new institutional rules. They argue: “for political actors to engage in reform of the procedures by which they won in the first place, they must come to believe either that existing arrangements will adversely affect their future prospects for winning, or that they face considerable uncertainty, or both” (Andrews and Jackman 2005, 66). The same study also establishes a clear link between uncertainty and electoral shifts, showing that parties base their support for the move to PR (or lack thereof) on their own performance in the most recent election, and tend to favour the retention of majority systems if they over-performed, and the introduction of PR if they under-performed.

1.2.2. Political alternation and institutional and electoral reforms

Another aspect of the literature on electoral system change is particularly relevant for the purposes of our investigation: the impact of electoral success and failure on individual and party support for change. There have been two main interpretations of the impact of winning or losing (alternation) in relation to the likelihood of supporting reform. On the one hand, certain authors have developed the idea that different parties hold different preferences regarding reforms, and that some parties are, for normative or strategic reasons, more inclined to support reform than others. On the other hand, other authors propose slightly more complex interpretations, arguing that incumbency has a systematic effect, leading parties that have been in power for a long time to be less inclined to reform. Regarding the first interpretation, a number of accounts have also introduced a simple, but central idea: that governing and opposition parties tend to have different preferences vis-à-vis what they consider to be the ideal electoral system. This is important, in the sense that the previous accounts of electoral system change focused mainly on the self-interested motivations of political actors (Pilet 2008, Rahat 2004, Renwick, Hanretty, and Hine 2009), arguing that electoral systems are essentially redistributive, in that there must be winners and losers (Tsebelis 1990). Recent works have shown that the positions of individuals and parties in relation to electoral reforms depend largely on their normative motivations regarding what they consider to be the “best” system, regardless of ideology (Bol 2011, Renwick and Pilet 2009). Dealing with minor electoral reforms, Jacobs and Leyenaar (2011) have demonstrated (taking the Netherlands as an example) that when the consequences of a given reform relating to the distribution of powers are unclear for political parties, their support or opposition for that reform is likely to stem from their normative conceptions concerning the desirability of reform.

The second interpretation of alternation, which is based mainly on individual MPs’ opinions on electoral reforms, demonstrates a consistent link between being an incumbent, being in the majority, and low support for electoral reforms (Bowler, Donovan and Karp 2006). This result confirms these authors’ previous findings in relation to political elites’ support for the adoption of direct democracy mechanisms, which showed that incumbents and members of governing parties were significantly less supportive of such reforms (2002). In a similar vein, Bol and Pilet analyse the positions of parties in 13 electoral reform debates, finding that parties that were in government for more than 60% of the time over the last 25 years were significantly more risk-averse and more supportive of existing electoral arrangements, regardless of the reform’s expected consequences in terms of seats (2011).

To summarise, during the empirical investigation into the short-term determinants of the number of institutional reforms by legislature, three factors will be of particular interest: shifting support for the democratic system, rising electoral uncertainty, and winner and loser status. All of these factors can be thought of as facilitating conditions for institutional reforms. Initially, they were thought to apply to electoral reforms. Should these factors also apply to a wider set of reforms? In fact, I argue that there are good reasons to believe that these factors should play an even stronger role for democratic reform in general. Electoral system change is a rather pure example of redistributive reform involving zero-sum games. Elites have vested interests in existing electoral systems, but the existing literature has already proven that vested interests and other barriers can be overcome and lead to reform. Authors increasingly insist on the fact that, outside of outcome-contingent motivations (based on expectations about the anticipated consequences of a reform), act-contingent motivations (based on expectations about the consequences of the very act of supporting a reform) are central to explaining the support for democratic reforms (Renwick 2010; 2011). In the case of reforms where the consequences, in terms of distribution of power, are more uncertain than would be the case with purely redistributive reforms, it is reasonable to think that elites base their judgments on act-contingent motivations and pay close attention to exogenous changes, such as crisis, electoral shifts and voter satisfaction, before making up their minds.

2. Hypotheses, models, empirical results: disentangling long-term and short-term factors of reform

In light of the previous theoretical developments, six hypotheses are developed, in two separate empirical models. In the long term, majoritarian democracies, countries with many veto players and low political support would be expected to have reformed the most. In the short term, I expect more reforms to occur in a particular legislature when the level of public satisfaction with democracy drops, when electoral uncertainty rises, and when alternation occurs. Examining the empirical results in sections 2.2 and 2.3, the macro analysis does provide some evidence to support our three first hypotheses. Secondly, when the short-term determinants of reforms are analysed, shifts in satisfaction levels with democracy appear to have no impact on reforms. However, shifts in the level of volatility and political alternation both consistently appear to affect the number of reforms adopted by legislatures.

2.1. Hypotheses, variables, and model specifications

This chapter's main argument is that in order to understand institutional change, one must make a clear distinction between factors which foster favourable conditions for change in the long term, and the short-term shocks that allow us to explain why reforms happen, and happen in great numbers, at particular moments in time. The following sections will therefore systematically distinguish between the two models, investigating different questions:

- Long-term determinants of change: why have some countries adopted more reforms than others, overall?
- Short-term determinants of change: what conditions explain why more reforms are adopted in certain legislatures than in others?

The main hypotheses and the two different models will be examined successively.

2.1.1. Hypotheses to investigate the determinants of the core democratic rules

a) **Factors creating favourable conditions for change in the long-run**

Two main elements are believed to contribute to reform in the long run: institutional characteristics (H1 and H2), and the level of political support (H3).

H1. Majoritarian polities tend to adopt more institutional reforms than polities in which the power is less concentrated.

This hypothesis is based on the assumption that in majoritarian countries, the fact that power is concentrated in the hands of only a few actors, through institutional mechanisms “skewing” the results in favour of few parties in the electoral arena, is only justifiable when elites are able to achieve a high degree of output-oriented legitimacy. As this is no longer the case in much of Western Europe, it is believed that majoritarian polities have more of an incentive to adapt their institutions than polities where legitimacy is primarily based on input-oriented legitimacy, and therefore, that they have reformed more over time. The more the system favours the electoral victors by disproportionately concentrating power in their hands, the stronger the incentive to reform should be.

H2. The more veto players in a given polity, the more institutional reforms.

There is a lack of agreement in the literature concerning the relationship between veto players and change and stability. Although a large part of the research on the topic has confirmed

Tsebelis' initial theory regarding the existence of a positive link between policy stability and the number of veto players, many subsequent works have also examined this link, and have showed that the link between inertia and the number of veto players was not automatic. The null hypothesis regarding veto players consists of assuming that their impact on the number of institutional reforms adopted over time is indiscriminate. My own hypothesis goes further, stating that more veto players actually lead to more change. If this second sub-hypothesis holds true, there are two possible interpretations. Firstly, it could be because countries with many veto players have mechanisms to "unlock" reform, actually facilitating change. In such cases, these mechanisms would of course have to be carefully examined in the second part of the thesis, particularly in relation to how bundling or non-bundling could affect the adoption of reforms in complex environments. The second possible interpretation goes further: in environments where there are many veto players, there is a greater chance of policy deadlock; countries with many veto players adopt more institutional reforms in order to sort such deadlock out by changing the institutions.

H3. The less political support the political institutions and the democratic system enjoy, the more institutional reforms are performed.

Here, I posit that political elites in power tend to avoid changing the core democratic institutions unless they feel compelled to do so by the lack of political support, citizen dissatisfaction, uncertainty and a lack of legitimacy. This hypothesis presupposes that political elites deem a certain level of political support for their performance of democratic functions desirable.

b) Factors spurring change in the short-run

The main theoretical assumptions can be summarised quite simply. Poor levels of satisfaction with the democratic system, rising electoral uncertainty and the arrival of new political forces with distinctive preferences within the legislature encourage institutional reforms. I enquire about three main variables to explain the impact of the short-term context on institutional reforms: shifts in support for the functioning of the democratic system (measured by shifts in levels of satisfaction with democracy), the rise of electoral uncertainty (measured by increased volatility), and changes in preferences of governing actors (measured by alternation). The two first explanatory variables reflect changes in the political environment, while the third reflects shifts in the preferences of actors in power. The number of veto players, the level of constitutional rigidity, the ideological orientation of the parties in the legislature and economic growth, all serve as control variables.

H4. When the level of satisfaction with the way democracy is working drops, the number of institutional reforms adopted in a legislature increases.

Expanding Norris' assumptions, this fourth hypothesis assumes that when the level of political support for the democratic system drops, there is greater pressure to adopt institutional reforms, as parties must respond to public dissatisfaction with the democratic system through institutional change. This also posits, firstly, that a drop in the level of political support reflects citizens' perceptions of a malfunctioning institutional system and dissatisfaction with the way it works, and secondly, that political parties are actually able to perceive these drops and to react to them quickly.

H5. When the level of volatility in the electoral arena rises, the number of institutional reforms adopted in a legislature increases.

The level of volatility can be thought of as the tangible expression of shifts of electoral preferences from one election to another, and of the level of electoral uncertainty that political actors must deal with. Each political system has an inherent level of volatility that is linked with the structure of its party system and the number of parties competing. Any *rise* in the level of volatility, compared to this "structural" level, is the translation of rising uncertainty about the balance of power between the different parties. This in turn may well be the result of dissatisfaction with the political system, as illustrated, for example, by the unprecedented levels of volatility observed in Italy in 1994, or in Ireland in 2011, in the aftermath of a very severe crisis of legitimacy for political elites. In such cases, volatility implies a level of uncertainty affecting all parties. As a consequence, I hypothesise that when the level of volatility rises between one election and the next, more institutional reforms should be seen in the following legislature.

H6. When political actors previously in opposition come into power, the number of institutional reforms adopted in a legislature increases.

Thirdly, I expect that as political alternation brings parties into power that were previously in opposition, it is a strong incentive for institutional reforms, as it gives new parties political opportunities to carry out reforms, which they may not have had the capacity to do previously. This assumes that governing and opposition parties have, over time, developed different preferences in relation to institutional reforms. It also means that when former opposition parties come into government, they have opportunities to change a system with which they were less satisfied than previous incumbents, supporting the conclusion that parties which were previously in opposition tend to be more reformist and less risk-averse. In any case, the expectation is

simple: alternation brings parties with different preferences in relation to the institutions into power, meaning that more reform takes place when incumbents lose elections.

2.1.2. Determinants of reforms at the macro-level: variables and models

The first set of models, testing the first three hypotheses, focuses on the macro level for the period 1990-2010, taking each of the 18 countries of the SIEPOL database as a unit of analysis. The dependent variable used is the number of reforms adopted by country between 1990 and 2010, ranging from 3 (Denmark) to 17.⁹⁶ The empirical analyses will consist of simple linear regressions⁹⁷ and of descriptive scatter plots with fitting lines showing the linear relationship between the number of reforms and our key explanatory variables. As the number of cases is low (18), one must bear in mind that the results are very much dependent on the model specification, and sensitive towards extreme values. It also means that the models include few independent variables each time. For each regression, the countries that influence the results in a particular manner will be singled out.

In the macro analysis, five independent variables have been investigated. The first four deal with important institutional characteristics of the 18 polities included. Indeed, the most obvious explanation coming to mind when investigating the occurrence of reforms is that reforms are more difficult in instances when the rules of reform are more stringent, and veto points more numerous. Firstly, I have looked into the average number of partisan veto players (1), measured as the average number of parties present in the government between 1990 and 2010. The second variable, used here as a control, is the level of constitutional rigidity (2) of each of the 18 countries, measured on a scale ranging from 1 to 4, from the least to the most rigid.⁹⁸ The distinction between what Tsebelis calls partisan and institutional veto players is justified by results showing that indexes of veto players mixing primary structural characteristics and characteristics deriving from the competition within those systems tend to measure different things, and should be separated (Roller 2005). I have selected veto players measures as parsimonious as possible (number of parties in government for partisan veto players, constitutional rigidity for institutional

⁹⁶ Cf. chapter 3, figure 4.

⁹⁷ I have systematically tested important assumptions for linear regressions, i.e. linearity, independence of the errors, homoscedasticity of the errors, and normality of the residuals. The existence of outliers and data points influencing crucially the regression coefficients, given the very low number of data points, was also of great concern and systematically examined.

⁹⁸ Cf. appendix 5.

veto players).⁹⁹ Indeed, I am interested in the degree to which the constitution sets obstacles in the path of institutional reform. In this regard, it is better to look at constitutional rigidity rather than at a number of institutional characteristics that are less relevant to the analysis. Turning to partisan veto players, Roller (2003) has shown that the parsimonious measure of the number of parties in government performs as well, if not better, than more complex indexes.

I then investigate majoritarian vs. non-majoritarian democracies (3), based on Lijphart's classification using a set of five measures between 1976 and 1996 (Lijphart 1999).¹⁰⁰ All parties loading negatively on the executive-parties dimension are considered as majoritarian, i.e. Greece, France, UK, and Spain. The final institutional characteristic I examine is the average level of disproportionality between seats and votes (4) as measured by the Gallagher index (Least square index, 1991) including all elections taking place between 1990 and 2010.¹⁰¹ The index ranges from 0 (perfect proportionality) to 100 (complete disproportionality). Therefore, the higher the index, the higher the disproportionality between votes and seat distribution.¹⁰² This is a synthetic measure of the level of "skewedness" exhibited by a given institutional system in favour of the winners of the elections, giving them a disproportionate amount of seats.

The fifth explanatory variable, and by far the most important theoretically, is a measure of the average level of political support (5) registered in each country between 1990 and 2010. This scale of political support, ranging theoretically from 0 to 100%, synthesises measures of the trust for the political parties, the parliament, the government, and the level of satisfaction with the way democracy works, averaged by country for the period 1990-2010. Each of the four measures included in the scale is the average of respondents who trust the institutions "a great deal" or "quite a lot", and who are "very" or "fairly" satisfied with democracy,¹⁰³ based on the

⁹⁹ Tsebelis initially defined the institutional veto players as the chambers and presidents. He considers that "institutional veto players are usually determined in the constitution of a country" (Tsebelis 2000, 469).

¹⁰⁰ Cf. chapter 1 section 1.1.1.

¹⁰¹ Gallagher's disproportionality index, most commonly referred at as the Least squares index (LSq), measures disproportionality between the distributions of votes and of seats, based on the following formula:

$$LSq = \sqrt{\frac{1}{2} \sum_{i=1}^n (V_i - S_i)^2}$$

This involves taking half the sum of the squares of the difference between percent of vote and percent of seats for each of the political parties.

¹⁰² Gallagher's least squares index is more popular than other disproportionality measures, such as those of Rae (1969), Loosemore and Hanby (1971), and Lijphart (1994), as it is the most widely used and is better at accounting for the impact of a few large deviations compared to many small ones, thereby best conveying the disproportionality of a given electoral system.

¹⁰³ Cf. appendix 5. As these variables were transformed into a scale, Cronbach's alpha test was performed in order to make sure that these variables measured the same concept, i.e. political support. The test

Eurobarometer for EU countries, and the World and European Value Survey and the Comparative Study of Electoral Systems for non-EU countries (Iceland, Norway and Switzerland). The number of data points unfortunately varies from country to country and from indicator to indicator, with an effort to use the measures which provide the most data points by country (Eurobarometer in most cases). Finally, the 18 countries present in the database have extremely varied population sizes. In order to avoid overstating the relationship between independent and dependent variable because of small countries “counting” as much as big ones, I have created a variable based on the number of registered voters in the most recent election held in each of the 18 countries, in order to be able to weight according to the number of voters in the scatter plots, and to control for the eventual presence of a “country size effect”.

Table 7. *Values of the dependent and independent variables for the macro-analysis of the determinants of the reforms of core democratic rules, 1990-2010*

	Constitutional rigidity	Majoritarian	Lsq	Partisan veto players	Political support	Number of reforms
Austria	2	No	1.9	2	50.3	10
Belgium	3	No	3.5	4.8	41.7	15
Denmark	3	No	1.5	2.3	63.2	3
Finland	2	No	3.4	4	52.9	11
France	3	Yes	18.6	2.4	34.1	17
Germany	3	No	3.2	2.6	37.6	6
Greece	2	Yes	6.8	1	38.9	9
Iceland	4	No	2.2	2.1	42.5	7
Ireland	3	No	5.4	2.3	43.5	6
Italy	2	No	6.5	4.9	28.6	12
Luxembourg	2	No	4	2	60.7	5
Netherlands	4	No	1	2.7	55.6	4
Norway	3	No	3.4	2.2	59	4
Portugal	2	No	5.3	1.1	38	13
Spain	3	Yes	5.9	1	43.4	3
Sweden	2	No	1.9	2	50	6
Switzerland	2	No	3.2	3.9	53	4
UK	1	Yes	16	1	38.1	12

Source: see Appendix 5 for the construction of the variables

yielded very satisfactory results with $\alpha = 0.91$. Other tests showed that the measure including all four items was necessarily preferable to a more synthetic one.

2.1.3. Determinants of reforms by legislature: variables and models

In order to test for hypotheses 4, 5 and 6, and the expected relationship between shift of political support, rising political uncertainty, alternation, and institutional reforms, the dependent variable examined is the number of institutional reforms adopted in 116 legislatures in 18 Western European democracies from 1990 to 2010, first drawing a model for all reforms adopted in that period, and then evaluating the robustness of the model and its sensitivity to the dimensions included.

a) The dependent variable: the number of institutional reforms adopted by legislature

The following analyses are drawn from the database “Institutional Change in Advanced European Democracies” presented in detail in the previous chapters, which includes 18 countries and six dimensions of reforms between 1990 and 2010. The unit of analysis is the legislature, and the dependent variable the number of reforms adopted in a given legislature. For the models that take all the reforms into account, this number ranges from zero to 7, with almost two-thirds (63%) of the legislatures adopting at least one institutional reform.¹⁰⁴ The number of reforms adopted was preferred to a different dependent variable, such as a dummy variable reform/no reform. It offers a much more sensitive measure, without assuming arbitrary thresholds, considering for example that the crucial difference to investigate is that between zero reform and some reforms. Moreover, as at least one institutional reform has occurred in the majority of the legislatures, focusing on the frequency of reforms and not only on their occurrence enables to understand periods spurring more intense institutional activism. The first issue is to find the appropriate method to investigate this dependent variable, characterised by several aspects: its distribution is not normal, discrete, and it constitutes count data.

b) Explanatory variables and control variables

The first explanatory variable concerns shifts in the level of satisfaction with the way democracy functions. Ideally, testing for the impact of shifting support for political institutions, and satisfaction with the way democracy works in a given country might provide appropriate answers to the question of the link between shifts of support and institutional reforms. However, appropriately assessing the shifts between one legislature and another would require a large number of data points in time, preferably each year since the period covered is reduced. Such data only exists for the purposes of evaluation of the level of satisfaction with the way democracy is working in a given country, meaning that I will restrict the analysis to this aspect of political

¹⁰⁴ Cf. *supra*, chapter 3, table 2.

support. The variable used is the shift in percentage of the aggregate level of respondents in a given country who say they are “very satisfied” or “fairly satisfied” in response to the Eurobarometer trend question: “are you satisfied with the way democracy is functioning in your country?”

The second explanatory variable is the shift in percentage in the level of total volatility, which is defined by Bartolini and Mair as the “measure of the net electoral change between two consecutive elections” (1990, 17), and using the Pedersen index (1979).¹⁰⁵ This second explanatory variable is a proxy for the level of uncertainty relating to each election, with the underlying idea that the more significant the shifts between one election and the next, the more unstable the party system and the electoral environment. The third and final explanatory variable is the level of political alternation at the beginning of a given legislature. This is a dummy variable, defined as the concomitance of a change in the political orientation of the cabinet and a change in the head executive. The ideological orientation of the cabinets in each legislature is assessed based on a specific literature review which correctly classifies parties in each country.¹⁰⁶

The first control variable is the aggregated number of partisan veto players in the government for each legislature (measured as the number of parties present in the government), thus controlling for the eventual effects of governmental configuration on the occurrence of institutional reforms. The second control variable is the level of constitutional rigidity of each of the 18 countries, measured on a scale from 1 to 4, from the least rigid to the most rigid (Appendix 6). The third control is the ideological orientation of the cabinets in the legislature: left/centre-left, right/centre-right, and grand coalition.¹⁰⁷ Finally, given our reflection about the link between economic crisis, political legitimacy and institutional reforms, I also include the

¹⁰⁵ The formula is the following: Total Volatility = $|PiV| + |PjV| + \dots + |PnV| / 2$ with $|PiV|$ being the change in absolute terms of the vote for party i from one election to another, $|PjV|$ the change in absolute terms of the votes for party j from one election to another. The total sum is divided by two to avoid counting twice losses and gains.

¹⁰⁶ The classification of cabinets as centre-left, centre-right or grand coalition cabinets was not always straightforward, especially in countries characterised by large coalitions (such as Belgium, Finland, Italy and the Netherlands), or by a political system not necessarily defined by left-right dimensions (Ireland). Grand coalitions were defined as government coalitions including **all of the main parties in power** at once. In Germany, a grand coalition would consist of the FDP, CSU-CDU and the SPD, for example. For instances when one or several of the main parties were excluded, and the cabinet still contained left-wing and right-wing parties, we looked at the prime minister in order to know whether the cabinet should be classified as a left-wing or right-wing cabinet. All of the cabinets in Ireland were classified as centre-right, given the fact that the two main parties, Fine Gael and Fianna Fáil, cannot be described as centre-left.

¹⁰⁷ In the few cases where the ideological orientation of the cabinet changed during the legislature, I classified the legislature as left/centre-left, right/centre-right, or grand coalition based on the cabinet that lasted longer. When caretaker cabinets took over, like in Belgium (Verhofstadt III in 2007), Italy (Dini in 1995) and in the Netherlands (Balkenende V in 2010), I considered that they could be included within the category of “grand coalition”.

average level of economic growth in each legislature as a control variable, although the fact that the timeframe of this paper stops in 2010 does not really enable precise investigations to be conducted on this point.¹⁰⁸

c) Specification of the model

For the analysis, I have used negative binomial regression, which is a subcategory of event count models. Event count models are statistical models in which the dependent variable is a count of events, in this case, the number of institutional reforms adopted in a given legislature, therefore consisting of discrete, non-negative integer numbers. They constitute a generalisation of the linear model. The traditional OLS regression cannot account for the discreteness and functional form of the dependent variable, which would lead to biased estimators. These models are estimated using maximum likelihood. To model the dependent variable, the negative binomial regression was chosen over the Poisson regression, because of the issue of over-dispersion of data (Appendix 7). Indeed, Poisson regressions have stringent requirements, i.e., that the conditional mean is equal to the conditional variance. Over-dispersion can be interpreted as a violation of the requirement that counts are independent from one another (Hilbe 2011, 2). Its consequences on the estimators can be interpreted in a similar way, as a violation of the assumption of homoscedasticity in the linear regression model, meaning that the goodness of fit of the model is overestimated (Cameron and Trivedi 2001).

Secondly, all of the statistical models presented below use clustered standard errors, to correct for the violation of the assumption that standard errors are independently and identically distributed. Here, the observations within groups (i.e. the 18 countries) are correlated in an unknown way, leading to biased standard errors and therefore biased inference in the absence of correction. Clustered standard errors have been preferred over robust standard errors, which are only adequate if the number of clusters exceeds 50. The overall fit of the models was estimated using the Wald test, a likelihood ratio test which compares the fit of the estimated model with a null model where all parameters are held at zero.

¹⁰⁸ Thus far, there is no really well-established literature on the link between economic crisis and institutional reforms, but this constitutes one of the most promising research tracks for academics interested in the link between macroeconomic developments, popular legitimacy, and institutional reforms. Cf. for example a workshop organised by Kristof Jacobs and David Farrell in Leiden in 2013 called “Crowd-pleasers or key janglers? The impact of drops in political legitimacy on democratic reform and their consequences”, or the panel “Economic recession, democratic recession?” in the 2014 Joint Sessions in Salamanca.

2.2. Patterns of reforms of the core democratic rules in the long term: the centrality of political support?

2.2.1. The evidence for linear relationships between political support, disproportionality and reforms of core democratic rules

The aim of this macro analysis is descriptive rather than predictive, given the low number of cases and opportunities for statistical analyses it offers. Before examining the results of the regressions, one should have a look at the linear relationships between our main continuous and discrete independent variable and the dependent variable, i.e. the total number of reforms: least squares index, number of partisan veto players, and level of political support. When examining the coefficients of correlations of these three variables with the total number of reforms, there seems to be, as expected, a relatively statistically significant negative relationship between political support and total number of reforms: (correlation of -0.66, $p < 0.01$) and a positive relationship between disproportionality and the number of reforms (correlation of 0.60, $p < 0.01$). On the other hand, there is weak positive correlation between the number of partisan veto players and the number of reforms, but this is not statistically significant (0.23, $p > 0.10$). The scatter plot (Figure 6) displaying the relationship between the level of disproportionality and the total number of reforms (weighted by number of registered voters) indeed confirms the existence of a linear relationship. Clearly, the two countries in which such disproportionality is most pronounced (France and the UK, the only ones that use a purely majoritarian electoral system), have strong influence on the relationship between the two variables. Significant outliers include Belgium, Portugal and Italy in particular, wherein a higher number of reforms were adopted than could be predicted by the linear relationship between disproportionality and reforms. A similar scatter plot for partisan veto players (average number of parties in government) displays a vaguely positive relationship, but there is no evidence whatsoever that this result is statistically robust, with the vast majority of the countries falling outside of the confidence interval (Figure 7).

Figure 6. Total number of reforms of the core democratic rules on least squares index in 18 European democracies, 1990-2010

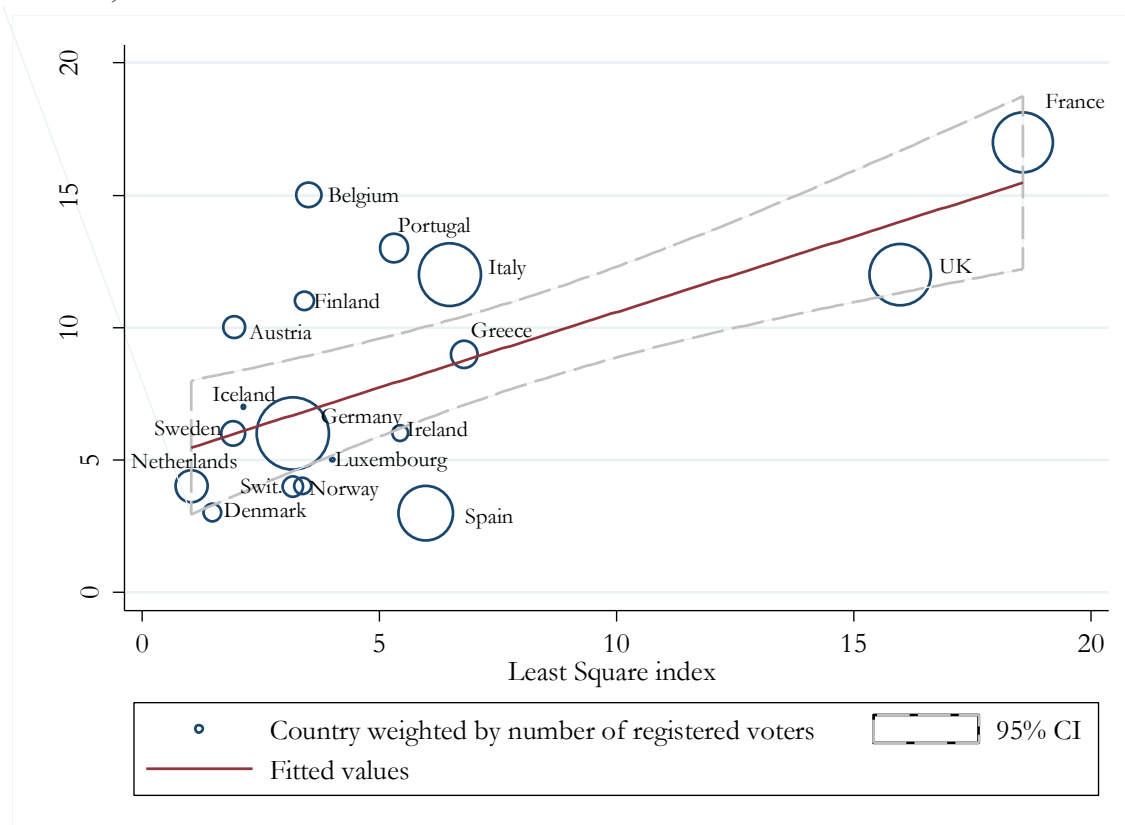
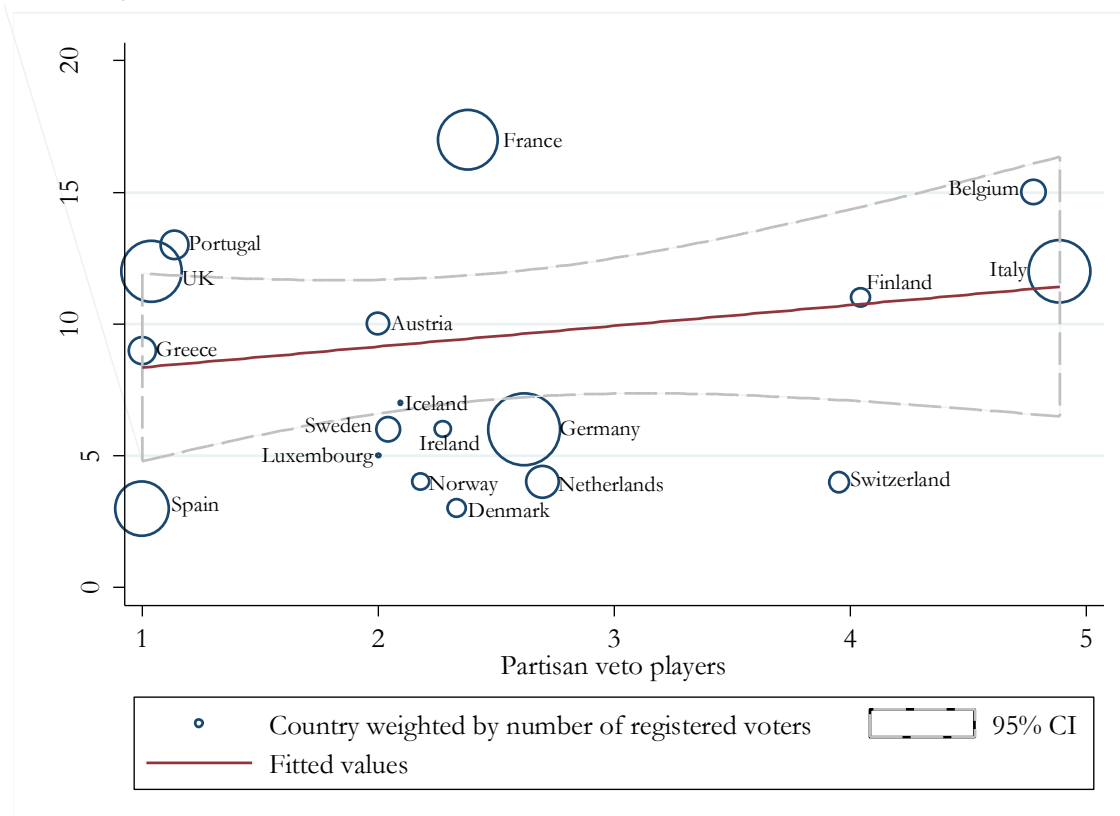
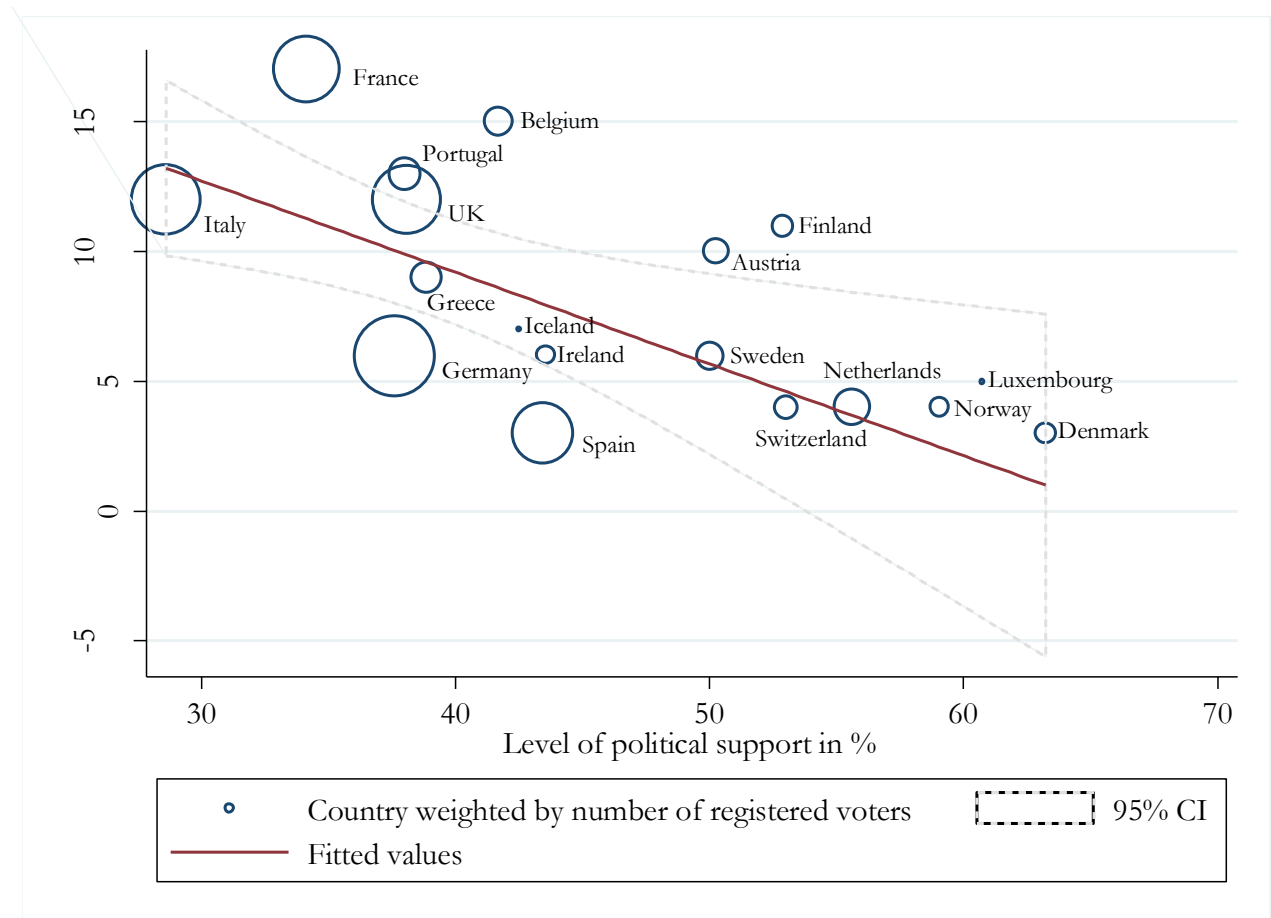


Figure 7. Total number of reforms of the core democratic rules on partisan veto players in 18 European democracies, 1990-2010



Finally, on investigating the scatter plot of the relationship between the number of reforms and the level of political support (Figure 8), weighted by the number of registered voters, there is relatively clear evidence of a linear and negative relationship between the two variables. The higher the level of political support (measuring the confidence towards institutions and the satisfaction with the functioning of democracy), the lower the number of reforms adopted between 1990 and 2010. For example, in Italy, where the level of political support only reaches 28.1%, the predicted number of reforms would be around 13, whereas for Denmark, the country displaying the highest level of political support (63.2%), the fitting line indicates that around 2 reforms should be adopted (3 were adopted in reality). Certainly, the relationship is not perfect: this scatter plot also displays significant outliers, such as France, where more reforms are actually adopted than would be expected, or Germany and Spain, where the actual number of reforms adopted is smaller than the linear relationship would suggest.

Figure 8. *Total number of reforms of the core democratic rules on political support in 18 European democracies, 1990-2010*



Therefore, the descriptive statistics seem to support hypotheses 1 and 3 and to disprove hypothesis 2. Majoritarian democracies where the institutional system is particularly skewed in

favour of the winners of elections (so France and the UK, in particular) seem to be more vulnerable to institutional reform than countries in which power is dispersed. There is, at this stage, no evidence that the number of partisan veto players affects the number of institutional reforms adopted in a polity, either positively or negatively. Finally, there appears to be evidence suggesting that polities in which the level of political support is particularly low are, in the long run, much more likely to adopt many institutional reforms than their counterparts in which there is stronger public support for the institutions and the way democracy is working.

2.2.2. The evidence from the linear regressions: the impact of disproportionality and political support

The following steps are intended to determine whether the results suggested by the descriptive analysis are confirmed by linear regressions, as well as to investigate the explanatory power of the different variables.¹⁰⁹ In order to identify the outliers, the observations with large residuals were pointed out, as were those with large leverage (points with extreme values on the predictor variables).¹¹⁰ These models (Table 8) focus on the impact of certain institutional characteristics (majoritarian democracies, disproportionality of votes/seats, and number of parties in government), and of the level of political support for the reforms of the core democratic rules. Yet other, simpler explanations may seem equally or even more plausible, such as the degree of constitutional rigidity, indicating the difficulty involved in modifying institutions. This was tested in model 1. The proportion of variance explained is virtually null, and the coefficient, although it is negative, is not statistically significant: there is no evidence that countries with higher levels of constitutional rigidity actually reform less than other countries. In this model, France appears as an outlier (studentised residual > 2), but this does not impact on the predictive quality of the model.¹¹¹ Model 2 tests for the impact of two institutional characteristics on the number of reforms: the fact of being a majoritarian democracy, and the number of

¹⁰⁹ All of the five models have also been run controlling for the number of registered voters, to account for an eventual “country size effect”. The coefficients are never statistically significant, except in model 5 where the size of the country has an extremely small negative effect, all other variables being held constant. Overall, I consider there is no conclusive statistical evidence and the models are therefore reported without this control variable. Cf. appendix 8.

¹¹⁰ The methods used to perform these regression diagnostics are presented in the following extremely didactic web book: Chen, X., Ender, P., Mitchell, M. and Wells, C. (2003). Regression with Stata, from <http://www.ats.ucla.edu/stat/stata/webbooks/reg/default.htm>

¹¹¹ A studentised residual is the quotient that results from the division of a residual by an estimate of its standard deviation. When this quotient is more than 2, this indicates that the observation is an outlier. This is not problematic so long as the leverage of the same observation (its influence on the regression coefficients) is not too high. A test plotting the leverage of each observation on the residuals was systematically conducted.

partisan veto players (parties in government). Both coefficients are positive, and statistically significant, although the proportion of variance explained is quite low (14%). The results suggest that the four majoritarian democracies (France, Greece, Spain and the UK), all other factors being held constant, have adopted 5.1 more reforms than their consensus counterparts. Secondly, the model shows that when the average number of veto players in the government rises by one, 1.7 additional reforms are adopted. This goes against the descriptive analysis, which did not show conclusive evidence of a relationship between the number of veto players and the number of institutional reforms adopted. Therefore, one should be quite cautious in interpreting these results, and consider that these may only hold when other variables are controlled for, particularly as several observations appear as problematic outliers: France, Belgium, Spain and Portugal.¹¹²

Table 8. *Determinants of the number of reforms of the core democratic rules in Western Europe, 1990-2010*

	Model 1	Model 2	Model 3	Model 4	Model 5
Degree of constitutional rigidity	-1.691 (1.322)				
Index of political support				-0.289 ** (0.083)	-0.171 * (0.092)
Majoritarian democracy		5.145 * (2.646)			
Least squares index			0.634 ** (0.172)		0.420 * (0.197)
Mean number of parties in government		1.720 * (0.934)	1.371 * (0.670)		1.128 * (0.636)
Constant	12.489 ** (3.516)	2.773 (2.818)	1.471 (2.195)	21.544*** (3.931)	11.067 * (5.580)
Number of observations	18	18	18	18	18
Adjusted R2	0.04	0.14	0.44	0.39	0.51

Note: Coefficients are the result of ordinary least-squares regression; standard errors are in parentheses; the dependent variable is the number of reforms adopted between 1990 and 2010

*p < 0.1; **p < 0.05; *** p < 0.01

Model 3, keeping the variable on partisan veto players, tests for a more specific variable: the impact of the disproportionality of the electoral results on the total number of reforms adopted. The classification as majoritarian democracies based on Lijphart's typology corresponds to multifaceted aspects of institutional arrangements. Here, I test for a very specific aspect: what is the impact of having systems that disproportionately reward big parties in terms of seats for the

¹¹² When the same regression is conducted without the four outliers, the proportion of explained variance doubles, and majoritarian democracies adopt on average 6.2 reforms more than others. However, it makes little theoretical sense to exclude four countries from an already limited database. The results without them are therefore only mentioned indicatively.

number of institutional reforms? The results show that there is a statistically significant, strong positive relationship between the least squares index (measuring disproportionality) and the number of reforms. For example, a country in which the least squares index is 10% will adopt, on average, roughly 5 more reforms than a country where the least squares index is 2%. In this model, the number of partisan veto players is again positively associated with the number of reforms, but the coefficient is lower than in model 2. The proportion of variance explained is much higher (44%). There is only one problematic outlier: Belgium. Crucially, it appears that when this country is excluded from the regression, the number of partisan veto players is no longer statistically significant. On the positive relationship between the least squares index and the number of reforms, there are several possible explanations for the underlying causality. Firstly, countries in which there is greater disproportionality between votes and seats typically reward the winners, allowing them more room to manoeuvre thanks to their “extra” seats. Secondly, small shifts in votes may lead to bigger shifts in terms of seats, making these systems more prone to big changes in terms of both the composition of parliament and in the balance of powers between parties. Finally, these disproportional countries are typically majoritarian democracies.

Model 4 tests for the link between political support and institutional reforms. The strong, statistically significant, and negative relationship suggested by the descriptive statistics is confirmed. A country in which the level of political support stands at 65% adopts an average of 10 less reforms than a country in which the level of political support stands at 30%. This sole variable allows us to account for no less than 39% of the variance, a very fair share for a model with a single variable. France is the only significant outlier, but its exclusion from the model does not alter the results substantially.

Finally, model 5 tests for the impact of disproportionality, the number of partisan veto players, and the level of political support when each of the three variables is controlled for at once. The three variables remain statistically significant. On average, when all other factors are held constant, a country in which the disproportionality of votes/seats stands at 10% adopts 3.4 more reforms than a country where the disproportionality level stands at 2%. Countries with an average of five parties in government adopt an average of 3.4 more reforms than polities in which there are an average of two parties governing together. Finally, controlling for institutional characteristics, polities where the level of political support reaches 65% adopt six less reforms than those where the level of political support is as low as 30%. This final model explains 51% of the variance, which is not bad given the fact the model is parsimonious and only considers long-

term, structural variables. Belgium is, once again, the problematic outlier. Its exclusion alters the results quite significantly, as partisan veto players are no longer statistically significant.

The impact of veto players, however small, and despite the strong influence of Belgium, remains quite puzzling. I had suggested in the hypotheses that a positive relationship between veto players and institutional reforms could be a consequence of policy deadlock, which makes institutional reforms more attractive. In order to test for this idea, I have conducted further investigations to understand whether the level of policy effectiveness (understood as the ability to enact efficient, long-term policy change as measured by the Worldwide Governance Indicators project)¹¹³ was linked with the number of partisan veto players. In fact, there is no such evidence at all: the two variables are clearly independent. Policy effectiveness, on the other hand, is very positively correlated with the level of political support (0.72, $p < 0.01$). Therefore, the only thing we can conclude is that the existence of this slight positive relationship between partisan veto players and institutional reforms, when other things are constant, may have to do with the equal or superior capacity of *certain* countries with many veto players to secure deals on institutional reforms, independently of their policy capacity and results (such as Belgium).¹¹⁴

To conclude, the empirical evidence drawn from descriptive and linear regressions supports the first three hypotheses. Majoritarian democracies, and particularly democracies where the disproportionality and the skewing of the electoral system in favour of the big winning parties is high, do tend to adopt more reforms than others. When controlling for the state of being a majoritarian democracy, disproportionality and/or the level of political support, there is a small amount of relatively consistent evidence to suggest that countries with more veto players adopt more reforms than others, although the reasons and mechanisms behind this cannot be satisfactorily investigated without case studies, and these results appear to be very strongly influenced by particular countries. Finally, and most importantly, there is consistent and convincing evidence suggesting that institutional reforms in Western Europe between 1990 and 2010 were much more numerous in polities where the support for political institutions and the satisfaction with democracy was low than in others. Does this create a favourable environment

¹¹³ This indicator was developed by the World Bank within the realm of the Worldwide Governance indicators project. “Government Effectiveness” combines into a single grouping responses relating to the quality of public service provision, the quality of the bureaucracy, the competence of civil servants, the independence of the civil service from political pressures, and the credibility of the government’s commitment to policies. The main focus of this index is on “inputs” required for government to be able to produce and implement good policies and deliver public goods. Source: The Worldwide governance indicators project of the World Bank. <http://info.worldbank.org/governance/wgi/index.asp>

¹¹⁴ This idea will be investigated at length in the Italian chapter (Cf. chapter 8).

for reform in the long run, or do shifts in the level of political support also affect the *timing* of reform?

2.3. Short-term determinants of reforms: the centrality of shifts in the electoral arena

The following section presents six models, in which the dependent variable is the total number of reforms adopted by legislature. They show evidence of the central role of shifts in the level of total volatility and political alternation in explaining why more reforms are adopted in certain legislatures than in others. In other words, the predicted number of reforms depends, to a great extent, on shifts in the electoral arena. Also, in looking at extreme legislatures, in which a particularly high number of reforms were adopted, suggestions will be presented concerning the mechanisms linking political uncertainty (volatility), the advent of new forces in power (alternation) and the number of reforms in a legislature.

2.3.1. The role of alternation and shifts of volatility evidenced

The results are reported using incidence rate ratios for matters of readability and interpretation, with the 95% confidence intervals in parentheses to evaluate the uncertainty of the coefficients (Table 9). Model 6 comprises only the control variables. The results suggest that constitutional rigidity has a negative and statistically significant effect on the number of reforms adopted in a legislature, whereas the number of veto players within the government has, all other variables being constant, a positive and statistically significant effect on the number of reforms adopted. The level of growth does not reach statistical significance, and there is no evidence that the ideological orientation of the legislature plays any part in the number of reforms adopted. The positive effect of the number of partisan veto players tends, once again, to go against the assumptions of the literature stating that more veto players mean greater stability. Model 7 investigates the effect of the evolution of the average level of satisfaction with democracy¹¹⁵ and the number of institutional reforms adopted in a legislature. The results do not support the fourth hypothesis, as there is no evidence of a statistically significant relationship between drops in satisfaction with democracy and the number of reforms adopted. The seventh model shows that, consistent with hypothesis 5, the evolution of volatility has a positive and statistically strong, significant effect on the number of reforms adopted by the legislature: the more volatility rises

¹¹⁵ In models not reported here, I tested for the effect of the lagged evolution of satisfaction with democracy, which did not lead to meaningful results either.

compared to the previous election, the more reforms adopted: if volatility rises by 1%, the rate of reform rises by a factor of 1.003. As the coefficients cannot be readily interpreted in negative binomial regressions, even using the incidence rate ratios, the predicted number of reforms for different levels of volatility was calculated, holding all other variables at their means (Table 9).

Table 9. *Determinants of the number of institutional reforms adopted by legislature in Western Europe, 1990-2010*

	Model 6	Model 7	Model 8	Model 9	Model 10	Model 11
Evolution of the level of satisfaction with the way democracy works in %		1.006 (0.99-1.02)				1.005 (0.99-1.01)
Evolution of the total volatility in %			1.003 ** (1.00-1.01)		1.002 * (1.00-1.01)	1.003 ** (1.00-1.01)
Alternation in government				1.876 *** (1.46-2.41)	1.708 *** (1.34-2.18)	1.567 *** (1.14-2.15)
Degree of constitutional rigidity	0.753 ** (0.60-0.94)	0.762 ** (0.60-0.98)	0.754** (0.58-0.97)	0.776** (0.61-0.99)	0.774 * (0.60-1.00)	0.787 * (0.60-1.04)
Number of parties in the government	1.138 ** (1.01-1.28)	1.103 * (1.00-1.22)	1.126 ** (1.01-1.25)	1.079 (0.64-1.22)	1.081 (0.96-1.21)	1.056 (0.96-1.17)
Ideological orientation (ref. cat.: left/centre left)						
<i>Right/centre-right government</i>	1.221 (0.76-1.98)	1.221 (0.74-2.00)	1.232 (0.76-1.99)	1.310 (0.82-2.09)	1.308 (0.82-2.09)	1.281 (0.79-2.07)
<i>Grand Coalition government</i>	0.838 (0.48-1.45)	0.820 (0.45-1.49)	0.862 (0.51-1.46)	0.962 (0.58-1.59)	0.966 (0.58-1.60)	0.930 (0.52-1.65)
Growth	1.074 (0.98-1.16)	1.053 (0.95-1.17)	1.083 * (0.99-1.18)	1.083 (0.98-1.19)	1.088 * (0.99-1.19)	1.073 (0.97-1.19)
Observations	116	110	116	116	116	110
Number of clusters	18	18	18	18	18	18
Alpha	0.468 (0.25-0.86)	0.440 (0.24-0.80)	0.394 (0.19-0.84)	0.352 (0.15-0.82)	0.325 (0.13-0.84)	0.306 (0.12-0.78)
MacFadden's Pseudo R-squared	0.02	0.03	0.03	0.05	0.05	0.05
Cox-Snell Pseudo R-squared	0.06	0.07	0.10	0.13	0.15	0.15
Wald chi2	17.63	20.44	14.18	30.08	31.89	42.53
Prob>chi2	0.004	0.002	0.027	0.000	0.000	0.000

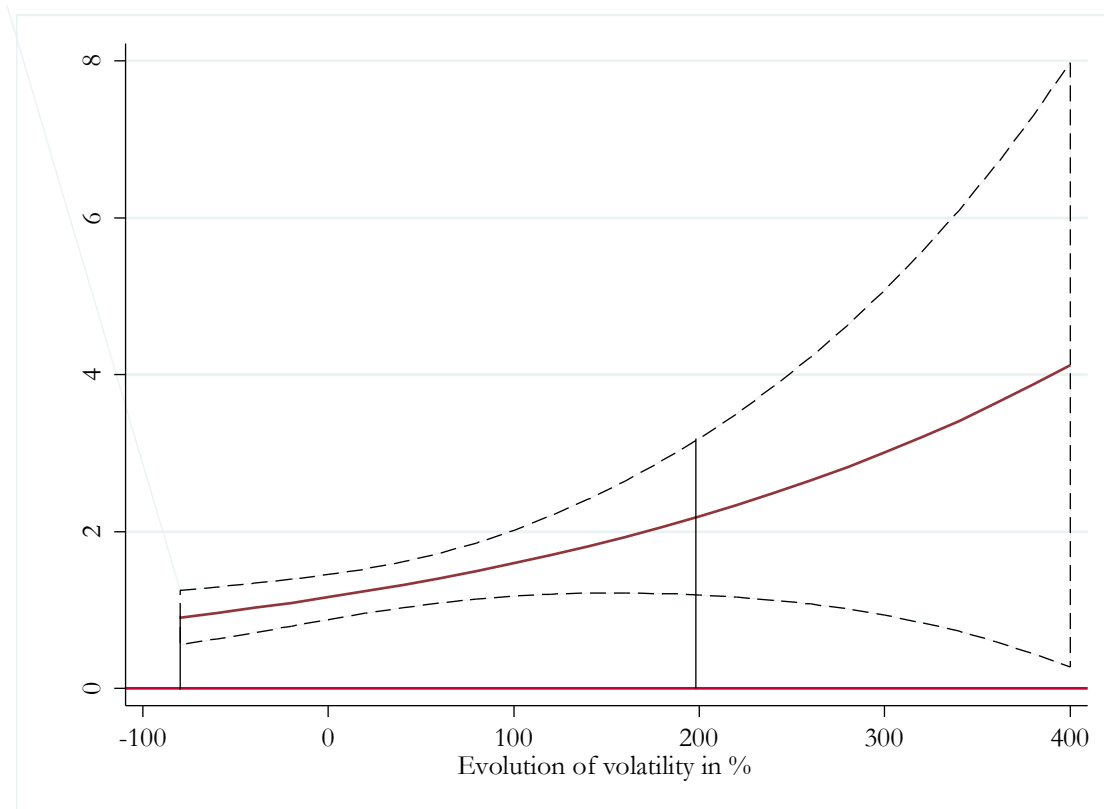
Note: The results of the coefficients are reported in terms of incidence rate ratio. 95% confidence intervals are in parentheses. The dependent variable is the total number of reforms adopted by legislature between 1990 and 2010.

*p < 0.1; **p < 0.05; *** p < 0.01.

The graph of the predicted number of events shows that when volatility decreases by 80%, the model predicts that 0.9 reforms will be adopted, while when volatility rises from one

election to the next by 200%, this number rises to 2.2. Beyond 200%, the interval of confidence becomes much wider, meaning that the relationship between volatility and number of reforms is less discriminate.

Figure 9. *Predicted number of reforms according to the evolution of total volatility (model 7)*



The ninth model investigates the effect of political alternation, and confirms the sixth hypothesis, as the effect of alternation is positive with strong statistical significance. Holding all variables at their means, the predicted number of reforms adopted in the absence of political alternation is 0.9, while when political alternation occurs this figure rises to 1.7, almost doubling the average number of reforms adopted.

Model 10 includes both the evolution of total volatility and political alternation. Again, the effect of both variables is statistically significant while, as in model 9, the positive effect of partisan veto players has disappeared. Finally, in model 11, including all explanatory variables, the previous results are confirmed, with a very similar predicted number of reforms according to both the level of volatility and in the presence of alternation in power. Investigations into whether the effect of alternation was conditional upon a shift in the level of volatility were conducted. No evidence of interaction between these two key variables was found, suggesting

that rises in the levels of uncertainty in which parties compete and political alternation have independent effects on the number of reforms adopted by legislatures

Substantively, these models enable us to draw several conclusions. First of all, there is consistent empirical evidence that short-term shocks, and shifts in preferences of elites in power, have a statistically, but also a substantially significant impact on the number of institutional reforms adopted in a legislature. Secondly, short-term variations in the “moods” of public opinion regarding satisfaction with democracy have no impact on this number, while political alternation and the evolution of the level of volatility, on the other hand, do. This in turn suggests that political elites are sensitive to shifts in the electoral arena when deciding to promote institutional reform, while changes in public opinion are not sufficient to influence political elites. Rising electoral volatility can be thought of as a tangible manifestation of changes within the electoral arena, implying increasing uncertainty for political parties. Alternation, as it brings parties with different preferences regarding institutional reforms into power, provides a window of opportunity to reform for parties that were previously in opposition. Moreover, the effect of these variables holds when they are both included, and therefore controlled for, in the various statistical models.

One could, perhaps, argue that the robustness of these models might be affected by the dimensions of institutional reforms that are included in the analysis. In order to see whether the results are consistent across dimensions, the same regressions as in models 8, 9 and 11 have been run, with the omission of one of the six dimensions of reform each time (Appendix 9). All of the coefficients for volatility and political alternation are systematically statistically significant for the regressions reproducing models 8 and 9, meaning that the relationship found between volatility, political alternation, and the number of reforms holds even when a specific dimension of reform is omitted.¹¹⁶ The effects found are quite stable across models, in particular for volatility. The reproduction of model 11 with the omission of one dimension of reform each time also confirms the independent effects of volatility and alternation in each case. Therefore, these tests of the robustness of the models clearly confirm the results which were previously discussed. This in turn suggests that, without denying that not all of these dimension-by-dimension reforms are necessarily driven by exactly the same factors, one can draw a general model of the impact of short-term factors on institutional reforms and apply it to multiple dimensions at once.

¹¹⁶ The coefficients are extremely similar to those which were already presented for volatility, and they vary slightly according to the impact of alternation in government; the effect being strongest, systematically, when federal and decentralising reforms are left out.

2.3.2. Volatility shifts, alternation, and reforms: an illustration of the mechanisms

How do these two mechanisms (rise in volatility, and alternation) work concretely to bring about more institutional reforms? A precise answer requires an in-depth case study investigation. However, before doing that, it is useful to return to descriptive statistics, and to have a look at the “extreme legislatures”, i.e., at legislatures in which an unusually high number of institutional reforms were adopted. When observing the 8% of legislatures in which four or more reforms were adopted, the descriptive evidence is clear: six out these nine legislatures have experienced political alternation (vs. only 42% of the 116 legislatures in the total sample), while volatility rose an average of 87% in comparison to the previous election in these nine legislatures (an average rise of 19% was found in the 116 legislatures included in the database, see Table 10). These nine “extreme” legislatures include an Austrian legislature (1990-1994), two French legislatures (2002-2007, 2007-2010), a Finnish one (1991-1995), two Belgian ones (1991-1995, 1999-2003), a Portuguese one (1995-1999), an Italian one (2001-2005), and finally, a British legislature (1997-2001).

Table 10. *Evolution of volatility and political alternation by number of reforms adopted by legislature*

Reforms by legislature	Legislatures with alternation in %	Average evolution of volatility in %	N
All legislatures	42%	+ 19%	116
Number of reforms ≥ 2 (Top 25%)	60%	+34%	36
Number of reforms ≥ 4 (Top 8%)	67%	+87%	9

The British and the Italian examples offer interesting illustrations of our findings and the mechanisms they imply: the UK for alternation, and Italy for volatility. In the UK in 1997, Labour came into power after 18 years of one-party, Conservative rule, with an unprecedented majority of 418 seats (almost two-thirds of the total number of seats). Undoubtedly, Labour held very different preferences regarding the desirable shape of the institutional system to those of the Conservative party, which had been in power since 1979. Electoral material in the 1997 Labour manifesto contained the following promise: “Labour is committed to the democratic renewal of [the] country through decentralization and the elimination of excessive government secrecy”. Concrete promises to “clean up politics” included the end of the hereditary principle in the House of Lords, reform of party funding, devolution for Scotland and Wales, elected mayors, and more independent and accountable local governments.¹¹⁷ By the end of the legislature, six

¹¹⁷ Cf. the Labour manifesto for the 1997 general elections, at the following link: <http://www.labour-party.org.uk/manifestos/1997/1997-labour-manifesto.shtml>

institutional reforms had been adopted, touching upon multiple dimensions of the institutional system: reforms instituting devolution in Scotland and Wales with numerous competences and regional assemblies in England, electoral reforms introducing mixed-member electoral systems in Scotland and Wales, a parliamentary reform abolishing hereditary peerages, but also the introduction of the direct election of the mayor of London, and new provisions facilitating postal and proxy voting (Appendix 1). Alternation provided a clear push and political opportunity for Labour, a party that formed distinctive preferences concerning institutional reforms during their time in opposition, to implement a political programme including multiple institutional changes.

Italy experienced its third successive alternation in 2001, with the arrival into power of a centre-right coalition including Forza Italia, Alleanza Nazionale, Lega Nord, and the centrist UDC. The previous coalition in government, the centre-left, had led four unstable, multi-party and heterogeneous coalition governments since 1996. The volatility levels had risen from 8.8% in 1996 to account for no less than 22% of the Italian voters in 2001, in the context of an extremely fragmented and unstable national electoral landscape. In this context of great electoral uncertainty, institutional reforms were high on the agenda for all government parties: the Lega was pushing towards fiscal federalism and to give greater power to the regions; the UDC was looking for ways to re-establish a proportional electoral system; Forza Italia and Berlusconi were advocating for a strengthening of the role of the executive power and the PM; while AN was trying to defend its new respectability within the Italian party system (Bedock 2011, Renwick, Hanretty, and Hine 2009).¹¹⁸ Electoral uncertainty reduces the temporal horizon of political actors, who may not be sure of their ability to maintain their positions in the system in the near future. As such, this context of uncertainty provided both incentives and opportunities to try to transform the Italian institutional system, and to be open to risk rather than risk-averse. As a result, several far-reaching reforms were adopted in order to accommodate everyone within the governing coalition: the complete replacement of the 1993 electoral system by a PR system with bonus, and the modification of 50 constitutional articles, which would have turned Italy into a federal state, removed bicameral symmetry, and reinforced the power of the PM considerably.

¹¹⁸ These reforms are investigated in depth in the Italian chapter, cf. *infra*

Conclusion

The aim of this chapter was, firstly, to identify the determinants of the reforms of the core democratic rules in Western Europe between 1990 and 2010. Secondly, its aim was to disentangle the factors at play in the long term and in the short term, firstly in order to identify structural conditions which commonly result in institutional reforms, and secondly, to identify the moments at which more reforms are more frequent. This study has provided clear empirical evidence of the link between political support and majoritarian (especially very “disproportional”) politics and the number of reforms over the course of time. It has evidenced the relationship between shifts in the electoral arena (measured by rising uncertainty), shifts in preferences of the actors in power (measured by political alternation), and the subsequent number of institutional reforms adopted by a legislature in the short term. The fact that drops in the level of political support play no direct role in explaining the number of reforms shows that elites react to more substantial changes in the political environment, and particularly to electoral shifts, rather than to the short-term vacillations of public opinion.

The fact that certain long-term factors are associated with a higher number of institutional reforms is hardly surprising. The results on short-term determinants are more important, as they challenge some of the existing assumptions about institutional reforms, which can be discarded thanks to this study of multidimensional institutional reforms: first and foremost, the assumption that institutional change is mostly a long-term evolutionary process, or the result of *deus ex machina* developments, and is not influenced by short-term shocks or everyday politics. We, on the contrary, have found that political elites react to their environment by using institutional reforms, have different preferences regarding institutional reforms, and use institutional reforms more frequently when actors in power hold distinctive preferences compared to the incumbents (alternation), and when the level of uncertainty in the electoral environment rises (rise of volatility). To summarise, although certain long-term factors may develop a more favourable environment for reform, short-term factors provide a decisive push, by fostering a favourable context and decisive opportunities to adopt reforms. Still: how does this actually *work*? For the moment, I have only investigated reforms that have actually happened. We are still in the dark when it comes to dissecting the mechanisms that lead from the moment a reform is put on the agenda to the moment when it is adopted or discarded. This is the focus of the second part of the thesis.

PART II – THE MECHANISMS OF REFORMS OF THE CORE DEMOCRATIC RULES

Chapter 5 The mechanisms of institutional reforms in action: understanding the politics of bundles of reforms

In his opus on *The Politics of Electoral Reform*, Renwick makes the following remark: “understanding the *politics* of electoral reform is crucial to full understanding of reform outcomes: we cannot just identify antecedent conditions and predict the end result” (2010, 83–84). Understanding the politics of institutional reforms is precisely what the second part of this thesis intends to achieve. Rahat defines the politics of reform as a concept that pertains to the struggles between the forces trying to preserve the existing system and those trying to change it (2011, 523). I have selected three cases in which a bundle of reforms has occurred, that is, a series of institutional reforms that were linked together and were the consequence of the same antecedent factors. Yet still, some of these reforms have been adopted, and others have failed or been abandoned along the way. There is one puzzling question guiding the second part of the thesis: why do some of the reforms in each bundle succeed, while others fail? The first part of the thesis has helped us to better describe change and identify the antecedent conditions spurring reform in the short and in the long term. The second part focuses on understanding the link between the nature of the reform at stake, the process engaged to achieve reform, and the end result (adoption or non-adoption of reform). It is based on process-tracing and on case studies, triangulating diverse secondary sources with 53 elite interviews.¹¹⁹ After presenting the conditions present at the emergence of the reforms in all three countries, I will explain why the dynamics of the processes of reform are central to understanding why some reforms are successfully adopted, and others are not. Unlike the first part in which the empirical analyses are based on hypothetico-deductive reasoning, the following chapter presents theoretical propositions based on inductive reasoning, and on the observation of the three case-studies. The three following chapters serve to illustrate in detail the theoretical propositions presented in this chapter, before the conclusion of the second part attempts to systematize these findings and expore their applicability.

The empirical material of the second part involves the study of three bundles of reforms in three countries, Ireland, France and Italy, which will be presented in the subsequent chapters. These case studies do not present *stories about countries*; they present *stories about bundles of reforms*,

¹¹⁹ For a presentation of the method used, cf. chapter 1 section 2.2.2. For a full presentation of the methodology of the case studies conducted in Ireland, France and Italy, cf. appendix 10.

i.e., about attempts to achieve sequences of reforms, which are sometimes successful, sometimes partly successful, and sometimes aborted. The cases were selected on the basis of the dependent variable (the occurrence of successful and unsuccessful reforms within a single bundle of reforms), with close attention being paid to the selection of bundles presenting dissimilar characteristics. Moreover, France, Ireland and Italy display a number of important similarities in relation to their party systems and institutional configurations (pluralist and bipolar competition with additional intervening veto players). More importantly, they offer a wide variety of antecedent conditions in terms of volatility, alternation and political support.

In the first part of the chapter, some mechanisms central to the processes of institutional reforms identified in the literature are presented, focusing on processes of electoral system change and regime structure change. The choice of the three bundles of reform under investigation in Ireland, France and Italy will be justified. In the second part of the chapter, I formulate propositions about the prediction of the outcomes of reform. The first part of the thesis has focused on a great variety of reforms, and it is indubitable that not all of these reforms are driven by the same motivations, or by the same processes. How to make sense of this plethora of reform? Based on the observation of the three cases, can we make some reasonably plausible theoretical propositions to predict their respective outcomes? I first discuss the link(s) between the antecedent conditions and the likelihood of a given type of reform and process emerging. Secondly, my theoretical propositions centre on the interaction between the nature of the reform (divisive or consensual, depending on the level of support for the reform), and the nature of the process of reform (majoritarian, supermajoritarian or externalised, depending on the level of inclusion). I explain why the effect of veto players and of multifaceted reforms vary according to the type of reform and type of processes chosen. I posit that the paths leading to successful reforms are different for consensual and divisive reforms. I expect divisive reforms to be primarily driven by self-interest and their outcome to depend mostly on veto player dynamics and on the ability to build a large coalition of reformers. Consensual reforms lead to credit-claiming strategies, and their outcomes depend on the capacity of the majority of actors to claim some degree of recognition for a popular reform.

1. Theory and justification of the cases

Before turning to the justification of the three case studies, a few words on the state of the art of the mechanisms of institutional reforms are in order. Many of the theories presented

have already been mentioned in the two first chapters,¹²⁰ but I want to focus here on what existing theories have to say about the *politics* of the processes of institutional reforms, and therefore, about the mechanisms serving to translate topics on the agenda into change (final adoption of a bundle of reforms), or non-change (a process interrupted before final adoption).

1.1. Some mechanisms behind reform and non-reform

I have already largely insisted on the breakthrough represented by the study of electoral system change in understanding processes of institutional reforms, and will present two aspects of these theories that have enabled me to develop the empirical and theoretical framework of analysis used in the case studies: the distinction between reforms by elite majority imposition and those by elite-mass interaction, and discussions about the role of coalition, and barriers to reform.

1.1.1. Reforms by elite majority imposition vs. reforms by elite-mass interaction

Alan Renwick has focused exclusively on major reforms of the electoral systems in established democracies. Many of his conclusions can be applied to a much wider set of institutional reforms. The central idea of his book is that, in established democracies, there are two main routes leading to electoral system change: one whereby the politicians in power decide they want reform (which he calls reform by elite majority imposition), and one whereby the politicians lose some control over the process to voters (reforms by elite-mass interaction).¹²¹ The central question defining the type of process of reform is the following: who has the power over the outcomes in each scenario? In the first case, the politicians (and implicitly, the politicians in the majority) retain the upper hand throughout the process, and focus mainly on power considerations. The examples analysed by Renwick include the 1986 French electoral reform that replaced the two-round system with PR, in order to limit the Socialist Party's electoral losses. In the second category of processes of reform, the citizens become central actors, just like the political elites, and work in interaction and in competition. A minority of politicians espouse reform with insufficient strength to impose reform through the traditional legislative channels. As a result, these actors mobilise the public, and seek to achieve sufficient popular pressure to force politicians to accept a reform that may not want. The 1993 electoral system reforms in Japan, Italy and New-Zealand all belong to this category of reform processes. Moreover, the type of process has direct implications on the interests and/or values that are served. One could add that,

¹²⁰ Cf. chapter 1, section 2.1.1., and chapter 2, section 1.2.

¹²¹ Cf. chapter 2 section 1.2.1.

more generally, the different types of processes entail that different preferences will dominate, and different dominant strategies will tend to be successful.

Renwick spends several chapters of his book examining how preferences are shaped, how they are translated into alternatives, and eventually into outcomes. The main motivations regarding electoral and political reform in general can be divided into two categories: interests and values (see also Bol 2010; Bol 2011). Renwick insists on the fact that power, and interests, should be understood in very broad terms, ranging from seats, to votes, and policy (Müller and Strøm 1999), but also including multiple other aspects such as influence within the governing coalition. The term “values” covers an even more diverse set of motivations: visions of what a working democracy actually is, stability, governance, the likelihood of achieving desired policy outcomes, and so on. It is actually extremely difficult to disentangle the motivations of actors, and even more difficult to understand how they are translated into alternatives and outcomes, without resorting to highly contingent explanations specific to each country and reform. Therefore, predicting the motivations and the ways in which they lead to alternatives and outcomes is a very difficult task, all the more so since Renwick is specifically interested in types of reforms that are essentially redistributive, and where power maximisation is likely to play a central role, which may not be the case for most of the reforms studied here.¹²² Moreover, several aspects tend to complicate the relationship between preferences, alternatives and outcomes. Pilet empirically shows, in relation to electoral reform attempts in Belgium, that uncertainty about the effects of reform can lead to conservative behaviour, even for parties that may have stood to benefit directly – in terms of seats – from an alternative electoral system (2007). In times of uncertainty regarding the balance of powers between political actors, Renwick shows that actors tend to privilege “maximin strategies” (i.e. choosing the “best” of the worst pay-offs, Renwick 2010). To conclude, it would be very hazardous to make any strong assumptions about the preferences of actors regarding reforms of core democratic rules: these motivations are in all likelihood extremely diverse, contingent, and “blurred” by several important aspects inherent to the process of reform itself – time horizons, uncertainty, risk-aversion, etc.

As well as attempting to classify the numerous motivations of political actors and citizens, Renwick insists on the fact that each of these motivations may be driven by two types of considerations: *outcome-contingent considerations*, and *act-contingent considerations* (Reed and Thies 2001). It would be wrong to assume that all that matters in a process of electoral (or political) reform is its outcome. Outcome-contingent considerations are “considerations that relate to the effects of different (...) systems”, whereas act-contingent considerations “pertain to the effects of an

¹²² Cf *supra*, chapter 2, section 2.2.

actor's behaviour in respect of reform" (Renwick 2010, 29). Concerning electoral systems, the typical outcome-contingent consideration for a party would be "how many seats would I get with the alternative system?", and the typical act-contingent consideration would be, "will I be punished by voters if I enact a reform based purely on my own interest?" The respective impact of each of these considerations inevitably differs for reform by elite majority imposition and reform by elite-mass interaction. For the former, politicians seek to advance their own powers and focus on outcome-contingent considerations, while act-contingent aspects may intervene in the form of legitimacy constraints – not enacting a reform that is quite obviously a cynical power grab, for example. For the latter, act-contingent motivations are central, since the public is a central actor in the promotion and in the enactment of the reform.

1.1.2. Coalition dynamics, multifaceted proposals, and sequences of reform

Rahat (2008) develops an approach that explicitly tries to link the theories on electoral system change with a wider conception of institutional reforms, which he calls "reforms of regime structure" (these correspond roughly with what I call representative reforms).¹²³ Secondly, this author chooses to focus explicitly on both successful and failed reforms, using the same instruments of analysis to understand them: background factors, and the list of barriers obstructing the promotion of reform in a given institutional structure. Several of his main findings are directly applicable to the cases studied in the following chapters, and in particular to Italy, which has been characterised by plethoric government coalitions.¹²⁴ Rahat underlines the need to analyse failed and successful processes of reform as sequences that may involve different coalitions for each phase. His findings are particularly interesting insofar as he shows the conditions in which one might expect the veto players theory to be inapplicable: when skilled reformers are able to build and rebuild coalitions in a context where no actor, acting alone, has the capacity to veto the progress of reform. Hence, the dispersion of power does not necessarily impede reform, and in some cases may even facilitate it.¹²⁵

The analysis conducted in the first part of the thesis was fundamentally probabilistic: certain conditions have been identified as fostering reform, although there is obviously no automaticity between the presence of certain facilitating factors (alternation, rising volatility) and the rise in the number of institutional reforms adopted. Rahat insists on the fact that many of the analytical approaches to institutional change have tended to overemphasise background factors

¹²³ Cf. *supra*, chapter 1, section 1.3.

¹²⁴ Cf. *supra*, chapter 2, section 1.2.2.

¹²⁵ Cf. *supra*, chapter 1, section 2.1.1.

(2008, 24). This explains why, for example, despite the fact that dissatisfaction with a polity is a factor which facilitates reform in the long run, it tells us little about why some reforms are successful at a particular time: “dissatisfaction with the polity is (much) too widespread a phenomenon to serve as an explanation for the adoption of reform. It appeared also at times when no reform was promoted, it was not necessarily higher at times of reform; and it was not unique to those countries that adopted reform, but appeared also in those that did not” (Rahat 2008, 235).

Rahat’s framework is based on an analysis of five elements: (1) the long-term developments affecting the likelihood of reform; (2) catalysing events that can be used as a window of opportunity for reform; (3) the political actors that serve to focus attention on certain issues rather than others, and create linkages between events and reform proposals; (4) the stages of the reform promotion process (from initiative to final adoption); and (5) the characteristics of the reform proposals. So far, the thesis has examined the two first elements: long-term developments that create favourable environments for political reform (the lack of political support, in particular), and short-term catalysts (alternation and rising volatility). It is now important to turn our attention to the three remaining ones: who are the actors supporting reform and defining the alternatives? What happens during each phase of the reform process? How do the defining characteristics of the reform proposal come into play in the final outcome? Regarding the characteristics of reform, Rahat is particularly interested in the consequences of what he calls “multifaceted proposals”, arguing that “the multifaceted nature of mixed systems – government or electoral- makes their promotion easier” (2008, 40). Indeed, multifaceted proposals are a way of bringing forward constructive ambiguity about the outcomes of reform, and of broadening the coalition of support. As will be made obvious in the Italian chapter, this can have a central impact in the case of divided coalition governments, and can often enable many veto players to be bypassed.

I have already mentioned that, together with Hazan, Rahat (2011) identifies the seven possible hurdles to reform¹²⁶ (the legal barriers, the cultural and political traditions of the countries, their social structure, the fact that the system produces certain expected outcomes, the vested interests of the parties, coalition politics, and disagreement over content). The weight of each of these barriers varies across institutional and political configurations. For example, in countries where a referendum may be required for the adoption of a given (set of) reform(s), the procedural barrier becomes central and affects the strategies of the political actors. Rahat

¹²⁶ Cf. chapter 2, section 1.2.2.

considers this barrier as essentially a “delaying factor” (2008, 254), which may prove crucial, as very often, the battle for political reform is also a battle against time. The more relevant barriers, i.e. vested interests, coalition politics, and disagreements over content, all suggest the need to take a closer look into the different phases of reform.

To conclude these theoretical considerations, if one seeks to move beyond an explanation of processes of reform grounded purely in the particular context of a given country, it is important to develop some theoretical propositions that will, at least to some extent, enable previsions to be made concerning the final outcome of a given reform, paying close attention to the different paths to reform and to the different phases of reform.

1.2. The justification of the cases

I have selected the cases on the basis of the dependent variable, i.e. three bundles of reforms presenting successful and unsuccessful reforms of the core democratic rules in France, Ireland and Italy. I will first present the most important characteristics of the three countries that serve as contextual settings for these processes of reform. Ireland, France and Italy offer useful commonalities in terms of institutional and party system characteristics, therefore enabling us to control, to some extent, for the effect of these variables. Conversely, they display differences that serve to illuminate the link between the long- and short-term factors of reform identified in the first part, and the emergence of reform on the agenda: level of political support, alternation, and rise in electoral volatility. The three bundles of reforms within these three countries have been selected because of their diverse characteristics: the level of support enjoyed by the reforms before the process took place, the ways in which the reforms were put on the agenda, the leading actors that elaborated the projects, the multifaceted or unidimensional character of the reforms discussed, and finally, the existence of both successful and failed reforms across bundles, and sometimes within each bundle.

1.2.1. Veto players, political support, alternation, and rise of electoral instability in France, Ireland and Italy

The first part of the thesis, and in particular the fourth chapter, has shown that certain contexts tend to foster institutional reforms. In the long run, polities experiencing low levels of political support are more vulnerable to reform and, over time, adopt significantly more institutional reforms than countries where the overall level of political support is higher. In the

short-term, the number of reforms adopted by a legislature is higher in contexts characterised by political alternation and rising volatility. In order to understand the link between these long- and short-term contexts, and the actual mechanisms of reform, it was important to select countries that could enable us to disentangle these connections with successful and unsuccessful reforms. The bundles of reforms selected took place in three different legislatures: the legislature in Ireland since 2011, the 1997-2002 legislature in France, and the 2001-2006 legislature in Italy (Table 11).

Table 11. *Comparison of the main contextual characteristics of the three legislatures investigated*

		Ireland, 2011-2016	France 1997-2002	Italy 2001-2006
Institutional and party system characteristics	Partisan veto players	2	4	Until may 2005: 4; 2005-06: 6
	Institutional veto player	Required referendum	President of the Republic	Abrogative referendum
	Type of government	Minimum-winning	Surplus	Surplus
	Ideological orientation	Centre-right	Centre-left	Centre-right
	Type of competition	Bipolar pluralism	Bipolar pluralism	Bipolar pluralism
Long-term factors of reform: political support between 1990 and 2010	Average satisfaction with political parties	23%	13%	17%
	Average satisfaction with the parliament	39%	37%	36%
	Average satisfaction with the government	36%	31%	32%
	Average satisfaction with the way democracy works	72%	56%	32%
Short-term-factors of reform: electoral environment	Evolution of volatility since the last election	+377%	-29%	+150%
	Alternation	Yes	Yes	Yes

Source: my own elaboration of the SIEPOL database

The aim of the second part of the thesis is to provide predictions of the final outcome of a series of reforms within a bundle, given the type of reform at stake, and the processes of reform conducted. Therefore, the main variable of interest is not the impact of the institutional and party system characteristics of the different countries studied, even though it is perfectly obvious that “institutions matter”, and matter a great deal. The main institutional characteristics of the three legislatures share many similarities. This choice aims, first of all, to examine countries in which the institutional and party system constraints, most notably in relation to veto players, are relatively alike – even though there are undoubtable institutional differences between France, Ireland and Italy. Indeed, if I had chosen extremely dissimilar countries, a purely consensual democracy with large coalitions in power such as Switzerland, say, and a majoritarian country with one veto player, like the UK, it would have been much more difficult to isolate the effects of

the nature of the reforms and of the processes of reform from the effects of the institutional and party system disparities of the countries observed. The comparison to some extent follows the logic of Mill's Most Similar Systems Design, comparing cases in which the crucial differences affect the dependent variable (1858). In the three countries, coalitions are in power, of between two and six parties. These coalitions are minimum-winning in Ireland, and surplus coalitions in France and Italy. In all three legislatures studied, a relevant institutional veto player intervenes in addition to the partisan veto players: the president of the Republic in France, who during this period belonged to a party other than the head of government's, the requirement for a referendum for many of the institutional reforms discussed in Ireland, and the option to organise an abrogative referendum in Italy on constitutional matters. The heads of government belonged to the centre-right in Italy and Ireland (although in Ireland, the junior coalition partner is centre-left), while the PM led a centre-left coalition in France between 1997 and 2002. Finally, all three countries are characterised by a competitive playing field that can be defined as bipolar pluralism, i.e. by multiparty systems in which two main coalitions tend to alternate in power. The bipolar and fragmented structure of competition and government is important here. Indeed, only in bipolar settings can the majority and the opposition be clearly identified, enabling us to draw conclusions based on the status of the political actors (government or opposition).¹²⁷ Secondly, the fragmentation and the existence of coalitions offers the possibility to empirically test the impact of coalition dynamics on the outcomes of bundles of reforms. Finally, the choice to study reforms in fragmented and bipolar countries derives from the fact that this form of configuration is now, by far, the most common pattern in Western European polities (Bale 2003; Mair 2001), including in countries where the centre (Italy), grand coalitions (Austria) or a predominant party (Ireland, Sweden) used to rule the game.¹²⁸

The three countries offer contrasting pictures when it comes to the level of political support. The average number of citizens who claim to trust their government and parliament "a lot" or "a great deal" is relatively similar, however Irish citizens are more likely to trust political parties than their Italian or French counterparts. The striking difference between the three countries comes from the gap in terms of satisfaction with the way democracy is working: no less than 40 percentage points separate Ireland and Italy. On average, between 1990 and 2010, slightly less than three-quarters of Irish respondents said they were "very" or "fairly" satisfied with the way democracy was working in Ireland. This figure falls to 56% for French citizens and to only

¹²⁷ Cf. *infra*.

¹²⁸ Bale argues that "the much-touted fragmentation and polarisation under way is occurring alongside a trend towards two-bloc electoral competition." (2003, 69)

32% for Italians (the lowest figure in Western Europe). When these four figures are aggregated to calculate the index of political support,¹²⁹ it appears that Italy and France have the lowest levels of support among Western European democracies, whereas Ireland ranks around the average, close to countries such as Belgium, Iceland or Spain. France and Italy therefore offer very fertile environments for reforms of core democratic rules. Indeed, the vast majority of citizens in Italy, and a significant minority in France, do not consider the working of their democratic system acceptable, meaning that short-term contingencies favourable to reforms may find stronger popular support than in polities with higher levels of satisfaction with democracy. The interesting issue, in Ireland's case, is the sharp drop in the level of support observed since the beginning of the crisis in 2009, in *combination* with political alternation and a spectacular rise in the level of volatility between the 2008 and 2011 elections.

The three legislatures differ notably in terms of the evolution of the level of volatility experienced. Between 2008 and 2011, Ireland witnessed a political earthquake, with the level of volatility rising from 6.2% to 29.6%, one of the highest levels registered during the last 50 years in Western Europe. Therefore, the country offers the perfect environment to enable us to understand how a sharp rise in the level of uncertainty about the balance of forces between parties can provide incentive for institutional reform. Italy, although to a lesser degree, was in a relatively similar situation in 2001: the level of volatility had risen from 8.8% in 1996 to 22% in 2001, to a great degree because of the sharp recompositions of the centre-left. In France, on the other hand, the level of volatility diminished significantly between 1993 and 1997, falling from 18% to 12.8%.¹³⁰ To summarise, the three cases offer different pictures that should enable us to more effectively disentangle the impact of rising uncertainty on institutional reforms: Ireland was characterised by a stable political offer but also by huge variations in the electoral performances of the usual contenders, the reformation of the Italian party system was still under way in 2001, whereas France was in a situation of relative electoral and party system stability.

Finally, all three countries experienced a full political alternation at the beginning of the legislature, meaning that all of the political forces previously in power were sent back into opposition. In Ireland, a coalition composed of Labour and Fine Gael came to power in 2011, putting an end to the reign of Fianna Fáil and its junior partners, which had lasted since 1997. In France, the Socialist Party and its allies won the 1997 legislative election, after four years in opposition, and despite the fact that France had elected a centre-right president, Jacques Chirac,

¹²⁹ Cf. chapter 4, table 7.

¹³⁰ The high level of volatility in 1993 in France was mostly the result of a particularly devastating election for the Socialist Party.

in 1995. Finally, in Italy, the centre-right coalition defeated the centre-left, paving the way for a second government led by Silvio Berlusconi, after five years in opposition since 1996. Therefore, in all three countries it will be possible to examine the different aspects of alternation to determine the incentives to conduct institutional reforms.

1.2.2. Three bundles of reforms, three referendums

The second part of the thesis presents stories about bundles of reforms, understood here primarily as reforms that have been linked together as part of a broader sequence, beginning or ending beyond the moment of adoption and discussion of a given reform (cf. Chapter 1). The general logic has consisted of selecting the three cases on the basis of the dependent variable (i.e. the occurrence, or non-occurrence of reform *within* a bundle). This strategy has been criticised in the past by several authors, who argue that selecting on the basis of the dependent variable may lead to biased conclusions (Geddes 1990), or to the over-representation of positive cases in the sample (King, Keohane, and Verba 1994). Geddes went so far as to conclude that case-studies selected on the dependent variable “cannot test the theories they propose and hence, cannot contribute to the accumulation of theoretical knowledge” (1990, 149). Other authors, however, have adopted a much more nuanced stance, and have defended the theoretical and empirical soundness of case studies selected on the basis of the outcome of interest, on the condition that relevant *negative* cases are also selected (i.e. cases where the outcome of interest did not occur). I have adopted this perspective here, using Mahoney and Goertz’s “possibility principle”, which consists of selecting “only cases where the outcome of interest is *possible*” (2004, 653). Here, I have considered that all reforms included had some chance of adoption, insofar as they were on the agenda and were part of a wider bundle of reforms. Hence, the three sequences contain both successful and unsuccessful reforms, in order to enable us to consider the following question: why does a particular institutional reform fail, or succeed? Secondly, in all three cases, referendums have been organised to validate some, or part of the reforms debated, influencing the course of the processes of reform (cf. table 12).

In Ireland, the sequence of reforms examined took place between 2011 and 2013, and our focus will be on the multiple successful and unsuccessful reforms launched after the arrival in power of a new coalition composed of parties that had promised far-ranging political reform in their election manifestos. These range from the attempt to abolish the second chamber, to the modification of the manner in which everyday business in the Dáil was conducted, to the institution of a constitutional convention to examine various aspects of the Irish constitution. The reforms examined in France took place between 2000 and 2001, dealing respectively with the

reduction of the length of the presidential term from 7 to 5 years, and with the reordering of the electoral calendar to place the presidential elections before the legislative elections. The Italian reforms include a major constitutional reform modifying multiple aspects of the balance of power, both between the executive and the legislative power, and between the central and local powers, and a major electoral reform replacing the Italian mixed-member electoral system with another mixed-system: PR with bonus.

Table 12. *Comparison of the three bundles of reform investigated*

	Reform	Emergence	Nature of reform	Process of reform	Outcome	Multifaceted reform?	Referendum
Ireland 2011-16	Discussion of an agenda of reforms by the constitutional convention	Exogenous	Both consensual and divisive	Externalised	Negative (so far)	No	No (so far)
	Abolition of the Seanad	Endogenous / exogenous	Consensual	Majoritarian	Negative	No	Yes
	Reform of the organisation of elections, of the Dáil and of the local government	Exogenous	Both consensual and divisive	Majoritarian	Positive	Yes	No
France 1997-2002	Reduction of the presidential term from 7 to 5 years	Endogenous	Consensual	Supermajoritarian	Positive	No	Yes
	Reordering of the electoral calendar	Endogenous	Divisive	Majoritarian	Positive	No	No
Italy 2001-06	Constitutional reform of the second part of the constitution	Endogenous	Divisive	Majoritarian	Negative	Yes	Yes
	Electoral reform replacing MMM with PR with bonus	Endogenous	Divisive	Majoritarian	Positive	Yes	No

As may be immediately noted, in some cases (Italy and Ireland), my interest concerns all of the reforms and attempted institutional reforms that took place during a given legislature, whereas in the last case (France) I focus on two reforms, and deliberately omit other reforms which have taken place in the same legislature, such as the reform of the electoral system of the Senate, or the reform to give greater power to Corsica. The rationale behind this choice is that I focus on reforms that originate from the same initial pressures, and have been linked together in the minds of the legislators, either in the phase of elaboration, in the phase of adoption, or both. In Ireland's case, all of the reforms studied were consequences of the same set of pressures: the economic crisis, and the narrative attributing this crisis to a failing political system. In the case of France, the reduction of the presidential term and the reordering of the electoral calendar, although not concomitant, have been explicitly framed as resulting from one another and are

thought of as parts of the same sequence. In Italy, the constitutional reform and the electoral reform were part of the same package deal.

In the Irish case, the large sequence of reforms initiated in 2011 was largely the consequence of public pressure that was exogenous to the political system itself, through the mobilisation of a multiplicity of actors from civil society and academia, and pushing forward an ambitious, but ill-defined agenda of reforms, ranging from making the Irish democracy more transparent, to involving citizens directly in the process of reform. As the table shows, part of what was discussed since 2011 was also put on the agenda as a result of endogenous mobilisation within the political system: I refer here to the proposal to abolish the Seanad, which enjoyed a high level of political support. Secondly, the Irish case is the only one in which some of the reforms discussed have been externalised to actors outside of the political system, in this case, ordinary citizens within the realm of the Irish constitutional convention, containing both divisive and consensual reform proposals.¹³¹

The French bundle of reforms examined comprises two reforms that were adopted between 2000 and early 2001. The reduction of the presidential term was the result of a mobilisation endogenous to the political system, and was conducted through a supermajoritarian process,¹³² meaning that both the parliamentary majority and the opposition were actively involved in the definition of the final proposal. This reform was adopted through a referendum, and can easily be classified as a consensual reform proposal. The reordering of the electoral calendar to place the presidential elections before the legislative elections was, on the other hand, conducted exclusively by the parliamentary majority, without the opposition, but again with a positive outcome. This was a highly divisive reform. Both reforms dealt with single issues, and not with multifaceted proposals.

Finally, the Italian case presents two major institutional reforms, one successful (the electoral reform), and one which failed to overcome the final obstacle, the referendum (the constitutional reform). In both cases, the reforms did not result from external public pressure, but rather from the efforts of actors within the political system. Secondly, in both cases, the processes of reform were conducted by the parliamentary majority and without the opposition or external actors. Neither the constitutional nor the electoral reforms enjoyed widespread support, as they were divisive proposals. Both can be qualified as multifaceted proposals, as each of these reforms focused on multiple institutional aspects, rather than just one: the constitutional reform sought to

¹³¹ Cf. *infra*.

¹³² Cf. *infra*.

modify around 50 articles of the Italian constitution, whereas the electoral reform sought to replace the existing system with an entirely different one.

2. Predicting the outcome of reforms

In order to understand and to predict the outcomes of reforms, I focus on the connections between the nature of the reforms and the processes of reform that are chosen by reformers in order to see them adopted. I examine two types of reform (divisive and consensual) and three types of processes (majoritarian, supermajoritarian and externalised). The empirical evidence of the subsequent chapters shows that divisive reforms are based primarily on outcome-contingent motivations, and consensual reforms on act-contingent motivations. As a consequence, the number of veto players, the referendums, and the existence or lack of multifaceted proposals have different consequences according to the nature of the reform, and play out differently in each type of process.

2.1. Two types of reforms, three types of processes

I claim here that the reforms of the core democratic rules can essentially be divided into two categories, divisive and consensual reforms, according to the initial level of popular support they enjoy. Secondly, the processes of reform can be divided into three categories: majoritarian processes, in which the government takes the lead, supermajoritarian processes, where the opposition and majority collaborate, and finally, externalised processes whereby the elaboration of the reform is left to actors outside of the political system.

2.1.1. Divisive vs. consensual reforms

I have chosen to discriminate between the types of reform according to the level of public support they enjoy (or that actors perceive them to enjoy). I could have chosen different criteria, using, for example, Tsebelis' distinction between redistributive and efficient institutional reforms, according to whether a reform benefits all individuals or improves conditions for some at the expense of others (1990, 104). I have also discussed the need to move beyond “zero-sum games” when studying institutional change. Indeed, even in the case of electoral system reforms,

which have often been presented as the archetypical redistributive reforms, ideas and cooperation matter, and limiting these reforms to self-interested maximisation logics is not fully adequate.¹³³

The distinction drawn by Tsebelis is extremely interesting and unproblematic on an abstract level. Indeed, it is easy to grasp that certain “institutions” or policies benefit everyone (for instance, the existence of roads and public lightning), whereas others redistribute resources or power (for instance, a tax that only affects rich households). However, when it comes to institutions that are complex, and intrinsically part of a greater system, such as the core democratic rules, it is much harder to discriminate between efficient and redistributive institutions. Some aspects of the same proposal may benefit “everyone”, whereas others might only benefit some of the actors involved. This distinction is therefore difficult to apply here: how does one discriminate between the two types of reform? What happens when a single proposal contains both redistributive and efficient aspects? Who is “everyone” – the actors within the political systems, or the citizenry? Do actors even have a clear sense of the distinction between redistributive and efficient aspects when they elaborate a reform?

In the absence of satisfactory answers to these questions, I have chosen a different criterion to enable me to distinguish between reforms according the level of popular support they enjoy before the actual proposal is elaborated. Several assumptions are made here: (1) that actors, before they choose to make a proposal, attempt to evaluate the level of support such a proposal might garner among voters; and (2) that this evaluation may affect their subsequent behaviour. Of course, this does not imply that actors are necessarily right in their perceptions: they may over-evaluate the level of popular support enjoyed by a proposal or misperceive the effects that their actions may have on this level of support, as the process of reform may alter it substantially. Yet, through case studies, I believe it is possible to get a decent idea of the actors’ perceptions, of the level of support enjoyed by a project of institutional reform, and to trace the information that was at their disposal to back up their suppositions (in particular through press analysis, and access to reports). The fact that I am talking about the level of support *prior* to the process of reform taking place is also crucial here. Indeed, political actors may sometimes actively reframe reforms in order to turn them into divisive issues, if they believe this to be in their interest. Using our chosen perspective, the reforms fall in two categories: divisive reforms and consensual reforms.

I define divisive reforms as *reforms for which there is no perception of a broad agreement within the society or the political system on the part of the actors as to the desirability of the reform or the alternative envisaged*. In other words, these are reforms where a substantial part of the citizenry or of the political

¹³³ Cf. chapter 2, section 2.2.2.

actors support the status quo rather than the proposed alternative. Consensual reforms, on the other hand, are *reforms for which there is a general perception of a broad agreement in the society and in the political system on the part of the political actors on the desirability of the alternative envisaged by the reform*. This means that maintaining the status quo is much less of an option for reformers, insofar as the majority within the society and within the political system believe that the institution should be changed in a definite direction. The key postulate is that each type of reform leads to different ways of formulating the actors' preferences:

During reform processes involving divisive reforms, the behaviour of the political actors and their positions on alternatives to reform derive primarily from outcome contingent attitudes, i.e. from the expected outcomes of the reform.

During reform processes involving divisive reforms, the actors define their strategies primarily according to their self-interest.

During processes of reform where there is no broad agreement in the society on the proposed alternative, politicians primarily base their support (or lack of support) for a proposal on whether they believe the reform to be in their own interests in terms of votes, policy, offices, or power in general; or else on values. In other words, in such processes, if a party or an individual decides to support a proposal despite a lack of popular support, it is because he believes there is something in it for himself, not necessarily just in terms of power, but also in terms of promoting his ideas on desirable institutions. Like Renwick (2010), I have adopted a very broad definition of "power" here: not only projections in terms of seats or offices, but also matters relating to coalitions or influence on policy. Values are also expected to have an influence, most notably on the definition and selection of the alternatives considered by the political actors.

During processes of reform involving consensual reforms, the behaviour of the political actors and their positions on an alternative of reform derive primarily from act-contingent attitudes, i.e. from the expected benefits or costs of supporting the act of reform.

During processes of reform involving consensual reforms, the actors define their strategies primarily in function of their ability to claim credit for the reform.

I have already mentioned the fact that when a reform is broadly popular, i.e., when it enjoys support from both citizens and the political system, the status quo is much less of a viable option than would be the case for divisive reforms. Consequently, the positions on the reform in the case of consensual reforms are, first and foremost, defined after examining the consequences of being seen to instigate the reform, as there are strong reasons to support it. This depends on the position of each actor in the process, and on its capacity to claim credit for a reform that is seen

as desirable. In a seminal book, David Mayhew theorises on the three main activities of the members of Congress: advertising, position-taking, and credit-claiming (1974). Mayhew defines credit-claiming as “acting so as to generate a belief in a relevant political actor (or actors) that one is personally responsible for causing the government (...) to do something that the actor (or actors) considers desirable” (1974, 52–53). If this definition of credit-claiming is applied not to individuals in congress, but to the collective political actors themselves (and particularly to parties), this means that these actors seek to make citizens believe that they are personally responsible for government’s decision to enact a reform that is considered to be desirable by a majority of voters. Therefore, when engaging in a credit-claiming strategy, the central element is to appear to have taken a crucial part in the initiative and in the definition of the popular proposal. Consensual reforms are characterised by a form of competition focused on invoking the paternity of the reform. I also argue that in cases where actors recognise their inability to claim credit for a reform, they have more of an incentive to change the framing of the reform, in order to weaken the actual initiator of the process.¹³⁴ This strategy can also be understood as the “contrary” of blame avoidance as defined by Weaver (1986, 1988), who argues that politicians are usually primarily motivated by the desire to avoid blame for unpopular actions. On the other hand, when a policy or an action is popular, credit-claiming becomes a rewarding strategy. A concrete example is given by Pierson, who shows that the periods of expansion of the benefits are leading to a process of “political credit-claiming” (1996, 143).

To conclude, two types of reforms result in two types of strategies: what is broadly understood as self-interest for divisive reforms, and credit-claiming for consensual reforms.

2.1.2. Majoritarian, supermajoritarian and externalised processes of reform

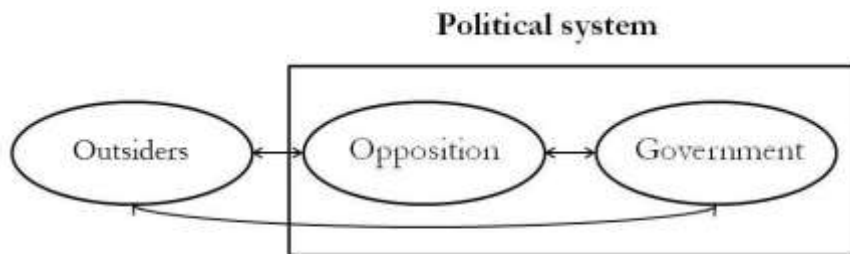
In established democracies, the decisions concerning the core democratic rules are usually elaborated and made in the parliament, and therefore by the actors who make up the political system of a given polity.¹³⁵ However, there have been certain concrete cases in which the processes of reforms have been outsourced in order to involve actors outside of the political system, giving them power to define the alternatives that will later be discussed by the political actors. Therefore, three sets of actors can lead the processes of reform of core democratic rules:

¹³⁴ Cf. *infra*.

¹³⁵ Renwick shows that in contexts of democratisation or regime change, other actors can be involved in the process of institutional reform, including judges, other countries or the international community. Although these reflections focused on electoral reforms, they can also apply to a wider set of reforms (2010).

the government (and its parliamentary majority), the opposition, and actors outside the political system, which may include actors ranging from political experts to ordinary citizens (Figure 10).

Figure 10. *The three actors of institutional reforms*



Following this logic, when the decision to reform a given topic has been made, there are essentially three roads to reform: *majoritarian*, *supermajoritarian*, and *externalised processes*, depending on their degree of inclusion. I argue that for each reform route chosen there are different incentives for actors, as a given actor will be included in some cases, and excluded in others.

In *majoritarian processes* of institutional reforms, the actors that are involved in the definition of the alternatives and their concrete elaboration come only from parties that support the existing government. Therefore, the opposition is excluded from the processes of definition and elaboration, and intervenes only at a later stage, i.e., during the parliamentary discussion. In more abstract terms, such processes follow a logic that resembles the ideal-type of what Lijphart defines as the adversarial (1968), or majoritarian model of democracy (1984; 1999): the majority concentrates power in its own hands, the executive has a lead role on the process, the dominant logic opposes two blocks (the majority, and the opposition). Like Lijphart, one can associate such processes with a logic based primarily on competition, rather than cooperation.

In *supermajoritarian processes* of institutional reforms, the parties of both the parliamentary majority (and therefore the government) and the opposition are involved in the definition and the elaboration of the alternatives to reform. I refer here not to processes where only a tiny proportion of the opposition collaborates with the government, but to processes where, at the very least, the main party of the opposition takes a crucial part in the procedure. Bartolini considers that “the opposite of competition – that is of parallel and independent effort to achieve the same prize – is negotiation or cooperation – that is concomitant and coordinated effort to obtain or to share the prize” (1999, 436). Supermajoritarian processes are defined by a greater degree of cooperation and negotiation than majoritarian processes of reform. To use Lijphart’s

analogy again, such a process would resemble the ideal-type of a consociational, or consensus democracy, as it involves cooperation, bargaining, compromise and negotiation between the most relevant political forces within a given polity.

More attention should be devoted to understanding what I mean by *externalised processes* of institutional reforms. To be very clear, it is absolutely obvious that in most, if not all, of the reported cases of institutional reforms, the actors in the political system did not elaborate the proposals in a closed bubble which outsiders were excluded from. The establishment of *ad hoc* expert committees to produce reports on potential reforms, or consultation with independent experts or exponents of civil society during the elaboration phase of the institutional reforms are common practices. These, to my mind, do not qualify as falling within the category of externalised processes of reform, as the politicians maintain a firm grip on the definition of the alternatives, and are in no way compelled to listen to the advice of the experts or civil society advocates they have consulted. Externalised processes of reform are processes during which the political actors *officially* delegate certain phases of the definition and elaboration of the reforms to actors outside of the political system: experts, or ordinary citizens. The second criterion is the requirement to provide answers to the proposals made by the body in charge of the definition, which can take several forms: the government obligation to officially reply to the proposals or the obligation to proceed via a parliamentary vote or through a referendum on the alternatives elaborated. The rationale, particularly in cases where ordinary citizens are entitled to define the alternatives to reform, is that of maximum inclusion: indeed, such processes may often only result from a deliberate choice on the part of key actors within the political system to give up their prerogatives to define institutional reforms.

To take concrete examples, and despite its significance in promoting the adoption of a mixed-member proportional system in New-Zealand, the institution of the Royal Commission on the Electoral System cannot be considered as an externalised process of reform: despite the Commission's broad terms of reference, the government made no formal commitment to answer the its requirements prior to its institution (Vowles 1995). Dissimilarly, the citizens' assemblies on electoral reform created in British Columbia in 2004 and in Ontario in 2006 are good examples of externalised processes of reform.¹³⁶ These bodies, comprised of ordinary citizens, were charged with defining whether or not the FPTP system should be retained, and elaborating a concrete

¹³⁶ The case of the *Burgerforum* (Civic Forum) in the Netherlands, where ordinary citizens reviewed the existing electoral system in 2006, would not meet the criteria I have set: indeed, before the citizens' assembly was set up, the government made no commitment to implement or discuss its recommendations (Fournier et al. 2011).

alternative system, if deemed necessary. The politicians in power made the formal commitment to put the proposals of the citizens' assemblies to a referendum, a promise that has been kept despite the fact that the two referendums in British Columbia and one in Ontario were unsuccessful.

It is important to bear in mind that externalised processes of institutional reforms - although there are empirical recent examples, particularly taking the form of citizens' assemblies, to reform the electoral system - are clearly the exception, as opposed to the rule. In relation to the choice to create citizens' assemblies to review electoral systems, Fournier et al. argue:

"It is one thing for political parties and governments to grant citizens a say in institutional design, but it is quite another for them to give up control over the rules of the game by which they compete for their own livelihood. It may make sense for public officials to try to pass the buck when facing difficult, divisive, or unpopular choices. Letting people pick the electoral system does not" (2011, 13).

The authors argue that such a choice does not correspond to parties' calculations of their long-term strategic interests, but results from a decisive push from leaders of junior parties. They add: "however, it is clear that the initiating party in each instance hoped to garner the benefits of 'act contingencies' by portraying itself as a party of progressive change" (Fournier et al. 2011, 27).

To conclude, the categories of processes of reform depend on their degree of inclusion: the government working alone, the government working together with the opposition, or inclusive of the political system and actors outside of the political system. I will now turn to the consequences of each of these processes in relation to the likely outcome of reforms.

2.2. Why do some reforms succeed and others fail?

There are basically four possible outcomes for any given reform during the phase of the final vote. These outcomes are, in this instance, the "dependent variable" that I try to predict. First possible case: the reform is adopted thanks to actors outside of the parliamentary majority, and therefore by a large majority. Second case: the reform is only supported during its time of adoption by the parliamentary majority, or in the case of referendums, passes by a small margin. Third option: the opposition manages to make the reform's adoption fail, or the reform is abandoned before being put to a vote. Finally, the worst case scenario for a reformer: the reform fails to be adopted not only because of successful activism on the part of the opposition, but also because of defections within the parliamentary majority. This final section is divided into two

parts. Firstly, I will present arguments about the link between the type of reform present on the agenda (divisive or consensual) and the way in which the reform emerges (thanks to exogenous popular pressure, or from within the political system). Secondly, I will present arguments about the impact of veto players, of multifaceted reforms, and of the type of processes on the likely outcome of a reform, examining consensual and divisive reforms successively.

2.2.1. The link between conditions of emergence and consensual and divisive reforms

To schematise, reforms can be added to an agenda through two means: as a result of pressure external to the political system itself, when some successful reform entrepreneurs manage to put enough pressure on politicians to force them to examine a given reform (or to address institutional reform in general), and as a result of the endogenous interactions and calculations of the politicians. Of course, it is necessarily an intellectual shortcut to consider that a reform emerges “purely” as a result of endogenous or exogenous pressures. As Renwick demonstrates by distinguishing between reforms by elite-mass interaction and elite majority imposition, the key element of distinction is whether or not established politicians retain the upper hand in the process when the reform is put onto the agenda.

Returning to the findings of the first part, I have found that reforms are more likely in the long run when the level of political support is low, and in the short run, in times of political alternation and rising volatility. I have argued that alternation tends to foster institutional reforms because it brings new actors into power, actors which may have different preferences about the institutions, and which then have the opportunity to implement them. The link between volatility and reform is trickier to interpret, and I have found no decisive evidence linking a drop in levels of satisfaction with democracy and reform. The findings were only probabilistic: there is no automaticity between, for example, an explosion of volatility during a given election and institutional reform. I argue that only in instances when a link is explicitly drawn between public anger, electoral uncertainty, and the need to reform the institutions can it generate a sufficient amount of popular pressure to influence politicians and the political agenda concerning institutional reforms. Renwick provides more details about the actual mechanisms. He argues that (1) the public must be angry about the performance of the political system and feel that this performance damages its interests; (2) there should be weaknesses in the existing system, making the link between its failures and political reform seem plausible; and (3) that link should be made by strategic leaders who have the capacity to impose this narrative against alternative interests,

interpretations, and schemes (Renwick 2010). Renwick, Lamb and Numan examine the consequences of the 2009 expenses scandal in the UK¹³⁷ for the agenda of political reform. They reach the following conclusions:

“The evidence it offers points towards three conditions that determine the degree of reform impetus that a scandal generates. The first has to do with the strength of politicians’ interests. (...) The second condition is the degree to which reform advocates can draw a plausible link in the public’s mind between the reform in question and the issues of public concern (...) The third condition is that the scandal should be linked in voters’ minds not just to the probity of the political class, but also to voters’ own personal well-being.” (2011, 40)

They then show that reformers have succeeded in drawing this link with the necessity to institute reforms enabling them to recall MPs or to organise primaries, but have been unable to convince the public of the link between this scandal and the current electoral system for general elections, which explains the lack of interest and the failure of the referendum on the alternative vote of 2011. Moreover, I believe that in such circumstances, volatility is a facilitating factor because it implies that the relevant actors evolve in an environment where the balance of powers between parties is uncertain, and where, therefore, misperceptions are more likely, and new actors are offered opportunities of expression.

Turning now to the link between antecedent conditions facilitating reform and the types of reforms that make it onto the agenda, the subsequent chapters develop two arguments:

Consensual reforms are more likely to emerge as a result of pressures exogenous to the political system, combining popular dissatisfaction with the institutions, electoral uncertainty, and activism in favour of an institutional reform agenda.

Consensual reforms are reforms that have – or are perceived to have – broad support among citizens and within the political system. As a consequence, in circumstances where established politicians are pressured to act on the political reform front, they would rather choose to implement reforms that enjoy widespread popular support as opposed to divisive reforms. It is important to keep in mind that the politicians are not wholly responsible for agenda-setting in this configuration: they are subject to popular pressure, and to a narrative linking the problems of the citizenry with the core democratic rules. Therefore, consensual reforms are less “costly” to implement in a constrained context.¹³⁸

¹³⁷ This scandal was triggered by the publication of expenses claims made by British MPs, which evidenced systemic misuse of the permitted allowances and expenses. This resulted in a major public scandal, in a loss of confidence in politics, and in a number of resignations, retirements and de-selection of MPs.

¹³⁸ Of course, counter-examples exist. For instance, popular pressure brought about a reform that divided the Italian political class in 1993. However, the citizens were overwhelmingly in favour of a majoritarian

Divisive reforms are more likely to emerge as a result of dynamics endogenous to the political system itself.

I have argued that divisive reforms tend to result from conscious and relatively unconstrained choices made by actors within the political system itself. Indeed, I have already explained that since these reforms do not enjoy a high level of political support, they tend to primarily obey self-interested motivations: actors push them forward in order to gain something for themselves. The notion that these reforms, in the majority of the cases, tend to result from a *choice* is implicit in this postulate, whereas in the former configuration, reform would result, at least partly, from a *constraint*.

2.2.2. Veto players, multifaceted reforms, type of processes, and outcomes of reforms

The veto players, the existence of multifaceted or “unidimensional” reforms, and the type of reform processes are the three main factors that I examine in order to understand the different outcomes of the reforms studied.¹³⁹ These three dimensions have a distinctive impact on the final outcome of consensual and divisive reforms.

a) **Veto players**

A veto player is an agent which is able to block reform, whether a party or an institution. George Tsebelis argues that: “the veto players theory expects policy stability (impossibility of significant change in the status quo) to be caused by *many veto players*, by *big ideological distances* among them, or by *high qualified majority thresholds* (or equivalents) in any collective veto player” (2000, 464, emphasis added). Regarding the specific issue of referendums, he considers that the possibility of a referendum is equivalent to the introduction of a new veto player, who is the median voter of the population (Tsebelis 2002; Hug and Tsebelis 2002). Hug and Tsebelis argue about the possibility of the elimination of veto players through referendums: “if the same actor (whether it is an actual veto player or not) controls both the formulation of the question and the triggering of the referendum, other veto players lose their ability to veto outcomes and hence the number of veto players actually decreases” (2002, 467). Tsebelis also underlines the power of the agenda-setter, who can “consider the winset of others as his constraint, and select from it the outcome he prefers” (Tsebelis 2002, 34). Tsebelis believes that the agenda-setting power usually

electoral system (Katz 2003): only the political actors or the First Republic were highly sceptical on the topic.

¹³⁹ It would be somewhat improper to talk about “independent variables” in the context of process-tracing.

belongs to the government as a whole, for two reasons: a positional one (as governments in multiparty systems are supported by a majority or are centrally located in the policy space), and an institutional one (the government has institutional instruments to actually control the agenda) (2002, 109). Tsebelis implicitly believes that the preferences of actors are given and not influenced by the policy process itself, that any additional veto player tends to make reaching agreement more difficult, and that the identity of the agenda-setter is essential to the understanding of a process of reform, insofar as it defines the alternatives that are discussed.

But what happens when there is broad agreement on a given reform, “cancelling” the ideological polarisation aspect? In theory, if all veto players agree on a given reform, the amount of them no longer matters. This has particular relevance regarding consensual and divisive reforms. By definition, consensual reforms are characterised by broad agreement among both citizens and relevant political actors. I have also argued that the government and the opposition cooperate on the conception of reforms in supermajoritarian processes of reform, and seek the inclusion of outsiders during externalised processes of reform. As a consequence:

For divisive reforms, the usual expectations about veto players and referendums apply: reform becomes more difficult as the number of veto player rises as their preferences differ more widely.

For consensual reforms elaborated through a supermajoritarian or an externalised process of reform, the number of veto players and the requirement to hold a referendum have no impact on a reform’s likelihood of adoption.

For consensual reforms elaborated through a majoritarian process of reform, the positions of the actors throughout the process are likely to shift. The reforms can only be adopted when the parliamentary majority is cohesive and large enough to prevent the opposition from blocking the reform.

There is no need to elaborate on the first argument. The second one is also relatively straightforward: if both the government and the opposition collaborate in bringing forward a concrete reform on a topic that is consensual, the number of veto players or the requirement to hold a referendum becomes irrelevant, as all of the relevant actors agree on a given reform, and consequently, all of them can claim credit for the adoption of a popular reform. The same goes for the case where political actors choose to go through an externalised process of reform for a consensual proposal: they have no incentive to block a proposal that enjoys widespread agreement, and as the process has been externalised, no political actor can claim for itself a decisive role in the reform. The last argument deserves additional explanation. I have argued that actors are, first and foremost, expected to seek to claim credit for reform when consensual institutional reforms are at stake. When a consensual reform is elaborated solely by the parliamentary majority, it means that the government and its supporters seek to exclude the

opposition from the conception of a reform that enjoys popular support. Therefore, even if there is widespread agreement among the actors within the political system on a given reform at the beginning of the process, the opposition is faced with two difficult choices: supporting a reform without being able to claim a decisive role in its elaboration, or shifting position in order to reframe the issue, oppose the government, and possibly lead the reform to fail. Empirical evidence suggests that this temptation is particularly strong for opposition parties in cases where the government must go through a referendum before a reform can be adopted. The hegemonic and plebiscitary aspects inherent to any referendum have long been evidenced and discussed in the literature on the topic (Qvortrup 2000; Qvortrup 2001; Suksi 1993). In any referendum, there is an implicit question of support for the government. Consequently, there are numerous examples of referendums results which have been heavily skewed by the fact that (some) voters wished to punish their government. For example, the French President's support for the 2005 referendum on the European Treaty was one of the best predictors of a "no" vote (Sauger, Brouard, and Grossman 2007), and this proved decisive for the final outcome. As a consequence, in cases of majoritarian processes of reform involving consensual reforms, the final word depends on the attitude of the opposition, as they may choose to adopt strategies in order to make the reform fail. In such cases, the usual veto players' logic applies in defining the final outcome: the outcome depends on the number of veto players, their ideological distance, and on the position of the status quo.

b) Multifaceted reforms

Multifaceted reforms can be defined as *reforms in which the issue at stake is framed as multidimensional, as opposed to one-dimensional reforms that are centred on a single issue*. To use concrete examples which will be discussed in the following chapters, the constitutional reform in Italy was multifaceted because it affected multiple aspects and was framed as a multidimensional reform: issues included devolution, the role of the second chamber, reform of the executive, and so on. Conversely, the issue of Seanad abolition in Ireland was framed as a one-dimensional issue: the options were abolition, or non-abolition. I insist on the aspect of framing, since no issue is *a priori* one-dimensional, particularly issues related to the core democratic rules that always affect multiple dimensions, since institutions form a *system*.¹⁴⁰ Yet, reformers may choose either to "simplify" a given institutional reform by presenting it as a one-dimensional issue, or to "complicate" it by framing it as a multifaceted reform. I argue that the effect of the multifaceted character of a

¹⁴⁰ Cf. chapter 1.

reform is exactly the opposite in relation to the likelihood of adoption of a consensual reform to its effect on the likelihood of adoption of a divisive reform.

Consensual reforms are more likely to be adopted if they are framed as one-dimensional issues.

Divisive reforms are more likely to be adopted when the majority is divided, if they are framed as multifaceted reforms.

The matter at stake here is the effect of complexity, ambiguity, but also of coalition-building dynamics on the outcome of institutional reforms. Consensual reforms are adopted more easily when they are presented as one-dimensional. It should now be clear that the main reason facilitating the adoption of consensual reforms is the fact that they enjoy a high level of public support. In such a configuration, adding multiple dimensions of reform would only “blur” the message, and would risk adding a divisive dimension to an otherwise consensual matter. As a consequence, the reformer who aims to implement consensual reforms would be better off “slicing them” into single, popular, easily readable issues, limiting their level of complexity and ambiguity as much as possible, in order to get everyone on board on precise reforms.

For divisive issues, the reformer who seeks to implement a reform does not enjoy a great deal of support, and faces exactly contrary incentives. Analysts coming from the field of public policy have reflected extensively on ambiguity’s capacity to bring forward reform. Palier coined the term “ambiguous agreement” to describe how certain welfare reforms have succeeded against the odds (2002, 2005). Others show that ambiguity is inherent to any policy process, and can be used as a resource by reformers (Zahariadis 2003). My argument here is similar to Rahat’s: complexity, ambiguity and uncertainty can in some cases serve reform (2008).¹⁴¹ In order to overcome the reservations of the other actors (in particular in cases where the parliamentary majority is highly divided) the most viable option consists of linking together multiple aspects of reforms into a package deal. Doing this carefully enables the reformer to accommodate the preferences of all of the actors in order to pass the reform, to facilitate tradeoffs, to blur the actors’ perceptions of the likely effects of the reform, or even to shift their preferences in a context where information and the cognitive ability to understand a reform is necessarily limited. Of course, there is no guaranteeing the success of such a strategy, particularly when the actors all prioritise their objectives in much the same way. Still, as in most cases there will be certain aspects of a package deal which are more relevant to one actor than to another, multifaceted reforms tend to make the adoption of reforms easier in a context where the actors are numerous and divided. This aspect will be specifically discussed in the Italian chapter.

¹⁴¹ Cf. *supra*.

c) Processes of reform and nature of reforms

I will conclude with a series of arguments concerning the way in which the process of reform selected serves to facilitate or to complicate the adoption of consensual and divisive reforms. The basic idea here is that some processes of reform are better suited to particular types of reforms than others. This is because the reformers do not have the same objectives when they choose a majoritarian process as they would were they seeking an externalised, or a supermajoritarian one. Moreover, on some occasions, choosing one type of process over another may actually represent the desire to see the reform fail, or be delayed.

When reformers choose a supermajoritarian or an externalised process of reform for a consensual reform, the reform is adopted by a comfortable margin.

When reformers choose a supermajoritarian or an externalised process of reform for a divisive reform, the reform is very likely to fail before it is put to a vote.

When reformers choose a majoritarian process of reform for a consensual or for a divisive reform, the final outcome is dependent upon the other dimensions discussed before (veto players, one-dimensional vs. multifaceted, etc.). Ultimately, these reforms pass if the parliamentary majority is cohesive and large enough.

When the issue at stake is consensual, and the political actors collaborate together or with actors outside of the political system, there is no obstacle to the adoption of the reform. When it comes to supermajoritarian and externalised processes relating to divisive reforms, on the other hand, the rationale is that reformers choose these paths (generally at least) because they do not actually want the reform to be adopted. The justification here is very simple: if the government and the majority were truly committed to reforming a divisive dimension of the institutional system, they would seek to retain as much control over the process as possible. There has been a tendency to overlook the fact that many attempted institutional reforms actually fail, as authors first and foremost tend to study successful reforms. And yet, in so many cases, dealing with institutional reforms seems to consist mainly of burying them with sufficient craftiness to preserve illusions. In other cases, it also consists of trying, in desperation, to bring together a group of political actors that is far too diverse to give any reasonable expectation of agreement. Timing also becomes an essential aspect here: the following chapters will show that in most of the processes of reform, successful or unsuccessful, the management of time was crucial in explaining the outcome and the final form of the reforms.

The fate of citizens' assemblies offers a cruel illustration of this dynamic. In British Columbia and Ontario, the governments had their hands tied, as they had made promises to hold referendums. They have since put very little energy into defending the electoral system crafted by

the citizen assemblies. In the Netherlands, the *Burgerforum* was created in order to get the D66 party into the coalition in 2003, with the mission to review the electoral system and to propose alternatives or corrections. Long before the coalition failed in 2006, it was clear that the government had no intention of fighting for electoral reform and that the D66 had become isolated. Fournier et al. give the following conclusion: “[the politicians] will not hand over such power unless they expect delegation to fail or are convinced the outcome will correspond to their preferences” (2011, 146). Hence the paradox: although, in theory, very inclusive processes of reform may seem desirable in order to build agreement on divisive issues, such processes actually have very slim chances of leading to a vote, let alone to the adoption of a reform.

As for the last argument, I will simply state here that the fate of consensual and divisive reforms in majoritarian processes depends on other factors, discussed in the previous hypotheses: the attitude of the opposition – particularly in referendum contexts when a consensual reform is at stake, the cohesion of the parliamentary majority and the capacity of reformers to bring about acceptable trade-offs for divisive reforms, etc.

Conclusion

This chapter has introduced the case studies that will be presented in the three subsequent chapters, and a series of hypotheses in order to make sense of the different outcomes of the reforms comprising the three bundles of reforms under investigation. I have chosen bundles of reforms that are as varied as possible across several dimensions: they include successful and unsuccessful reforms, reforms that have emerged exogenously as a result of popular mobilisation and reforms that have emerged endogenously within the political system, as well as one-dimensional and multifaceted reforms. Ireland, France and Italy have been chosen as the settings for the case studies because they have important similarities that relate to their institutional and party system formats: competition is bipolar and pluralist, governments are formed by coalitions alternating in power, and relevant veto players – in addition to the parties forming the government – are present and active in all three countries. In all three cases, a referendum has been held on one of the reforms involved, giving us the opportunity to study the differing effects of the referendum barrier. Secondly, these three cases offer an interesting, dissimilar set of antecedent conditions regarding alternation, volatility and political alternation, enabling us to understand the link between the long- and short-term conditions facilitating

reform which were identified in the first part of the thesis, and the mechanisms leading to reform and non-reform.

In this chapter, I have also argued that institutional reforms can be divided into two main categories according to the level of popular support they enjoy before the reform is discussed: consensual and divisive reforms. Consensual reforms are seen to be conducive to credit-claiming strategies, while divisive reforms are explained first and foremost as a product of self-interested motivations. The processes of reforms have been divided into three categories according to their level of inclusion: majoritarian, supermajoritarian, and externalised processes. The bundles of reforms studied in the following chapters also present a wide variety of variation, both in terms of the nature of reforms at stake, and the processes of reform used to carry them out. Finally, I focus on three dimensions that are seen as having different impacts on the likely outcome of divisive and consensual reforms: veto players, the (single or multi-dimensional) character of the reforms at stake, and the processes of reform.

Ultimately, the argument that is developed and elaborated in the next three chapters is relatively straightforward: that the roads leading to successful reforms differ according to the type of reform at stake. The ability to adopt consensual reforms depends primarily on the reformers' capacity to claim credit for the reform without excluding the opposition to too great an extent, as they could choose to retaliate if they are unable to share the government's limelight. On the other hand, the ability to adopt divisive reforms depends mostly on the ability to build coalitions of reformers, where the actors necessary to pass the reform each find an interest in the reform, so as to overcome the barrier of veto players. In contexts where power is divided, this requires a great deal of craftiness, and the successful exploitation of complexity and ambiguity.

Chapter 6 You win some, you lose some: the various fortunes of institutional reforms in Ireland since 2011

“It's in the water, it's in the air, it's in the meat
It's indirect, indiscrete, inconsistent, incomplete”
Scapegoat in Overcast, 1997
Atmosphere

2011 marked the year in which the main actor in Irish political life since the civil war was effectively wiped out, as Fianna Fáil was punished harshly in the general elections that followed the beginning of the economic, social and political crisis. The Fine Gael-Labour coalition that came into power in 2011 put institutional reform at the top of its manifesto, making a plethora of promises about how politics would never be the same, and how institutions would be reformed to avoid the possibility of such a crisis ever happening again. Hence, in 2011, Ireland seemed to have all of the conditions to enable the redesigning of its institutions: complete political alternation, high volatility, very low levels of political support, as well as a keen focus on the topic of institutional change, and mobilisation on the issue. Still, the reforms which have made it to the agenda have experienced different fates: some have been adopted with ease, whereas others have failed utterly. Therefore, the question that this chapter seeks to address is the following: how can we explain such different outcomes for reforms that all resulted from the same initial pressures?

The chapter shows evidence which suggests that the way in which the process of reform unfolded and was acted upon by politicians can answer this question. The agenda of institutional reform was both imposed upon Irish elites and utilised by them during their campaigns in times of economic crisis and electoral recomposition, but the politicians chose to implement multiple processes of reform separately from each other. This agenda contains both divisive and consensual reforms, reforms that require a referendum and others that do not. Some reforms have been conducted primarily by the government, while others have been externalised to a device called the constitutional convention. The chapter provides evidence that the combination of the nature of the reforms and the processes chosen to implement them can to a great extent explain why the reforms followed different paths, and have resulted in various outcomes. The agenda of institutional reforms has resulted in three sets of outcomes: one which saw the successful adoption of many small, consensual reforms in the parliament with the support of the parliamentary majority; one where the referendum hurdle proved fatal for (what were initially)

consensual reforms driven exclusively by the majority; and one which saw the delegation of the most divisive reforms to an external body, in order to delay the need for a decision.

The first part of the chapter focuses first on the conditions that led to the emergence of the debate on institutional reform in Ireland, showing that the economic crisis provided a clear push for the issue, after the progressive construction of a narrative that pinpoints the failures within the Irish institutional system. In the second part, I focus successively on the phase of formulation of the agenda, and on the adoption phase of the reforms. I show how the coalition in power built a scattered bundle of reforms, transforming the concomitant appearance of several dimensions of institutional reforms in the public debate into an agenda which was “broken down” into multiple issues. I then discuss how the combination of reforms of different natures and the choice of different processes led to different paths of reform.

1. Child of the crisis: the origins of the debate on “political reform” in Ireland

The debate on “political reform”, as it is known in Ireland, developed in a context of unprecedented political and economic crisis which shook the very roots of the Irish party system during the 2011 general election. The narrative that formed is a child of the crisis, attributing responsibility for the gravity of the hardship experienced by Ireland over the last few years to the political system, and leading to civil society mobilisation. This narrative did not just suddenly appear in 2011. The groundwork for its emergence had been laid by previous developments, characterised by a focus on corruption and transparency, and low-intensity debates on political reform since the mid-1990s. Yet this storyline remained relatively marginal until the economic crisis pushed the Irish political institutions into the spotlight, forcing politicians to act.

1.1. The progressive emergence of a narrative on the failure of the Irish political system

After decades of relative institutional stability since the 1990s, the emergence of a debate on political corruption raised questions concerning the inadequacies of Irish institutions and led to the adoption of certain reforms regarding transparency, while certain aspects of institutional reforms were discussed in the shadow of a wider debate on the constitution. The economic crisis that began in 2009 provided the decisive push to shift the blame away from individuals and onto the entire political system.

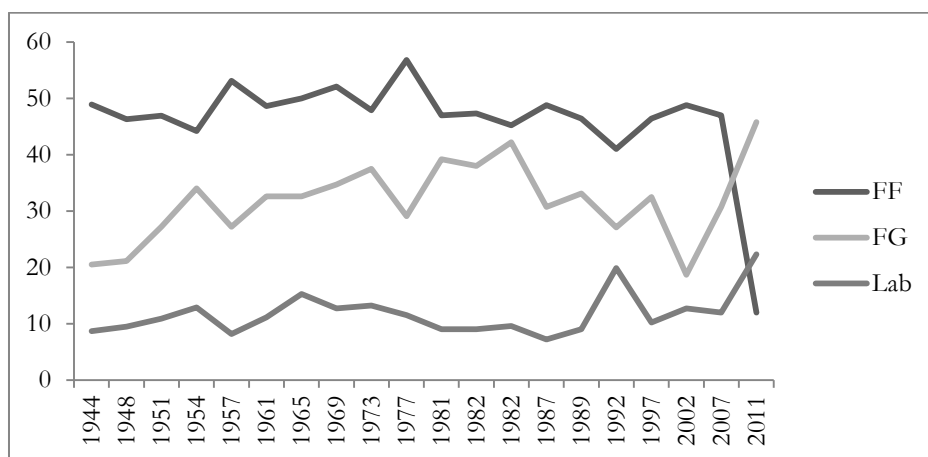
1.1.1. From institutional stability to the focus on corruption and transparency

Three main elements can be advanced in explaining the stability of Irish institutions since 1937. The first one is the troubled context¹⁴² of the adoption of the Constitution: the 1937 Constitution was a compromise between the different political forces and the most important social actor in Ireland, i.e., the Roman Catholic Church. It aimed to entrench democracy and fundamental rights by distributing power fairly and evenly (Fitzgerald 1998, Hogan 2012, Keogh and McCarthy 2007), and to provide safeguards in order to secure the democratic institutions (the existence of a second chamber, a PR-STV electoral system, strong judicial review, etc.). Secondly, any constitutional change in Ireland must be approved through a referendum. Referendums are always a risky tool for parties to use, as they represent a strong challenge to the “partyiness” of policy-making. In Ireland, the referendum requirement for constitutional issues removes discretionary powers over the institutions from the government (Gallagher 2011, 540-541).¹⁴³ There are emblematic examples of unsuccessful institutional referendums, including failed attempts by Fianna Fáil (the main Irish party for many years) to replace the proportional electoral system with the British ‘First Past the Post’ electoral system in 1959 and 1968 (Gallagher 2005). The third and probably most important explanation for the stability of the Irish institutions lies in two factors: on the one hand, Fianna Fáil’s continuous (if now strongly challenged) domination over Irish political life, and on the other, the institutional practices that led to the executive prominence over the legislature. Remarkably, up until the 2011 elections, the same political parties occupied the first and second positions in every election: Fianna Fáil first, and Fine Gael second (Figure 11). Since the advent of democracy in Ireland, Fianna Fáil was the only party that could ever claim to govern on its own, and only started to form coalitions with smaller partners from 1989 onwards (Figure 12). Between 1950 and 2011, Fianna Fáil held power 80% of the time (Kirby and Murphy 2011), for 21 of the 24 years leading up to 2011, and consistently held more than 40% of the votes, except in 1992 and 1997 (Murphy 2011).

¹⁴² The constitution of 1937 represented the completion of a painful process of emancipation from British dominion and the achievement of full independence. It replaced the constitution of the Irish Free State, which was adopted in 1922 in the aftermath of the 1921 Anglo-Irish Treaty. The political alignments in Ireland in 1937 corresponded to the positions of the main political actors involved in the Anglo-Irish Treaty, in the context of the partition of the country in the aftermath of the civil war (Weeks in Coakley and Gallagher 2010).

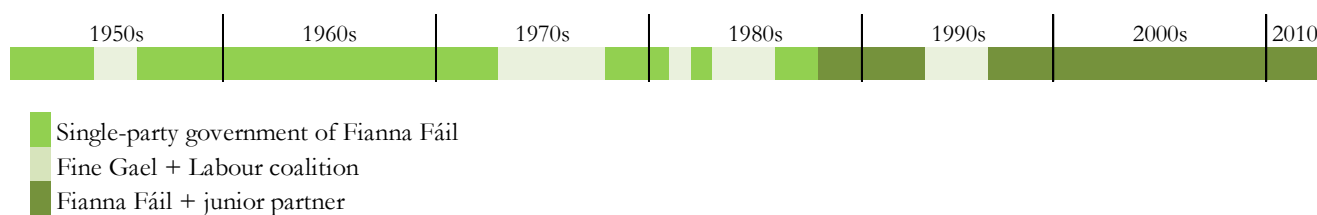
¹⁴³ Over time, only 23 out of the 31 constitutional amendments that have been put to the people of Ireland for approval have been adopted, with a very small minority of these (5) directly concerning minor modifications of the organisation of the political system (Gallagher 2010, 80).

Figure 11. *Share of the votes of the three main Irish parties, 1944-2011, in %*



Source: Döring, Holger and Philip Manow. 2011. Parliament and government composition database (ParlGov): An infrastructure for empirical information on parties, elections and governments in modern democracies. Version 11/07 – 26 July 2011.

Figure 12. *Identity of the party or coalition in power in Ireland, 1950-2012*



Source: ParlGov, op.cit., my own elaboration

Over the years, the institutional practice in Ireland gave the cabinet an extremely dominant role, causing a growing disjuncture between the “letter” and the “practice” of the constitution (Hunt 1998). Effectively, Ireland functioned largely like a Westminster democracy for many years: centrality of the cabinet, single party government, and asymmetric bicameralism (Chubb 1980, Farrell 1988, Ward 1994). In such circumstances, the parties in government benefit from important powers vis-à-vis the legislative, making the emergence of institutional changes touching upon the balance of powers more difficult.

The Irish institutional system began to be challenged in the 1990s, with the initiation of multiple tribunals of enquiry:¹⁴⁴ the “Beef Tribunal”, which ran between 1991 and 1994 (Tribunal of Enquiry into the Beef Processing Industry 1994), the McCracken Tribunal of March–August 1997, which was followed by the Moriarty Tribunal, which operated between 1997 and 2011

¹⁴⁴ Tribunals are a somewhat strange device in Irish judicial and political life, and are direct descendents of both the British tradition and of the Irish Free State (O’Neill 2000). They are established by ministers after the agreement of both Houses of the Oireachtas, invested with the powers, privileges and rights of the Irish High Court, and are comprised of independent member(s). They establish facts and, if needed, allegations over any matter of “urgent public importance”.

(Tribunal of Enquiry into payments to Politicians and Related Matters 2006; Tribunal of Enquiry into payments to Politicians and Related Matters 2011), and the Mahon Tribunal, which ran from 1997 to 2012 (Tribunal of Enquiry into Certain Planning Matters and Payments 2012). While they were criticised at the time, and indeed still are, for both their slowness and their costliness (Byrne 2012, O’Halpin 2000, O’Neill 2000), these tribunals served to expose a seemingly endless number of scandals, showing evidence of corruption and cronyism, as well as the secrecy and opacity of policy-making in Ireland in general. More crucially, these tribunals provided ample evidence of the pervasiveness of corrupt or unethical behaviour at every level of Irish political life, and of the deferent and conniving relationship between business and politics in Ireland (Byrne 2012, 144). The tribunals saw the involvement of ex-Taoisigh (prime ministers) and ministers from both Fianna Fáil and Fine Gael.¹⁴⁵

As the extension of this connivance between most political parties and businesses at all levels of power became apparent, this led to a series of legislations concerning ethics and transparency in Ireland. In 1995, the “rainbow coalition”, comprised of Fine Gael, Labour and the Democratic Left, adopted the Ethics in Public Office Act.¹⁴⁶ In 1999, the FF-Progressive Democrats government established the Standards in Public Office (SIPO) Commission as an independent statutory body, leading to the adoption of the Standards in Public Office Act¹⁴⁷ in 2001, to supervise and sanction the disclosure of eventual conflicts of interests for members of the Oireachtas. Two pieces of legislation designed to strengthen the fight against corruption in both the public and private sectors were adopted in 2001 and 2005.¹⁴⁸ The Commission of Investigation Act of 2004 strengthened the procedures for future investigations by independent tribunals.¹⁴⁹ This is only some of the list, since no less than 25 pieces of legislation focused directly or indirectly on corruption between 1995 and 2005 (Hugues et al. 2007, 383, Byrne 2012, 194). Some efforts to develop legislations and regulation over transparency and accountability have also been made by the Irish governments since the end of the 1990s, the Freedom of Information Act of 1997 being the most important one,¹⁵⁰ before its restriction in 2003. Other

¹⁴⁵ These include Charles Haughey and Bertie Ahern (FF), and Michael Lowry (FG).

¹⁴⁶ *Ethics in Public Office Act*, 1995. Dublin: Stationery Office.

¹⁴⁷ *Standards in Public Office Act*, 2001. Dublin: Stationery Office.

¹⁴⁸ *Prevention of Corruption (Amendment) Act*, 2001. Dublin: Stationery Office.
Proceeds of Crime (Amendment) Act, 2005. Dublin: Stationery Office.

¹⁴⁹ *Commissions of Investigation Act*, 2004. Dublin: Stationery Office.

¹⁵⁰ *Freedom of Information Act*, 1997. Dublin : Stationery Office.

indirect legislative measures of note include various provisions concerning the financing of political parties and political donations.¹⁵¹

In conclusion, the tribunals served to gradually corrode the public image of *politicians* in Ireland, although criticism of the *political system* was only to come later on. Tribunals targeted individuals, some of whom were very prominent and influential, yet there was no widespread perception that the connivance, secrecy and lack of accountability were the result of bad policies, which were in turn the result of the wider political system.

1.1.2. The debate on the political institutions: (not so) much noise about nothing?

The 1990s and 2000s saw fierce debates over certain constitutional issues: on moral issues (in particular divorce and abortion) and Northern Ireland. The Constitution Review Group, which conducted one of the most thorough reviews ever made of the Irish constitution (Constitution Review Group 1996), was set up in the context of the debate on the moral issues in the constitution, which eventually led to a series of referendums on divorce and abortion,¹⁵² but also to the modification of Articles 2 and 3 of the Irish constitution and to the Good Friday Agreement in 1998.¹⁵³

The rest of the constitution (i.e. the organisation of the political system) has been discussed in this overall context of review of the Irish constitution, but the “hot” topics that actually resulted in legislation and referendums had nothing to do with the political institutions themselves. In 1996, an All-party Oireachtas Committee on the Constitution was established, with the mission to “identify those areas where constitutional reform may be required and to recommend change where necessary” (All-Party Oireachtas Committee on the Constitution 1997, iv). This commission was renewed up until 2012,¹⁵⁴ and produced a large number of parliamentary reports over its tenure, many of them dealing directly with the organisation of the political system: two on the Seanad (All-Party Oireachtas Committee on the Constitution 1998,

¹⁵¹ For example, the Electoral Act of 1997 placed limits on spending by candidates and parties at election time, and required the disclosure of political donations above a certain threshold.

¹⁵² Divorce was authorised after a referendum in 1995 removed the ban on divorce from the constitution. Two referendums to make the legislation on abortion even more stringent, stating that risk of suicide was not a valid reason for an abortion, were rejected in 1992 and 2002.

¹⁵³ The Good Friday Agreement put an end to 30 years of violent troubles in Northern Ireland, and was signed by all of the political forces within Northern Ireland, Tony Blair (UK Prime Minister), and Bertie Ahern (Taoiseach of Ireland). Ireland abolished Articles 2 and 3 of its constitution, which contained territorial claims over Northern Ireland.

¹⁵⁴ From 2007 until 2012, it was renamed the Joint Committee on the Constitution.

2002), one on the president (All-Party Oireachtas Committee on the Constitution 1998b), two on the role of the parliament (All-Party Oireachtas Committee on the Constitution 2002; Joint Committee on the Constitution 2011), and two on electoral system reform (Joint Committee on the Constitution 2010a, 2010b), as well as many other reports on other aspects of the Irish Constitution. The Seanad also produced its umpteenth report on its own reform in 2004 (Seanad Éireann Committee on procedures and privileges, sub-committee on Seanad Reform 2004). This abundance of parliamentary reports is somewhat misleading in light of two important facts. Firstly, the scope of the reforms of the political system proposed was very limited. Secondly, and more significantly, the impact of these reports on actual legislation was virtually non-existent, as only very minor modifications of the institutional architecture were adopted between 1997 and 2011.

The examples of the discussions on the upper chamber and on the electoral system serve to illustrate this predilection for the status quo well. The utility, the mode of election and the role of the Seanad have been periodically discussed, as have the main accusations levelled against the Irish electoral system: clientelism and localism. The Seanad is indirectly elected through five panels, and has no distinct role in the Irish parliament. As a consequence, the most recent reports focused on proposing different variants for the election of senators, including some element of direct election by citizens, the end of discrimination between university graduates, and proposals to enhance the powers of the upper chamber regarding the implementation of EU law. They tended to agree on the necessity of reform to give the Seanad's existence greater relevance and meaning, through a more legitimate mode of election and non-overlapping role with the Dáil (lower chamber).

Regarding the electoral system, the same conservatism towards the existing institutions is present. As an illustration, a survey conducted in 2009 showed that 57% of the parliamentarians who replied were in favour of keeping the existing system (Joint Committee on the Constitution 2010b, 13). In its second report on electoral reform, the joint committee on the constitution clearly recommended the retention of the PR-STV system, proposing minor adjustments such as the establishment of an independent electoral commission to take charge of the conduct of elections and referendums in the country, some provisions to increase the number of women in the parliament, a change to the method of redistributing surplus ballots, and other technicalities. The most important suggestion was to establish a citizens' assembly, modelled on the one established in British Columbia, to discuss an eventual alternative electoral system (Joint Committee on the Constitution 2010b). Noel Dempsey, FF minister for the Environment and Local Government between 1997 and 2002, pushed for electoral reform and for the adoption of

a mixed-member electoral system similar to that of Germany,¹⁵⁵ and even managed to get the topic into the Programme for Government in 1997, but without concrete results.¹⁵⁶ The topic of electoral reform, like other institutional topics, was very much a “hobby” for lone voices within the political parties who did not push their proposals very far in the parliament: Noel Dempsey for Fianna Fáil, Gareth Fitzgerald for Fine Gael, Brendan Halligan for Labour, etc. Jimmy Devins, a former Fianna Fáil politician who sat on the Constitution committee from 2002 to 2007 and from 2009 to 2010, notes that the debates tended to cross party lines and be conducted in a very consensual manner:

“Of all the committees, that was the one committee where I certainly felt, in both Dáils, that there was a much greater relationship between the different parties, and ideas were dealt with in the basis of the ideas rather than the party the person that put the idea forward represented.”¹⁵⁷

None of the larger parties in the parliament had a clear position regarding political reform. Some of the minor parties adopted strong stances on institutional reform at various points, such as the Progressive Democrats who supported the abolition of the Seanad in 1988 (a position that was abandoned as soon as the party got a few senators elected, Collins 2005, 83). So, what happened with this plethora of parliamentary reports, and why were they produced in the first place? On these two points, my interlocutors were extremely clear and unanimous. David Farrell talks about an “implementation disorder syndrome” in describing the production of reports which were never implemented.¹⁵⁸ Mary O’Rourke, who chaired the last report on Seanad Reform in 2004, tells me: “we put forward our report and we felt very good and very virtuous, and the then Prime Minister, the then Taoiseach of my party [Bertie Ahern], said ‘thank you very much, now I’ll study that’, and then he never said another word. Not another word. It is on a shelf, somewhere,

¹⁵⁵ For example, he officially defended this position when he spoke before the Joint committee on the constitution in November 2009. Cf. the minutes:

<http://193.178.1.238/DDebate.aspx?F=CNJ20091118.XML&Ex=All&Page=2>

¹⁵⁶ Dempsey told me that he even conducted a secret poll in 2000 asking parliamentarians if they would support him, in which 58 out of the 69 parliamentarians he questioned supported the mixed-member system over the existing one. Despite all that, no politician ever publicly defended this option. Interview with Noel Dempsey, ex-Teachta Dála (TD) for Meath and Meath West between 1987 and 2011, ex-minister (1997-2011), FF, 30 May 2012, at a café in Dublin.

¹⁵⁷ Interview with Jimmy Devins, ex Teachta Dála (TD) for Sligo-Leitrim between 2002 and 2011, ex local councillor in Sligo County Council between 1991 and 2002, ex-minister, FF, 18 May 2012, at his office in Sligo. The same impression of a constructive, non-partisan discussion has been confirmed to me by another member of the committee, Alex White. Interview with Alex White, Teachta Dála (TD) for Dublin South since 2011, senator from 2007 to 2011, Labour, 24 May 2012, Leinster House, Dublin.

¹⁵⁸ Interview with David Farrell, Professor of political science at University College Dublin, co-author of politicalreform.ie, member of the academic team of [We the Citizens](http://we-the-citizens.com), the constitutional convention and reformcard.com, 8 May 2012, at his office in Dublin.

gathering dust”.¹⁵⁹ Overall, reports served as a way of putting the matter of political reform on the long finger. Politicians who were interested in a particular matter were kept busy, and reform was hampered by the lengthy debates which led only to recommendations that the government was then free to ignore. To summarise, at the end of the 2000s, not only was political reform a marginal topic of discussion in the political debate, but the few people who were involved in this debate promoted no substantial institutional changes, and even those limited proposals that were put forward were not implemented in the form of legislation.¹⁶⁰

1.1.3. From an economic to a political crisis: the emergence of a narrative on the failure of the Irish institutional system

From 1990 to 2007, Ireland experienced a period of vertiginous economic success, earning the cocky nickname “the Celtic Tiger”, and was presented everywhere in Europe as an exemplary success story. This economic development effectively obscured everything else, including, of course, the worrying conclusions of the tribunals of enquiry, and the debates on political reform. Between 2008 and 2011, the situation changed dramatically, exposing the fragility at the heart of this economic success story. The reasons behind the Irish economic crisis are well-documented and will only be presented here in brief.¹⁶¹ As Bernhagen and Chari argue, “while opinions diverge as to whether the problem was caused by too little or by ineffective regulation, it is uncontentionous that the political context and regulatory framework in which financial markets operate constitute the conditions under which the crisis developed” (2011, 457). It is widely accepted that the Irish government actively fuelled the boom by encouraging financial exuberance through pro-cyclical fiscal policies (Bénétrix and Lane 2009, Lane 1998), and through light-touch financial regulation. This translated into a growth in credit, the concentration of lending on assets in property, high loan to value ratios, and high exposure to funding risks (Kirby and Murphy, 2010). Bernhagen and Chari identify three main steps that led Ireland into the crisis. Firstly, in September 2008, the Fianna Fáil Taoiseach Brian Cowen and his minister for Finance

¹⁵⁹ Interview with Mary O’Rourke, ex-Teachta Dála (TD) for Longford-Westmeath and Westmeath (1981-1997, 2007-2011), ex-senator (1997-2007), ex-president of the Seanad (2002-2007), ex-minister (1989-1994, 1997-2002), FF, 23 May 2012, at her home in Athlone.

¹⁶⁰ Three reforms have been adopted on the topic of local government, which is particularly weak in Ireland in comparison with any other European country: the constitutionalisation of the election of local government and authorities in 1999, the simplification of the local government structure in 2001, and the ban of the “dual mandate” in 2003. However, the Joint Committee on the Constitution was not involved in these reforms.

¹⁶¹ For two interesting journalistic and critical accounts of the development of the crisis, cf. O’Toole 2010, Cooper 2011. For a financial expert account, cf. the report of Honohan 2010. For an academic account summarising and enriching previous analyses of the crisis, cf. Chari and Bernhagen 2011.

Brian Lenihan took the crucial decision to provide life-support to Irish banks by guaranteeing bank bailouts by taxpayers through the National Assets Management Agency (NAMA) without the consultation of the cabinet (Cooper 2011). This move amounted to more than €68 billion in 2010. Despite the reluctance of the government, they were eventually left with no choice but to ask for help from the IMF and the EU, who provided a package of €85 billion (33% of Irish GDP) alongside drastic conditions that virtually removed Irish economic sovereignty for the years that followed (Chari and Bernhagen 2011, 474–475). Hence, Ireland was (and is) facing a multidimensional economic crisis: a financial crisis, with the implosion of the property bubble; a fiscal crisis, because of the commitment of public money to prevent the Irish banking system's total collapse; and an unemployment crisis, with an explosion in the number of people unemployed (Hardiman 2009). The main macroeconomic indicators (Table 13) are enlightening: deep recession, tripling of the number of people unemployed, and a 32% deficit in 2010.

Table 13. *Main macroeconomic indicators for Ireland, 2007-2010*

Year	Growth	Unemployment	Deficit
2007	+5,6	4,6	0,1
2008	-3,5	6,3	-7,3
2009	-7,6	11,8	-14,3
2010	-1	13,6	-32,4

Notes: Growth refers to the percentage of growth of GDP in constant prices.

Unemployment refers to percentage of unemployed among the total labour force.

Deficit refers to the government net lending/borrowing, as a percentage of GDP.

Source: Figures for the deficit come from the Organisation of Economic Cooperation and Development and for growth and unemployment from the International Monetary Fund.

Recently enough, a new narrative has developed that enables us to identify the culprits behind this crisis: the Fianna Fáil government in power when the crisis unfolded, but also the Irish political institutions that in every possible sense failed to prevent the crisis. The narrative was constructed by actors outside of the political system (journalists, political scientists, economists, lawyers, etc.) who, with few exceptions, made the following arguments: the crisis was largely the result of the irresponsible behaviour of the political decision-makers, fuelled by the proximity of the politicians to the financial world, and by a populist and localist political culture. This behaviour was made possible by the politicians' lack of either accountability or responsibility (Mair 2010). In turn, this lack of accountability was considered to have been caused by the Irish political institutions themselves. In other words, the crisis was not caused solely by *politicians*, it was caused by the behaviour that the *political system* entailed, implying that the only way to prevent

such crises from happening again was to profoundly change the Irish political institutions (for a summary, see Coakley 2013, 9–11).

To give just a few examples, academics such as Kirby and Murphy (2011) consider that the centralised nature of the Irish state, as well as the electoral system's promotion of localism and clientelism over effective policy-making, were the two key problems, and push for the advent of a "Second Republic". Hardinam summarises the most widespread view by arguing that "[d]uring a boom, it is easy to overlook poor levels of performance. In hard times this is no longer possible. Good decision-making capabilities are precisely what seem to be in short supply in Irish society" (2009: 3). Journalists like O'Toole (2010) argue that Irish political culture was primarily to blame, and criticise the weak parliament and the weak public services.

Renwick, who analyses the development of the debate on political reform in Ireland in the press between 2005 and 2011, shows that sustained attention was also paid to the issue of political reform, especially in 2009 and in 2011, and particularly in the liberal and progressive *The Irish Times*. This reached a peak in the first trimester of 2011, with 350 articles on political reform (2012, 21). The topics that were highest on the agenda were the abolition of the Seanad, the reform of the Dáil, and the representation of women (2012, 22). Finally, the author demonstrates that "a populist anti-politician response to the economic crisis has dominated over a constructive response" (Renwick 2012, 11) in the media, meaning that most of the debate has centred on ways to ensure that "politicians share the public's pain" (2012, 4).

In other words, the feeling that institutions were at fault and needed reform was a "child of the crisis". As Clodagh Harris, an academic who is heavily involved in projects which evaluate the quality of democracy, puts it in an interview: "the crisis that we faced was such a sharp, such a severe crisis that it forced all citizens, all politicians, policymakers, etc., to examine what had gone wrong. And there had been obviously discussions taking place around the issue 'how come the political system allowed this to happen?'"¹⁶² Yet, despite the fact that most commentators agreed along roughly the same lines, there was no agreement on the precise institutions that were at fault, and even less so on the solutions that needed to be implemented in order to improve them.

¹⁶² Interview with Clodagh Harris, Professor of political science at University College Cork, a member of the academic team of *We the Citizens* and *reformcard.com*, 21 May 2012, through Skype.

1.2. *“The system is broken”: civil society mobilisation and its consequences in the 2011 election*

In three years, the country went from boom to bust. The narrative that reproached the political system for this demise resulted in a proliferation of actors promoting the “political reform agenda”. In turn, this civil society mobilisation led all of the main political parties to make a series of promises in their 2011 manifestos to implement institutional reforms.

1.2.1. The proliferation of actors pushing for political reform, but an ill-defined agenda

At first glance, the proliferation of actors from both civil society and the academic world who set out to put political reform on the agenda in one way or another in the aftermath of the crisis is quite impressive. Some of these actors are well-established think tanks and NGOs pushing for an expansive agenda of political and social reforms, such as TASC (Think tank for Action on Social Change), the ICCL (Irish Council for Civil Liberties), Amnesty International Ireland and the Women’s Council of Ireland. Some try to promote a more grass roots approach, based on debate, and bring together a mix of environmentalists, trade unionists, ordinary citizens, and students, at events comprising around 250 people, such as Claiming Our Future or Second Republic (An Dara Poblach), which were both founded in 2010. Some initiatives have been promoted by academics, such as the creation of the platform blog politicalreform.ie, which involves junior and senior political scientists in the debate on political reform, or the creation of the Reform Score Card to evaluate the main parties’ commitments on political reform in the 2011 election. Some joint efforts including both academics and civil society also took place, through the original initiative “We the Citizens” financed by Atlantic Philanthropies. Its chairman, Fiach MacConghail, presented it to me in an interview¹⁶³ as a “non-partisan, civil society project” that was set up to see how the process of deliberative democracy could work in Ireland. By setting up a citizens’ assembly, modelled on that which existed in British Columbia for electoral reform, it aimed to influence the political decision-makers regarding the way political reform should be brought about in Ireland (Farrell, O’Malley, and Suiter 2013).¹⁶⁴

¹⁶³ Interview with Fiach MacConghail, director of the Abbey Theatre, Senator and Chairman of “We the Citizens”, independent, 29 May 2012, at his office in Dublin.

¹⁶⁴ “Behind the scenes, we were also trying to raise funds to run a citizens’ assembly, because we had been trying to push forward the idea that this was a useful device, but we were constantly critiqued by the journalists particularly, who said that the citizens’ assemblies could not have been working in Ireland,

Since the beginning of this chapter, I have deliberately been talking about “political reform” without defining it. The truth is that, despite the multiplicity of actors pushing in roughly the same direction for “political reform”, no clear definition of what was meant by this term really existed. As Elaine Byrne admitted in a column for *The Irish Times* in 2010, “there is a growing consensus for fundamental political reform but this is complemented by an uncertainty of how to go about it or what specifically those reforms should be.”¹⁶⁵ Certain actors, mainly the longer-established ones such as TASC, include within their agenda of “political reform” aspects ranging from dealing with social and fiscal inequality to the right to vote for prisoners, and from regulation of social partnerships in Ireland to laws on state transparency, or children’s rights. Others go further still, pushing for the replacement of the 1937 Constitution with a new, more inclusive one (Second Republic, Claiming Our Future). The academic world focused more on the political institutions themselves, but their lobbying tended to be limited to bringing these issues forward on the agenda, with no precise proposals. Some individuals have promoted precise proposals, although not in a sustained and coordinated manner.¹⁶⁶

These actors agreed on certain aspects: a vast majority of them pushed for the creation of some form of citizens’ assembly, and for a deliberative and participative process of institutional change in general. Furthermore, almost all of the various proposals went in the direction of a more inclusive democracy, be it through a stronger parliament, a stronger civil society and/or a stronger local government. From the point of view of the politicians, Alex White, Labour senator, talks about a “very fuzzy agenda”, and argues: “People have got great ideas about the process, but not so much about the substance”.¹⁶⁷ Whereas politicians were well aware of this “buzz”, the ill-defined agenda of the numerous promoters of political reform basically let them open up the field to decide what they wanted, or didn’t want, to include in their proposals for the 2011 election.

because Ireland is different”, says David Farrell, the academic conveyor of the We the Citizens initiative. Interview with David Farrell, op.cit.

¹⁶⁵ Byrne, Elaine. “To move on we must never forget”. *The Irish Times*, 4 April 2010.

¹⁶⁶ For example, in the aftermath of 2011, a group of academics pushed for measures to reinforce the Dáil, such as the allocation of committee chairs proportionately to the share of vote, giving the Dáil greater powers to control its own agenda, etc. Byrne, Elaine, Farrell, David, O’Malley, Eoin, Suiter, Jane, Wall, Matt. “New coalition must make political reform a priority”. *The Irish Times*, 3 March 2011

¹⁶⁷ Interview with Alex White, op. cit.

1.2.2. The 2011 campaign: clear momentum for institutional reform?

In the run-up to the general election of 2011, all of the major Irish parties adopted a number of promises regarding the reform of the Irish political institutions (Appendix 11), along with certain deadlines. While certain parties, particularly Fine Gael and Labour, were early converts to the move for political reform, during the time of the 2011 campaign, it seemed that there had never before been such momentum to reform the political institutions. Moreover, between 2007 and 2011, the Irish citizenry's level of trust in the main political institutions (parties, parliament and government) dropped by around ten percentage points (Table 14), making Ireland a country with one of the lowest levels of political trust in all of the EU in 2009 (Hardiman 2010, 54).

Table 14. *Trust in political institutions in Ireland in %, 2007-2011*

	2007	2008	2009	2010	2011
Trust in political parties	22%	23	13	17	13
Trust in the parliament	33	36	19	22	21
Trust in the government	32	33	15	21	22

% of people who declare they “tend to trust” the following institution.

Source: Eurobarometers 68, 70, 72, 73, 76. http://ec.europa.eu/public_opinion/archives/eb_arch_en.htm

This drop in political support created a sense of urgency to act and propose measures. Whereas it was very difficult to make economic promises in a context where Ireland had been deprived of most of its autonomy, promises to reform the political institutions were much “cheaper” to make. Fine Gael and Labour started to work on the issue of institutional reforms as early as 2010, through consultations with academics and experts.¹⁶⁸ In March 2010, Fine Gael released an ambitious plan they called “New Politics”, in which they stated: “political failure lies at the heart of Ireland’s economic collapse.”¹⁶⁹ These policy proposals were seen as a way of differentiating Fine Gael from such failure.¹⁷⁰ The main measures that made up the plan included the abolition of the Seanad, an enhanced role for the parliament, rules to make the government more transparent and easier to scrutinise, and the creation of a citizens’ assembly on electoral reform. They also announced that they would organise a “Constitution Day”, which would be a super-referendum on the points requiring constitutional approval, within 12 months of assuming

¹⁶⁸ Byrne, Elaine, journalist and research fellow at the University of New South Wales Sydney, co-author of politicalreform.ie, on the academic team of We the Citizens, 10 May 2012, at a café in Dublin.

¹⁶⁹ Fine Gael, “New Politics”, March 2010, republished in 2011: <http://www.finegae2011.com/pdf/NewPolitics.pdf>

¹⁷⁰ “It really was the political crisis that brought political reform back on the agenda and it provided a key component of our political campaign. (...) People were very interested in shaking up the system; it gave us something very different to talk about from the other political parties”. Anon., political adviser with the department of the Taoiseach, FG, 30 May 2011, at his office in Dublin.

office. This paved the way for the Labour Party to release its own plan in January 2011: “New Government, Better Government: changing a broken system. Labour’s 140 proposals to transform government, politics and the public services”. The argument was, again, to change the way politics is conducted in Ireland in order to prevent further economic crises from happening. The most emblematic measure called for the creation of a constitutional convention, one third of which would be made up of experts, one third of politicians and one third of citizens, to entirely redraft the Irish constitution by 2016, as well as a number of measures to enhance the powers of the Dáil, among other things. In both parties, it was possible to identify a few individuals who had particular inputs into the debate: Enda Kenny, the leader of Fine Gael,¹⁷¹ and Brendan Howlin of Labour.¹⁷²

Despite the fact that all parties eventually expressed strong stances in favour of institutional reforms, not all of them did so either early or enthusiastically. Fianna Fáil climbed on the bandwagon when it became obvious that political reform would occupy central stage in the 2011 campaign. The decision to hold the election in May 2011 was delayed until the last minute, so that FF had only a couple of months to assemble its manifesto, whereas the opposition had been drafting its project for much longer. Averil Power, FF spokesperson on political reform in 2011, confirmed to me in an interview that the process of drafting the section on political reform only started around January, after the replacement of the Taoiseach, Brian Cowen, with a new leader, Micheál Martin. Many of the ideas incorporated in the manifesto, including the separation of the legislature and the executive, were his. The manifesto was created behind closed doors, between the leader and his advisors.¹⁷³

When the time came and actual manifestos for the 2011 election were released, all of the main parties made a number of commitments on political reform. Some, such as Fianna Fáil and Sinn Féin, called for the replacement of the electoral system with a mixed-member electoral system. All of them agreed on the abolition of the Seanad, and the establishment of an independent electoral commission (Appendix 11). All of the manifestos contained several pages on political reform, and all, including that of Fianna Fáil, the party that had been in power for the previous 12 years, directly attributed the economic crisis to the failure of the institutions: “Of the many major failings in Ireland’s political culture the failure of our parliamentary system to

¹⁷¹ Interview with a political adviser, op. cit.

¹⁷² Interview with Alex White, op. cit.

¹⁷³ Interview with Averil Power, senator since 2011, ex-political advisor of Mary Hanafin in the Department of Tourism, Family affairs and Education, ex-spokesperson on political reform in the 2011 election, FF, 29 May 2012, Leinster House, Dublin.

consider structural problems until it was too late is the most significant. The dominance of short-term considerations in public debate is obvious.”¹⁷⁴

Much more could be said on the 2011 election, which was one of the most volatile in the history of Western Europe (29.6% of total volatility, Mair 2011b). Yet, what happened was mostly a redistribution of the cards between the three main players, disguising some degree of the party system’s stability (Hutcheson 2011). For the first time in history, FG became the leading party with 36% of the votes and 45.8% of the seats; Labour received the second most, with almost 20% of the votes and 22% of the seats. Fianna Fáil lost almost 25 percentage points in votes, and lost three-quarters of its previous number of seats. Sinn Féin, finally, tripled its number of seats. The abovementioned continuity lay in the identity of the government coalition formed after the election, a Fine Gael-Labour coalition that the country had experienced in the past (Little 2011). To relate the Irish situation to the findings of the first part, one could say that there was an unprecedented conjunction of events which were favourable to the adoption of institutional reforms:¹⁷⁵ the first full political alternation in 14 years, and a level of political volatility never previously achieved in the Republic of Ireland. No party had ever had such momentum to apply its political programme, and promoters of institutional reforms had great confidence in the new coalition’s ability to bring forward change, thanks to its comfortable majority and the near-unanimity of the main parties on the political reform agenda.

2. The different paths of Irish institutional reforms

As the first part showed, the momentum to reform the institutions in 2011 resulted from the political system’s designation as the culprit in the economic crisis; the mobilisation of a wide variety of actors with an imprecise agenda in favour of “political reform”; and from the promises made by all of the main actors present in the parliament to adopt far-ranging institutional reforms. Yet, not all of the reforms which were placed on the agenda in 2011 have experienced the same fate: some have been successfully adopted, whereas others have either failed or have been lost in the twists and turns of the decision process. I will focus firstly on the definition of the bundle of reforms, and secondly on its adoption. The compromises reached by the two coalition partners, Fine Gael and Labour, resulted in the formulation of a scattered bundle of reforms, dividing the topic of political reforms into multiple reform issues, departments and

¹⁷⁴ Fianna Fáil manifesto for the general election of 2011, “Real Plan, Better Future”, p.32. <http://election.fiannafail.ie/pages/read-the-plan>

¹⁷⁵ Cf. *supra*.

processes. Ultimately, the final outcome of the reforms has depended on the conjunction between the nature of the reform and the process chosen to conduct it. The final section of the chapter will show how the Irish case provides evidence about three configurations of reform.

2.1. From the compromises of the Programme for Government to a scattered bundle

The Programme for Government adopted by the Fine Gael-Labour coalition after the election of 2011 made a number of commitments regarding institutional reforms, the most substantial of these being the establishment of a constitutional convention and the organisation of a referendum on the abolition of the Seanad, as well as a number of consensual provisions on various elements of the political system. The process of reform was organised by splitting the reform agenda into no less than three departments and a very large number of laws and proposals.

2.1.1. The content of the Programme for government

As is the tradition in Ireland, the Programme for government (Pfg), underlining the policy priorities of the coalition entering power after the general election, was written quickly after the general election, with negotiating teams composed of frontbench members from both parties. One of the advisers of the Fine Gael team explains that the most contentious point did not relate to political reform, and that as a consequence, this section was written hastily, leaving the more contentious aspect for later stages: the agenda of the constitutional convention.¹⁷⁶ While the Labour manifesto pushed for a complete rewriting of the constitution, Fine Gael was in favour of a less ambitious and more focused plan of reforms, with the abolition of the Seanad at the forefront. The section on political reform also included discussions on constitutional amendments and transparency measures that had no direct link with the organisation of the political institutions.

In the end, regarding the reform of political institutions, both parties agreed on two priorities: to hold a referendum on the powers of investigation of the parliamentary committees, and another on the abolition of the Seanad, proposals that were perceived as benefitting from widespread assent. The Pfg also promised the creation of a constitutional convention that would “consider comprehensive constitutional reform”,¹⁷⁷ and include a variety of topics, some regarding the political institutions, some not: review of the Dáil electoral system, reduction of

¹⁷⁶ Interview with a political adviser, op. cit.

¹⁷⁷ Programme for government, p. 17., accessible from the website of the Department of the Taoiseach: http://www.taoiseach.gov.ie/eng/Publications/Publications_Archive/Publications_2011/Programme_for_Government_2011.pdf

the presidential term, reduction of the voting age, but also same-sex marriage or removal of blasphemy from the constitution. The convention was supposed to report within 12 months, while the document was mute on its composition.

The Pfg also promised a parliamentary reform to give constitutional standing to major committees and to reduce the number of committees, to give greater power to the speaker, extend the parliamentary question system to agencies founded by the state, increase time for oral questions, and in general, to reinforce the powers of the parliament to hold the government and agencies accountable. This focus on accountability went alongside a number of promises to improve transparency, such as the creation of a register of lobbyists, the reinforcement of the Freedom of Information Act, stricter legislation on donations to parties and candidates, and election spending, but also regulations to promote gender equality, by linking public funding to the number of female candidates standing for elections. The Pfg also focuses on “showing leadership” through symbolic measures such as reducing the number of TDs (with no indication regarding the number), and a “code of good practice of the use of the government jet” (sic).

Other issues include the reinforcement of the power of the Dáil vis-à-vis the executive. A long list of proposals were made, including ones to: tackle the over-use of guillotine motions,¹⁷⁸ increase the number of Dáil sitting days, devote one day a week to private members’ bills, and establish a petition system in the Dáil to be managed by a new committee. Finally, on the topic of local government reform, the Programme for government was pretty much a simple copy-and-pasting of measures contained in both parties’ manifestos,¹⁷⁹ including making property-related revenues part of the income stream of local governments (FG), giving powers to councillors to seek reports from public services providers in their areas (Labour), and a number of promises on possible services and competences that could be performed by local authorities: fire services, traffic management, economic development, etc.

A number of aspects on how and by whom the reforms should be carried out remain ill-defined in the document. Overall, the Programme for government makes a clear commitment on only one major measure: the abolition of the Seanad, without any further justifications. . The “comprehensive constitutional reform” is outsourced to a constitutional convention, which could in no way tackle parliamentary reform or the debate on the existence of the Seanad. Regarding the Dáil, the Pfg commits to a mix of symbolic and small measures to modify the organisation of parliamentary work. On local government, the document remains quite vague, and makes no

¹⁷⁸ A guillotine motion (formally called “allocation of time motion”) is a procedural device used to speed up the passage of contentious legislation, strictly limiting the time devoted to the debate of a given clause, after which point a vote is taken.

¹⁷⁹ Cf. appendix 11.

major commitment. Overall, the programme for government constitutes a substantial re-dimensioning of the agenda on political reform in comparison with the promises contained in the 2011 manifestos.

2.1.2. A scattered bundle of reforms

Many issues regarding institutional reforms have been placed on the agenda concomitantly in the manifestos of political parties, and afterwards in the Pfg. What choice did the governing coalition make to implement this agenda? Did they choose a big “package” of reforms, or did they seek to separate each dimension from the others? In the first chapter, bundles of reforms in the context of a process-tracing analysis were defined as following, either as a package deal or as a sequence:

- 1- One reform, or attempt to reform, modifying *several dimensions* of the institutional architecture *at the same time*;
- 2- Two or more reforms, or attempts to reform, dealing with several dimensions of the institutional architecture, that were initiated, discussed and/or adopted, concomitantly or otherwise, *and explicitly linked by the reform initiators* during the process.

In the case of Ireland, we are clearly dealing with the second form of bundles: a series of institutional reforms touching upon several aspects of the institutional architecture that were explicitly linked by the initiators of reform (Fine Gael and Labour), both in their manifestos and in the Programme for government, but were discussed and adopted (when applicable) at different times. This is a process that I call the “scattered bundle”. The important aspect to keep in mind is that the choice to proceed by separating the different reforms, both in time and between ministers, was a deliberate strategy.

The most emblematic aspects of the agenda of institutional reform, namely Seanad abolition and the organisation of the constitutional convention, are dealt with by the Department of the Taoiseach (Table 15), and are thus under the close supervision of Enda Kenny. Paul Kehoe, Minister of State at the Department of the Taoiseach, is in charge of aspects regarding the functioning of the parliament and the reform of the standing orders, so that all of the elements relating to the powers of the Oireachtas are controlled by the same Department. The Minister for Environment, Community and Local Government (Phil Hogan) is, as is traditionally the case in Ireland, in charge of all technical and financial aspects of the electoral system, as well as of local government reform. Finally, the Labour Party only has a handle on aspects of the agenda of

political reform that do not directly relate to the political institutions. Instead, Brendan Howlin, Minister for Public Expenditure and Reform, is charged with implementing all of the commitments in relation to transparency, greater openness of the public sector, and public access to information coming from the ministers and public agencies (through Freedom of Information).

Table 15. *Construction of the bundle of reforms in Ireland since 2011*

Dimensions of reform	Minister/department in charge	Laws, referendums	Aspects still on the agenda
Transparency, Public sector reform	Brendan Howlin, Minister for Public Expenditure and Reform (Lab)	Referendum on the powers of enquiry of the Oireachtas (rejected Oct. 2011) Referendum on judges pay (adopted Oct. 2011)	Legislation on lobbying, corruption, whistleblowing, Expansion of Freedom of Information Act (2012-2013)
Electoral regulation and local government reform	Phil Hogan, Minister for the Environment, Community and Local Government (FG)	Electoral (Amendment) Act 2011 on political expenses, Electoral (Political Funding) (Amendment) Act 2012 on political donations, party expenditure and gender balance Electoral (Amendment) (Dáil constituencies) Act 2013, reducing by 8 the number of TDs	Local Government Reform (government bill published in Oct. 2013)
Reform of the Dáil	Paul Kehoe, Chief Whip and Minister of State for the Taoiseach (FG)	Reform of the Dáil standing orders, 2011	Subsequent reforms of the Dáil standing orders
Seanad abolition, Constitutional Convention	Department of the Taoiseach	Motion on the concrete organisation of the constitutional convention (July 2012) Referendum on Seanad abolition (rejected Oct. 2013) Launch of the constitutional convention (established Dec. 2012)	Concrete tackling of the proposals made by the constitutional convention: constitution day and referendum on voting age (2015)

Three remarks come to mind when analysing the composition of the bundle of reforms. First, the government chose not to give responsibility for the reform agenda to a single individual or ministerial department, but rather to dispatch different elements of the agenda to various ministers and departments. This, in turn, implies multiple sequences of discussion about reform, multiple pieces of legislation, and the splitting of the reform agenda into multiple debates, rather than a single, unique debate. Secondly, the Department of the Taoiseach is in charge of the two most important issues, while the aspects of reform that appeared as more peripheral in the Programme for Government are handled by different ministers. Thirdly, there is evidence that not all of the reforms that have been completed to this date have been adopted, and that many are still under way. For example, two referendums have been rejected, on the Seanad and on the

powers of enquiry of the parliament, whereas three pieces of legislation have been adopted concerning electoral regulation in Ireland. Finally, thus far, no concrete step has followed the launch of the constitutional convention and its proposals.

2.2. The different outcomes of a scattered bundle of reforms: adoption, non-adoption, and kicking to touch

It is actually possible to separate the outcomes of the political reform agenda into three reform configurations. In the remainder of the chapter, I will not focus on all of the reforms, but only on those that most clearly illustrate the links between the nature of the reforms, the process of reform, and their final outcomes. Firstly, a number of consensual reforms led by the parliamentary majority, but without the referendum requirement, have been successfully adopted in the parliament. Secondly, two major reforms have failed at referendum - the expansion of the powers of enquiry of the parliament and the abolition of the Seanad- despite the fact that these reforms were highly consensual in 2011. These reforms were conducted by the parliamentary majority, and their non-adoption illustrates the mechanisms of framing and re-framing that take place during processes of institutional reforms, especially those that involve direct public consultation. Finally, the most divisive institutional reforms that made it onto the agenda in 2011 were delegated to the Irish constitutional convention. This was the consequence of a will on the part of the government to kick to touch on these issues, with no real will to implement major achievements on political reforms, which is the most contentious issue for public opinion and/or the political actors.

2.2.1. The successful adoption of consensual and non-constitutionalised institutional reforms

Many of the reforms on the agenda in 2011 concerned matters that did not require a referendum. Indeed, all of the provisions within the Irish political system that are not specifically regulated by the constitution can be modified through a traditional legislative process, i.e. by simple majority. These aspects do not relate to the core of the Irish institutional organisation, but rather, to more peripheral and concrete aspects of the institutional system. The government has conducted a number of reforms through a majoritarian process, thereby controlling the process of reform from the elaboration phase through to final adoption.

As soon as the new coalition came into office in 2011, a few symbolic measures were adopted, such as a 6.6% reduction in the salaries of the Taoiseach, the Tánaiste, and the ministers.¹⁸⁰ A reform of the Dáil standing orders was also adopted in July 2011.¹⁸¹ Among other provisions, this reform reduced the number of committees from 25 to 16, gave extra powers to the Ceann Comhairle (Speaker) to command ministers to answer parliamentary questions, significantly increased the number of Dáil sitting days, allocated one day a week for private members' business and the option to raise "topical issues".¹⁸² Note that some of Fine Gael's important symbolic commitments, such as the election by secret ballot of the Speaker, or of the Programme for government, or the rules to limit the use of guillotine motions, have not been adopted. In September 2013, the government published additional proposals for Dáil reform, including the extension of the use of pre-legislative scrutiny, and longer sitting hours in the parliament.¹⁸³ These reforms, as reforms yet to come still could, give some limited extra powers to the Dáil vis-à-vis the government. Yet it certainly had no significant effect on the balance of powers between the two institutions. Therefore, it is clear that when the government controls the process of institutional reform, it has the capacity to define the alternatives to reform. Weakening the government vis-à-vis the Oireachtas was not one of the chosen alternatives, despite the fierce criticism over the government's lack of accountability and its management of the economic crisis (Hardiman 2010, 2011).

The Electoral (Amendment) Act of 2011 revised the terms of the Constituency Commission to prepare for the reduction in the number of TDs and reduced the spending limits and the level of recoupable election expenses for presidential elections.¹⁸⁴ The reduction of the number of TDs, in particular, was surveyed as being by far the most popular political reform among the Irish public, with 78% of respondents agreeing that "the number of TDs should be significantly reduced" in 2011.¹⁸⁵ In 2012, new legislation introduced much tougher regulation on corporate donations to political parties through the creation of a registry of donors, obliging parties to disclose their accounts to the Standards in Public Office Commission, a reduction of

¹⁸⁰ Cf. <http://www.merrionstreet.ie/index.php/2011/03/government-cuts-ministers-pay>

¹⁸¹ These modifications were adopted on 25 July 2011. Cf. "modifications and amendments in effect to the standing orders relative to public business (2011 edition)" Dublin: Stationery Office, 2011.

¹⁸² Programme for Government – Progress Report March 2012, accessible from the Department of the Taoiseach:

http://www.taoiseach.gov.ie/eng/Publications/Publications_Archive/Publications_2011/Programme_for_Government_2011.pdf

¹⁸³ <http://www.merrionstreet.ie/index.php/2013/09/government-publishes-programme-of-dail-reform-2/?cat=3>

¹⁸⁴ *Electoral (Amendment) Act* 2011. Dublin: Stationery Office.

¹⁸⁵ This survey was conducted by the Irish National Election Study in 2011. For the detailed results, cf. Coakley 2013, 13.

the maximum acceptable donations to political parties from both companies and individuals, as well as a reduction of the threshold below which donations must be reported. Another important provision states that, if women do not account for at least 30% of candidates fielded by parties in the next general election, and 40% in the general election after that, the amount of public funding received by the parties will be reduced by 50%.¹⁸⁶ The success of this provision in promoting better representation of women is not foreign with the long-term efforts within Irish civil society which were present long before the economic crisis, with organisations such as the 5050 Group promoting gender equality in the Dáil by 2020, or the National Women's Council of Ireland. The idea benefited from relative consensus among the Irish public, with 46% agreeing in 2011 that “parties should be forced to nominate more women as candidates” (22% disagreeing, and 30% indifferent).¹⁸⁷ The success of this measure illustrates how the crisis constituted a decisive “tipping point” (Buckley, Galligan, and McGing 2013, 1) for a reform that already benefitted from extensive political debate and assent: Fianna Fáil, Fine Gael and the Labour Party had all promised the introduction of gender quotas in their 2011 manifestos.¹⁸⁸

Other laws are under way, particularly on the peripheral aspects of political reform (not linked with the political institutions), regarding transparency and protection of whistle-blowers (Protected Disclosures in the Public Interest Bill, published in July 2013),¹⁸⁹ while the first draft of the regulation on lobbying was published in April 2013.¹⁹⁰ The Government published the Freedom of Information Bill in September 2013.¹⁹¹ Legislation was adopted in April 2013 to reduce the number of TDs from 166 to 158, which is significantly less than Fine Gael's initial promise to reduce the number of TDs by 20.¹⁹²

In 2011, 61% of Irish people agreed with the idea that “local government should be given power to raise and to manage their own finances”.¹⁹³ Plans for local government reform were announced in the autumn of 2012 (Department of the Environment, Community and Local Government 2012). They include in particular the refocusing of local government efforts

¹⁸⁶ *Electoral (Amendment) (Political Funding) Act*, 2012. Dublin: Stationery Office.

¹⁸⁷ This figure, again, come from the Irish National Election Study of 2011

¹⁸⁸ Cf. appendix 11.

¹⁸⁹ <http://per.gov.ie/2013/07/03/publication-of-the-protected-disclosures-bill-2013/>

¹⁹⁰ <http://per.gov.ie/regulation-of-lobbyists/>

¹⁹¹ <http://www.oireachtas.ie/viewdoc.asp?fn=/documents/bills28/bills/2013/8913/b8913d-memo.pdf>

The government plans have already attracted fierce criticism, with some specialists considering that its use will be restricted to only the most affluent individuals. Cf. for example the blog entry by Jennifer Kavanagh, “Free for those that can afford it, very expensive for those that can't”, on 12 November 2013: <http://politicalreform.ie/2013/11/12/free-to-those-that-can-afford-it-very-expensive-to-those-that-cant-creating-the-luxury-of-freedom-of-information/>

¹⁹² *Electoral (Amendment) (Dáil Constituencies) Act* 2013. Dublin, Stationery Office.

¹⁹³ Survey of the Irish National Election Study of 2011.

towards economic, social and community development, the delivery of certain public services through locally based bodies rather than central agencies, a significant reduction (by 500) in the number of councillors, the replacement of 114 local authorities with 31 integrated authorities organised on the basis of municipal districts, the replacement of the eight regional authorities with three regional assemblies, and the introduction of new income streams for local authorities through the institution of a new property tax.

The adoption of these consensual reforms has not posed major problems for the government, as the coalition in power benefits from a very comfortable parliamentary majority. However, there is evidence to suggest that the opposition parties have opposed certain measures, despite being in favour of the same measures in their manifestos. For example, during the debate on gender quotas and political funding in 2012, Fianna Fáil voted against the law, despite its support for gender quotas, on the grounds that the government's corporate donation provisions did not go far enough.¹⁹⁴ The position of the opposition parties on consensual institutional reforms is largely driven by credit-claiming logic. When the main opposition leaders believe that they cannot benefit from a reform because the public would not see them as leading instigators of the measure, they tend to switch positions and oppose the reform in order to turn it into a criticism of the government, and into a divisive measure. In this case, the main opposition party, Fianna Fáil, has defended a maximalist vision of change to justify its opposition to certain important provisions. This, of course, contrasts sharply with their previous lack of involvement in the reform agenda when they held power. This strategy, however, cannot change the outcome of a given reform when the government rules with a firm hand in the parliament. The situation, however, is very different in the context of a referendum campaign, where the outcome depends entirely on the citizens.

2.2.2. From consensual to divisive issues: the referendums on powers of enquiry and Seanad abolition

The failures at referendum of the reforms to expand the powers of enquiry of the Oireachtas and to abolish the second chamber (Seanad), at first glance, seem very puzzling.

¹⁹⁴ During an interview with the FF Senator Averil Power, she justified the position of her party as such: "Our party voted against in the Dáil because it was a legislation that dealt with two or three different things and the party was unhappy with the changes made to corporate donations funding. We had proposed that there should be a total ban on corporate donations, but in the end it was just reduced. And so the parliamentary party took the decision to vote against the bill on this basis (...). But we spoke in favour of quotas. (...) And we made proposals when it was in parliament to strengthen the legislation and bring in quotas for local elections and for the Seanad as well." Interview with Averil Power, op. cit.

Indeed, both of these political reforms benefited from widespread assent when they were put on the agenda, and most observers and polls foresaw an easy adoption by referendum. Yet, in both cases, the final outcome was the same: the rejection of the reform by a small, but decisive, margin of voters. These two referendum campaigns illustrate well how certain institutional reforms are being reframed as the process goes on, particularly when the government seeks to impose this measure without involving other political actors or civil society.

a) The referendum on the powers of enquiry: the revenge of the lawyers

The governing coalition took rapid action concerning the powers of enquiry of the Oireachtas, which was one of the recommendations of the Joint Committee on the Constitution (2011). This referendum sought to overturn a 2000 High Court judgment, referred to as the “Abbeylara judgment”, which considered that the Oireachtas had no inherent powers of enquiry under the Constitution.¹⁹⁵ The proposed amendment would have given explicit power to the Houses of the Oireachtas to conduct enquiries into matters of “general public importance”, and to make findings in respect of the conduct of individuals. Sub-section 4 of the proposal stated that “it shall be for the House (...) to determine the appropriate balance between the rights of persons and the public interest for the purposes of ensuring an effective inquiry”. The consequences of this point were relatively unclear; this caused major concern among law specialists in Ireland. Most lawyers interpreted it as a means of making it very difficult for an individual before such an enquiry to defend his/her rights in court if he/she felt wronged.¹⁹⁶ This last point was not debated thoroughly in parliament, and was put forward by Alan Shatter (FG Minister for Justice), and Brendan Howlin (Labour Minister for Public Expenditure and Reform). The elaboration of the proposal was, undoubtedly, conducted solely by the government, with a very short parliamentary debate (only two hours for the second reading!).

¹⁹⁵ The Abbeylara judgment refers to the shooting of John Carty, who suffered from bipolar disorder, by the Gardaí in 2000. As a consequence, an Oireachtas subcommittee tried to enquire into the circumstances of the shooting, before the High Court judged that the Oireachtas had no inherent powers to make enquiries, and more crucially, to establish findings of facts, or conclusions as to the personal culpability of individuals. Cf. O’Connell, Donncha. “Proposed inquiry amendment needs careful scrutiny”. *The Irish Times*, 16 September 2011. Daly, Eoin. “Oireachtas inquiries referendum needs more debate”. *The Irish Times*, 17 September 2011.

¹⁹⁶ This interpretation was confirmed to me by Alex White, a lawyer and Labour senator. Interview with Alex White, op. cit.. Brendan Howlin and Alan Shatter, the ministers in charge, were actually part of the sub-committee which was forced to halt its enquiry after the Abbeylara judgment, which had a clear and direct influence on the wording of the amendment.

Still, the main opposition party, Fianna Fáil, voted in favour of this bill.¹⁹⁷ Therefore, all main Irish political parties were in favour of this measure.

What proved decisive in explaining the “no” vote was the mobilisation of both civil society and law specialists. Eight former holders of the Office of the Attorney General, the legal adviser to the government and the chief law officer of the state, spoke out against the constitutional amendment.¹⁹⁸ Many constitutional lawyers also criticised this proposed amendment because of the lack of clarity of its last sub-section. Eoin Daly, for example, stated at the time that, “[p]oliticians are not to be trusted in deciding the appropriate balance when it comes to the good name of citizens. Their need for attention and for public approval undermines their capacity to act with necessary detachment when performing a quasi-judicial role as investigators.”¹⁹⁹

One month before the vote, opinion polls showed extensive support for the proposed measure (between 74% and 81%, Marsh, Suiter, and Reidy 2012, 9). The referendum was held on the same day as the presidential election, on 27 October 2011, and was rejected, with 53% of voters opposed and 47% in favour, and a turnout of 56%. This came as a clear blow for the government, all the more so because opinion polls showed that 74% of those who voted in the referendum were actually in favour, as well as 58% of the voters who voted “no” (Marsh, Suiter, and Reidy 2012, 11).²⁰⁰ Experts gave three primary reasons to explain why the referendum was not adopted: the sense among voters that the amendment would give too much power to politicians, the lack of knowledge on the topic (with a large number of voters unable to recall the “yes” and “no” arguments), and the tendency to trust the experts calling for a “no” vote, such as Attorney Generals or legal specialists, more than politicians (Marsh, Suiter, and Reidy 2012).

The outcome of this referendum shows how an apparently consensual issue may be successfully reframed into a divisive one by reform opponents – in this case, the former Attorney Generals in particular. Several politicians also consider, in retrospect, that this referendum served as a reminder of just how distrustful Irish voters were of any measure to reinforce the power of politicians in the context of the crisis.²⁰¹ One can also interpret this referendum in light of the fact that the leading coalition had underestimated the costs of political reform. It had been

¹⁹⁷ Whelan, Noel. “Coalition a victim of its own haste on referendum”. *The Irish Times*, 5 November 2011.

¹⁹⁸ Brennan, Michal, McDonald, Dearbhail. “Top legal experts call for No vote in new poll”. *The Irish Independent*, 24 October 2011.

¹⁹⁹ Daly, Eoin. “Oireachtas inquiries referendum needs more debate”. *The Irish Times*, 17 September 2011.

²⁰⁰ <http://per.gov.ie/wp-content/uploads/OIReferendum-Report-Final-2003-corrected.pdf>

The report draws on quantitative data provided by the poll company Red C.

²⁰¹ Interview with Alex White, op. cit.

Interview with Eoghan Murphy, Teachta Dála (TD) for Dublin South-East since 2011, ex-Dublin city councillor from 2009 to 2011, FG, 24 May 2012, Leinster House, Dublin.

perceived as an “easy” and uncontroversial topic in the election, whereas the referendum showed that the actual adoption of precise measures involved a great deal of debate, effort, and coordination to avoid the possibility of the opposition (here, outside of the parliament) re-framing the referendum, and even changing its outcome. The referendum on the abolition of the Seanad provides an even better illustration of these re-framing dynamics.

b) The referendum on the abolition of the Seanad: punishing the government

The proposal to abolish the Seanad was one of the most highly visible proposals contained in the Programme for Government, and was present in the 2011 manifestos of all of the four main political parties. As was made clear in the first part of the chapter, the overwhelming focus on political reform in the 2011 election was the result of the emergence of a narrative linking the crisis with the failures of the political system. In this context, the Irish upper house served as a cheap expiatory victim. The Seanad, its functioning, and the lack of added value of an upper house in its existing form have been criticised for decades, but most of the debates concluded by calling for profound reform of the Seanad.

The decision to abolish the Seanad if Fine Gael returned to power was made unilaterally by Enda Kenny and his advisors, without the consultation of the parliamentary party, and was announced by Kenny himself in October 2009 on the occasion of the Fine Gael presidential dinner. The proposal caught everyone by surprise, including (of course!) Fine Gael senators. It was soon directly or indirectly endorsed by politicians outside of the Fine Gael party, such as Noel Dempsey (FF), who declared that he was “not sure” that the Seanad still had a role, and Pat Rabbitte (Labour), who said he saw “merit” in Kenny’s proposition.²⁰² This position was gradually endorsed by all of the major political parties, with a strong and explicit link drawn between the economic crisis, the need to reform the institutions, and the call to abolish the Seanad. When I asked one political adviser why Fine Gael chose the abolition of the Seanad as its “showcase” political reform, his answer was clearly directed towards political communication, rather than towards any grand, visionary plan for the way Irish political institutions should look:

“Easy communication. (...) I think that was just a simple idea that could be easily communicated, whereas a lot of the other reforms, or issues about electoral reform, constituencies, lists, the public would find it difficult to understand without knowing how the system works an awful lot. It would have been harder to communicate on those issues than say, simple message of Seanad abolition, the reform agenda of the Seanad has not worked out, and therefore we put this out there”.²⁰³

²⁰² McGee, Harry. “Dempsey 'not sure' if Seanad has role”. *The Irish Times*, 19 October 2009.

²⁰³ Interview with a political adviser, op. cit.

In other words, the idea to abolish the Seanad was not without populist overtones, but it was a consensual idea that seemed to be shared by a majority of politicians and of the people when it was first put on the agenda.²⁰⁴ Kenny, from the beginning, expressed the will to leave his mark on this reform. Right after his proposal, he declared, “I’ve taken a leader’s initiative on this and that’s what leaders are for”, on RTÉ’s Morning Ireland radio programme.²⁰⁵ Several of the experts and politicians I interviewed also emphasised the fact that, since political support had never been so low in Ireland as it was in 2009, the idea to get rid of politicians that cost money was very appealing. For example, Jimmy Devins explains: “There was a general feeling among the population that politicians are bad, they’ve got us into this crisis, if some of them are not going to have a nice safe job then great! Let’s get rid of them”.²⁰⁶

In reality, soon after the election it became obvious that the abolition of the Second Chamber was an extremely complex legal matter: the Seanad is mentioned 67 times in the Irish constitution, in no less than 16 articles, which implies that its abolition would require the rewording of substantial sections of the constitution. Consequently, the date for the organisation of the Seanad referendum was delayed until October 2013. Moreover, and contrary to some of the marginal reforms discussed previously, the abolition of the Seanad would leave clear winners and losers in every single party in the parliament, the losers, of course, being the senators themselves. The rebellion against Seanad abolition started with the adoption of a non-binding motion by the opposition in June 2012, which proposed to include Seanad reform in the topics dealt with by the constitutional convention, with the support of three Labour senators,²⁰⁷ and the promotion by various influential former politicians of reform rather than abolition.²⁰⁸

The bill to abolish the Seanad was finally adopted in July 2013, with opposition from Fianna Fáil, and the referendum date was set for October 2013.²⁰⁹ According to Coakley,

“it would be hard to argue that any ‘debate’ on the future of the Seanad took place between the time its abolition jumped onto the political agenda and the introduction of the abolition

²⁰⁴ In 2011, 58% of the people surveyed agreed with the proposition “the Seanad should be abolished”, 22% neither disagreed nor agreed, and 20% only disagreed. The survey had been conducted by the Irish National Election Study of 2011.

²⁰⁵ Collins, Stephen. “Bruton backs Kenny on abolition”. *The Irish Times*, 20 October 2009.

²⁰⁶ Interview with Jimmy Devins, op. cit.

²⁰⁷ Collins, Stephen. “Coalition defeated in Seanad as Labour Trio breaks ranks”. *The Irish Times*, 21 June 2012.

²⁰⁸ Collins, Stephen. “Six eminent former members start campaign to save Seanad”. *The Irish Times*, 23 July 2012. These were TK Whitaker (ex-civil servant, minister, Seanad leader, and chair of the Constitutional Review Group), Mary O’Rourke (ex-FF minister and chair of the last report on the Seanad, Bríd Rodgers (former Northern Ireland ombudsman), Maurice Hayes (ex-independent politician), John A Murphy (historian) and Mary Henry (former Trinity College senator).

²⁰⁹ *Thirty-second Amendment of the Constitution (Abolition of Seanad Éireann) Bill* 2013. Dublin: Stationery Office.

bill in the Dáil. Up to that point, no considered case for abolishing the Seanad was made, nor were the implications of abolition assessed in any degree of detail.” (2013, 131)

During the official campaign, the reform was opposed by the main opposition party, Fianna Fáil,²¹⁰ by some ex-Fine Gael²¹¹ and Labour politicians,²¹² by the Green Party,²¹³ as well as by influential civil society advocates.²¹⁴ For example, the Seanad Reform Group, comprised of sitting senators and former politicians, welcomed academics and experts who supported Seanad reform (see, for example, Quinn et al. 2012). The “yes” side, on the other hand, was supported by the government coalition, but also by Sinn Féin.²¹⁵ The coalition against the reform attempted, and succeeded in de-legitimising the reform by re-framing it as a divisive issue, denouncing as cynical the motives of Enda Kenny, who had campaigned on the basis that voters should get rid of senators costing €20 million a year.²¹⁶ David Farrell considers that “the posters were a disgrace”.²¹⁷ Indeed, the main – if not the only – argument put forward by the Fine Gael party was the “savings” argument. The most striking element, in reviewing the press coverage, the debates on the abolition of the Seanad, and the interview notes is the almost complete failure on the part of the abolitionists to frame the debate along the lines of “do we need a second chamber and how should the parliament be organised vis-à-vis the government?”. Instead, the superficiality of most of the arguments pushing for Seanad abolition is abundantly clear: saving money, and getting rid of politicians. The opponents, on the other hand, all argued that the Seanad should be reformed, rather than abolished; virtually no one defended the Seanad in its existing state. Moreover, despite the fact that Kenny tried to focus the campaign purely on Seanad abolition – and therefore on a simple and unidimensional question – the contenders placed the question of the Seanad within a wider frame, insisting on democratic accountability and linking the issue with Dáil reform.²¹⁸ Fine Gael tried to provide plans for Dáil reform

²¹⁰ Martin, Michéal. “A no vote would signal that people want real reform”. *The Irish Times*, 24 September 2013.

²¹¹ Carroll, Steven. “Creighton despairs at the public’s desire for fewer politicians”. *The Irish Times*, 1 October 2013. Lucinda Creighton and six other TDs who were expelled from the Fine Gael party because of their stance against the law on abortion adopted in 2013 have created the Reform Alliance.

²¹² O’Regan, Michael. “Campaign trail attracts some strange political bedfellows on No side”. *The Irish Times*, 12 September 2013.

²¹³ Brennan, Michael. “Green party warns abolishing Seanad would concentrate power in smaller political circle”. *Irish Independent*, 5 September 2013.

²¹⁴ Cf. for example O’Toole, Fintan. “Say No to coalition’s reform charade”. *The Irish Times*, 1 October 2013.

²¹⁵ Adams, Gerry. “Seanad must be abolished to create better democracy”. *The Irish Times*, 30 September 2013.

²¹⁶ Cf. appendix 12.

²¹⁷ Farrell, David, conversation via Skype on 8 November 2013.

²¹⁸ This is, for example, the argument of influential TV journalist Vincent Browne. Browne, Vincent. “Cynical Seanad abolition stunt must not be rewarded”. *The Irish Times*, 17 July 2013.

concomitantly with the campaign for Seanad abolition.²¹⁹ However, the negative campaigning over the Seanad issue led many of the undecided voters and experts²²⁰ to choose the “no” side in the referendum. In the end, against all odds, and despite the polls which consistently predicted the abolition of the Seanad by a comfortable margin,²²¹ Kenny lost the referendum, with 51.7% of the electoral turnout voting against abolition, with a stronger “no” vote in Dublin and other urban areas.²²² The turnout was amongst the lowest ever registered for a referendum in Ireland, with only 39.2% of voters actually going to the polls. The future moves are now very uncertain. Kenny spoke immediately after the vote about implementing the 1979 constitutional amendment to expand the composition of the University Panels to all graduates “as a first step”,²²³ although according to David Farrell, real Seanad reform is “a dead story”.²²⁴ Therefore, the result of the vote can be thought of as a mix of sanction against the government and Kenny’s cynical motives behind Seanad abolition, of the lack of mobilisation, of the consequences of the poor wording of the referendum,²²⁵ but also of the successful re-framing of the abolition of the Seanad as a divisive issue.

There are clear commonalities between the lost referendum on powers of enquiry and that on Seanad abolition. First of all, the issues benefited from a very wide assent of the citizens and major political parties in 2011. Secondly, the parliamentary majority has completely taken the lead on the elaboration of these proposals, neglecting inputs from the opposition parties and from the wider civil society. Thirdly, the outcome was, both times, an unexpected referendum defeat, after campaigns during which civil society and experts for the powers of enquiry and opposition parties, and other actors for the Seanad abolition have re-framed a consensual issue into a divisive one, mobilising voters to reject the proposal and punish the government. The referendum requirement has therefore proved to be particularly difficult to overcome. As noted

²¹⁹ Cf. *supra* and the detailed proposals: <http://www.merrionstreet.ie/index.php/2013/09/government-publishes-programme-of-dail-reform-2/?cat=3>

²²⁰ Cf. for example the blog entry of David Farrell “Why I will be voting No in the Seanad referendum” of 21 September 2013, in which he qualifies the campaign as such: “The Seanad referendum is an unfortunate distraction from the need for real and sustained political and constitutional reform.” <http://politicalreform.ie/2013/09/21/why-i-will-be-voting-no-in-the-seanad-referendum/>

²²¹ In the last major Ipsos MRBI poll published, when undecided voters were excluded, the proposal was backed by 62% and rejected by 38% of the individuals surveyed. When including the undecided, 44% backed the proposal, 27% said they would vote to retain the Seanad, 21% did not know what they would vote, and 8% said they would not vote. Beesley, Arthur. “Seanad referendum set to pass as voters back argument for cost savings”. *The Irish Times*, 30 September 2013.

²²² O’Halloran, Mary. “Divide opens as Dublin rejects abolition while rural vote shows tighter margins”. *The Irish Times*, 7 October 2013.

²²³ Carroll, Steven. “Kenny to extend Seanad votings rights”. *The Irish Times*, 14 October 2013.

²²⁴ Farrell, David, Skype conversation on 8 November 2013.

²²⁵ Citizens were to vote “yes” to abolish the Seanad and “no” to retain it, which caused some misunderstandings and confusion at the polls.

by Semetko and De Vrees, “despite the apparent simplistic nature of the referendum vote (Yes or No), the referendum issue is often multi-faceted and different aspects may trigger different perceptions among voters” (2013, 3). This is the essential point at stake here: I argue in the previous chapter that consensual reforms are more easily adopted when they are framed as unidimensional issues, not as multidimensional issues. The abolition of the Seanad and the expansion of the powers of enquiry may have been popular in and of themselves, yet as soon as reform opponents successfully re-framed these reforms into a complex, multi-faceted framework (“the power of politicians and their accountability”, “the power-grab of the government and the lack of checks and balances in the Dáil”), these issues became highly contentious and divisive. Many previous studies have demonstrated how much the arguments, the key messages and the framing of referendum campaigns can effect the final outcome (LeDuc 2002, Lupia 1992, Lupia and McCubbins 1998). In this instance, the fact that the government monopolised the elaboration of the reform, in order to claim credit for it, pushed the opposition and external political actors to re-frame the argument, eventually leading to the non-adoption of these two reforms.

2.2.3. The delegation of divisive reforms to the Constitutional Convention

Along with Seanad abolition, the second important promise concerning political reform that was showcased in the Pfg was the organisation of a constitutional convention. This convention was intended to report within one year of the new coalition taking power. In fact, it was launched on 1 December 2012,²²⁶ and has made a large number of recommendations going beyond its initial agenda (a). What is interesting for our argument here is the dynamic behind the constitutional convention: the government has deliberately delegated the most divisive issues on the political reform agenda to this device (b).

a) The results of the constitutional convention: from its launch to the referendum promises

The very existence of this constitutional convention is certainly the aspect on which Irish civil society has had the most decisive impact on the coalition’s agenda regarding institutional reforms. The idea of the constitutional convention is based on existing experiences in various countries, where citizens were directly involved in the process of deliberation about certain important institutional issues. In Australia in 1998, a mix of professional politicians and citizens

²²⁶ The detailed terms of reference can be found in the Houses of the Oireachtas resolution of July 2012: https://www.constitution.ie/Documents/Terms_of_Reference.pdf

met to decide whether or not Australia should become a Republic (McAllister 2001). Two Canadian provinces (British Columbia in 2004 and Ontario in 2007), as well as the Netherlands in 2006, organised citizens' assemblies, composed exclusively of ordinary citizens, chosen randomly, to review their electoral systems (Fournier et al. 2011). Finally, in 2011, in the aftermath of the economic meltdown, Iceland organised a constitutional council to proceed with a thorough review and reform of the constitution, composed of elected citizens (Bergmann 2013). Political scientists involved in the deliberation of the Joint Committee on the constitution, and in particular Kenneth Benoit, presented this form of deliberation as advantageous for the purposes of reviewing contentious institutional aspects, and the electoral system in particular, because of its capacity to depoliticise the issues and to involve citizens in the production of propositions of reform, and because it is seen as more democratic and legitimate (Joint Committee on the Constitution 2010b, 154). As already mentioned, the organisation "We the citizens" organised a citizens' assembly in 2011 in order to show the merits of this mode of decision-making, and its feasibility in the Irish context. Theoretically, the constitutional convention should be placed in the realm of "deliberative and participatory innovations" (Harris, Farrell, and Carney 2013, 201).

The convention was set to report within 12 months, and to focus on eight topics: the reduction of the presidential term from 7 to 5 years and its alignment with the local and European elections (1); the reduction of the voting age to 17 (2); the review of the Dáil electoral system (3); the opportunity to give to citizens living abroad the right to vote at Irish embassies in presidential elections (4); the provision for same-sex marriage (5); the amendment of the clause on the role of women in the home and the encouragement of greater participation of women in public life (5); the increase of the participation of women in politics (6); the removal of blasphemy from the constitution (7); and, following the completion of these topics, the examination of any relevant constitutional amendment that may be recommended (8).²²⁷ The convention is comprised of 100 members, including a chairperson, 66 members of the public selected randomly from the electoral register, and 33 politicians, including members of each of the parliamentary parties, and parliamentarians from each of the political parties in Northern Ireland that accepted the invitation.²²⁸ The most significant aspect is without a doubt the non-binding character of the recommendations made by the convention: "It is for the Government to decide whether or not to bring forward legislation proposing Constitutional change, and for the

²²⁷ Ibid.

²²⁸ In relation to the non-inclusion of experts and members of civil society, the government declared: "The Government is conscious that a number of interest groups have signalled a desire to be represented at the Convention. However, as the Convention is intended to be a forum mainly for ordinary citizens." Cf. <http://www.merrionstreet.ie/index.php/2012/02/constitutional-convention-government-proposals-28-february-2012/>

Oireachtas to decide on whether the matter should be put to the people in a Referendum.”²²⁹ During the adoption of the resolution about the constitutional convention in July 2012 in the Oireachtas, the government committed to respond within four months to any proposals made by the constitutional convention, and if accepting the recommendation, to provide a time frame for a referendum.

The organisation of the convention largely ignored the suggestions made by the Technical Group of Dáil Éireann in March 2012, which suggested the inclusion of experts and members of civil society in the constitutional convention, a time frame leaving more time for debate, the inclusion of topics such as the strengthening of the Oireachtas, a review of local government, and a thorough review of the constitutional articles relating to marriage, the family and religion, and fundamental rights. The convention has also been heavily criticised as hardly the “comprehensive constitutional review announced”, and has been referred to as both a “charade” and a “joke”.²³⁰ Former politicians, such as Jimmy Devins, regard the constitutional convention as a “talking shop”, because of the absence of binding mechanisms to implement its suggestions.²³¹ Elaine Byrne notes that the high number of politicians included will make it very difficult for ordinary citizens to get a grasp on the debate.²³² The more optimistic analysts, such as David Farrell, consider that the very fact that such a convention has been organised is a big step, and a victory in itself as regards the inclusion of citizens.²³³

Up to the time of writing (November 2013), the convention has made 24 recommendations and has dealt with the eight topics it was assigned. Twelve of these recommendations require a referendum. David Farrell, the research director of the constitutional convention, considers that, “[t]he first thing to note is just how far the Convention members have gone in extending the remit of the Convention far beyond the eight topics assigned to it”.²³⁴ Indeed, the suggestions made by the convention go much further than the initially narrow agenda that it was assigned. The constitutional convention has recommended against changing the length of the presidential term, but instead to reduce the age of candidacy and to give citizens some say in the nomination process. It has suggested the reduction of the voting age to 16, that Article 41.2 of the Irish constitution should be made gender-neutral, and argues that the state should

²²⁹ Ibid.

²³⁰ O’Mahony, Conor. “This so-called constitutional convention is a charade”. *The Irish Times*, 7 June 2012.

²³¹ Interview with Jimmy Devins, op. cit.

²³² “The whole point of deliberative democracy is that it’s citizen-led, and if you’re going to have 33 politicians, they’re going to take it over.” Interview with Elaine Byrne, op. cit.

²³³ Farrell, David. “Constitutional convention will be bold new step”. *The Irish Times*, 8 September 2012.

²³⁴ Cf. the blog entry of David Farrell of 6 November 2013 “The progress of the Irish Constitutional Convention to date”, <http://politicalreform.ie/2013/11/06/the-progress-of-the-irish-constitutional-convention-to-date/>

provide “a reasonable level of support” for carers. It supports the inclusion of an explicit provision on gender equality and the use of “gender-inclusive” language in the constitution, as well as some government action to encourage more female participation in politics. On gay marriage, the convention has agreed that the constitution should be amended to allow it, and to make the necessary modifications regarding related laws on family and parenthood if adopted. On the topic of the electoral system, the convention made proposals that go far beyond the national electoral system, and not requiring any referendum. It suggests the retention of PR-STV, but also a move to constituencies of at least 5 seats, the establishment of an Electoral Commission, extended polling hours, increased access to postal voting, an improved electoral register, and the introduction of education programmes to increase turnout. The convention also recommended the appointment of non-parliamentary ministers in the government, the introduction of a requirement for Dáil members to resign from their seats when appointed ministers, and the introduction of citizens’ initiatives, three provisions that would require referendums. Finally, it recommended that citizens abroad and in Northern Ireland should be given the right to vote in presidential elections, and the replacement of the offence of blasphemy with a provision against incitement to religious hatred. So far, the government has committed to three referendums, to be held sometime in mid-2015: on the voting age, on the age of presidential candidates,²³⁵ and on same-sex marriage.²³⁶

b) The constitutional convention: getting rid of the divisive issues and kicking to touch

It was made clear in the first part of the chapter that the agenda of political reform was imposed on the government by a constellation of civil society actors. Still, it soon became apparent to the new government coalition that not all of the proposals of political reform were consensual, either within the coalition or for the Irish electorate. Indeed, most of the issues that were assigned to the constitutional convention are divisive, as evidenced by several polls. In 2011, for example, only 27% of the people surveyed agreed with the idea that “the electoral system should be replaced” (Coakley 2013, 15).²³⁷ In 2012, when asked how they would vote on a referendum on the topic, only 46% of people surveyed said they would vote yes “to reduce the

²³⁵ Wall, Matthew. “Change we can believe in? Ireland’s constitutional convention has delivered”. *The Journal*, 23 July 2013.

²³⁶ Collins, Stephen, Carbery, Genevieve. “Referendum on same-sex marriage to be held in 2015”. *The Irish Times*, 5 November 2013.

²³⁷ Source: Irish National Election Study of 2011. Other figures from November 2011 suggested that only a small majority of citizens were in favour of a reduction of the presidential term (54%), and only 34% in favour of replacing the PR-STV electoral system (Marsh, Suiter, and Reidy 2012, 26). Source: Red C Poll.

term of the president from 7 to 5 years”, and 56% said they would vote no “to reduce the voting age to 17”.²³⁸ In June 2013, 49% were in favour of the removal of references to women’s “life within the home” from the constitution, and 62% were opposed to the reduction of the voting age (Coakley 2013, 16).²³⁹ On many of these topics, a large number of people claimed not to have an opinion. It is also important to note that certain issues examined by the convention appear to be very popular with the Irish electorate, in particular the right to vote for Irish emigrants in presidential elections: in 2012, 68% of people surveyed said they would vote yes on a referendum on the topic, and 72% declared they were in favour of this measure in 2013 (Coakley 2013, 17).

Overall though, we are on safe ground in saying that there is no widespread agreement on many of the issues that made it to the agenda of the constitutional convention. Moreover, evidence suggests that the inclusion of several aspects on the agenda can be explained by the disagreement between Labour and Fine Gael on particular issues, making it easier to “kick it to touch” the convention.²⁴⁰ This is particularly true of the issue of gay-marriage, as stated by Matthew Wall: “I think that the government has managed to move an issue that would have been controversial for them to deal with to this body, so they killed two birds with one stone”. David Farrell recalls the process with which the Programme for Government was achieved: the Labour Party wanted a complete rewriting of the Irish constitution by 2016, whereas Fine Gael wanted the constitutional convention to look at very specific topics (voting at 17, the electoral system, and the role of women). In the end, he argues:

“I think that some of it comes out of the need to find a compromise when they were locked away in a room together. (...) So, in splicing [the manifestos of the two parties] together, I’m guessing what happened is that they said we’ll court the constitutional convention, we won’t define what it is yet. (...) So it is just a compromise, it’s not systematic.”²⁴¹

In other words, the government allowed a certain number of issues to be added to the agenda of the constitutional convention, either because they were too divisive for the coalition to deal with (as with gay marriage), or because they did not really care about implementing them in the first place. For example, Kenny fought to specifically exclude the issue of Seanad abolition from the constitutional convention agenda, because he wanted to act upon it and to make it his showcase reform. One could add that the constitutional convention said nothing about Dáil reform, which could have significantly altered the balance of power between the executive and legislative powers. Some referendums will be held in 2015. The choice to hold a referendum on

²³⁸ Source: Survey of 2012 Ipsos –MRBI poll, “Ireland 2012: out changing attitudes and values”.

²³⁹ Source: Ipsos-MRBI poll published in the *The Irish Times* on 15 June 2013

²⁴⁰ Interview with Matt Wall, post-doctoral researcher at ELECDem, PhD at Trinity College Dublin and consultant for the Joint Committee on the Constitution, 2 May 2012, through Skype.

²⁴¹ Interview with David Farrell, op. cit.

voting age is particularly strange given the strong public opposition. Yet, one must not forget that a general election is planned in 2016, and there is no way of knowing whether the government will still be in power by then. The coalition has kicked to touch in several regards: by delaying the launch of the convention until late 2012; by postponing the referendums until 2015, and potentially leading to “referendum fatigue”;²⁴² and by remaining quite unclear on the topics that the referendums will eventually tackle. The most likely outcome is that there will be a lack of time, political resources and momentum to implement most of the convention’s suggestions. This is not to say that the constitutional convention has not been an important and meaningful experience in itself, insofar as it has opened up opportunities for ordinary citizens to provide meaningful insights on the issue of political reform, confirming that these types of democratic innovations can enhance citizens’ knowledge and involvement with complex reform issues (Harris, Farrell, and Carney 2013). What this means, though, is that this externalised process of reform in all likelihood will lead to few significant reforms, as the politicians will continue to try to implement its suggestions only in the form of limited referendums, the results of which will be little more than a foregone conclusion. Fournier et al. argue: “Coupling a citizen assembly with a plebiscite may never actually result in policy change, since an unsophisticated public who lack awareness of the issues, the alternatives, and the process may systematically fall back on the less risky status quo” (2011, 155).

Conclusion

Even though the bundle of reforms under discussion in Ireland is not yet final, several conclusions can be drawn in relation to this process. First of all, the general “political reform” agenda was brought to the fore by the context of crisis and distrust of politicians and institutions in 2011. The narrative leading to the idea that institutions should be changed as a response to the crisis was forced upon political elites by a series of experts, analysts, and groups from civil society, who attributed responsibility for the crisis to the political system. The mode of emergence of the agenda on “political reform” could be qualified, to use Renwick’s terminology (2010), as elite-mass interaction. This mobilisation made it almost compulsory for politicians to talk about institutional reforms in 2011. To use Baumgartner and Jones’ terminology (2005), the attention paid to the issue of political reform resulted from the large amount of information

²⁴² Collins, Stephen, Carbery, Genevieve. “Referendum on same-sex marriage to be held in 2015”. *The Irish Times*, 5 November 2013.

which identified the problem (the political system), but offered little – and highly contradictory – information about the implementation of viable solutions.

As a result, the mode of bundling used in Ireland consisted of splitting the debate into multiple issues. This scattered bundle resulted in three configurations of reform and in significant variations in the final outcomes of reform. In the first of these configurations, consensual issues were successfully adopted through a majoritarian process, quite simply because the Labour Party and Fine Gael have a comfortable parliamentary majority. These consensual reforms dealt with relatively marginal and uncontroversial elements of the political reform agenda, and more importantly, they did not require negotiation of the referendum barrier. The second configuration still related to reforms that were consensual *at the beginning of the process*, and a majoritarian process in which the government kept a firm grip on the process of reform. The crucial difference was the referendum requirement, which proved fatal for two important referendums: one on the expansion of the powers of enquiry of the Oireachtas, the second on the abolition of the Seanad. In both cases, opponents managed to re-frame a consensual issue as a divisive one, by putting the reform in context and linking it to controversial elements (political accountability, or power of the executive). As a result, the referendums were defeated, showing how hard it is for the government to claim credit for a consensual reform while excluding the opposition from its conception, as it gives the opposition both incentive and opportunity to antagonise the majority. The third and final configuration of reforms concerns divisive reforms and an externalised process of reform, through the works of the constitutional convention. The Irish government has used the opportunity that this convention represents to fill its agenda with reforms that the coalition could not agree on, or did not care about implementing straight away. As a result, one can reasonably expect that the overwhelming majority of the 24 recommendations made by the convention will be neither implemented nor voted upon.

Chapter 7 An unexpected journey: the *quinquennat* and the reordering of the electoral calendar in France, 2000-2001

“The road goes ever on and on:
Down from the door where it began.
Now for ahead the road has gone,
And I must follow, if I can”.
J.R.R. Tolkien, 1954, *The Fellowship of the ring*

In the particular institutional context of “cohabitation” of the socialist Prime Minister Lionel Jospin and the Gaullist president Jacques Chirac, two institutional reforms were adopted in 2000 and 2001: the constitutional reform reducing the presidential term from seven to five years (better known as the adoption of the *quinquennat*), and secondly, the reordering of the electoral calendar, extending the term of the National Assembly elected in 1997 by three months in order to hold the legislative elections of 2002 after the presidential election. Both of these reforms touch upon the presidential election: one to determine how long the president of the Republic is elected for, the second, to set the time at which the presidential election should be held in relation to the legislative elections. Following the dissolution of 1997, for the first time the presidential election had to take place right after the legislative elections. As a result, the issues of the length of the presidential term and of the electoral calendar became intrinsically linked at that particular moment, in 2000. Why was the first reform, the reduction of the presidential term, an essentially consensual matter that followed a supermajoritarian logic, whereas the reordering of the electoral calendar led to a tense political conflict that was eventually arbitrated by the Socialist Party?

The chapter shows how, paradoxically, two reforms that followed logically from one another in the minds of reformers, and emerged around the same time after the 1997 dissolution, followed hugely distinctive logics in terms of emergence and adoption, were separated sequentially, and were supported by different coalitions each time. This chapter shows that this is the case because the reforms were perceived as having different natures: a consensual reform for the five-year term, a divisive reform for the reordering of the calendar. Whereas the *quinquennat* was debated and adopted through a supermajoritarian process involving deliberation and agreement among the vast majority of the political elites, the reordering of the calendar followed a purely majoritarian logic.

The first part of the chapter analyses the conditions of emergence of the two reforms: whereas the *quinquennat* was a long-debated, largely consensual, institutional topic in the story of the Fifth Republic, the matter of the reordering of the electoral calendar was a circumstantial result of the dissolution and proved very divisive. Both matters became topical around the same time in late 1999, with the mobilisation of similar actors inside the political system. The proper emergence of the issue of the length of the presidential term on the parliamentary agenda occurred earlier (May 2000), the major issue at stake being the ability to claim credit for the initiative, and later for the calendar (November 2000), in the shadow of selfish calculations regarding the 2002 elections by all parties. The adoption of the reforms, as demonstrated in the second part, followed a very different path. The issue at stake with the *quinquennat* was the competition to claim credit and appear as the main initiator of a popular reform which had been advocated for many years. Both the president and the PM also devoted energy to stopping the issue from drifting into other issues that would have divided the political class. For the electoral calendar battle, the majority, led by the Socialist Party, pretty much forced the issue with the help of centrist MPs and senators, despite fierce and resolute opposition from the rest of the parliament.

1. The contrasting emergence and formulation of a consensual vs. a divisive reform

The proposals to shorten the presidential term and to reverse the electoral calendar both emerged in the debate following the dissolution of the National Assembly in 1997. The *quinquennat* was never fully absent from the debate since the attempted reform of 1973, whereas the debate over the electoral calendar was caused by the unusual ordering of the elections stemming from the dissolution of 1997. Regarding the formulation of the two reforms, the five-year term reform was dominated by act-contingent motivations and credit-claiming strategies, as illustrated by the institutional rivalry between the Prime Minister and the President, each vying to be seen as the main initiator of the reform. The electoral calendar only made headlines after the adoption of the shortened presidential term, and was structured around self-interested calculations regarding the 2002 election. This, in turn, led to very distinctive press coverage that illustrates the different nature of the two reforms: one being consensual, the other divisive.

1.1. The quinquennat: from a recurring debate to a fight over the initiative of the reform

Before briefly recalling the moments at which the length of the presidential term was at stake in the French public debate, it is important to present the institutional context of *cohabitation*, a term used in the French context to describe a situation where the two heads of the executive are of different political orientations. The actual introduction of the five-year term in the parliament is the result of successful manoeuvring by the former president Giscard d'Estaing. He constrained all actors not only to take supportive positions on the consensual reform, but also to fight to claim authorship of the initiative.

1.1.1. The context of cohabitation and the 1997 dissolution

France is one of the most emblematic examples of a “semi-presidential regime” (Duverger 1970, 1986). Duverger considers a regime to be semi-presidential “if the constitution which established it combines three elements: (1) the president of the republic is elected by universal suffrage; (2) he possesses quite considerable powers; (3) he has opposite him, however, a prime minister and ministers who possess executive and governmental power and can stay in office only if the parliament does not show its opposition to them” (1980, 166).²⁴³ In the small world of semi-presidential regimes, France is quite peculiar insofar as the powers of the president have become considerable, whereas they are much less important in other semi-presidential countries such as Austria or Ireland. Much of the constitutional debate in France since 1958 has revolved around the powers of the president. Indeed, the constitution of the Fifth Republic and the adoption of direct election in 1962, in the peculiar context of the Gaullist political domination (Bartolini 1981), considerably reinforced the executive power (particularly that of the president) vis-à-vis the parliament, compared with the Fourth Republic. Historically, the left opposition has been very critical of the *césariste* “Republican monarchy” established in 1958 (see, for example, Mitterrand 1964).

Over the course of the years, the French institutional system has had to deal with an unsolvable equation: the varying nature of the regime due to the “ambiguous bicephalism of the executive” (François 2004, 64). Grossman and Sauger (2009) call this the tension between the presidential and the partisan visions. In the first vision, the president is a consensual arbiter; in the second, he is the leader of a party and of his political camp. The two “visions” could also be considered as the opposition between parliamentary and the presidentialist readings of the

²⁴³ This definition has provoked criticism, which is discussed by Elgie (1999); however, it remains the more commonly accepted definition.

regime. With the former, the true leader of the executive is the PM, and with the latter, it is the president. Indeed, despite the fact that Art. 20 of the French Constitution states that the government “determines and conducts the politics of the nation”, in practice, the pre-eminence of the Prime Minister is only effective when the president and the PM are of different political orientations, whereas the president is the effective leader of the executive when he is a member of the same party as the parliamentary majority. The pre-eminence of the president has been enhanced by the *fait majoritaire* (majoritarian fact), i.e. the unconditional support by the majority of the executive, turning the president into a “super prime minister” (Grossman and Sauger 2009, 423).

However, the dawn of the period of cohabitation in 1986, altered this presidentialist reading, and returned primacy to the PM, turning the president into an arbiter. As the president used to be elected for a seven-year term, and the MPs for a five-year term, every president would have had to face a legislative election at one time or another. There was thus the potential that a political majority of a different political orientation than that of the president would emerge. Prior to 1997, this situation had occurred between 1986 and 1988, and again between 1993 and 1995; twice with a socialist president (François Mitterrand), and once with a RPR prime minister (Jacques Chirac, and Edouard Balladur). This constituted a sort of French functional equivalent of a “divided government” in the US, to which it is frequently compared (Conley 2007). It is interesting, in this regard, to note the gap between the relative indifference, or even mild benevolence, relative to the cohabitation, exhibited by a substantial element of the public,²⁴⁴ some of the politicians²⁴⁵ and political advisers with some hindsight.²⁴⁶ It is also worth noting the vast majority of politicians’ abhorrence of this political situation. A distinguished constitutional lawyer went so far as to call the cohabitation the “AIDS of the institutions”.²⁴⁷ Bernard Roman, a socialist MP who has been very involved in institutional matters within his party, notes: “Never

²⁴⁴ In an IPSOS poll conducted on 10 and 11 March 2000, 48% (vs. 45% in favour) of the people questioned were opposed to a system that would institutionally prevent situations of cohabitation.

Anon. « Les français favorables au quinquennat ». *Le Monde*, 10 April 2000.

²⁴⁵ “The cohabitation worked very well: everyone plays his part” (« La cohabitation a très bien marché : chacun joue son rôle. ») Interview with Pierre Mazeaud, member of the constitutional council between 1998 and 2004, former secretary of state in the governments of Debré, Pompidou and Messmer, ex-MP for Haute-Savoie between 1988 and 1998, former president of the constitutional council (2004-2007), RPR, 5 March 2013, at his home in Paris.

²⁴⁶ Interview with Yves Colmou, former director of cabinet of the minister in charge of parliamentary relations, and adviser to the minister of Home Affairs between 1997 and 2002, 11 March 2013, at his office in Paris.

²⁴⁷ « Le SIDA des institutions. ». Jean Foyer quoted in Gicquel 1989, 78

have I heard a good thing about the cohabitation, or a resigned acceptance of the cohabitation”.²⁴⁸

On 21 April 1997, Jacques Chirac, who was elected president of the Republic in 1995, decided to use his right of dissolution to call for a new legislative election in order to reinforce his shaky majority, which had been destabilised by irreconcilable divisions within its own camp. This was the first time that dissolution was used outside of circumstances of alternation or political crisis, “à l’anglaise” (“the English way”). This decision proved unfortunate, as the right and the RPR lost the legislative election. Lionel Jospin became the Prime Minister, leading a wide ‘left-green coalition’ (Willerton and Carrier 2005) which soon became known as the *gauche plurielle* (plural left), composed of the Socialist Party (PS), the Citizen and Republican Movement (MRC), the Greens, the Radical Party of the Left (PRG), and the Communist Party (PCF). While this “failed dissolution” tactic (Duhamel 1998, 17) is now considered to be one of the most spectacular miscalculations in French politics, it paved the way for an unprecedented institutional configuration: a long-term *cohabitation* which lasted five years at the beginning of the presidential mandate. In the past, the cohabitation arrangement had only lasted for the two years at the end of the presidential term, making the situation irritating but acceptable for its main protagonists. In 1997, on the other hand no one knew whether the situation would last until 2002, and there was great uncertainty about the way in which the president and the prime minister would negotiate this silent battle. It was in this general context that the debates over the length of the presidential term and the electoral calendar emerged: one in which the two heads of the executive were in competition on all topics where the presidential powers left leverage for action, including – crucially – institutional matters.

1.1.2. The eternal return of the *quinquennat*, 1973-2000

The *quinquennat* was debated as early as 1973, with President Pompidou’s failed attempt to shorten the length of the presidential term from 7 to 5 years. The same issue then re-emerged periodically, without any concrete efforts being made to actually implement it. The first reflections on the *quinquennat* started in the early 1960s, mostly coming from left-wing groups which were opposed to the amount of power held by the president of the Republic (Devedeix-Margueritat 2001). The orthodox Gaullist position, on the other hand, was that the president had

²⁴⁸ « Jamais je n’ai entendu un élément positif sur la cohabitation, ou une acceptation résignée de la cohabitation. » Interview with Bernard Roman, MP of the Nord (1997-now) and former president of the *Commission des lois* in the national Assembly (2000-2002), PS, 13 March 2013, at his office in Paris.

to be “above the parties”, and therefore elected for a longer period and at a different time than MPs (Boutin and Rouvillois 2000, 41).

In April 1973, catching everyone off-guard, Georges Pompidou announced to the parliament his proposal to shorten the duration of the presidential term to five years. Pompidou justified his position, arguing that the reform would give greater legitimacy to the office of the president by putting the presidency before voters more often, avoiding the risk of what he called “the moral inferiority” of the president vis-à-vis the MPs (Boutin and Rouvillois 2000, 42). The explanatory memorandum of the proposed law states that the seven-year term “no longer corresponds to the role played by the President of the Republic in the definition of the general orientations of national politics” (ibid).²⁴⁹ Pompidou was, on the other hand, opposed to the simultaneity of legislative and presidential elections, and strictly forbade the parliament from amending the proposed text. The government bill was voted through on 16 October 1973 by 270 votes against 211, and on 19 October 1973 by the Senate, by 162 votes against 111 (Andrianarivony 2001), with the support of most - but not all – of the Gaullists. Still, the majority (three-fifths of the parliament) necessary to adopt a constitutional modification without consulting the citizens via referendum was not reached. The left and the centrist opposition refused to support the reform, arguing that the five-year term in itself was not acceptable in the absence of a reduction of the presidential powers for the left, or of the establishment of a genuine presidential regime for the centre.²⁵⁰ Mitterrand argued: “what is the point of rearranging the constitution, this huge scaffolding upon which the institutions rest, if we only loosen one bolt, all the more if this bolt is useless”.²⁵¹ The text was also opposed by some of the “historical Gaullists”, who were afraid of the risk of lowering the primacy of the executive, including Michel Debré, the co-author of the 1958 constitution. Eventually, on 24 October, President Pompidou decided not to convene the Congress²⁵² and to report the adoption of the project. After the unexpected death of Georges Pompidou on 2 April 1974, the project fell by the wayside. To explain Pompidou’s decision to propose this reform, given that he was very Gaullist, several of

²⁴⁹ « La règle du septennat ne correspond plus au rôle joué par le président de la République dans la définition des orientations générales de la politique nationale ».

²⁵⁰ Cf. Assemblée Nationale, Discussion générale du texte en séance, 16 October 1973.

<http://www.assemblee-nationale.fr/histoire/quinquennat/1SP1-11.PDF>

²⁵¹ « A quoi bon remanier la Constitution, cet énorme échafaudage sur lequel reposent les institutions si c'est simplement pour desserrer un boulon, surtout si ce boulon ne sert à rien ». Mitterrand quoted in Desaubliaux, Patrice-Henry. « Quand Pompidou a renoncé ». *Le Figaro*, 15 June 2000.

²⁵² As stipulated in Article 89 of the constitution, a constitutional modification coming from a government bill can be adopted through two means: either by calling a referendum or by obtaining a majority of three-fifths of the valid votes in the parliament convened as a Congress in Versailles.

my interviewees argue that the sole reason for this reform was the fact that the president was sick.²⁵³

Following Pompidou's attempted reform, the position of the presidents in relation to the five-year term more or less followed the simple "not in my backyard" rule: a weak "yes, maybe" to the notion of the *quinquennat* before they came to power, which was soon forgotten about when they got elected. Giscard d'Estaing, the newly elected president in 1974, justified the absence of reform in the direction of the *quinquennat* on account of the fact that he would have had to count on the support of a Gaullist National Assembly, which would not have supported the project, and would have used the opportunity to destabilise the institutions (Avril and Gicquel 1984, 182). In 1981, Giscard d'Estaing contested his second presidential campaign and was unsuccessful, but since then he has relatively consistently defended the *quinquennat*,²⁵⁴ asking Chirac in 1987, Mitterrand in 1992,²⁵⁵ and Balladur in 1994 to take initiatives on the matter, with no success.²⁵⁶ The socialist François Mitterrand, elected president in 1981, was no less ambiguous concerning the five-year term. Mitterrand took a stance in 1972 in favour, and this measure was one of the 110 proposals of his presidential programme in 1981 (Albertini and Sicart 2001, 125). During his time in power, he hesitated between the non-renewable *septennat*, and a renewable *quinquennat*, but mostly took care of removing the debate from the agenda,²⁵⁷ whereas the RPR suddenly became a supporter of the five-year term.

Chirac and Jospin, the two heads of the executive from 1995 and 1997, respectively, held distinctive positions regarding the five-year term before the debate was launched in 2000. After considering that the direct election of the president of the Republic was no longer a questioned matter (Jospin 1991), the second round of the 1995 presidential election saw Chirac (RPR) and Jospin (PS) go head-to-head. During the traditional debate which took place between the two rounds, Jospin spoke in favour of the *quinquennat*, whereas Chirac preferred to kick the idea into

²⁵³ Interview with Pierre Mazeaud, op. cit. Interview with Didier Maus, constitutional lawyer and high civil servant, 20 February 2013, at his home in Paris.

²⁵⁴ With an exception: in 1984, he advocated for a six-year term (Giscard d'Estaing 1984).

²⁵⁵ Anon. « M. Giscard d'Estaing presse M. Mitterrand de faire voter le quinquennat », *Le Monde*, 20 October 1992.

²⁵⁶ Chagnollaude, Dominique. « A la recherche d'un mandat de plus ». *Libération*, 20 May 2000.

²⁵⁷ For instance, during his second seven-year term, in 1992 Mitterrand created a Consultative Committee under the presidency of the Doyen Vedel with the mission to propose a revision of the constitution. The committee examined the *septennat* (renewable or not), the six-year term, and the *quinquennat*, with no clear results emerging, resulting in a recommendation to maintain the status quo (Comité consultatif pour la révision de la Constitution 1993, 2539). Michel Charasse, former minister under various governments during Mitterrand's presidency gives this cryptic account: "they did not answer because, between us, we had more or less encouraged them not to answer" (« ils n'ont pas répondu parce que, entre nous, on les avait plus ou moins incités à ne pas répondre », Commission des archives constitutionnelles de la Ve 2011, 467).

touch, and did not consider it to be an urgent debate. One of the commitments of Jospin's legislative campaign in 1997,²⁵⁸ reasserted in his *Déclaration de politique générale* (general policy statement), was the harmonisation of all elected terms to five years (Assemblée Nationale 1997, 6). After alternating between mild support and indifference, and fearing that the debate would drift onto the necessity of his resignation, Jacques Chirac became increasingly defensive on the topic of the *quinquennat* and asserted his opposition in 1997,²⁵⁹ 1998, and in 1999, when he called it "a mistake".²⁶⁰

The dissolution and the third cohabitation soon gave new intensity to the debate on the *quinquennat*, making Chirac's position increasingly isolated, with distinctive arguments: increasing the clarity and the coherence of the regime from the point of view of certain lawyers and political scientists; avoiding situations of cohabitation from the point of view of the politicians. Some influential academics defended in the press the need to adopt the five-year term, and to "change the Republic", as early as May 1997.²⁶¹ The main argument in favour of the shortening of the presidential term was then developed at length in a book (Duhamel 2000), and is also, in retrospect, the main argument of his friend, Guy Carcassonne, in justifying the activism of some of the academic world in favour of the *quinquennat*: "We gave more time with a *quinquennat* and a synchronisation of the electoral calendars than with a *septennat* and a *quinquennat* which implied that we did not know for how much time power was attributed".²⁶² The main motivation behind the support for the *quinquennat* was therefore to give the president five years to govern, thanks to the coincidence of the presidential and the legislative elections. In other words, from the very beginning, academics considered the matters of the presidential term and the electoral calendar to be intrinsically related.

²⁵⁸ Cf. Programme of the Socialist Party for the 1997 legislative elections, « Changeons d'avenir, Changeons de majorité : nos engagements pour la France ».

²⁵⁹ On 14 July 1997, during the traditional TV interview, he stated that the *quinquennat* "almost automatically leads, I would even say automatically, to the presidential regime. And I am hostile to it." (« [Le quinquennat] mène presque automatiquement, je dirai automatiquement, au régime présidentiel. Et moi j'y suis hostile »). Jacques Chirac, quoted in Albertini and Sicart 2001, 128–129.

²⁶⁰ Robert Diard, Pascale. « Jacques Chirac déterminé à rester à l'Élysée jusqu'en 2002 ». *Le Monde*, 16 July 1999.

²⁶¹ Duhamel, Olivier. « Cinq raisons pour les cinq ans », *Le Monde*, 7 May 1997. This opinion piece was part of the reflections of an informal group comprised of five constitutional lawyers and political scientists, including Georges Vedel, Guy Carcassonne, Yves Portelli, Yves Mény, and Olivier Duhamel. This led to the publication of proposals on constitutional reforms in relation to the *quinquennat*, the end of the dual mandate, the extension of the use of referendums, a more ethical state and public sector, and a reform of local government.

²⁶² « On donnait davantage de temps avec un quinquennat et une synchronisation des calendriers des élections plutôt qu'avec un septennat et un quinquennat qui faisaient qu'on ne savait pas pour combien de temps le pouvoir était attribué ». Interview with Guy Carcassonne †, constitutional lawyer, professor at university Paris-X Nanterre, 4 February 2013, at his office in Paris.

Outside of the academic world, increasingly numerous voices from the right, the left and the centre started to advocate ever more strongly for the shortening of the presidential term from 1997 onwards. In July 1999, Laurent Fabius (PS) called for a “*quinquennat* of coherence”²⁶³ arguing that as long as the duration of the presidential and legislative mandate differed, the situation of cohabitation could not be avoided. The position of the centre and the right, on the other hand, changed quickly between 1999 and the beginning of 2000. On 11 July 1999, Giscard d’Estaing exhorted Chirac to adopt the *quinquennat* by referendum and to resign in 2000.²⁶⁴ Other centrists added their voices to the debate: the head of the UDF, François Bayrou, who sought the shortening of the presidential term and the reordering of the electoral calendar,²⁶⁵ De Charette (UDF),²⁶⁶ and Alain Madelin (DL).²⁶⁷ At the end of 1999, influential members of the RPR, such as Juppé, also officially called for the presidential term to be cut, arguing of the need to avoid cohabitation.²⁶⁸

To conclude, at the beginning of 2000, a significant number of influential experts, and more importantly, much of the political world, considered the adoption of the *quinquennat* to be a necessity. The emergence of the reform mainly took place endogenously to the French political system itself, unlike what happened in Ireland, where the consensual reforms on the agenda resulted from pressures external to the political system itself. The five-year term underwent a substantial transformation in the public debate, and went from being seen as “an electoral gadget for the sole use of the opposition” (Boutin and Rouvillois 2000, 48–49),²⁶⁹ to becoming a topic upon which academics and politicians from all parts of the political spectrum agreed in the run-up to 2000.

1.1.3. The fight over the initiative of the reform: claiming credit for a popular idea

Valéry Giscard d’Estaing was the one who finally pulled the trigger that led to reform, by announcing in an opinion piece in *Le Monde* on 11 May 2000 that he had proposed a legislative bill to shorten the presidential term to five years, which was co-signed by around thirty UDF

²⁶³ Fabius, Laurent. « Pour un quinquennat de cohérence », *Le Monde*, 28 July 1999

²⁶⁴ Anon. “Giscard : Le président doit abréger son mandat”, *Le Monde*, 11 July 1999.

²⁶⁵ Chambraud, Cécile, Jarreau Patrick. « François Bayrou veut l’élection présidentielle avant les législatives ». *Le Monde*, 24 September 1999.

²⁶⁶ Chambraud, Cécile. « Hervé de Charette et Alain Juppé prônent le quinquennat ». *Le Monde*, 19 April 2000.

²⁶⁷ Anon. « Madelin approuve Giscard ». *Le Figaro*, 13 July 1999.

²⁶⁸ Anon. « Juppé suggère le quinquennat ». *Libération*, 15 December 1999.

²⁶⁹ « Un gadget électoral à l’usage exclusif de l’opposition »

MPs.²⁷⁰ The former president argued that the political conditions were appropriate, that the public was massively in favour, and that this reform should not apply to the term of Jacques Chirac. He clearly stated that the aim of the reform would be to “make more probable the coincidence of the two presidential and parliamentary majorities, reducing the risk of cohabitation fundamentally contrary (...) to the Gaullist inspiration”.²⁷¹ To use the words of Schrameck, the director of Jospin’s cabinet, Giscard d’Estaing provided a “decisive impulsion” (2001, 116), an interpretation confirmed in an interview with a former member of Jospin’s cabinet.²⁷² On 16 May 2000, in the National Assembly, during the government’s question sessions, the PM, Jospin, declared:

“Since I have become Prime Minister, I have not openly expressed myself on the presidential term in office, because I did not want a declaration from my side to be interpreted in the particular context of cohabitation (...). Today, I am told that the situation has changed and that a large agreement can be reached. Therefore, I confirm that I am naturally favourable to the implementation of this reform which should obviously not affect the current term of office” (Assemblée Nationale 2000a, 4213).²⁷³

There are several important points in this declaration: firstly, the fact that the Prime Minister’s previous refusal to open the debate was due to his unwillingness to initiate a battle with the president; secondly, the fact that he changed his mind when he became aware that a supermajoritarian agreement was possible; and thirdly, his clear refusal to go down the dangerous road towards a reform that would apply to Chirac. Hence, the *quinquennat* only became possible because it was not initiated by one of the two “cohabiting” parties. As Pierre Guelman, Jospin’s adviser, argues: “in any case, no one could argue that Jospin was the only one to be in favour of the *quinquennat*, to wish for it and to propose it”.²⁷⁴

On 19 May 2000, Jospin declared to the press that he was willing to elaborate a government bill, which would then require the formal agreement of the president (Art 89). Had

²⁷⁰ Assemblée nationale. *Proposition de loi constitutionnelle portant modification de l'article 6 de la Constitution n°2363*. 9 May 2000.

²⁷¹ « [Cette réforme] vise simplement à rendre plus probable la coïncidence des deux majorités présidentielle et parlementaire, en réduisant ainsi le risque de la cohabitation (fondamentalement contraire, rappelons-le, à l'inspiration gaulliste de la Ve République) ». Giscard d’Estaing, Valéry. « Et maintenant le quinquennat ! » *Le Monde*, 11 May 2000.

²⁷² Interview with Daniel Ludet, former advisor for justice in the cabinet of Lionel Jospin, 1 March 2013, at his office in Paris.

²⁷³ « Depuis que je suis devenu Premier ministre, je ne me suis plus exprimé d’une manière explicite sur le mandat présidentiel, parce que je ne voulais pas qu’une déclaration de ma part pût être interprétée dans le contexte particulier de la cohabitation. (...) Aujourd’hui, on me dit que la situation a changé et qu’un large accord peut être réalisé. Dès lors, je vous confirme que naturellement je suis favorable à la mise en œuvre de cette réforme qui ne saurait bien évidemment concerner le mandat actuel »

²⁷⁴ « En tout cas, personne n’a pu dire que Lionel Jospin était seul à être favorable au quinquennat, à le souhaiter, à le proposer ». Interview with Pierre Guelman, former advisor to the prime minister for parliamentary relations, 1997-2002, 5 March 2013, at his office in Paris.

the president not agreed with this path, Jospin indicated that he would let the parliamentary initiative develop. He therefore effectively gave Chirac an ultimatum: the reform would take place, with or without him. Backstage, there is evidence to suggest that Jospin and Giscard d'Estaing had actually planned this ballet perfectly, through phone calls, and possibly encounters.²⁷⁵ Advisers of Chirac describe the operation as a “political blow” from Jospin, aided by Chirac’s all-time political enemy.²⁷⁶ The president was therefore placed in a difficult political position, as the opportunity to initiate a popular reform passed him by. Secondly, as he had publicly opposed the *quinquennat* in the past, he would therefore have had to justify any reversal of position. He chose to save time, in order to prepare for a switch of position, by meeting the main leaders of all parties,²⁷⁷ and several constitutional lawyers.²⁷⁸ A close advisor of Chirac, Philippe Bas, explained Chirac’s switch to me in the following way: “He expresses precisely a form of indifference on the content that does not prevent the fact that in terms of opportunity, he thinks it is good to do it”.²⁷⁹

Chirac adopted an extremely pragmatic position, and decided to support the five-year term for several reasons, all of which had to do with politics and tactics, and had very little to do with institutional engineering. Chirac considered that, in itself, the *quinquennat* would not change the institutional balance of the Fifth Republic, but that it was a reform which had been supported by more than 75% of the French citizens for decades.²⁸⁰ Inaction on the five-year term would have given Jospin a big political advantage. Moreover, Chirac was 69 years old, and it was fairly clear to all that it was easier to ask for an additional five-year term than for a seven-year term. Duhamel went so far as to state that the whole reform was a consequence of the “captain’s age” (2000, 20).

²⁷⁵ This contact has been confirmed by Yves Colmou and Valéry Giscard d'Estaing himself. Interview with Yves Colmou, op. cit. Interview with Valéry Giscard d'Estaing, MP of the Puy de Dôme (1956-73, 1984-2002), former President of the Republic between 1974 and 1981, 11 March 2013, at his home in Paris.

²⁷⁶ Interview with Olivier Dutheillet de Lamothe, former deputy general secretary of the Presidency of the Republic between 1997 and 2000, 20 March 2013, at his office in Paris. The *quinquennat* was the umpteenth episode in a deep hostility that began when Chirac, Giscard d'Estaing’s PM between 1974 and August 1976, resigned and created the RPR, and only escalated over the years (to read accounts from each side, Cf. Péan 2007; Giscard d'Estaing 2006).

²⁷⁷ Bresson, Gilles, « Jacques Chirac inaugure des consultations tous azimuts ». *Libération*, 19 May 2000

²⁷⁸ Interview with Olivier Dutheillet de Lamothe, op. cit.

²⁷⁹ « Il exprime exactement une forme d’indifférence sur le fond qui n’empêche pas qu’en opportunité il juge que c’est bon de le faire ». Interview with Philippe Bas, former deputy general secretary of the Presidency of the Republic between 2000 and 2002, 19 February 2013, in his office.

²⁸⁰ For example, an IFOP/JDD poll conducted on 11 and 12 May 2000 indicated that 75% of the people questioned were in favour of the *quinquennat*.

Hence, the president's underlying dilemma can be broken down as follows: avoiding the reform to touch upon other significant dimensions, and finding a way to associated himself with its initiative. This took the form of two initiatives on the part of the president: the so-called “*quinquennat sec*” (“dry five-year term”), and the organisation of a referendum to adopt the reform. On 5 June 2000, Chirac announced his support for the five-year term publicly on TV, through a particularly convoluted and unsuccessful interview in which he explained that he had acquired the conviction that the *quinquennat* could be adopted “without changing the institutions”. He added that he would sign the government bill, but stop the parliamentary procedure immediately should any amendment be adopted (what would later be labelled the “dry *quinquennat*”), and finally, he explained his decision to propose a referendum to adopt the project, also mentioning that all would be “very well”, whatever answer was given.²⁸¹ Hence, Chirac made the explicit and clear choice to strictly limit the institutional discussion to the issue of the five-year term, *de facto* refusing to address any considerations about its consequences or the evolution of the regime. Secondly, the referendum route was a clear way to regain control of the situation, and eventually become associated with the adoption, and be perceived as one of, or even the main instigator of the reform. Dominique Paillé bluntly concludes:

“If we had used the Congress, the victory would have been more patent for the left. Chirac thought as well: if I do a referendum on that, I can only win it. (...) This question, French people want it, the positive answer, they want to be able to give it, therefore if I want to benefit from it, I have to take the initiative on the operation.”²⁸²

1.2. The reordering of the electoral calendar in the shadow of 2002

Unlike the five-year term, an idea that had been debated for decades, the topic of the modification of the electoral calendar, on the other hand, was purely circumstantial, and largely arose from the reflection on the duration of the presidential term. The calls to modify the calendar remained isolated until Lionel Jospin's decisive switch in November 2000. This move was the result of calculations based on the (at that point forthcoming) 2002 elections, emerging

²⁸¹ For a transcript of the interview, Cf. anon. « Une décision qui s'impose aujourd'hui, sans mettre en cause nos institutions ». *Le Monde*, 7 June 2000. For an account about the reactions of Chirac's own camp, cf. for example Bresson, Gilles. “La droite affligée par Jacques Chirac. Comme la dissolution, en pire ». *Libération*, 7 June 2000.

²⁸² « Si on était passé par un congrès, par exemple, la victoire aurait été plus patente pour la gauche. Chirac s'est dit également : si je fais un referendum là-dessus, je ne peux que le gagner. (...) Cette question, les français la veulent, la réponse positive, ils veulent pouvoir la donner, donc si je veux en tirer bénéfice, il vaut mieux que je sois à l'origine de cette opération ». Interview with Dominique Paillé, former general delegate of the UDF and UDF MP, 3 April 2013, at his office in Paris.

as a very divisive issue, based first and foremost on self-interested, outcome-contingent motivations.

1.2.1. The electoral calendar of 2002: a debate caused by the circumstances

The topic of the electoral calendar arose because, given the absence of reform before 2002, the legislative elections would, for the first time, have preceded the presidential elections by a couple of weeks. This was the result of two sets of circumstances (the death of President Pompidou and the timing of the dissolution in 1997), and of two different norms regulating the lengths of the terms of the National Assembly (organic law) and of the president of the Republic (Article 7 of the Constitution).

The organic law of 1995 on the organisation of the legislative elections stated that “the powers of the National Assembly expire the first Tuesday of April of the fifth year following its election”.²⁸³ The electoral code indicates that legislative elections should be held during the 60 days preceding the expiration of the powers of the National Assembly.²⁸⁴ Since the National Assembly was dissolved on 21 April 1997, the next legislative elections were to be held around March 2002 in the absence of reform. Article 7 of the French constitution provides that the new presidential election should be organised between 20 and 35 days prior to the conclusion of the sitting president’s term in office. Secondly, in cases of “vacancy of power”, or of “definitive impediment”, “the election of the new president takes place (...) 20 days at least, and 35 days at most, after the opening of the vacancy or after the impediment has been declared definitive”.²⁸⁵ Georges Pompidou died on 2 April 1974, so French presidential elections since then have been held around the end of April or early May, as would have been the case in 2002.

At first glance, the matter of the calendar may appear to be a purely technical matter. Still, one should insist on the singularity of the 2002 configuration. During the lifespan of the Fifth Republic, since the direct election of the president of the Republic was established in 1962, two different scenarios had taken place. First of all, the scenario in which the legislative elections were held immediately after the presidential elections in 1962, 1981, 1988, on each occasion because of the president’s decision to dissolve the National Assembly in order to secure a parliamentary majority. Therefore, quite clearly, victory for a presidential candidate from a particular political

²⁸³ « Les pouvoirs de l'Assemblée nationale expirent le premier mardi d'avril de la cinquième année qui suit son élection. » *Loi organique n°95-1292 du 16 décembre 1995 prise pour l'application des dispositions de la loi constitutionnelle n° 95-880 du 4 août 1995 qui instituent une session parlementaire ordinaire unique*, art. 1. JO n°265 of 20 December 1995, p.18423

²⁸⁴ Code électoral, art. LO122.

²⁸⁵ *Constitution du 4 octobre 1958*, Art.7.

side did give an advantage to his own camp in the legislative elections. The second scenario was one in which the legislative elections were held at the “normal” time, in the middle of the legislature: two years before the next presidential elections in 1967, 1986 and 1993, three years before the end of the term if Pompidou had lived in 1973, and finally three years before the next election in 1978. In such instances, on the other hand, the country had witnessed situations in which the camp of the president had won, or lost, the legislative elections.

Therefore, at the time, no one was in a position to make any robust predictions about what the 2002 scenario might imply: at best, there may have been some conjecture about what it might mean for the balance between the presidential and legislative powers, and about the likelihood of witnessing a domino effect, with the results of the legislative elections impacting on the presidential elections. The fundamental paradox of the electoral calendar debate was that, in that case, the choice not to reform would have led to a *de facto* reform, insofar as it would have created an unprecedented situation in 2002, no matter what the outcome was regarding the length of the presidential term. More importantly, to observers, and in the context of early 2000, when the reform of the *quinquennat* was becoming a hot topic, the importance of the reform of the calendar became even more apparent. Indeed, if the presidential term was to be shortened after the 2002 election, the question of the ordering of the legislative and the presidential elections would have become recurrent.

1.2.2. An institutional issue arising from the terms of the debate of the *quinquennat*, with a late turning point

The two main arguments defending the *quinquennat*, as explained above (giving time for the president to govern and avoiding cohabitation) were, in many ways, two sides of the same coin. The supporters of the *quinquennat* saw this reform, in a more or less lucid and conscious manner, as a way to finally assert the supremacy of the President of the Republic over the Prime Minister. This reasoning would only apply if the simultaneity of the presidential and the legislative elections was institutionally secured. The implicit “working hypothesis” was the following: the permanent coincidence of the presidential and legislative elections (postulating that presidents should neither die, nor resign, ed.) would mean that, in all likelihood, the French citizenry would elect a president and a National Assembly of the same political persuasion, and reassess the pre-eminence of the presidency in the French institutions.

It is quite fascinating to see the almost complete absence of conceptualisation or anticipation of the consequences of the scenario in which the legislative elections would have

preceded the presidential election by a couple of weeks,²⁸⁶ from both politicians and academics. With some hindsight, Pierre Avril argues:

“The natural evolution of the calendar would have led to make durable, in a certain way, the status quo, that was a status quo re-establishing the legislative elections in the forefront (...) A sort of Portuguese evolution in a way”.²⁸⁷

Avril concludes: “The fact that the reform of the calendar was nipped in the bud by the *quinquennat*, this was obvious.”²⁸⁸

Indeed, a political adviser of Chirac's, Olivier Dutheillet de Lamothe, remembers: “During the consultations [about the *quinquennat*] people like Vedel and Carcassonne said: the next step is the reordering of the calendar. The constitutional lawyers considered that this was a logical consequence.”²⁸⁹ Despite this rational link for those following the reasoning of the partisans of the *quinquennat*, very few observers within the public sphere linked the issue of the *quinquennat* with that of the ordering of the 2002 (and possibly subsequent) elections from the beginning. Moreover, the concrete ways that such a reordering could take place were not easy to implement: the revision of Article 7 of the Constitution to hold the presidential elections in February or March, the resignation of the president before 2002, or the prolongation of the term of the National Assembly, which would have to be voted on by the National Assembly itself, a particularly tricky twist.

The first politician to defend the reform of the 2002 electoral calendar was François Bayrou, the leader of the centrist UDF party, who proposed in an interview with *Le Monde* in 1999, a prolongation of the duration of the term of the National Assembly that had been elected in 1997.²⁹⁰ In the minds of the bayrouists, the issue of the calendar was paramount, and intrinsically linked with the *quinquennat*, and the aim was to avoid cohabitation. At the time, members of both the PS and of the RPR abruptly closed the debate, considering on the one hand

²⁸⁶ The main exception is Bastien François, who argues that, if French citizens elected their MPs before the president of the Republic, it would necessarily lead to a more parliamentary vision of the regime, either because the president would be more dependent of the wishes of his majority, or because of long-term cohabitation (2000)

²⁸⁷ « L'évolution naturelle du calendrier aboutissait à pérenniser, en quelque sorte, le statu quo, qui était un statu quo rétablissant les élections législatives au premier plan (...) Une évolution à la portugaise en quelque sorte. » Interview with Pierre Avril, ex-Professor of public law at *Institut d'Etudes Politiques* of Paris, 6 February 2013, at his home in Paris.

²⁸⁸ « Que la réforme du calendrier soit contenue dans l'œuf par le quinquennat, c'était évident. » Ibid.

²⁸⁹ « Pendant les consultations [sur le quinquennat] des gens comme Vedel et Carcassonne disaient : la prochaine étape, c'est l'inversion du calendrier. Les constitutionnalistes estimaient que c'était une conséquence logique ». Interview with Olivier Dutheillet de Lamothe, former deputy general secretary of the Presidency of the Republic between 1997 and 2000, 20 March 2013, at his office in Paris.

²⁹⁰ Chambraud, Cécile, Jarreau, Patrick. « François Bayrou veut l'élection présidentielle avant les législatives ». *Le Monde*, 24 September 1999.

that it was the result of internal dissent within the right-wing camp,²⁹¹ and on the other hand, that after the disastrous dissolution, politicians should stop playing “the sorcerers”.²⁹² In June 2000, in the midst of the parliamentary debate on the *quinquennat*, Bayrou insisted on talking about the “dingo electoral calendar”.²⁹³ Badinter (PS) added his voice to the support for the modification of the calendar as early as July 2000.²⁹⁴ The pressure quickly increased after the adoption of the *quinquennat* on 24 September 2000 by referendum.²⁹⁵ Politicians from the MDC, the PS,²⁹⁶ the UDF,²⁹⁷ and the PRG (Maus 2001, 302) publicly declared themselves in favour of the five-year term. Several organic bills were proposed, as a consequence, to extend the term of the MPs by a couple of weeks.²⁹⁸ Academics also published an opinion piece on 13 October called “Let’s not vote with our heads upside down”, in which they argued strongly for the merits of this reform, for the purpose of ensuring both “majoritarian coherence” and “majoritarian pluralism”.²⁹⁹ At the time, the socialist leaders still refused to discuss the matter:³⁰⁰

Despite the multiplication of voices in favour of the inversion – of both experts and politicians – between September 2000 and late November 2000, Chirac and Jospin refused to take a clear stand on the electoral calendar. The turning point occurred on 26 November 2000, at the Socialist Party Congress in Grenoble. Jospin surprised all during his declaration, declaring that the order of the elections was “not coherent”. He argued: “what one should wish is that the spring of 2002 would not be the spring of confusion and of the choices of convenience, but a spring of clarity”.³⁰¹ Jospin’s former advisers have tended to confirm that it was a single-handed

²⁹¹ Anon. « Cambadélis : ‘Aller jusqu’au bout’ ». *Le Figaro*, 19 October 1999.

²⁹² A quote from an interview with Philippe Séguin in *La vie*. Cf. Désaubliaux, Patrice-Henry. « Polémique sur le calendrier électoral de 2002 ». *Le Figaro*, 1 October 1999.

²⁹³ Bayrou François. « Pour un régime présidentiel équilibré ». *Le Monde*, 13 June 2000.

²⁹⁴ Robert Diard, Pacale. « Quel calendrier électoral pour 2002 ? » *Le Monde*, 7 July 2000.

²⁹⁵ Cf. *infra*.

²⁹⁶ Anon. « Forni pour une inversion ». *Le Figaro*, 9 October 2000.

²⁹⁷ Barre, Raymond, Rocard, Michel. « Voter la tête à l’endroit ». *Le Monde*, 18 November 2000.

²⁹⁸ Assemblée nationale. *Proposition de loi organique de M. George SARRE relative à l’antériorité de l’élection présidentielle par rapport à l’élection législative n°2602*. 3 October 2000.

Assemblée nationale. *Proposition de loi organique de M. Raymond BARRE modifiant la date d’expiration des pouvoirs de l’Assemblée nationale n°2741*. 22 November 2000.

²⁹⁹ Carcassonne, Guy, Duhamel, Olivier, Vedel, George. « Ne pas voter la tête à l’envers ». *Le Monde*, 13 October 2000.

³⁰⁰ Gurrey, Béatrice, de Montvalon, Jean-Baptiste. « Le gouvernement ne paraît pas disposé à modifier le calendrier électoral de 2002 ». *Le Monde*, 6 October 2000.

³⁰¹ « Ce qu’il nous faut souhaiter, c’est que le printemps de 2002 ne soit pas un printemps de la confusion et des choix de convenance, mais un printemps de la clarté. » Chambraud, Cécile, Gurrey Béatrice. « Lionel Jospin déclenche la polémique sur le calendrier électoral de 2002 ». *Le Monde*, 28 November 2000, Waintraub, Judith. « Jospin : cap sur l’Elysée ». *Le Figaro*, 27 November 2000.

decision, made by the Prime Minister, with only his director of cabinet in the secret.³⁰² Olivier Schrameck, in his book *Matignon rive gauche*,³⁰³ explains how he advocated in favour of the inversion following “intense and dense” discussions with Carcassonne, Duhamel and Badinter (Schrameck 2001, 119), and how the decision was only leaked to François Hollande (first secretary of the PS) and Robert Hue (leader of the PCF) on the very same day of the intervention.

To conclude, similarly to the *quinquennat*, the inversion of the calendar was advocated for by voices from academia and from both sides of the political spectrum. However, despite the fact that the two issues were linked in the minds of many from the very beginning, the timing of the debate’s emergence, and its turning point, occurred only a few months after the *quinquennat*.

1.2.3. A divisive issue: the shadow of the electoral fortunes of 2002

Following Lionel Jospin’s initiative in late November 2000, the debate on the electoral calendar was framed as a wholly different battle than that of the *quinquennat* in the minds of the political parties, for two reasons. First of all, despite the fact that the issue was initially put on the table by the UDF, the concrete initiative was not merely socialist, but came from its leader, Jospin. Secondly, unlike the *quinquennat*, the topic of the electoral calendar was perceived by the political parties and their MPs through the filter of electoral predictions about the 2002 election. Quite significantly, before the debate started in the parliament, and despite the fact that 64% of the people questioned in a poll on 30 November 2000 supported the reform, 51% of them thought it was an electoral manoeuvre on the part of the PM.³⁰⁴

At the time, it was widely perceived that Jospin, who had a good track record, was the most solid contender in the 2002 presidential election, and in all likelihood, would be the future President of the Republic. Avril calls him “the man who wanted to become king” (2003, 367) and explains how the potential re-parlamentarisation of the regime, which would have been possible during the fortuitous calendar of 2002, was never seriously contemplated by Jospin, who had a

³⁰² I had the opportunity to consult the initial versions of the discourse in the national archives. This announcement is absent from the rough copy of 18 November, written by Pierre Guelman, and from the version transmitted of 24 November 2000. Interview with Pierre Guelman, op. cit.

³⁰³ Despite repeated attempts, I have unfortunately been unable to meet Olivier Schrameck. He has, however, published a book in 2001, with the agreement of Lionel Jospin, hence before leaving office, in which he talks extremely freely about his functions, his important decisions, and his role of *eminence grise* of the Prime Minister. The book is a severe indictment against the cohabitation and Chirac, and is quite unusual: senior civil servants in France rarely testify about their roles, and even less so before leaving office.

³⁰⁴ IFOP Poll commented in the following article: anon. « Jospin passe en force ». *Libération*, 29 November 2000

deep-rooted ambition to beat Jacques Chirac in a *mano a mano* in 2002. From the side of the socialist MPs, Bernard Roman insists on the fact that the context was exceptionally favourable to the socialists: “we were wondering what we would do with the revenue windfall! We said to ourselves that we had created one million jobs!”³⁰⁵ As a consequence, no one doubted Jospin’s victory, and the socialist MPs were confident of their re-election should the legislative elections follow the presidential one. Jospin did not even deny the tactical aspect of the operation, arguing that “there are also beautiful manoeuvres”.³⁰⁶

The outcomes of the legislative elections, which are often described as 577 distinctive electoral contests, were on the other hand seen to be more open. Some members of the socialist cabinets published electoral analyses showing how the unexpected victory of the socialists in 1997 was, in many regards, the result of the high number of *triangulaires*.³⁰⁷ The same analyses concluded that the electoral results for the left in 2002 were less certain, given the predicted lower number of triangular contests (Perraudau 2000). From Chirac’s side, Philippe Bas sums up the situation as follows:

“what we call the reversal of the electoral calendar is the reconciliation of the calendar of the presidential and legislative elections in conditions that are *not contestable on the substance*. If there has been a political fight on this, this is because of the electoral competition that had already started at the time. On the right, some may have had the ulterior motive that the election of Jacques Chirac would be difficult, and that it would be easier if there were in the first place legislative elections won by the right. On the left, people thought the contrary!”³⁰⁸ (emphasis added)

Chirac reacted by talking about a “circumstantial manoeuvre” and a “combination”.³⁰⁹ In late 2000, at least four right-wing candidates were considering running for the presidential elections, in addition to Chirac for the RPR: Bayrou for the UDF, Pasqua for the RPF, Madelin for DL, and de Villiers for the MPF. Regarding the UDF and DL in particular, because the

³⁰⁵ « On se demandait ce qu’on allait faire de la cagnotte ! On se disait qu’on avait créé un million d’emplois ! » Interview with Bernard Roman, op. cit. Indeed, between 1997 and 2002, the economic situation in France was very prosperous.

³⁰⁶ « Il y a aussi de la belle manœuvre ». Chemin, Ariane, Robert Diard, Pascale. « La longue histoire du rétablissement du calendrier électoral ». *Le Monde*, 19 December 2000.

³⁰⁷ In French, *triangulaires* (roughly translated as “triangular contests”) are contests in which the second round of the legislative elections oppose three candidates, usually the Socialists, the RPR, and the National Front. In 1997, Ysmal estimated that around 20 constituencies were held by the left thanks to this peculiar situation (1998).

³⁰⁸ « Ce qu’on appelle l’inversion du calendrier électoral, c’est la mise en concordance du calendrier des élections présidentielles et législatives dans des conditions qui sur le fond ne sont pas contestables. Et s’il y a eu un combat politique là-dessus, c’est en raison de la compétition électorale qui était déjà commencée à cette époque. A droite, certains avaient peut être l’arrière pensée que l’élection de Jacques Chirac serait difficile, et que ça serait plus facile s’il y avait d’abord des élections législatives gagnées par la droite. A gauche, on pensait le contraire ! ». Interview with Philippe Bas, op. cit.

³⁰⁹ Robert Diard, Pascale. « M. Chirac s’oppose à la combinaison de M. Jospin pour 2002 ». *Le Monde*, 16 December 2000.

election of their MPs was conditioned upon their alliance with the RPR in the legislative elections, Chirac's supporters were aware that it would be easier to put his troops on the line for the presidential elections if the opposition was constrained to a union of the centre-right for the legislative elections.³¹⁰ The UDF was particularly divided over this issue. Clearly, Bayrou's early campaign in favour of the reordering of the electoral calendar was mainly driven by his firm intention to be the UDF presidential candidate in the 2002 election. The rest of the party, however, was divided between supporters of Bayrou, and MPs who feared for their re-election and sought to preserve the relationship with the RPR, as illustrated by the Congress of the UDF, held on 2 December 2000, which witnessed the victory of Bayrou's motion.³¹¹

Finally, the small parties of the left reacted in various ways. The PRG and the MDC, who historically supported a presidential regime, stayed put.³¹² The Communists denounced the change as "dangerous for democracy" and a form of "pluralism".³¹³ Indeed, the PCF feared a disappointing result in the presidential election, which would limit their ability to negotiate constituencies in pre-electoral agreements for the legislative elections with their socialist partners. The same reasoning was followed by the Greens, who from early on, tried unsuccessfully to link their votes on the calendar with the introduction of PR.³¹⁴

One can summarise the positions of all the parties on the modification of the electoral calendar quite simply: those who believed that they would lose the presidential elections, or who were not in position to reach the second round of the presidential elections, opposed the proposal (so the RPR, the non-Bayrouist wing of the UDF, PCF, Greens). On the other hand, "those who [were] convinced of immediate alternation, like the socialists, or those who [were] convinced by their destiny, like François Bayrou", supported the reform.³¹⁵ In conclusion, the reform of the electoral calendar serves to illustrate the link between divisive reforms and outcome-contingent motivations (here, the electoral prospects for 2002) perfectly.

³¹⁰ Robert Diard, Pascale. « Le premier ministre endosse les habits du candidat ». *Le Monde*, 26 November 2000.

³¹¹ De Montvalon, Jean-Baptiste. « François Bayrou entre en champagne face à des chiraquiens réduits au silence ». *Le Monde*, 5 December 2000. The real debate was actually much deeper, and regarded projects to regroup the political forces of the right into a single entity. Interview with Dominique Paillé, op. cit. Indeed, on 23 April 2002, the UMP (at the time, "Union for a presidential majority") was created in order to reunite all the right, except for the far-right. Despite its refusal to be incorporated into the new party, many of the UDF leaders and MPs left at that time (Sauger 2008).

³¹² Anon. « Jospin sème la pagaille à gauche ». *Libération*, 1 December 2000.

³¹³ Beuve Méry, Alain. « Le PCF refuse un changement dangereux pour la démocratie ». *Le Monde*, 30 November 2000

³¹⁴ Anon. « Jospin sème la pagaille à gauche », op. cit.

³¹⁵ « Ceux qui croient dur comme fer à l'alternance immédiate, comme les socialistes, ou de ceux qui croient dur comme fer à leur destin, comme François Bayrou ». Interview with Dominique Paillé, op. cit.

1.3. Analysis of the press coverage of the two reforms

Before we turn to the analysis of the adoption of the reform, an analysis of the press coverage will provide interesting insights about the turning points in the debates, but also about the recurring arguments, illustrative of the different natures of the two reforms. I will first show that the two reform debates have clearly been covered separately rather than concomitantly, illustrating the sequential logic that was followed for the two reforms, with one clearly following the other in time. Secondly, I will demonstrate that the debate on the *quinquennat* focused on arguments about “modernity”, “democracy”, and the shape of the regime, whereas the debate on the calendar focused more on accusations of manipulation, and on the centrality of the presidential function.

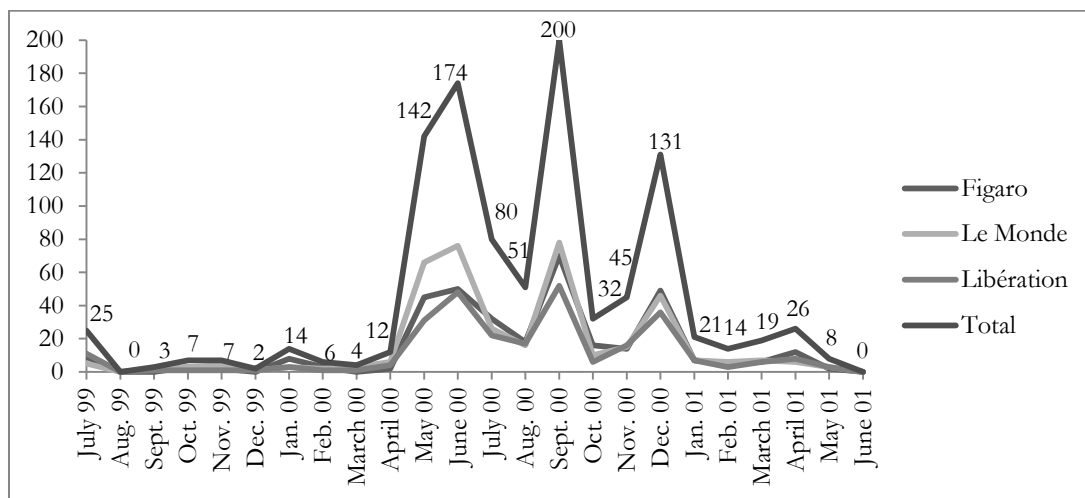
1.3.1. The coverage over time: volume and turning points

This analysis is based on the hand-coding of the arguments contained in 1023 articles published between 1 July 1999 and 30 June 2001 in the three main French daily newspapers on the five-year term and the electoral calendar.³¹⁶ I could have used more complex research strings, or a longer time frame, which would have helped to make up an even more exhaustive corpus. However, I am confident that it already gives a very fair idea of the quantity of writing, and the tone of the debate, on both of these reforms. On the issue of the volume of debate, several questions are important: did the coverage of the reform differ widely across newspapers? Do there appear to be turning points during the debates? Were the two reform issues under scrutiny considered together, or at different times? And finally, were other institutional reforms considered concomitantly, and if so, which ones?

There was little difference in the coverage between newspapers, in terms of quantity. Overall, in regards to both the *quinquennat* and the reform of the electoral calendar, Le Monde’s coverage was slightly more extensive (391 articles) than that of Le Figaro (353) or Libération (279).

³¹⁶ Cf. appendix 13.

Figure 13. Coverage of the reforms of the *quinquennat* and of the electoral calendar by newspaper, July 1999-June 2001



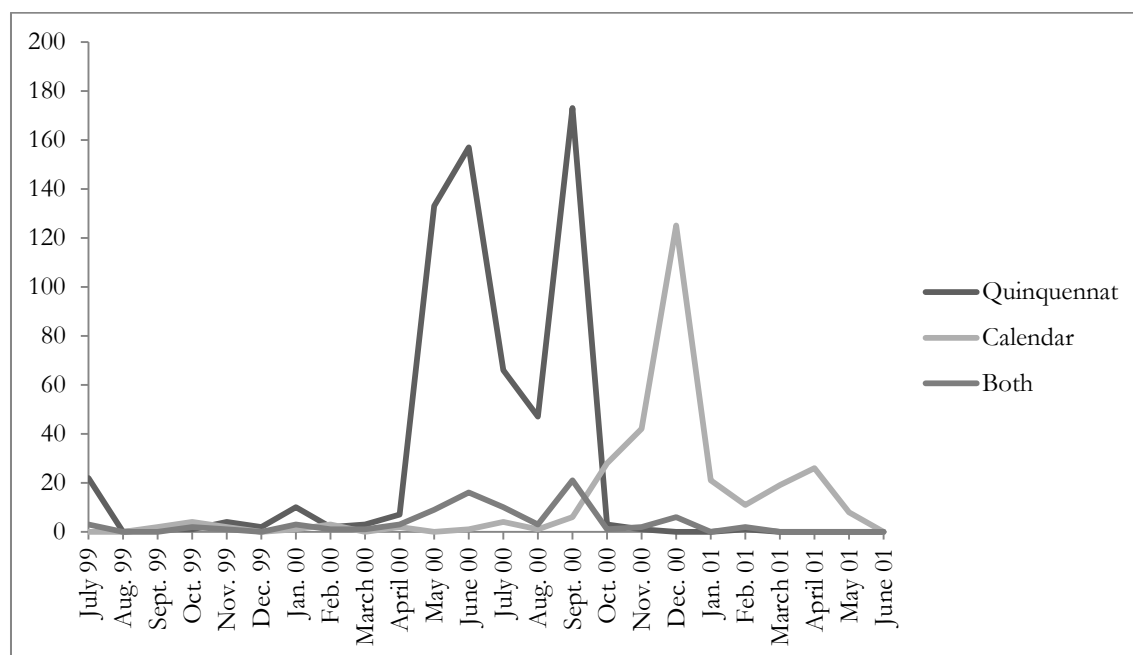
Still, as Figure 13 shows, the peak coverage in all the newspapers occurred at exactly the same moment: May and June 2000 (legislative bill proposal and discussion of the *quinquennat* in the parliament), September 2000 (referendum on the *quinquennat*), and December 2000 (parliamentary discussion on the reordering of the electoral calendar).³¹⁷ When looking at the coverage of the newspapers by theme (Figure 14), it becomes clear that the two issues have been covered separately. In 1999, after a brief moment of interest in the *quinquennat*, following Chirac's declaration on 14 July that it was "a mistake", the issue fell down the agenda until May 2000. Until late September, the shortening of the length of the presidential term was covered quite extensively, before it fell off the agenda altogether after its adoption by referendum in September 2000. The issue of the electoral calendar started to gain momentum in September 2000, and this interest reached its peak in December, before slowly tapering off in 2001. Finally, Figure 14 shows that the two issues have rarely been considered concomitantly, with small exceptions in June and September 2000. The coverage was more than twice as extensive for the *quinquennat* (633 articles) than for the electoral calendar (306 articles), and only 84 of the 1023 articles coded (8.2%) dealt with both reforms at once. Having been put on the agenda at around the same time in 1999, the two reforms followed a clearly sequential logic: first, the *quinquennat*, and only then, the calendar. This provides quite a graphic illustration of the manner in which bundles of reforms can take the form of a sequence, rather than a package deal, as in the following chapter.³¹⁸ This also shows that the two reforms were covered in the public debate as two separate issues, which proved crucial during the period of adoption.³¹⁹

³¹⁷ Cf. *infra*.

³¹⁸ Cf. chapter 8.

³¹⁹ Cf. *infra*.

Figure 14. Coverage of the reforms by theme, July 1999-June 2001



Finally, I have assessed whether the two institutional reforms of the *quinquennat* and the electoral calendar have been examined in the light of other institutional reform themes, either those deemed necessary, or those currently being discussed. Indeed, despite the fact that the political elites only chose to examine these two reforms in the same sequence concomitantly, it could have been possible that the public debate linked these reforms to a wider debate on the institutions. Among the 633 articles dealing with the *quinquennat*, 28.4% also mentioned other institutional reforms, whereas 21.6% of the 306 articles dealing with the reordering of the electoral calendar, and 36.9% of the 53 articles dealing with both reform issues do so. Therefore, contrary to what has happened in Ireland, for example, where the public debate focused on multiple institutional issues at once, in France, the two reforms in question were generally presented “unidimensionally”. It appears that the *quinquennat* was sometimes considered together with the duration of other terms in office, particularly that of the senators. The debate on the electoral calendar led to reflections on the electoral system for the legislative elections. The themes of the status of Corsica, and of decentralisation in general, were also present to a marginal extent on the back of the two reform debates.³²⁰ What is, perhaps, more interesting than the most commonly mentioned institutional themes, are those that are rarely referenced: the reform of Articles 5 and 20 regulating the roles of the President and the Prime Minister (3 articles only!), to give one example. Therefore, the debate was not structured in any real way around definitive proposals to adapt the wider institutional system, and in particular the presidential role. Rather, most of the

³²⁰ Cf. appendix 14.

other reforms referenced appear to be demands for payback: more decentralisation, a more powerful parliament, the introduction of PR in the legislative elections, shorter terms in office for senators, the resolution of the issue of Corsica, etc. In other words, these two reforms were not part of any grand institutional plan to redesign the institutions in the public debate. Rather, the press coverage shows two issues which have been examined separately, detached from the wider institutional context.

1.3.2. The main arguments related to each reform: an illustration of the different natures of the reforms

To understand the differences in framing in the coverage of the two reform debates, let us now analyse the most frequent arguments utilised, either in defence of or opposition to the reforms. The complement of articles we will examine are the 556 out of 1023 articles in which the treatment of information has not been purely descriptive and factual, but contains either tactical considerations about the reforms, and/or arguments that defend or oppose them.

The first observation one can make is that, of these 556 articles, no less than 38.1% contain tactical considerations, i.e. speculations by the actors, either as to the potential consequences of the reform for them (outcome-contingent motivations), and/or the desirability of being seen to support the reform and its process (act-contingent motivations) (Reed and Thies 2001). These considerations also feature in more than half of the articles on the electoral calendar issue (Table 16).

Table 16. *Articles containing tactical considerations about the quinquennat and/or the electoral calendar*

Theme	N	%	Total
<i>Quinquennat</i>	88	29.2	301
Electoral Calendar	102	52	196
Both	22	37.3	59

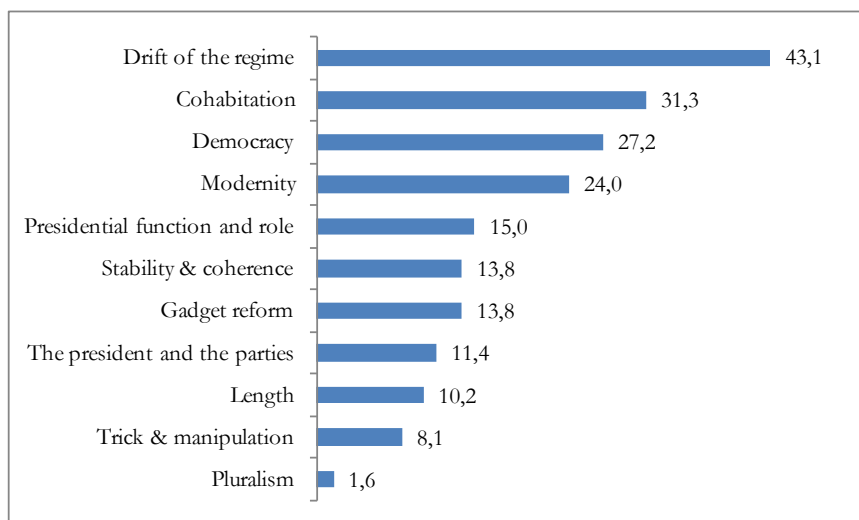
Population: the 556 articles in which the treatment of the reforms is not purely factual.

The fact that newspapers pay attention to these tactical considerations is not surprising *per se*. On the other hand, the gap in the coverage – in terms of tactical considerations – of the two reform issues clearly proves that the *quinquennat* was viewed through the prism of tactical politics by the newspapers (and therefore by the political actors) to a far lesser extent than the calendar reform. Therefore, this suggests that the reforms were perceived as having different natures, the second reform being framed in terms of outcome-contingent calculations much more than the first. The contrasting treatment of the two reforms is even more apparent when one examines the

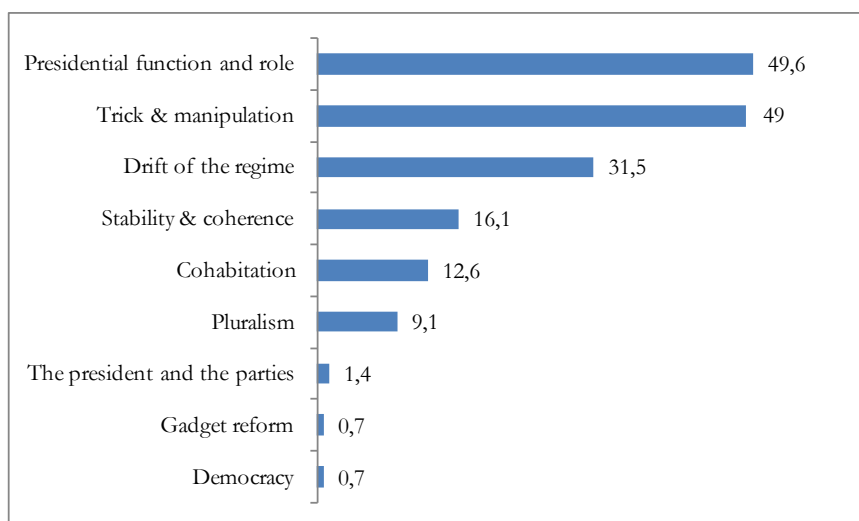
arguments which are most commonly called upon for, or against, the reforms (among the 440 articles containing some form of argumentation).

Figure 15. *Arguments presented among the articles containing argument for or against the reforms of the five-year term and electoral calendar, July 1999-June 2001, in %*

Quinquennat: N=246



Electoral Calendar: N=143



Reading: among articles mentioning pro, anti, and neutral reform arguments on the *quinquennat*, 31.3% evoke the rise/decrease of the risk of cohabitation.

The articles about the length of the presidential term tended to be slightly skewed in favour of change, whereas the articles on the electoral calendar tended to contain anti-reform arguments more often than pro-reform arguments. Out of the 246 articles that contained some argumentation on the *quinquennat*, 55% contained pro-reform arguments, 46.3% anti-reform arguments, whereas of the 143 articles discussing the electoral calendar, 53% contained

arguments in favour, versus 60.1% against.³²¹ The two debates have undoubtedly gone down different routes. In the case of the presidential term, the most common argument concerns the risk of a drift by the French regime either towards more presidentialisation, or, less often, towards a “regime of parties”. The matter of cohabitation comes in second place, with almost one third of the articles mentioning some sort of arguments for, or against the reform also referring to the *quinquennat*’s potential capacity to prevent this institutional configuration. Other frequent reform arguments concern the “democratic” character of the *quinquennat* (27.2% of the arguments), or its “modernity” (24%). Therefore, overall, the framing is as follows: a debate on the ability of the *quinquennat* to prevent cohabitation and to bring about greater democracy and modernity, and the possible threat of presidentialisation. When it comes to the debate on the electoral calendar, the picture is quite different. Among the 143 articles containing argumentation on the matter, almost half of them contain discussion on the centrality (or marginality) of the presidential function in the French institutional regime. Strikingly, no less than 49% of these articles contain a reference to some sort of “trick”, or to “electoral manipulation”. Almost one-third of the arguments also deal with the possible drift of the regime (again, mostly towards presidentialisation). Hence, there are no nice evocations of modernity or democracy here: it is clear, by looking at the press coverage, that electoral considerations about 2002 and fears about the role of the president were at the forefront of the debate.

In conclusion, the two issues have been examined sequentially, and have been framed very differently: whereas the five-year term was essentially a consensual issue, the electoral calendar was perceived as both divisive and manipulative.

2. Two reforms of different natures leading to highly distinct processes of adoption

The study of the process of emergence and formulation of the reforms has shown that the main difference between the two lies in what the political actors perceive as their different natures: a consensual reform guided by competition for the initiative on the one hand for the *quinquennat*, a divisive reform driven by self-interest for the electoral calendar. As a consequence, the debate on the five-year term was characterised by a supermajoritarian process, in which credit-claiming and blame-avoidance were paramount, whereas the electoral calendar reform

³²¹ Note that the total is not 100%, as one article can contain both pro- and anti-reform arguments. Cf. appendix 15.

followed a purely majoritarian logic, in which the opposition unsuccessfully attempted to delay the reform and to break up the PS-UDF reform coalition.

2.1. Institutional competition over a consensual reform: the supermajoritarian logic in action

The *quinquennat* was adopted in the parliament despite the many ambiguities hidden behind the parties' support: everyone supported the reform expecting different results. By limiting the debate to the length of the presidential term (the so-called "*quinquennat sec*"), thus to a single-dimensional issue, the executive managed to adopt the reform with a wide majority. The process shifted from credit-claiming to blame avoidance during the phase of final adoption, as Chirac was the sole initiator of the referendum. I conclude on the characteristics of supermajoritarian processes when consensual reforms are at stake.

2.1.1. The "*quinquennat sec*" and the "yes" of all ambiguities in the parliament

The government bill, proposed by the PM with the initiative of the president, was submitted on 7 June 2000.³²² It consisted solely of the replacement of the word "seven" with the word "five" in Article 6 of the Constitution. The explanatory memorandum, which was extremely short, only stipulated that this would contribute to the "vitality of the democratic debate" without endangering "the balance of the institutions", and would bring greater coherence to a system where the president is the central figure. The debate in the parliament was extremely short: five sessions over two-and-a-half days in the National Assembly, and one session over a single day in the Senate. Some authors even blamed the "*parlement godillot*"³²³ (Jaume 2000, 224).

The debate began on 8 June 2000, in the Commission of Laws. Gérard Gouzes, the rapporteur, gave a detailed account of the reform arguments, underlining, among other things, the centrality of the presidential role, the fact that the *quinquennat* would reduce the risk of cohabitation and reinforce clarity. He described the reform as the passage from "a monarch president to a citizen president", which would represent a "modernization of political life" (Gouzes 2000, 14). Whereas almost all of the participants were in favour of the *quinquennat*, a majority of the participants, especially among the small parties, regretted that the institutional

³²² Assemblée Nationale. « *Projet de loi constitutionnel relatif à la durée du mandat du président de la République n°2462* », 7 June 2000. <http://www.assemblee-nationale.fr/11/pdf/projets/pl2462.pdf>

³²³ Literally, "clodhopper parliament". This French expression is used to describe a disciplined parliament that follows orders without discussing them.

reform was limited to this single aspect. Alain Tourret, (PRG) and Jean-Pierre Michel (MDC) defended a presidential regime and the reinforcement of the parliament. On the other side, the Greens presented a large number of amendments, including the adoption of PR, decentralisation, and the right to vote for foreign residents, whereas the Communists supported dispositions to strongly reinforce the parliament. None of these provisions were adopted, but what becomes clearly apparent is that the supporters of the *quinquennat* were heterogeneous, and that individual reservations remained over the form and content of the reform. During the general discussion, Guigou (PS Minister for Justice) noted that the debate could be held “without ulterior motives” and bring together a large majority (Assemblée Nationale 2000b, 5337–5338). She then preventively closed the debate to any other matter, arguing: “this reform is sufficient for the time being. For the rest, it will be time to see afterwards”.³²⁴

During the discussion, the only true opponents were the members of the RPF, a right-wing, anti-European, and sovereignist political force. Philippe de Villiers argued, in a very lengthy intervention, that “the proposed reform devastates (...) all the balance of our institutions” by harming the “cardinal principle” of the presidential function – duration, by degrading the president “to the rank of Prime minister”, and finally, by impeding *de facto* the president's use of his strongest weapon: dissolution (Assemblée Nationale 2000c, 5347). For each of the big parties, the PS and the RPR in particular, most of the debate was devoted to demonstrating to their opponents that their own party had defended the *quinquennat* with greater enthusiasm and for longer than anyone else.³²⁵ Whereas the socialists argued that “the vote of the *quinquennat* is an opened gate towards a more complete revision of the institutions of the Fifth Republic”,³²⁶ the RPR insisted that the reform of the *quinquennat* was desirable, as it did not endanger the structures of the institutions.³²⁷ Therefore, a strange situation arose during the explanations before the final vote in the National Assembly. Many parties voted for the reform hoping it would lead to further reforms, which were often contradictory: real local democracy for DL, a balanced presidential regime for the PRG and the MDC, decentralisation, PR, suppression of the dual mandate and a strong parliament for the Greens. The Socialists supported the reform, swearing, in order to calm down the smaller coalition partners, that the institutional discussion would be reopened again in 2002. The RPR voted for a reform that the Gaullists had initiated in 1973. The PCF abstained, not because they were against the *quinquennat*, but because this was the only institutional reform

³²⁴ « Cette réforme suffit dans l'immédiat. Pour le reste, il sera temps de voir ensuite. » Ibid. p. 5339

³²⁵ Cf. the interventions of Devedjian (RPR), Floch (PS), *ibid.*

³²⁶ Cf. the intervention of Jacques Floch, (PS) “le vote du quinquennat est une porte ouverte sur une révision plus complète des institutions de la V^e République. » Ibid. p.5358

³²⁷ Cf. the intervention of Jean-Louis Debré (RPR), *ibid.*

up for discussion, therefore leading to further presidentialisation and bipolarisation.³²⁸ The reform was adopted on 20 June 2000, with 466 votes in favour and 28 votes against. Therefore, many parties voted in favour of the reform with very different expectations and based on very different reasoning, meaning that the consensus behind the length of the presidential term was based on multiple, and sometimes opposite, expectations.

Despite this widespread agreement, there was also evidence of silent internal dissent in some parties, particularly the UDF in which 14 MPs opposed the project (vs. 51 in favour). The discussion in the Senate on 29 June 2000 brought no new elements to the table, apart from the fact that Robert Badinter (PS) mentioned the “chronology of the elections”,³²⁹ considering that if the legislative elections preceded the presidential election, the fate of the latter would depend on the outcome of the former. It is interesting to note the offended reaction of the RPR senators at the suggestion of a possible inversion of the 2002 electoral calendar.³³⁰ Some arguments about the genesis of the reforms were exchanged again, with the RPR recalling Mitterrand’s position in 1973, wondering “who are the converted”, adding that “history will recall that the reform of the *quinquennat* has been initiated by the president, Pompidou, and has come good under the presidency of Jacques Chirac”.³³¹ In any event, as was the case in the Assembly, an extremely wide majority of the senators adopted the text without amendment, with 228 in favour and 34 against, leading to the definitive adoption of the text in the parliament.

This quick, and apparently consensual adoption leads us to one question: how could so many parties, and individuals with very different visions of the desirable institutions agree on this particular institutional reform? The answer is twofold. Firstly, the *quinquennat* seemed a desirable reform for the vast majority of those concerned, because they all considered that their interest was best served through supporting it; either because it would be a first step towards further reforms that were seen as necessary or profitable (outcome-contingent motivations), or because it was seen to be in their best interest merely to be seen to support the reform (act-contingent motivations). Secondly, the leaders of the main parties successfully limited the debate to one aspect – the five-year term, even at the cost of making opponents remain silent, in order to rush the debate and avoid the development of dissent.

³²⁸ Intervention of Jacques Brunhes (PCF) Assemblée nationale. « *Compte rendu intégral de la deuxième session* », 20 June 2000, 5604. <http://www.assemblee-nationale.fr/11/cri/html/20000231.asp>

³²⁹ Sénat, « *Compte rendu intégral de la session* », 29 June 2000. http://www.senat.fr/seances/s200006/s20000629/s20000629_mono.html

³³⁰ *ibid.*

³³¹ « Je me demande qui sont les convertis (...) L'histoire retiendra que la réforme du quinquennat a été engagée par le président Pompidou et a abouti sous la présidence de M. Jacques Chirac » Cf. the intervention of Henri de Raincourt (RPR), *ibid.*

As the debate was voluntarily limited to the so-called “dry *quinquennat*”, many of the ambiguities, and sometimes opposed positions, were successfully reconciled within that reform. Jospin’s parliamentary relations adviser, Pierre Guelman, explains the PM’s position regarding the disallowing of amendments to the project and linking to other institutional dimensions:

“The opening of a wider debate than one addressing only the *quinquennat* would have taken us I do not know where. First, we are in a ‘plural majority’. The dry *quinquennat* is not acceptable to a portion of the leftist plurality, who believe that more ambitious reform of the institutions should be undertaken. (...) That majority was not elected to implement a programme of institutional reforms of the Fifth Republic. So, through the implementation of a common-sensical measure, namely a calendar that is coherent with that of the big democracies, going beyond it, effectively asking questions of the nature of the regime itself (...) Where did that take us?”³³²

From the point of view of the opposition, Dominique Paillé tells me, with irony, that that parliamentarians of the RPR were convinced by Chirac that it would be in his interest, and ultimately in theirs, at election time, to support the project without amending it. He concludes: “as MPs have two priorities, the first being to get reelected and the second, to have as little trouble as possible with their party, they have followed even when they disagreed”.³³³ Didier Maus confirms the versions from both sides, recalling: “both from the left and from the right, there were people who were fundamentally hostile to the *quinquennat*. And it has been told, to one and all, ‘shut up!’”³³⁴ To summarise, the issue of the divisive consequences of the reform has been successfully avoided by focusing on the sole, consensual, question of duration. This confirms the idea presented in Chapter 5 that consensual reforms are easier to adopt with a wide majority when they are limited to single-dimensional issues.

2.1.2. Avoiding blame: the deafening silence of the referendum on the *quinquennat*

After the adoption of the constitutional project by the parliament, the campaign for the referendum could be opened. Despite a certain number of advocates, both from the PS and the

³³² « L’ouverture d’un débat plus large que celui du simple quinquennat nous emmenait je ne sais pas très bien où. D’abord, on est en majorité plurielle. Le quinquennat sec ne plaît pas beaucoup à une partie de la gauche plurielle qui considère qu’il fallait être un peu plus ambitieux dans la réforme des institutions. (...) Cette majorité n’avait pas été élue pour engager un programme de réformes constitutionnelles de la Cinquième République. Donc à travers une mesure de bon sens, c’est-à-dire un calendrier cohérent avec celui des grandes démocraties, aller au delà, poser la question du type de régime... (...) Où est-ce que tout ça nous emmenait? » Interview with Pierre Guelman, op. cit.

³³³ « Comme les parlementaires ont deux priorités : la première, c’est de se faire réélire, et la deuxième, c’est d’avoir le moins possible d’emmerdements avec leur parti, ils ont suivi même quand ils n’étaient pas d’accord ». Interview with Dominique Paillé, op. cit.

³³⁴ « Aussi bien à gauche qu’à droite, il y avait des gens étaient fondamentalement hostiles au quinquennat. Et on leur a dit, aux uns et aux autres, ‘bouclez-là !’ » Interview with Didier Maus, op. cit.

opposition, pushing for Chirac to use the Congress, he was steadfast in his decision to consult the French citizens.³³⁵ It is now surely remembered as one of the dullest referendum campaigns in the history of the Fifth Republic, leading to a paradoxical result: an overwhelming “yes” in favour of the *quinquennat* (73.2%), but with the lowest voter turnout ever registered for a national consultation (30.2%). One question immediately comes to mind: why did the political parties put so little energy into defending a reform that almost all of them supported in the parliament? There are two main reasons for this: the fact that the referendum was a presidential initiative, and also the perception that the referendum result was a foregone conclusion. Parties feared being blamed for calling a referendum on a topic that was not of great interest to the citizens, rather than sensing the potential gains in the case of referendum victory, which explains their policy of wait-and-see. This strategy was made easier by the fact that Chirac was clearly the sole, and therefore main actor responsible for the referendum. There are two underlying conditions for blame here: firstly a perceived harm, in this case a futile referendum, and secondly a perceived responsibility, in this case Chirac (Hood 2010, 6). Thus, all parties except the RPR saw the referendum as an opportunity to weaken the president. In other words, whereas the adoption of the five-year term *in the parliament* was guided by credit-claiming motives, the adoption *by referendum* of the *quinquennat* clearly obeyed blame-avoidance logic, as described by Weaver (1986, 1988).

On 8 July 2000, Chirac (finally) clearly asked the French citizens to vote “yes” to the reform in the referendum of 25 September 2000.³³⁶ The only political force that actively campaigned against the referendum was the small RPF, however the National Front (FN) and the Mouvement National Républicain (MNR) idly advocated for a “no” vote. The leader of the RPF, Charles Pasqua, ended up declaring: “I have the impression of being all alone”.³³⁷ The PCF supported a “critical and offensive abstention” (sic).³³⁸ The Greens didn’t even manage to agree on an official position on the referendum, despite having supported the *quinquennat* in the parliament.³³⁹ The UDF, having launched the reform, basically refused to take any part in the

³³⁵ Fabre, Clarisse, Robert-Diard, Pascale. « Les partisans du Congrès se multiplient à droite ». *Le Monde*, 17 June 2000.

Noblecourt, Michel. « François Hollande sceptique sur l’intérêt d’un référendum ». *Le Monde*, 20 June 2000.

The leaders of the RPR senators, like Poncelet, or Josselin de Rohan, were particularly reserved about the opportunity of the referendum.

³³⁶ Anon. « Maintenant c’est à vous de choisir ». *Le Monde*, 8 July 2000.

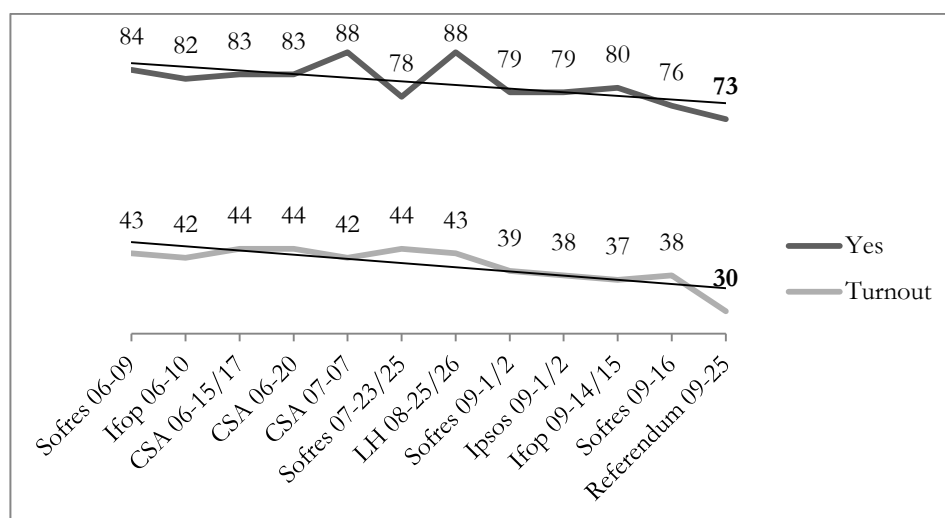
³³⁷ Schneider, Vanessa. « Pasqua – Je me sens seul ». *Libération*, 16 September 2000.

³³⁸ Beuve Méry, Alain. « Pour les communistes, Robert Hue prône une abstention critique et offensive ». *Le Monde*, 20 June 2000.

³³⁹ Gurrey, Béatrice. « Les Verts ne parviennent pas à adopter une position claire sur le quinquennat ». *Le Monde*, 29 August 2000.

campaign. In the Socialist Party, despite the nonchalant organisation of a few meetings, most protagonists implicitly or explicitly admitted that their best interest was in blaming the abstention on Chirac. Hollande, on 1 September 2000, made the following declaration: “we prefer the *quinquennat* rather than the *septennat*. The head of state, on the other hand, prefers the referendum rather than the Congress. Therefore, everyone will be judged on the decisions one has taken”.³⁴⁰ The RPR of Jacques Chirac was therefore the most active party advocating for a “yes” in the campaign.³⁴¹

Figure 16. Poll predictions for “yes” vote and turnout for the referendum on the *quinquennat*, June–September 2000



Source: Figures reported in the French newspapers *Libération*, *Le Monde* and *Le Figaro* between June and September 2000.

On the side of the experts and the commentators, the constitutional lawyers, who were quite active in helping to bring the issue of the *quinquennat* forward were, on the whole, silent.³⁴² The press coverage of the campaign mainly consisted of comments about the polls announcing an all-time low turnout, and on the lack of interest of French people in the matter. As figure 16 shows, the enthusiasm for the “yes” vote slowly decreased between June and the referendum, while the predicted turnout followed the same declining trend, and still overestimated the actual turnout.

³⁴⁰ « Nous préférons le quinquennat au septennat. Le chef de l'Etat, lui, a préféré le référendum au Congrès. Donc, chacun sera jugé sur les décisions qu'il a prises. » Mauduit, Laurent, Noblecourt, Michel. « Il faut redonner aux Français les dividendes fiscaux de la croissance ». *Le Monde*, 1 September 2000.

³⁴¹ The financial sums devoted by the state and the parties to the referendum give a clear idea of their disinterest in the campaign. The state spent €30.5 million on the referendum, whereas the European election of 1999 cost €101 million. Whereas the PS and the RPR spent around €300,000 in campaigning, parties like the UDF only spent €2300! *Bulletin quotidien*. 19 September 2000, found in the national archives.

³⁴² One exception is an opinion piece by Vedel: Vedel, Georges. « Voter oui et comprendre ». *Le Monde*, 16 September 2000.

After interrogating politicians, advisers and experts about the insider version of the referendum, their impressions and interpretations were quite unanimous. When I asked Yves Colmou about the reasons why the parties, including the PS, put so little energy and so few resources into the campaign, he candidly answered: “because there was nothing at stake!”³⁴³ Maus gives a variation on this argument: “people did not understand what was at stake”.³⁴⁴ Mény gives me an interesting account of the referendum, arguing that there was simply no “social demand” for such a referendum: “these are problems of political organization that are not perceived as political problems, but as problems of the political class”.³⁴⁵ Obviously, from the point of view of the political actors, tactical aspects were at the forefront, which explains this lack of implication. Guelman, advisor to Jospin, notes that, for the Socialist Party, there was simply no perception of potential political gains to be made by campaigning, given that the positive result was inevitable.³⁴⁶ From the point of view of the UDF, Dominique Paillé argues that after initiating the reform, “if we had been little soldiers in that story, we would have been the little soldiers of Chirac even though the RPR, given its divisions, was much less compact on the topic than us.”³⁴⁷ In conclusion, given that French people has supported the concept of the *quinquennat* for decades, most of the political actors believed there to be more drawbacks to campaigning than to staying put, all the more so seeing as the initiative for the referendum clearly came from Jacques Chirac. This referendum was perceived as potentially risky, mostly because the issue at stake was not strongly politicised. This says quite a bit about institutional reforms and supermajoritarian logics. The fight over the initiative of the reform was quite fierce (in terms of pure credit-claiming reasoning), whereas the final adoption clearly followed a blame avoidance logic. Indeed, as everyone was aware that the turnout would be meagre, given the lack of public interest in the matter, it was more important to maintain distance from the referendum than to defend a measure that had been overwhelmingly approved in the parliament.

³⁴³ « Parce qu’il n’y avait aucun enjeu! » Interview with Yves Colmou, op. cit.

³⁴⁴ « Les gens ne comprenaient pas l’enjeu ». Interview with Didier Maus, op. cit.

³⁴⁵ « Ce sont des problèmes d’organisation politique qui ne sont pas perçus comme de vrais problèmes politiques, mais comme de problèmes de la classe politique. » Interview with Yves Mény, political scientist and specialist of the institutions, ex-director of the European University Institute, 31 January 2013, at a café in Paris.

³⁴⁶ Interview with Pierre Guelman, op. cit.

³⁴⁷ « Si on avait été des petits soldats dans cette affaire, nous aurions été les petits soldats de Chirac alors même que le RPR, compte tenu de ses divisions, était beaucoup moins soudé sur le sujet que nous. » Interview with Dominique Paillé, op. cit.

2.1.3. Consensual reform, supermajoritarian adoption: the *quinquennat*

The examination of the press articles, the parliamentary debates, the interviews and the archives has shown that the reform of the length of the presidential term was framed by the political elites as a consensual reform, i.e., a reform for which the political actors had a general perception of widespread agreement on the desirability of the alternative contemplated. As a consequence, parties paid particular attention to act-contingent motivations, i.e. on being seen to support the *act* of reform. Of course, the reasons why the different parties believed the *quinquennat* would benefit them differed, but overall, the reasoning was that the reform was modern, more democratic, supported by a great majority of the citizens, did not risk upsetting the balance of powers within the political system, and might open the door for further, beneficial, reforms. The accuracy of these perceptions is not what is at stake here: what is important is that the way in which this reform was perceived by the French political actors paved the way for cross-party adoption, which was confirmed later on by the results of the referendum, despite the low turnout.

The reform followed a supermajoritarian logic: all of the actors in the political system had an input in the process, from the elaboration to the adoption. The UDF, through the voice of Valéry Giscard d'Estaing, introduced the topic in the parliament through a proposition of law. The socialists, led by Jospin, gave their support to this proposal, and negotiated with the president of the Republic, Chirac, who finally agreed to support a government bill. The main preoccupation of the parties was the struggle to associate themselves with the initiative of the reform, particularly for the RPR and Chirac, as they jumped on the bandwagon. The choice of a referendum constituted a good illustration of this credit-claiming logic: it was perceived as a way for Chirac to recover some of the credit for a popular reform, having been cut off from its initiative. This is also the reason why most of the parties did not mobilise during the referendum process, and why the dominant strategy shifted from credit-claiming to blame avoidance: campaigning for the passing of the referendum would have meant giving credit to Chirac.

To conclude, there is a link between the fact that the *quinquennat* was perceived as a consensual reform and the logics of adoption which followed, involving all of the political class, and following logics of credit-claiming for what was seen as a “good-policy”. This first archetypical path of adoption of a consensual institutional reform can be contrasted against the logic behind the electoral calendar reform.

2.2. Self-interest guiding a divisive reform: the adoption of the reordering of the electoral calendar

After Lionel Jospin's announcement in late November 2000, things moved quickly for the reordering, or "reinstatement" of the electoral calendar. A proposition of organic law was discussed in the Parliament as early as December 2000, and was only definitively adopted in April 2001, after a fierce parliamentary battle, most notably in the Senate. This proposal led to a peculiar split of forces within the parliament: on the one hand, the socialists, supported by around half of the UDF, who defended the switch; on the other hand, the Greens, the Communists, the RPR and the other half of the UDF, who fought to keep the legislative elections before the presidential one. This process illustrates a configuration where the government unilaterally leads a majoritarian process of reform on a divisive issue.

2.2.1. La guerre des nerfs: five months of fierce parliamentary battle

The adoption procedure for the reordering of the electoral calendar in the Parliament led to no less than five months of debate between the first meeting of the Commission of Laws on 12 December 2000, and the final adoption on 24 April 2001, with three readings in the National Assembly, two in the Senate, and one *Commission mixte paritaire* (mixed joint commission).³⁴⁸ The uncertainty of the process has its basis in two elements. Firstly, the socialists, who did not have the support of several of their allies (PCF, Greens) needed some centrist MPs to support the project. Secondly, whereas the left had the majority in the lower Chamber, the centre-right still had a clear majority in the Senate. This enabled the opposition to engage in a long battle to slow down the adoption of the text. The format of the procedure is important in the analysis of the adoption of this text. Indeed, the government attempted to use all of the available tools to accelerate the adoption of the law: using a proposition of law rather than a government bill (as any government bill would have to be approved by the *Conseil d'Etat* before discussion in the Parliament), and choosing an emergency procedure in order to limit the number of readings in each chamber. On the other hand, through its majority in the Senate, the opposition led a long battle of filibustering, using all the tools allowed by the standing orders. Yet in the end, the heteroclite PS-half-UDF coalition managed to pass the law, as the National Assembly has the last word in French parliamentary procedure.

³⁴⁸ The mixed joint commission is an organ of resolution for conflicts between the lower and the upper chambers. Composed of seven MPs and seven senators, it is convened by the PM in order to facilitate the adoption of a common text by both Chambers. The PM must wait for two readings of the text, unless the emergency procedure has been decided, as was the case on this text (Art. 45 of the Constitution).

Before the debate took place in the assembly, secret negotiations and intimidation began. The PS wanted to be sure that the UDF, or most of it, would support the project, whereas the RPR attempted to intimidate the supporters of the text. This led Barre, former UDF Prime Minister and MP, to declare (regarding the RPR parliamentarians): “I could ask them who led the Fifth Republic astray the most, and this for the cohabitation in which they wallowed simply to share power”.³⁴⁹ From Jospin’s side, faxes were exchanged with friends in which one MEP advised the PM that “Chirac [was] afraid of the French people”, a “chicken”, with a “cushy job”.³⁵⁰ Therefore, from the beginning, the tone of the debate was extremely harsh and in complete contrast to the debate on the presidential term. Six proposals of organic laws aiming to change the electoral code in order to modify the order of the 2002 elections were examined during the meeting of the Commission of Laws of the national Assembly on 12 December 2000.³⁵¹ Bernard Roman’s report began with the title, “take the heat out of the debate: a simple reinstatement of calendar” (Roman 2000).³⁵² Roman, socialist president of the Commission of laws, insisted on the fact that the calendar of 2002 appeared by chance, and that the text aims to preserve “one of the main benefits of the Fifth Republic: (...) the majoritarian fact” (Roman 2000, 5). The report dismissed the arguments about the Socialist Party’s ulterior motives in relation to the reform (2000, 6), and argued about the practical difficulties arising from the electoral calendar if it remained unchanged. It concluded by stating that the constitutional council had changed the dates of expiration of municipal and local assemblies before, arguing therefore of the existence of a legal precedent. Paradoxically, and contrary to the institutional (official) tradition of the PS, which considers that the parliament is not powerful enough in the French Fifth Republic, the main line of argument consisted of arguing that the presidential election was the keystone of the French institutions.³⁵³ From the very beginning of the debates in the

³⁴⁹ “Je pourrais leur demander qui a dévoyé le plus la Ve République, et cela depuis la cohabitation dans laquelle ils se sont vautrés simplement pour partager le pouvoir » Anon. « La réplique cinglante de Raymond Barre ». *Le Monde*, 5 December 2000.

³⁵⁰ “Chirac a peur des Français”, “le planqué de l’Elysée”, “trouillard”. These are some of the abstracts from the exchanges of faxes between Lionel Jospin and a French Socialist MEP, of 29 November 2000 and 12 December 2000, consulted in the national archives.

³⁵¹ Cf. Proposals n°2602 of George Sarre (MDC), n°2665 of Bernard Charles (PRG), n°2741 of Raymond Barre (UDF), n°2756 of Hervé de Charette (UDF), n°2757 of Gérard Gouzes (PS) and n°2773 of Jean-Marc Ayrault (PS). All of the proposals aimed to hold the presidential election before the legislative elections, except for Charles’ proposal that they be concomitant.

³⁵² The subtle difference between “reversal” and “reinstatement” is quite a good way of differentiating the opponents from the supporters of the measure. When I met Guy Carcassonne and started asking questions about the “reversal”, I was told to “ban [the word] from [my] vocabulary”. Interview with Guy Carcassonne, op. cit. I have personally chosen to refer to the “reordering”, as other academic articles use the same terminology (Jérôme, Jérôme-Speziari, and Lewis-Beck 2003).

³⁵³ In reality, the centre-left had long accepted and even converted the cardinal principle of the presidential pre-eminence in practice, when the possibility of governing became realistic (Duhamel 1980).

commission, and unsurprisingly, the Greens and the Communists opposed the text on the grounds that it would reinforce presidentialism. Mamère (Greens) ironically noted that the president at the time, Chirac, “killed Gaullism”, while the Prime minister became “the first Gaullist of France” (Roman 2000, 19).

The first reading in the Assembly mainly consisted of the granting of symbolic tokens by the Socialist Party to the UDF, in order to secure their support. On 19 December 2000, the discussion started in the assembly with a so-called “debate on the future of the institutions”, which was an explicit demand from the UDF to the socialists.³⁵⁴ Most of the debate was devoted to the accusations by the RPR, DL and half of the UDF of political opportunism from Jospin, and of presidentialisation from the PCF and the Greens.³⁵⁵ The second guarantee that was given to the UDF consisted of socialist support for an UDF proposition on local experimentation.³⁵⁶ The third took the form of a collaboration between UDF and PS specialists in writing certain technical amendments.³⁵⁷ Yves Colmou explained to me, “the fact that it was an UDF MP who initiated this new redaction was a political sign to reach an agreement and broaden this majority”.³⁵⁸ The voting patterns in the first reading of 19 December 2000 only confirmed the initial positions: the small PRG, the MRC and the smaller ‘half’ of the UDF stood with the PS despite the reiteration of pressures from the Chiraquians.³⁵⁹ On the other hand, a majority of the UDF, the RPR, the Communists, and the Greens voted against the text. As a result, with 300 votes in favour and 244 against (with 25 UDF in favour and 31 against), the first version of the text was adopted, including two articles: the first stating that the powers of the Assembly would expire on the third Tuesday in June; the second stating that the law is applicable only to the Assembly elected in 1997.

The remainder of the debate consisted of a long battle to delay the adoption in the Senate, led by the RPR. In France, a sort of unofficial rule supposedly states that one does not change the rules a year before an election. Hence, the senators tried to use that rule, and went as

³⁵⁴ Robert Diard, Pascale. « Lionel Jospin défendra l'inversion du calendrier à l'Assemblée ». *Le Monde*, 7 December 2000.

³⁵⁵ Assemblée Nationale, « 1ère Séance du 19 décembre 2000, compte-rendu intégral ». <http://www.assemblee-nationale.fr/11/cr/html/20010101.asp>

³⁵⁶ Fabre, Clarisse. « Le droit à l'expérimentation locale prépare le débat sur la Corse ». *Le Monde*, 16 January 2001. The text was eventually adopted in 2003 over the course of the constitutional law about decentralisation. <http://www.senat.fr/dossier-legislatif/pjl02-024.html>

³⁵⁷ The amendment of Blessig (UDF) adopted on 20 December 2000 aimed to set the date of expiration of the powers of the national assembly on the third Tuesday in June, in order to avoid starting the work of the assembly with an extraordinary session, or during a weekend.

³⁵⁸ « Le fait que ça soit un député UDF qui soit à l'initiative de cette nouvelle rédaction était un signe politique pour aboutir et élargir cette majorité ». Interview with Yves Colmou, op. cit.

³⁵⁹ Huet, Sophie, Roquelle, Sophie. « Calendrier : la journée de tous les calculs ». *Le Figaro*, 20 December 2000.

slowly as possible, so that the final adoption would take place less than one year before the 2002 presidential election. When the text was first discussed in the upper chamber in the Commission of laws, on 16 January 2001, the main conclusion of the rapporteur, Christian Bonnet, RPR, was implacable: “no general interest motive justifies the measure that is proposed” (Bonnet 2001, 4). Following the report, the debate in the Senate for the first reading lasted no more than three weeks, of which seven days were devoted exclusively to the general discussion, during which five senators spoke in favour of the text, and 53 against. Finally, on 7 February 2001, the Senate adopted seven articles which modified the text completely, including multiple clauses of ineligibility concerning members of municipal councils, departmental councils (*conseils généraux*), and MPs. This was actually The Senate’s attempt at a clever trick: by adopting these articles, and since the electoral code states that the conditions of ineligibility for MPs also apply to senators, the Senators argued that the text now fell under Article 46.4 of the French Constitution, which states that organic laws relative to the Senate must be approved in the same terms by both Chambers. This lengthy discussion successfully delayed the final adoption until after the municipal elections of 2001, which took place on 11 and 18 March 2001.³⁶⁰

This disagreement led to the meeting of the *commission mixte paritaire* (mixed Joint Commission) on 29 March 2001, during which no agreement was reached, meaning that the National Assembly had the final word on the text. Before the second reading of the text in the National Assembly on 3 April 2001, Bernard Roman, in his report to the Commission of laws, denounced a “caricatural opposition” in the Senate, which he called a “parliamentary guerrilla” (Roman 2001, 8). After another reading in each of the chambers, the marathon ended on 24 April 2001, with a final vote of 308 MPs in favour, and 251 against in the National Assembly. In other words, the socialists even managed to broaden their UDF support, compared to the first reading.

Much could be said about the final epilogue of the manoeuvres in the presidential election of 2002, when Jospin failed to get into the second round, leading to an unforeseen duel between Jacques Chirac and the far-right candidate, Jean-Marie Le Pen, a duel which saw Chirac win with an overwhelming majority of 82%. Dozens of books, hundreds of academic articles, and thousands of press articles attempted to understand this apparently implausible scenario.³⁶¹ Still,

³⁶⁰ Analysts note that these elections delivered an ambiguous verdict (Dolez and Laurent 2002), also meaning that the national balance of power was not fundamentally affected by this consultation

³⁶¹ The debate about the rupture these elections represented for the French electoral order has been particularly fierce. Martin (2002) argues that such an order, in place since 1984, is not disrupted by the presidential election, arguing that the PS remains the dominant party in the left, that the far-right result is not confirmed in the legislative elections, and that the domination of the chiraquians is all that is confirmed. Mayer (2003) argues on the other hand that there a shift occurred in the supporters of Le Pen. One edited book talks about the “vote of all refusals” (Perrineau and Ysmal 2003). Dolez and Laurent

just as it was designed, the legislative elections did nothing but confirm the verdict of the presidential elections, with a blue wave and a very strong right-wing parliamentary majority. Coming back to the process of adoption of the electoral calendar, a few conclusions are clear. First of all, this divisive institutional reform was adopted thanks to the ability of the Socialist Party to convince half of the centrists, and thus to have an overall majority. Secondly, the opponents used all of tools at their disposal to delay the reform, denounce it, and make it appear illegitimate.

2.2.2. Divisive reform, majoritarian adoption: the reordering of the electoral calendar

The issue of the electoral calendar appeared on the agenda through the joint mobilisation of a small team of constitutional and political experts, and the individual initiatives of leaders coming from both the left and the centre. Yet, following the agenda-setting process, the process of adoption of the reform of the electoral calendar can be contrasted, point by point, against that of the *quinquennat*. The initiative to examine the law in the Parliament was taken unilaterally by the Socialist Party, and most particularly by its leader Lionel Jospin. The reform was perceived from the very beginning as being a divisive reform, with calculations involving the 2002 elections, which seemed to be the only thing guiding the position of the political parties in the parliament, regardless of their institutional tradition (in particular for the PS and the RPR).

Therefore, this process shows that majoritarian processes of reform involving divisive issues are guided primarily by outcome-contingent motivations. Here, the process of adoption resulted from the perception of anticipated gains and losses, analysed almost purely in terms of self-interest by the actors involved. The underlying logic was purely majoritarian: there were no attempts to involve all of the actors within the political system, like in the debate on the *quinquennat*. The initiative was unilateral, and the adoption corresponded to the convention of an *ad hoc* parliamentary majority composed of the Socialists, and some of the UDF, who considered that they stood to benefit from the new ordering of the elections (see synthesis table 17).

note that the inversion of the electoral calendar led to the proportionalisation of the first round of the presidential election, and to the dispersion of the votes for the left (2003). Laver, Benoit and Sauger refer to Jospin's strategic error in drifting too close to the centre to secure the left-wing vote (2006). Lewis-Beck (2003) summarises the reasons why the French voters voted the way they did in 2002, showing elements of both strong continuity and discontinuity in the 2002 vote.

Table 17. *Summary of the processes of emergence and adoption of the reforms of the quinquennat and the reordering of the electoral calendar*

	Agenda-setting	Initiative of the reform in the parliament	Type of reform	Process of adoption	Dominant logic of the political actors
Quinquennat	Cross-party, academics	UDF	Consensual	Supermajoritarian	Credit-claiming
Electoral Calendar	Cross-party, academics	PS	Divisive	Majoritarian	Self-interest

Most importantly, there are strong reasons to believe that, had the two reforms of the *quinquennat* and the electoral calendar been discussed simultaneously rather than at different points in time, the logic that would have prevailed would have been self-interest and the majoritarian process of adoption, as the parties were particularly sensitive to gains and losses. In other words, the fact that the two reforms obeyed different logics of adoption is due, first, to their different nature, and second, to the fact they were adopted sequentially and not as part of a single package deal. In addition, both of these processes of reform illustrate the fact that the French political actors took position, first and foremost, based on what they stood to gain or to lose from the reforms: either from the act of reform, or from its outcomes. Philippe Bas, Chirac's adviser, described this to me in extremely direct terms, summarising the whole game:

“So, you see that in both cases the substantive arguments are completely secondary (...) I would say that politics has its own laws: from the moment when you do not damage the proper functioning of the Fifth republic, I am in no way shocked that in democratic competition, you take positions that are not essentially based on content, but tactical positions”.³⁶²

Conclusion

Pierre Avril, summarising the two reforms of the *quinquennat* and of the electoral calendar, talks about:

“a battle, a situation, a chance to seize, with in the background the dogma of the fifth Republic that had been interiorized by everyone, namely that the government (...) had to be a presidential government, and that situations of cohabitation (...) were abnormal situations.

³⁶² « Donc vous voyez que dans les deux cas les arguments de fond sont complètement secondaires. (...) Je dirais que la politique a ses droits : à partir du moment où vous n'abîmez pas le bon fonctionnement de la Cinquième République, cela ne me choque nullement que dans la compétition démocratique, vous preniez des positions qui ne sont pas essentiellement des positions de fond, mais des positions tactiques » Interview with Philippe Bas, op. cit.

(...) And finally, the representations have in a certain way forced the political behaviour to comply with the new constraints of the *quinquennat* and the electoral calendar”³⁶³

In other words, both reforms largely derive from each other, as they are two sides of the same coin, in order to ensure the pre-eminence of the presidential reading of the French constitution over the parliamentary one. And yet, despite this logical link, both reforms are of a very different nature: one was perceived as a consensual reform, the other as the premise of the electoral battles of 2002, and as a result, a divisive reform. Consequently, the processes of adoption, the size of the coalitions supporting the reforms, and the nature of the battle in the parliament leading to the adoption were quite different: a supermajoritarian process, a very broad coalition, and credit-claiming strategies on the one hand, and a purely majoritarian process, with a small majority, and self-interested strategies on the other. Therefore, what is paramount here for the purposes of understanding the final outcome of the reforms, and to predict the scope of the coalition supporting the reform, is neither their “object”, nor their processes of emergence, but rather the perception by the political actors as to the nature of these reforms, and the subsequent processes of adoption. I have also mentioned over the course of the chapter the fact that these two reforms followed a sequential logic: rather than examining both reforms together, the reformers paid particular attention to separating these two institutional issues. This sequential strategy has surely influenced the paths and the outcomes of the two reforms. The final case study of this thesis, on the other hand, goes back to the analysis of the bundling logic, and its consequences for the Italian institutional reforms between 2001 and 2006.

³⁶³ « Une bataille, une situation, une chance à saisir, avec en toile de fond le dogme de la Cinquième République qui avait été intériorisé par tout le monde, à savoir que le gouvernement (...) devait être un gouvernement présidentiel, et que les situations de cohabitation, même si cela marchait apparemment, étaient une situation anormale. (...) Et finalement ce sont les représentations qui ont en quelque sorte forcé les comportements politiques à se plier aux nouvelles contraintes du quinquennat et du calendrier électoral ». Interview with Pierre Avril, op. cit.

Chapter 8 Bundling the bundles: coalition dynamics and institutional reforms in Italy, 2003-2006

« Ora vi conto tutto.
Ma tenetevi forte alle sedie.
Perché tutto si tiene, tutto si tocca, tutto si collega ».
Il Divo, 2008, regia di Paolo Sorrentino

Discussing and occasionally enacting institutional reforms is almost a national sport in the Italy of the so-called “Second Republic”. During the fourteenth legislature (2001-2006), discussions and negotiations about the Italian institutional system have come to a peak, leading to the adoption in the Parliament in 2005 of a reform modifying around 50 articles of the Italian constitution; repelled in a referendum, and the replacement of the mixed-member majoritarian electoral system adopted in 1993 by a mixed system (Bedock and Sauger 2013) combining PR with a majority bonus.

The failed constitutional reform and the successful electoral reform constitute archetypical examples of the dynamics behind divisive institutional reforms conducted through a majoritarian process. This chapter is guided by two puzzling interrogations: how could an extremely heterogeneous government coalition adopt a set of far-ranging institutional reforms in the parliament, and why did the constitutional reform eventually fail while the electoral reform was adopted? The main argument of this chapter is that the very presence of four coalition partners with different priorities has led to the formulation and negotiation of an ever wider bundle of institutional reforms. First, this large bundle has been built in order to accommodate the diverging priorities and preferences of the government coalition by giving something to each party, a condition without which no deal could have been reached. Secondly, the very dynamic of tradeoffs and the anticipation of the effects of the reforms have led the reformers to include more and more provisions in the deal, eventually evidencing the crucial importance of time management in the final outcome of the two reforms. Hence, the bundling logic is double here: both in terms of package-deal, and in terms of sequence. The second crucial argument regards the link between a majoritarian process of adoption of divisive institutional reforms, and their final outcome. The electoral reform was adopted by the centre-right majority in the parliament. The constitutional reform, on the other hand, has been repelled by the voters in 2006 in a confirmative referendum in the aftermath of an alternation in power. This failed referendum can

be thought as the direct consequence of the inability of the centre-right to close the deal on the constitutional reform enough time before the 2006 parliamentary elections.

The first part of the chapter focuses on the convergence in 2003 of four aspects of the constitutional debate in a unique discussion: federalism, “*forma di governo*” (“form of government”), bicameralism, and to a much lesser extent the electoral reform. The second part of the chapter is devoted to the analysis of the adoption of the reforms, focusing on the expansion of the scope of the discussion on the institutional reforms, and on the final outcome of the two reforms: definitive adoption on the one end, rejection on the other. Discussing and occasionally enacting institutional reforms is almost a national sport in the Italy of the so-called “Second Republic”. During the fourteenth legislature (2001-2006), discussions and negotiations about the Italian institutional system came to a head, leading to the adoption by the Parliament in 2005 of a reform to modify around 50 articles of the Italian constitution, which was rejected at referendum, and the replacement of the mixed-member majoritarian electoral system adopted in 1993 with a mixed system (Bedock and Sauger 2013) combining PR with a majority bonus.

The failed constitutional reform and the successful electoral reform constitute archetypical examples of the dynamics behind divisive institutional reforms conducted through a majoritarian process. This chapter is guided by two puzzling questions: how could an extremely heterogeneous government coalition adopt a set of far-ranging institutional reforms in the parliament, and why did the constitutional reform eventually fail while the electoral reform was adopted? The main argument of this chapter claims that the presence of four coalition partners, each with different priorities, led to the formulation and negotiation of an ever wider bundle of institutional reforms. This large bundle was constructed in order to accommodate the diverging priorities and preferences of the government coalition by giving something to each party, a condition without which no deal could have been reached. Also, the very dynamic of trade-offs, along with the anticipation of the effects of the reforms led the reformers to include more and more provisions in the deal, demonstrating the crucial importance of time management in the final outcome of the two reforms. Hence, the bundling logic is doubled here: both in terms of package-deal, and in terms of sequence. The second crucial argument regards the link between a majoritarian process of adoption of divisive institutional reforms, and their final outcome. The electoral reform was adopted by the centre-right majority in the parliament. The constitutional reform, on the other hand, was rejected by voters in 2006 in a confirmative referendum in the aftermath of an alternation in power. This failed referendum can be thought of as a direct

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1. From separate discussions to the convergence of the institutional debate in 2003

Before the fourteenth legislature, Italy seemed to have all of the conditions, both long and short-term, which are favourable to institutional reforms and were identified in the first part of this thesis: the lowest level of political support in Western Europe, very high electoral volatility, and successive political alternations since 1993. This led to the formulation of a narrative advocating the use of institutional reforms as a way to end the “Italian transition”. The four main elements that have structured the debate about institutional reforms since the 1990s have followed different paths. Whereas the questions relating to the form of government, bicameralism and electoral reform have tended to be associated, the matter of federalism only appeared later in the debate, not least because of the efforts of the Lega Nord. During the thirteenth legislature, the centre-left government attempted a major revision of the constitution linking all aspects together, which eventually led to the adoption of a federalist constitutional reform in 2001, which gave major legislative authority to the Italian regions. The institutional reforms of the fourteenth legislature direct consequences of the unresolved issues posed, in particular, by the 2001 reform. In 2003, after the failure to implement several separate projects of reform, the multiple elements of the debate were linked together again, leading to an initial deal in the summer of 2003 between the four components of the centre-right majority.

1.1. The institutional debates of the “Second Republic” before 2001

Before we deal with the beginning of the fourteenth legislature, it is important to recall a few contextual elements in order to understand the debate on institutional reforms in Italy over

the last few decades. After the collapse of the Italian party system of the First Republic in 1993, experts and politicians progressively became convinced of the centrality of institutional reforms in order to close the so-called “transition”. There were numerous attempts, up until the adoption of a major decentralising reform in 2001 following the third Bicameral Commission of D’Alema’s failed attempt to adopt a major revision of the Italian constitution. This reform largely set the standard for the reforms adopted in 2005, both because of its content, and because of the way in which it was adopted.

1.1.1. Dissatisfaction with democracy, electoral uncertainty, alternations, and “transition” in the aftermath of 1993

Any debate on the Italian institutions since 1993 has to be placed in the context of the major crisis within the Italian institutional and party system in the early 1990s, which arose from the combination of three main contingent catalysts: the modification of the electoral demands resulting from the erosion of traditional political identities and communist and catholic subcultures (as a result of the fall of the USSR), the consequences of the judicial enquiries of *Mani Pulite*, and the impact of the referendum on the electoral law in the Senate (Cotta and Isernia 1996, Katô and Di Virgilio 2001, Morlino 1996). Other authors consider the combination of these elements to be insufficient to explain the crisis in the Italian political system, and talk about the widespread dissatisfaction that had been present in the society since the 1940s, and only found opportunity for expression in the 1990s (Morlino and Tarchi 1996). Still others note that during the 1980s, the internal competition of the parties of the majority (*pentapartito*) had become extremely harsh, leading the institutions to become dangerously permeable to interest groups, leading to corruption (Ceccanti and Vassallo 2004a).

No matter what explanations are advanced, the level of distrust in the democratic system reached an alarming level: only 11.9% of the Italian respondents in the Eurobarometer survey of 1993 said that they were very or fairly satisfied with the functioning of their democracy. This intense dissatisfaction took the form of earthquake elections in 1994, where the level of volatility reached 36.7% (Bartolini and D’Alimonte 1995), the highest registered in Western Europe since 1945.³⁶⁴ These levels peaked again in 2001 at 20.4% (D’Alimonte and Chiamonte 2007, 379).

³⁶⁴ Cf. the 2011 blog entry by Peter Mair, “One of Europe’s most volatile election”<http://politicalreform.ie/2011/02/28/one-of-europe%E2%80%99s-most-volatile-elections/> The 2013 Italian election reached a level of volatility of 39%, according to the calculations of Chris Hanretty.

The Italian party system underwent a profound transition during the same period, with the disappearance of all the major actors of the Italian First Republic, and the advent of a “fragmented bipolarism” (Chiaramonte 2010), with the alternation in power of vast, ideologically heterogeneous centre-left and centre-right coalitions with each election. These two poles progressively concentrated the quasi-totality of votes and seats, although the two main parties in each camp (Forza Italia for the right and Democratici di Sinistra for the left) never obtained more than 46.4% of the total votes between 1994 and 2001 (Bartolini, Chiaramonte, and D’Alimonte 2004, 4). After a very short-lived centre-right government, that fell only a few months after the election in late 1994, a technical government directed by Dini and supported by the League and the centre-left was put in place, which lasted up until the 1996 elections, in which the centre-left was victorious, despite the fact that the centre-right obtained more votes than them (D’Alimonte and Bartolini 1997; D’Alimonte and Bartolini 1998). There were no less than four successive governments between 1996 and 2001, before the centre-right managed to win an election. Both the Berlusconi I government (centre-right) and the Prodi I government (centre-left) fell because of the internal tensions caused by the most extreme elements inside their parliamentary coalition: the Northern League on the one hand, and Rifondazione Comunista on the other (D’Alimonte and Bartolini 2002). As a result, the government formed in 2001 was a heterogeneous centre-right coalition led by Silvio Berlusconi, and comprised of four parties: Forza Italia, Alleanza Nazionale, the Unione Democratica di Centro, and the Lega Nord. These four parties were diverse in every possible way: political history and ideology, traditions of organisation, electoral strength, but also geographical strongholds.

In this context of deeply rooted uncertainty and party system recomposition, the general consensus among Italian political scientists and lawyers associated the need to reform the institutions, with a way to end the Italian transition³⁶⁵ (among many others, see Ceccanti and Vassallo 2004, D’Amore 2007, Fabbri 2003, Lanzalaco 2005). This paradigm can be associated with the intense feeling of the intrinsic abnormality of the “anomalous” Italian political system, and of the need to regularise it through the transformation of the institutions:

“The Italian political debate has long been characterized on the one hand by a general consensus that fundamental institutional reform is needed, and, on the other, by a lack of agreement over what needs to be changed. Furthermore, since the end of the 1990s, there

<http://chrishanretty.co.uk/blog/index.php/2013/02/25/the-most-volatile-western-european-election-ever/>

³⁶⁵ This position is criticised by other specialists of the Italian political system, who underline the “inherently problematic nature” of the “transitional myth” (Bull 2012). Newell talks about “the man who never was”, referring to the same “transition” (Newell 2009), considering that something lasting for more than fifteen years cannot be accurately called a transition.

has been deep-seated disagreement over the best (or ‘legitimate’) method by which such a reform might be achieved – beyond acceptance of the formal procedures for reform laid down by the Constitution. As a consequence of these three factors, the debate over institutional reform has become an intimate part of the substantive struggle for political power.” (Bull and Newell 2009, 43).

1.1.2. Form of government, bicameralism and electoral reform: attempts to enable the advent of a majoritarian democracy

The Italian institutional system instituted by the 1948 Constitution is a parliamentary democracy characterised by a weak executive power, a strong Parliament, a president of the Republic indirectly elected with relatively vast formal powers (including dissolution and nomination of the head of government), and a symmetric bicameralism with no equivalent in other democracies. Up until 1993, this form of government was associated with a proportional electoral system which led systematically to coalition governments, constituting the archetype of a “polarized pluralism” as defined by Sartori (1976), with many traits resembling the “consociational democracy” described by Lijphart (1969).

In the aftermath of 1993, the debates on the revision of the Italian institutions progressively focused on the means to make the executive stronger, to revise the symmetric bicameralism, and to modify the electoral system in order to ensure the governability of the institutional system. In other words, form of government and bicameralism and electoral reform have been thought of as two sides of the same coin. The matters of the form of government and/or bicameralism have been discussed in virtually every legislature since the 1980s, with more “radical” solutions proposed (but never implemented) since 1994, and the advent of the so-called Second Republic.

The Bozzi commission (1984-1985), also known as the first Bicameral commission and reporting in the ninth legislature, was one of the first major attempts to review the Italian Constitution of 1948. Still, its proposals regarding the form of government were minor, leaving the principles already in force essentially untouched. During the eleventh legislature, the De Mita-Iotti Commission (1992-1994), also known as the *Seconda Bicamerale*, were working on a constitutional project that, if adopted, would have led to the reinforcement of the powers of the prime minister (powers of nomination and revocation), but also to the institution of mechanisms such as the constructive motion of no-confidence. Yet another committee, in this case the Speroni committee (July-December 1994), proposed the following provisions: either the direct election of the prime minister in a system where the president of the Republic would play the role of guarantor, or the institution of a semi-presidential regime inspired by the French model.

During the course of the D'Alema third Bicameral commission instituted in 1997, an agreement between the different political forces was reached on the following points: the direct popular election of the president of the Republic with a two-round system, the strong connection between the nomination of the PM and the results of the elections for the Chamber of Deputies, the end of the symmetric bicameralism, the prevalence of the prime minister, and a reinforcement of the powers of the government regarding control of the legislative procedure (Servizio studi 2013). Therefore, between the mid-1990s and 2001, the solutions considered alternated between the institution of a semi-presidential regime largely inspired by the French experience, or a strong reinforcing of the head of government, inspired by the British Westminster institutional system. As noted by Ceccanti and Vassallo, the positions of the main Italian parties, those of the centre-left and those of the centre-right, were (and remain) fairly close in relation to institutional matters (2004a, 17). Unlike the differences between left and right, the differences *within* fragmented coalitions, including parties with polarised positions on the matter, or in others words, “the veto players within each coalition” (Bull and Newell 2009, 54), made any change impossible. To summarise, the “big” parties in both poles (FI, DS, AN and, somehow, the Margherita) supported the reinforcement of the executive – either through semi-presidentialism or through a strengthening of the role of the PM, while the small parties, and in particular the heirs of Christian Democracy, opposed it in order to privilege parliamentarism with a weak executive.

Electoral reform was also on the agenda for a long time in Italy, but unlike with the form of government, major changes (i.e. the replacement of the former electoral system with a new one) have actually taken place thanks to the positive outcomes of two major abrogative referendums, promoted by political actors at the margins of the political system. The electoral law has been used as a scapegoat in order to explain the institutional inadequacies of the country by these “elite outsiders” (Donovan 1995). In 1991, 95.6% of the citizens voted in favour of the abrogation of the multiple preferences. In April 1993, 82.7% of the citizens voted for the abolition of the PR system in the Senate, obliging the legislators to modify the electoral law in both the Chamber and in the Senate because of the symmetric bicameralism in Italy. It is safe to say that the modification of the electoral system in 1993, which led to the adoption of a rather baroque mixed-member majoritarian system, was the result of very strong constraints on the political actors, which led to a system that elected 75% of the parliamentarians from single-member districts, and the 25% remaining with PR, with multiple and complex provisions

regarding compensation, thresholds, etc.³⁶⁶ The final, complex outcome (the so-called “*Mattarellum*”)³⁶⁷ is a typical case of a reform process resulting from elite-mass interaction (Renwick 2010). Most of the parliamentary negotiations were the result of self-interested strategies adopted by the parties of the First Republic, which endeavoured to temper the majoritarian injunctions of the referendum as much as was possible (Chiaramonte and Virgilio 2006, Katz 2003), in a context of “extreme uncertainty” (Andrews and Jackman 2005). Following the adoption of the *Mattarellum*, attempts to modify the system again in the 1990s sought to make it fully majoritarian. Two abrogative referendums held in 1999 and 2000 sought to abolish the PR part of the electoral system, both times with widespread approval from voters (91% and 70.6%, respectively), but without reaching the 50% quorum of registered voters (49.7% and 32%, respectively). Parliamentary attempts have been no less numerous, although also unsuccessful, again because of opposition from small parties in each camp, opposed to a fully majoritarian system that would have largely prevented their presence in the Parliament.

1.1.3. Federalism: from a leghist emblem to the reform of Title V in 2001

Italy has been relatively centralised for most of its democratic history. The initial institutional model concerning the organisation of the state gave the regions limited, concurrent legislative powers on specifically listed matters³⁶⁸ which had to comply with the national interest, with considerable means of control by the State.

The debate on so-called “federalism” only came into play at the end of the 1980s, with the voice of the party which would later become the Lega Nord. The Lega is one of the main “innovations” of the Italian party system since the 1990s, jumping from two to 80 parliamentarians in 1992, and borne of various leagues expressing “localist claims and (...) antagonism with respect to the traditional political system” (Diamanti 1993, 4). The Lega is characterised by an anti-centralist rhetoric, which is often violent and emphatic. The politicisation of the matter of “federalism” is clearly one of its major policy achievements. Previously, the proposals of reforms placed emphasis on the need to make minor revisions to the existing system. After the first big electoral successes of the Lega Nord, the word “federalism” became a

³⁶⁶ This description is inappropriate, as the electoral system adopted in 1993 is exquisitely complex, with subtle and significant differences between the Chamber and the Senate. For a useful synthesis, cf. D’Alimonte 2005, 256–261.

³⁶⁷ The nickname “*Mattarellum*” was coined by Giovanni Sartori, after the name of the rapporteur, Sergio Mattarella.

³⁶⁸ Except for regions with special status that had a certain number of exclusive legislative powers on particular matters. The first regional elections occurred only in 1970.

recurring element in the Italian institutional debate (Morrone 2004, 248–249). In an interview, Salvatore Vassallo notes: “until 1989, federalism was a concept practically inexistent in the public debate. (...) In 1992, it was considered a violent word, a polemic used by Bossi to enter the political market. But already in 1994, 1995, it is very widespread”.³⁶⁹

During the De Mita-Iotti Commission (1992-1994), the majority of the political forces supported a “neo-regionalist” model, which included, in particular, the assignment to the regions of all matters not explicitly attributed to the State, for the regions with special status (in Italian, “*rovesciamento della potestà legislativa*”, reversal of the legislative authority). The Speroni Committee did not welcome the federalist (actually, confederal) proposals of the Lega, and again proposed the attribution to the regions of the so-called residual legislative competency, more financial and statutory autonomy, and the repartition of the administrative functions between the state and the regions (Servizio studi 2013a).

The tone of the debate changed after the ambiguous convergence between the Lega Nord and the centre-left parties during the Dini government.³⁷⁰ Bossi, running on his own in 1996, obtained very positive electoral results (10.4% of the votes and 87 parliamentarians), which led him to switch his discourse from federalism to secessionism. As a result, the federal option became more respectable, and was seen as endorsable by the mainstream centre-left parties (Morrone 2004, 248–249). This third bicameral Commission of D’Alema had been working on the federalist option, “especially to contrast the right for secession that the Lega wanted to introduce in the new Constitution”.³⁷¹ As a consequence, all of the parties, except for the League and Rifondazione Comunista agreed upon a “federal organization” (Morrone 2004, 249). The actual implementation of this option took place with the adoption of two constitutional laws: one in 1999, and two in 2001.

The constitutional laws 1999/1 and 2001/2 recognised the full statutory autonomy of the ordinary regions and of the regions with special status, and also implemented the direct election of the president of the region, who gained substantial powers of direction and government.

³⁶⁹ «Fino al 89, il federalismo era una parole pressoché inesistente nel dibattito pubblico. (...) Nel 92, é considerata una parola violenta, polemica usata da Bossi per entrare nel mercato politico. Ma già nel 94, 95, é molto diffusa. » Interview with Salvatore Vassallo, Professor of Political Science and Comparative Politics at University of Bologna, former MP of Emilia-Romagna between 2008 and 2013, PD, 11 June 2013, at his office in Bologna.

³⁷⁰ The short-lived Berlusconi I government fell because, as early as late 1994, Bossi withdrew his support for Berlusconi and his allies. This *ribaltone* (reversal) seems to have been a rather traumatic experience for Berlusconi, so much so that preserving the alliance with the temperamental Bossi became an obsession when he returned to power in 2001.

³⁷¹ « Soprattutto per contrastare il diritto alla secessione che la Lega voleva introdurre nella nuova Costituzione ».

These laws were approved by a very wide majority in both Chambers. The rest of the reform of Title V, however, ended up being adopted by a very small majority of five votes by the centre-left, a few days before the end of the legislature. This adoption “*a colpo di maggioranza*” (by the sole majority) was a first in Italian constitutional history, where the previous attempts had tried to unite opposition and majority in the constitutional reforms. The main provisions of this reform include (1) the constitutionalisation of all of the entities forming the Italian Republic; (2) the inversion of the legislative powers with a differentiation between matters of exclusive competence of the state, concurrent matters, and all remaining matters going to the regions; (3) the distribution of the administrative competences on the basis of the principle of subsidiarity; (4) the creation of the so called “differentiated regionalism”, with the possibility for ordinary regions to obtain extra legislative competences; (5) the suppression of any mention of the preservation of the national interest; (6) the extension of the financial autonomy of the regions; and (7) the suppression of various instruments of control exercised by the state on the regions and the local entities.

At the time, it was opposed by the centre-right in the parliament on the grounds that it was “a set of feeble half-measures designed to curry favour with voters while doing little to change the actual substance of the highly centralized Italian constitutional order” (Amoretti 2002, 127). The reform was adopted thanks to a confirmative referendum in late 2001,³⁷² during which the centre-left defended the reform while the centre-right challenged it for not going far enough towards decentralisation, although many individuals still took a position in favour (Amoretti 2002, 128). The referendum was only opposed by the Lega Nord and Rifondazione Comunista, for the absolute opposite reasons,³⁷³ and resulted in a positive outcome (64.2% “yes” vote).

This law, which was adopted in a rush before the end of the legislature, was soon criticised for its serious limitations: the absence of a transitory discipline, the very disputable and rigid repartition of competences which it operates - taking away from the legislative competences of the state on strategic matters in the national interest, the absence of any revision of the high Chamber to enable it to adapt to this new “federal” organisation (Morrone 2004, 260), but also the absence of a supremacy clause,³⁷⁴ and the lack of subsequent ordinary laws to actually

³⁷² « Soprattutto per contrastare il diritto alla secessione che la Lega voleva introdurre nella nuova Costituzione ».

³⁷³ RC used the opportunity of the referendum to protest against privatisations. Padovani, Gigi. « Bertinotti: un no per fermare chi cerca di privatizzare l'Italia ». *La Stampa*, 5 October 2000.

³⁷⁴ Interview with Carlo Fusaro, Professor in the department of legal sciences in the università degli Studi of Florence, 10 June 2013, at his office in Florence.

implement the constitutional clauses.³⁷⁵ Moreover, one has to keep in mind the rather cynical reasons which guided the implementation of this reform. According to Giovanni Tarli Barbieri, “this reform (...) was imposed by the centre-left for political reasons, all political, in order to snatch the flag of federalism from the hands of the Lega Nord and of the centre-right”.³⁷⁶ Salvatore Vassallo explains that a few months before the 2001 elections, “the idea got ground in the centre-left (...) that there was a need to give a sign to the electorate of the Centre-North attracted by the Lega, that however could be recaptured by the centre-left, of attention towards the North”.³⁷⁷ The fact remains that the reform of Title V adopted in 2001 was the most important constitutional reform adopted in Italy since 1948, and would largely influence the emergence of the package of reforms from 2003 onwards.

1.2. *The convergence of the debates on federalism and form of government in 2003*

From the beginning of the legislature, the discussion on institutional reforms remained on the agenda, with the examination of various topics including the reinforcement of the Prime Minister (“*premierato*”), and the so-called *devolution* supported by the Lega. Both of these projects soon reached a dead-end, partly because of the prejudicial attitude of the centre-left opposition, and more crucially, because of the internal divisions within the centre-right. Two roads to reform were closed: the supermajoritarian one involving the opposition (as evidenced by the failure of the *premierato*), and “non-bundled” reforms trying to modify a single aspect of the institutional system (as evidenced by the dead-end reached by devolution).

1.2.1. *The bipartisan attempt on the “premierato”*

At the beginning of the legislature, the centre-right, who had made a certain number of promises in its coalition manifesto regarding the institutional reform,³⁷⁸ chose not to institute a bicameral commission. In mid-2002, the reformist part of the opposition in the Senate, through

³⁷⁵ Interview with Giovanni Tarli Barbieri, Professor of constitutional law at Università degli Studi of Florence, 17 June 2013, at his office in Florence.

³⁷⁶ « Questa riforma (...) fu imposta dal centrosinistra per affini politici, tutti politici, cercare di strappare la bandiera del federalismo dalle mani della Lega Nord e del centro destra ». Interview with Giovanni Tarli Barbieri, op. cit.

³⁷⁷ « Passò l'idea nel centrosinistra (...) che bisognava dare un segno verso l'elettorato del centro-nord attratto dalla Lega, che però si riteneva potesse essere riconquistato dal centrosinistra, di attenzione verso il nord. » Interview with Salvatore Vassallo, op. cit.

³⁷⁸ The 2001 manifesto promises the implementation of “*devoluzione*” for health, instruction and training.

the voice of the DS senator Giorgio Tonini, presented a legal project³⁷⁹ which aimed to reinforce the head of the executive, instituting the direct election of the prime minister as head of an identifiable parliamentary majority with powers of dissolution and the creation of opposition status. There were encouraging signs of dialogue in late 2002, with Pera, the president of the Senate, supporting the *premierato* option,³⁸⁰ despite the fact that Berlusconi had clearly indicated his preference for presidentialism, something more in line with the preference for a strong, personalised head of the executive.³⁸¹ Tonini, explaining the positions of the centre-left, notes when discussing the Third Bicameral Commission vote in favour of the French system: “This model, a bit like in France, has never been liked by the centre-left, which preferred to reason on the reinforcement of the powers of the Prime Minister”.³⁸² Reacting to Tonini’s project, Lucio Malan (FI), under the impulsion of Quagliariello - the influential founder of the Magna Carta foundation close to the centre-right - presented a very similar design.³⁸³ Therefore, at the beginning of 2003 when the discussion on these texts began, there seemed to be a degree of convergence between a good part of the centre-left and the centre-right on the crucial question of the *premierato*, which also took the form of encounters between the reformists from each camp, such as Fini (AN) and Amato (DS).³⁸⁴ The move towards the *premierato* is therefore to be understood as a concession by the centre-right to their adversaries in order to facilitate an agreement. Thus the logic was clearly an attempt to build a bipartisan agreement, through a supermajoritarian logic involving both the opposition and the government.

It soon became clear, however, that the hypothesis would not enjoy more than a few days of discussion, in late January and early February, because of internal oppositions within each camp. The small parties of the centre-left (far-left, Greens) supported something closer to the German system, with a weaker PM figure.³⁸⁵ Within the centre-left, much opposition came, not only from the small allied parties, but also from a significant element of the Democratici di

³⁷⁹ Disegno di Legge Tonini e altri, A.S. 1662.

³⁸⁰ Ceccanti, Stefano. « Al Senato c’è qualcosa di nuovo: Pera ». *Il Riformista*, 29 October 2002.

³⁸¹ Anon. « Si muove il partito del premierato ». *Il Riformista*, 7 December 2002.

³⁸² « Questo modello, un po’ come in Francia, non è mai piaciuto al centrosinistra che piuttosto preferiva ragionare su un rafforzamento dei poteri del Primo ministro ». Interview with Giorgio Tonini, senator of Marche between 2001 and 2013, senator of Trento since 2013, DS, 4 July 2013, at his office in Rome.

³⁸³ Disegno di legge Malan e altri, A.S.1889

³⁸⁴ Anon. « Tra Fini e Amato prove di dialogo sul premierato forte ». *Il Sole 24 Ore*, 12 February 2003.

³⁸⁵ Salvati, Michele. « L’urgenza delle riforme e i dubbi del centrosinistra », *La Repubblica*, 11 February 2003.

Sinistra and of the Margherita, the two parties comprising the Ulivo.³⁸⁶ Commenting on the discussion within his own party at the time, Tonini states:

“This thing [the *premierato*] was very opposed to in the centre-left, because reinforcing the Prime minister meant in the public debate reinforcing Berlusconi. (...) The majority said: ‘Berlusconi is already almighty, if we give him other powers, he becomes God!’”³⁸⁷

What is important, beyond the “B factor”³⁸⁸ in this particular instance, is that the centre-left opposition showed little will to enter into a dialogue with the centre-right on institutional reforms, even when the initiative was actually coming from its own camp. Tonini is very clear on this point: his position was “absolutely in the minority”.³⁸⁹ Not only would this largely condition the attitude of the opposition for the rest of the debate, but it also explains why the institutional reforms up until the end of the legislature were largely, if not exclusively, internal matters for the centre-right, despite the fact that centre-left proposals, such as the *premierato*, were completely accommodated in the subsequent proposals.³⁹⁰

Within the centre-right, the main opposition came from the newly formed UDC (Movarelli 2013, 60),³⁹¹ which was opposed to any radical change in the form of government, and supported the so-called “*cancellierato*” (chancellor), German style: i.e., parliamentary election of the head executive, the introduction of the constructive motion of no-confidence, and PR. This position was in line with the institutional vision of the post-DC parties in Italy, rooted in a proportional and parliamentary tradition. Forza Italia was also internally divided between those in favour of presidentialism and devolution,³⁹² such as Tremonti, and those in favour of bipartisan dialogue, such as Pera (Tonini 2003, 116–117). In the middle, AN and Fini were stuck between the support for presidentialism, and an unacceptable devolution (Tonini 2003, 118). In this extremely

³⁸⁶ The Ulivo (Olive Tree) was a centre-left coalition created in 1996 by Romano Prodi, composed initially of the Democratici di Sinistra (heir of the PCI) and the Partito Popolare Italiano (PPI), heir to the DC. In 2001, the PPI became united with other small Christian democratic parties within the Margherita.

³⁸⁷ « Questa cosa nel centrosinistra era molto osteggiata perché rafforzare il primo ministro voleva dire nel dibattito pubblico italiano rafforzare Berlusconi. (...) La maggioranza diceva : ‘Berlusconi è già onnipotente, se gli diamo altro potere diventa Dio, insomma! » Interview with Giorgio Tonini, op. cit.

³⁸⁸ The term “fattore B.” can be attributed to Giovanni Sartori. He argued there was a “B factor” endangering democracy, just like there used to be a “K factor” in the 1970s, with the strong communist party. Pi. Sa. « Il ‘fattore B.’ è il cancro della democrazia ». *L’Unità*, 5 February 2002.

³⁸⁹ « Una posizione assolutamente minoritaria », Interview with Giorgio Tonini, op. cit.

³⁹⁰ Domenico Nania, one of four senators appointed to create the organic constitutional proposal of the centre-right explains: “Take into account that the final proposal of *premierato* was passed through by Giuliano Amato. (...) In writing they made us have it!” (« Tieni conto che la bozza finale di *premierato*, a noi l’ha passata Giuliano Amato. (...). Per iscritto c’è l’hanno fatta avere! »). Interview with Domenico Nania, senator of Sicilia and president of the AN parliamentary group in the Senate from 2001 to 2006, MP of Sicilia between 1987 and 2001, AN, 26 June 2013, at the Senate, Rome.

³⁹¹ Unifying on 6 December 2002 the Centro Cristiano Democratico (CCD), the Cristiani Democratici Uniti (CDU), and Democrazia Europea.

³⁹² Cf. infra.

embryonic institutional discussion, it soon became clear that sealing a deal on institutional reforms would not be easy, and would lead to the discussion of other institutional issues, such as devolution or electoral law, *within* the centre-right coalition and without the opposition. To put in the words of Silvio Berlusconi, “better with them, but also on our own”.³⁹³

1.2.2. The majoritarian attempt: the interrupted road towards devolution

The Northern League started the legislature of 2001 with one, single obsession: to once again reform Title V of the Constitution after the centre-left’s “fake” reform to move towards a harder, better, faster and stronger federalism. Inspired by the Scottish experience,³⁹⁴ the new expression *en vogue* within leghist circles was the term “devolution” (used in English instead of the Italian *devoluzione*). The aim, clearly, was to take back from the centre-left the reform of the state, substituting federalism with something “tougher”, although ill-defined. This soon took the form of a project of law, initiated by Bossi, minister “for institutional reforms and devolution”,³⁹⁵ which attempted to again modify Article 117 of the Italian Constitution, in which the respective legislative competences of the state and of the regions are distributed. The project aimed to give the regions “exclusive legislative competency” over four matters: health assistance and organisation, school organisation and management of the schools and training institutes, the definition of the school and training programmes of specific interest to a region, and local police.³⁹⁶ The proposal was approved at its first reading in the Senate on 5 December 2002, following threats from Bossi that he would impede the adoption of both the financial law, and the Cirami law³⁹⁷ (Tonini 2003, 116). It was then also approved in its first reading in the Chamber of MPs on 29 April 2003, with the League threatening to run on its own in the upcoming administrative elections. This adoption is the consequence of a fragile internal deal within the majority. However, there was strong evidence of the impossibility of going through with the devolution reform, clearly identified as the “toy” of the Lega, in the absence of concessions to

³⁹³ « Meglio con loro, ma anche da soli ». Minzolini, Augusto. « La strategia del cavaliere ». *La Stampa*, 10 January 2003.

³⁹⁴ Indeed, when Tony Blair came to power in 1997, he soon launched a process of devolution that gave important legislative competences to the newly formed Scottish Parliament.

³⁹⁵ Disegno di Legge S.1187 and C. 3461.

³⁹⁶ As stated in the version of the text approved in the Chamber of Deputies

³⁹⁷ This law, voted in November 2002, enables the main suspect or the Public ministry to require the process to take place in a different court if they suspect the partiality of the judge, also obliging the new judge to re-start the enquiry from scratch. It is considered as one of Berlusconi’s *ad personam* laws, i.e. a law designed to ease his judicial problems.

the other parties of the majority. This dead-end gave way to the bundling and “deal expansion” logic that would guide all of the remaining steps of the process of institutional reforms.

There were two camps at the beginning of 2003 regarding devolution: those in favour including, obviously, the Lega Nord, but also a part of Forza Italia which supported devolution *and* “presidentialism”, to be understood as something resembling the French system (Tonini 2003, 117). On the other hand, some of FI, the UDC and Alleanza Nazionale were opposed to further reforms of Title V, partly because of their centralist tradition, but mostly in opposition to the league.³⁹⁸ During our interview, Tonini explains very well why, discussed on its own, the devolution project was unacceptable for the majority of the components of the centre-right:

“One needs not to forget that the centre-right in Italy (...) has always had two souls: the Northern soul where the Lega has always been hegemonic, (...) and then, however, there is a Southern soul (...) with Sicily that has always been a stronghold, and in general in the regions of the South where the centre-right is very strong. And these ones were absolutely opposed to the devolution of Bossi. So, this road revealed itself to be blocked”.³⁹⁹

Consequently, the UDC presented proposals for a wider reform of the Title V to better delineate the competences of the State and of the regions. AN tried to impose amendments soon nicknamed the “*Salva Italia*” clauses (“Save Italy”) to specify that no norm of the regions could be against the national interest.⁴⁰⁰ The solution came from the adoption of a bundling logic: the UDC eventually successfully negotiated that the devolution would be reformed within a wider reform of Title V, whereas Bossi was given the assurance that his text would not be modified in the Chamber before the administrative elections of 2003, allowing him the chance to capitalise on this moral victory.⁴⁰¹ As a consequence, at the beginning of April 2003, the centre-right reached a new agreement on a wider project of reform elaborated by the minister of regional affairs, La Loggia, “mixing” devolution with the reform of Title V, re-attributing certain exclusive competences to the state, while also implementing devolution. The commentators soon presented the agreement as a package deal, in which everyone thought he had won,⁴⁰² paving the

³⁹⁸ Cf. *infra*.

³⁹⁹ « Bisogna non dimantare che il centrodestra in Italia (...) ha sempre avuto due anime : l'anima Nordista dove la Lega è sempre stata egemone, (...) e poi però invece c'è un'anima meridionale (...) con la Sicilia che è sempre stato un roccaforte, e in generale nelle regioni del Sud dove il centrodestra è molto forte. E questi erano assolutamente contrari alla devolution di Bossi. Quindi quella strada si rivela inpercorribile ». Interview with Giorgio Tonini, *op. cit.*

⁴⁰⁰ Fuccaro, Lorenzo. « Devolution, i centristi lanciano la sfida alla Lega ». *Corriere della Sera*, 18 February 2003.

⁴⁰¹ Fuccaro, Lorenzo. « Accordo nella maggioranza, sì alla devolution ». *Corriere della Sera*, 21 February 2003.

⁴⁰² La Mattina, Amedeo. “Venerdì la riforma in consiglio dei ministri, da lunedì alla Camera si vota sul testo leghista ». *La Stampa*, 8 April 2004.

way for the general logic of the remainder of the process: bundling reforms in order to make concessions to every party.

To conclude, in the first months of 2003, it was already clear that two ways to reform the institutions were essentially closed: one involving the opposition, which had shown its lack of availability to participate in the *premierato*, and secondly, one consisting of reforming single aspects of the institutional framework, as evidenced by the divergences of the majority on devolution. In other words, a comprehensive institutional deal soon appeared to be the only option, a bundle of reforms, instituted, and adopted with only the votes of the parliamentary majority.

1.3. The initial deal of Lorenzago di Cadore: overcoming the tensions in the coalition

During the summer 2003, the centre-right coalition was hanging by a single thread, not least because of the tensions regarding institutional reforms. Not only did all of the four parties of the majority have different preferences, they also had diverging priorities concerning the Italian institutions. Four topics were essentially at stake: the form of government, bicameralism, federalism, and the electoral system. The conflict between the four components of the majority was resolved in Lorenzago di Cadore by four “wisemen” through the construction of a bundle of reforms on the three first topics. There were two logics behind the bundling strategy. The first consisted of enabling mutual concessions, making the overall reform acceptable to everyone. The second consisted of the reform of bicameralism, as it had implications both for the form of government and actually made a comprehensive deal necessary for federalism.

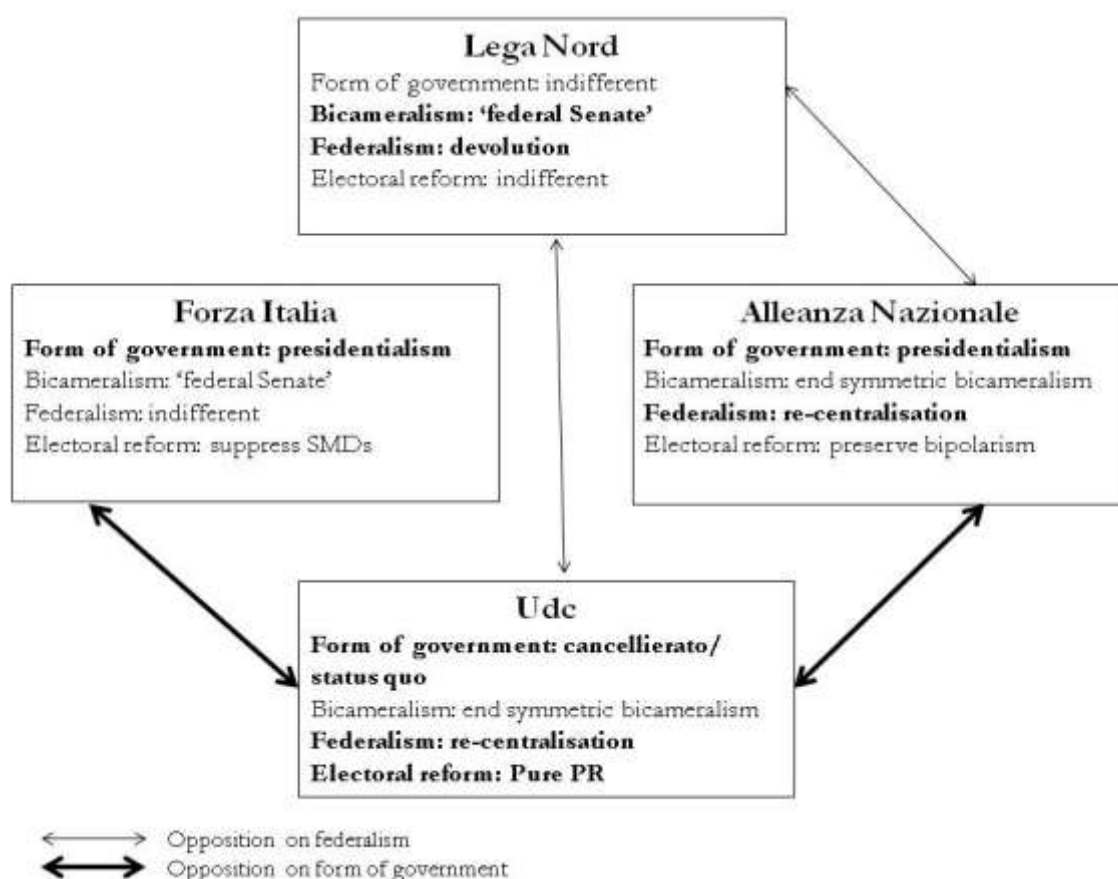
1.3.1. Tensions and diverging priorities within the centre-right coalition

The positions of the four parties of the centre-right coalition have to be summarised in order to understand the deal reached by the four “wise men” at Lorenzago di Cadore in August 2003. Internal differences on one or several of the four main topics (form of government, bicameralism, federalism and electoral reform) existed within each of the four parties. However, the elaboration of the general position on institutional matters was essentially disallowed by the leaders of the parties, who delegated their power to the “wise men”, and a few experts surrounding them. For that reason, it is possible to schematise the positions of the four parties of the centre-right coalition (Figure 17). The centre-right’s project of reform delineated four main themes of reform (form of government, bicameralism, federalism and electoral reform), and each of these four themes had different significance for each party. In other words, beyond the

position on each theme, what is crucial in explaining the final deal is the salience of these themes for each of the four coalition partners.

The following conclusions can be drawn from the study of the deal reached in Lorenzago. Firstly, each of the four parties focused only on pushing forward *its preferred position on its own priorities*, and was relatively indifferent about the outcome of reform on other issues. In other words, each of the four coalition partners had some “blind spots”, and only cared about certain elements of the deal, but not about others. Hence, a priority can be defined here as something sufficiently salient for a party to make it block the deal if its position is not taken into account. Secondly, the negotiators managed to reach a deal on a comprehensive institutional reform because each of the four parties had its own position successfully accommodated *on at least one of its leading priorities*.

Figure 17. Initial positions in summer 2003 of the four parties of the majority on the four main institutional themes



Note: the text in bold indicates the leading priorities of each party. For example, the priorities of the Lega Nord related to bicameralism and federalism.

In other words, in discussions of divisive institutional reforms involving coalition partners with diverging priorities and positions, the dominant logic is that of mutual concession. Here, each party wanted to “take something home”; otherwise, the deal would have been impossible.

Looking at Figure 17, it appears that only one theme was relatively unproblematic, i.e. the matter of bicameralism. The leaders of Forza Italia and the Lega Nord supported the so-called “federal Senate”, whereas Alleanza Nazionale and the UDC supported the end of symmetric bicameralism, although this was not a priority. As Andrea Pastore, one of the four wise men notes: “Everyone of us wanted the federal Senate”.⁴⁰³ That being said, however, two points appeared particularly problematic in that they concerned diverging preferences on themes that were a priority for several of the coalition parties: form of government and federalism.

On the form of government, both Alleanza Nazionale and Forza Italia were in favour of presidentialisation “generically”,⁴⁰⁴ or at least of a strong reinforcement of the executive, because of its post-fascist institutional tradition for the former, and because of its rhetoric on personalisation for the latter. Conversely, the UDC was more than reluctant and only supported the status quo or a limited reinforcement of the powers of the PM. Andrea Pastore explains that the UDC “is a force, because it comes from Christian Democracy, which has been very happy with parliamentarism.”⁴⁰⁵ On federalism, the Lega Nord, which was supportive of devolution, faced the opposition of both Alleanza Nazionale and the UDC who wanted a re-centralisation of competences as compared to the 2001 reform.⁴⁰⁶ Finally, electoral reform was one of the priorities of the UDC in supporting the return to PR, whereas the other parties of the coalition held different positions, but did not consider the electoral reform to be a priority either.

This summary illustrates several blocks, with varying alliances according to the topic in question: Lega vs. AN and UDC on federalism, FI and AN vs. UDC on form of government, UDC vs. everyone else on electoral reform. UDC was the party that had the most divergences with its coalition partners, in that its positions on its own priorities clashed with those of each

⁴⁰³ « Il Senato federale lo volevammo tutti ». Interview with Andrea Pastore, senator of Abruzzo between 1996 and 2013 and president of the Commission Affari Costituzionali I between 2001 and 2006, FI, 19 June 2013, at his office in Pescara.

⁴⁰⁴ Interview with a councillor of the Camera dei Deputati, 28 June 2013, at his office in Rome. Cf. also *supra*.

⁴⁰⁵ « È una forza, perché è della Democrazia Cristiana, che nel parlamentarismo si è trovata benissimo. » Interview with Andrea Pastore, *op. cit.*

⁴⁰⁶ Cf. *supra*.

one of its coalition partners on at least one matter. This would prove crucial, particularly when the electoral reform was dealt with.⁴⁰⁷

1.3.2. The deal of Lorenzago: the bundle logic at work

The agreement of August 2003 provides a very concrete illustration of the bundling logic's facilitating role in closing a deal on institutional reforms. Indeed, the above-mentioned divergences notwithstanding, a pact on a comprehensive package of reforms was reached after a few days of discussions, accommodating the priorities of each of the coalition partners into a single text. The agreement explicitly dealt with the matters of the form of government, bicameralism, and federalism, but not with the electoral reform. The "deal of Lorenzago" has been somehow mythologised by the press as the founding moment of the constitutional reform,⁴⁰⁸ when it was, in reality, only a consequence of the failure to reach reform by other means and the continuation of institutional reflections which began at the beginning of the legislature, conducted by expert committees.⁴⁰⁹ It was also certainly a last resort meeting for a cracked coalition. To put it in the words of one of the participants, "all of the observers were forecasting the breakup of the centre-right alliance and the crisis of the Berlusconi government" (Nania 2009, 74).⁴¹⁰ More prosaically, the deal of Lorenzago doubly illustrates the bundling logic at work: firstly, as a concrete means of reaching agreement on topics on which parties have diverging positions and priorities, and secondly, as a necessary consequence of the systemic character of institutions. Andrea Pastore for FI, Domenico Nania for AN, Francesco D'Onofrio for the UDC and Roberto Calderoli for the Lega, all of whom were senators at the time, along with a couple of experts and public servants, were put in charge of ironing out the differences within the government majority in order to present a draft of institutional proposals that could turn into a concrete text. This attempt was launched as a result of the dead-end reached in Bossi's devolution project. As Vassallo notes,

⁴⁰⁷ Cf. *infra*.

⁴⁰⁸ Cf. for example anon., « Appuntamento sulle Dolomiti: e i quattro saggi si preparano al conclave per cambiare lo Stato ». *Il Giornale*, 13 August 2003.

⁴⁰⁹ Bossi established the Comitato di Studio Brigandì in February 2002, comprised of constitutional experts (Armaroli, Benvenuti, Ciaurro, Frosini, Fusaro, Salerno and Tucciarelli) with different political sensibilities, in order to reflect about the federal Senate, the form of government, and parliamentary immunities.

⁴¹⁰ « Tutti gli osservatori pronosticavano la rottura dell'alleanza di centrodestra e la crisi del governo Berlusconi. » Another participant confirms that the failure of the meeting in Lorenzago would probably have meant the end of the coalition. Interview with a councillor of the Camera dei Deputati, *op. cit.*

“if the reform proposed by Bossi had been approved in isolation and if the centre-left had initiated a referendum on that bill, the outcome would probably have been disastrous for the government. That is why it was necessary to link devolution to a package of reform *with which each party leader could claim to have made a contribution*. In other words, if the issue of constitutional reform had to be confronted, then the government bill could be the result only of a package deal agreed to by all of the partners of the majority coalition” (2005, 127, emphasis added)

Several texts constitute the starting point for the discussion: the works of the Third Bicameral Commission of D’Alema, the conclusions of the Brigandi Committee (Presidenza del consiglio dei ministri 2004), Bossi’s interrupted project of law on devolution, the project of reform of Title V of La Loggia, and the designs of Tonini and Malan in relation to the *premierato*. Each party came to the table of negotiations with non-negotiable and negotiable requests, based on the positions previously mentioned. As Andrea Pastore (FI) explains, “[they prepared] a draft that took into account the positive and negative will, that is to say the yeses and the noes of the components of the centre-right coalition”.⁴¹¹ Indeed, the deal reached in Lorenzago was the result of “many tradeoffs of differing proportions” (Vassallo 2005, 127). To expose only a few highlights, on the form of government, in order to accommodate the presidentialist vision of FI and AN and the parliamentary vision of the UDC, a consensus was reached on an intermediary solution, i.e. the *premierato* initially suggested by the centre-left.⁴¹² The four parties decisively agreed upon a directly elected Prime Minister with full powers of nomination and revocation in relation to ministers, and power of dissolution. On the reform of bicameralism, the agreement indicated a new division of powers between the Chamber of Deputies, the only chamber whose confidence would have been required for the government, and the new “federal Senate”. The Chamber would be put in charge of legislation regarding matters of exclusive competency of the state, the Senate being responsible for the concurrent matters. The content of the deal on federalism is probably the best illustration of the trade-off logic of the negotiations. The Lega obtained the inclusion of devolution. However, the constitutional deal agreed upon in August 2003 contained a decisive element of re-centralisation, with the reintroduction of the principle of national interest. Finally, on the electoral reform, the UDC obtained only a vague promise that this aspect would be dealt with later on, although as D’Onofrio, the centrist negotiator, told me: “For our part, I said: ‘you see, if there is no PR, the law will not happen. Because for us, PR is fundamental’.”⁴¹³ Yet, electoral reform was widely perceived as a secondary topic, as confirmed

⁴¹¹ « E preparammo una bozza che tenesse conto delle volontà in positivo e in negativo, cioè i sì e no, dei componenti della coalizione di centrodestra. » Interview with Andrea Pastore, op. cit.

⁴¹² Cf. supra.

⁴¹³ « Per parte nostra, dicevo, ‘vedete, se non c’è il proporzionale, non si fa la legge. Perché per noi il proporzionale è fondamentale’. » Interview with Francesco D’Onofrio, senator of Lazio (1983-1987,

by Nania: “In fact, the electoral law was not an argument within the perimeter of the reforms. It was a marginal argument”.⁴¹⁴

In the negotiation conducted in August 2003, the bundling logic intervened in two ways. Firstly, in order to “give” something to everyone and reach an agreement, the building of a bundle of reforms was inevitable, and secondly, due to the fact that all aspects were linked together. The first of these points is clearly admitted by Roberto Calderoli himself: “If we faced the questions individually, problems always came out. Put all together on the table, on the contrary, even the issue of the national interest has been resolved”.⁴¹⁵ All of the other participants also clearly state the importance of each party’s ability to claim credit for one part of the reform in the achievement of a successful outcome: devolution for the League, some form of presidentialism and the national interest for AN, a stronger PM linked to a majority defined before the elections for FI, and the promise of a return to PR for the UDC (Vassallo 2005). However, it would be cynical to reduce the scope of the constitutional deal to this sole strategic necessity. As noted by several experts during my interviews, it was difficult to treat these aspects individually, in particular because “there is something that is in the middle, which is the composition and the functions of the Second Chamber.”⁴¹⁶ Indeed, reforming perfect bicameralism, giving greater power to the PM, or reinforcing federalism invariably call into question the role of the Italian Senate, which is key to the whole dispositive.

Yet, it would soon become clear that the August 2003 deal, although it would constitute the backbone of the constitutional reform, contained many grey zones on the specifics of the reform, which would lead to fierce debate during the parliamentary procedure, and to the expansion of the initial project concerning 29 articles of the constitution to include no less than 45 after final approval (Fusaro 2004), and with the adoption of a brand new electoral system.

1996-2008) and president of the parliamentary group from 2001 to 2006, ex-MP of Lazio between 1990 and 1996, UDC, 25 June 2013, at his home in Rome.

⁴¹⁴ « Ma in effetti la legge elettorale non era un argomento dentro il perimetro delle riforme. Era un argomento a margine. » Interview with Domenico Nania, op.cit.

⁴¹⁵ « La novità -dice Calderoli-è che se affrontavamo le questioni singolarmente saltavano sempre fuori problemi. Messe tutte sul tavolo, invece, si è risolto anche il problema dell'interesse nazionale» Cerruti, Giovanni. « Approvato il documento finale della ‘tre giorni di Lorenzago’ ». *La Stampa*, 24 August 2003.

⁴¹⁶ « Perché c’è una cosa che sta in mezzo, che è la composizione e le funzioni della seconda Camera. » Interview with Stefano Ceccanti, Professor of Comparative Public Law at university La Sapienza of Rome, senator of Piemonte between 2008 and 2013, PD, 26 June 2013, at a café in Rome.

2. The expansion of the bundle and the different destinies of the constitutional and electoral reform

The process of adoption of the constitutional reform in the parliament in 2005 led to the progressive expansion of the institutional deal to include greater detail, because of the remaining reservations of both some coalition partners, and of the senators. This expansion went so far as to lead to an upsurge regarding the matter of electoral reform during the final stages of the parliamentary procedure of the constitutional reform, in order to close the final deal. This eventually contributed to the creation of a “bundle within the bundle”, with a rushed electoral reform responding to exactly the same logic as the constitutional reform: mutual concessions and trade-offs. Yet, the hard-won constitutional reform was rejected by referendum in June 2006. This failure illustrates the difficulties arising from a majoritarian logic of adoption of institutional package deals: the reform was rejected because the referendum was lost, the referendum was lost because the centre-left had won the elections a couple of months previously, and the confirmative referendum was organised after the elections because of the very long negotiations required to finalise the agreement on the constitutional reform.

2.1. *The discussion of the constitutional reform in the parliament: between coalition and self-survival logics*

The parliamentary procedure followed by the constitutional reform lasted for almost two years, from the introduction of the bill in October 2003 until its final adoption in November 2005. This section focuses on the reasons behind the expansion and the modification of the initial aforementioned Lorenzago deal. There were essentially two dynamics at stake during that long parliamentary procedure: again, the coalition logic leading to trade-offs at each stage of the negotiation, and also, the self-survival strategy of the senators.

2.1.1. *A summary of the main modifications enacted by the constitutional reform*

There have been two readings of the constitutional law in the Senate,⁴¹⁷ and two in the Chamber of Deputies.⁴¹⁸ However, in order to finish the parliamentary procedure before the end

⁴¹⁷ Disegno di legge S.2544 and S.2544b respectively

of the legislature, no amendments were adopted during the second reading of the text in both chambers. Therefore, three alternative versions of the text have been examined: the bill introduced by the government, the second version after the first reading in the Senate, and the final version after the first reading in the Chamber of Deputies (Table 18).⁴¹⁹

Table 18. *Main modifications enacted from the first to the final version of the constitutional reform*

Version	Articles modified	Dimension	Main modifications compared with the previous version ^a
Text of the government	29	Form of government	Modification of the electoral college of the president of the Republic to give more voice to the regions. The president cannot be reelected. The president of Council is replaced by the Prime Minister. The PM candidate is linked on the ballot with candidates for the Chamber of Deputies. The president must nominate the candidate PM linked to the majority that has won the election. The president of the Republic can dissolve only after the request of the PM. Dissolution is automatic in case of the adoption of a motion of no-confidence, or of the rejection of a motion of confidence. The PM appoints and dismisses ministers.
		Bicameralism	The Senate becomes the federal Senate, elected by universal suffrage. It is composed by 206 senators, no more than 5 senators for life, and representatives of the regions who participate in the debate but cannot vote. The number of MPs is reduced to 412. Lowering of the minimum age to be elected: from 40 to 25 for senators, from 25 to 21 for MPs. Only the Chamber of Deputies, and not the Senate anymore, is responsible in front of the government. End of the symmetric bicameralism, replaced by an asymmetric one with prevalence depending on the type of laws. New legislative procedure with three types of laws: (1) the laws where the Chamber prevails (for matters of exclusive legislative competence of the State), (2) the laws where the Senate prevails (for matters of concurrent legislative competence with the regions), and the bicameral laws (e.g., electoral laws). The presidents of both Chambers regulate conflicts of competences.
		Federalism	Introduction of devolution: the regions have exclusive legislative authority on healthcare and its organisation, organisation of education and management of educational and training establishments, content of the educational and training programmes with areas of specific interest to the regions, and local police. Rome is the capital of the federal Republic and benefits from particular forms of autonomy. Reintroduction of the national interest: if a regional law is deemed contrary to the regional interest, the government can ask the Senate to deal with the question. The Senate has the ability to cancel a

⁴¹⁸ Disegno di legge C.4862 and C.4862b respectively.

⁴¹⁹ On the chronology of the parliamentary procedure for the two reforms, cf. appendix 17.

		Other	<p>regional law is this law is not modified by the incriminated region.</p> <p>End of “two-speed federalism”: suppression of the article 116.3 that gave the possibility to ordinary regions to get extra competences.</p> <p>Transitory dispositions: some dispositions entering into force immediately (ex. devolution), others in 2011 (ex. new composition of the Chambers)</p>
1st reading Senate	34	<p>Form of government</p> <p>Bicameralism</p>	<p>Reinforcement of the regional component in the election of the president of the Republic, stronger qualified majority in the first four rounds. Suppression of the term limit for the president of the Republic</p> <p>Relaxing of the link between PM and parliamentary majority: the president does not dissolve if within 10 days after the request of the PM the MPs of the majority present a motion to continue the legislature with the name of a new PM.</p> <p>Suppression of the reference to the publication of the PM candidate on the ballot.</p> <p>Introduction of the contextual election of the Senators with the regional councillors. Term of the regional councils subordinated with the term of the senators.</p> <p>Cancellation of the lowering of the age of eligibility in the Senate, in the Chamber and to run as president of the Republic.</p> <p>Relaxing of the rules to recall the law adopted by the other chamber, reinforcement of the procedures of conciliation between the two chambers in case of conflict with a joint commission. The Senate cannot be dissolved.</p>
1st reading Chamber	43	<p>Form of government</p> <p>Bicameralism</p>	<p>Reduction of the regional component for the election of the president of the Republic, relaxing of the qualified majority required from the third round onwards.</p> <p>Lowering of the minimum age to be elected president, confirmation of the suppression of the term limits.</p> <p>Confirmation of the relaxing of the link between PM and parliamentary majority. The motion must not only be presented, but adopted by absolute majority.</p> <p>PM candidate can be linked with candidates, and with lists.</p> <p>“Anti-ribaltone” mechanism: the PM must resign not only if he loses a motion of confidence, but also if the motion of confidence is rejected by votes not coming from MPs of the majority determined by the election.</p> <p>Creation of constructive no-confidence vote that can be presented by the MPs belonging to the majority expressed by the elections.</p> <p>Term of the senators aligned with the term of the regional councils.</p> <p>Limitation of the reduction of the number of senators and MPs: from 1/3 to 20%: 252 senators and 518 MPs including 18 elected abroad, replacement of senators for life by MPs for life.</p> <p>Re-installment of the lowering of the age of eligibility in the Senate, in the Chamber, and to run as president of the Republic.</p> <p>Creation of a procedure to bypass the Senate for laws in which the Second Chamber prevails, in case the adoption of a given law is deemed as necessary for the realisation of the programme of</p>

	government. It requires the agreement of the president of the Republic.
	In case a law is deemed contrary to the national interest by the government, it can be repelled by the Parliament in common session (and not by the Senate like initially formulated).
Federalism	The police devoluted to the regions is the administrative, local and regional police. The State gets back a number of legislative matters of exclusive competence including, among others, protection of health, strategic networks of transportation and navigation, transportation and distribution of energy...
	Constitutionalisation of the State-region conference to solve conflicts between the State and the regions.
Other	Extension and precision of the transitory norms. Reform would be fully operative in 2016.

Source: Fusaro 2004, Martin J. Bull and Newell 2009, Servizio studi del Senato 2004 & 2005, D.D.L S.2544, C.4862, S.2544b. ^a The previous version refers for the text of the government to the constitution of 1948. The provisions in bold are the most important modifications enacted in the debate.

That table presents the most important modifications of the text that occurred during the parliamentary procedure (note that this is far from an exhaustive list, and only contains what I consider to be the most significant changes to the text at each stage). If one compares the final text after the parliamentary procedure with the initial text, one might note a substantial difference, both in content and in length. These successive readings have significantly altered the initial project, leading to an increase in the number of modifications to the constitution, which were not included in the preliminary deal, but also to substantial modifications of the content of the law.

2.1.2. Coalition logic and institutional logic: the reasons behind the expansion of the reform

What happened in the parliamentary arena during the debate on the constitution led to substantial modifications which were the result of two elements: the continuation of the conflict between the coalition partners of the centre-right, leading to further concessions in particular to the AN and the UDC (coalition logic); and the logic of self-survival of the senators, who attempted to limit the damage to themselves and to their institution during the course of the discussion (institutional logic). Two of the most important modifications, the re-attribution to the state of an important number of exclusive legislative competences, and the creation of the so-called “*anti-ribaltone*” mechanism (anti-reversal of parliamentary majority), were primarily caused by the conflict within the coalition. The “strong contextuality” (i.e., the concomitant election of

the senators and of the regional councillors), on the other hand, serves as an example which illustrates how the Senate tried to maintain some ground as an institution.

Regarding the coalition logic, the parliamentary activism during the debate is in line with the findings of Pedrazzani and Zucchini. The two authors find that the statistical models that enabling to explain the number of amendments for a given law in Italy between 1987 and 2006 depends on “the coalitional nature of executives” (2013, 705). As the authors put it, “Parliament appears to be an arena at the coalition partner’s disposal, where a second, decisive round of the cabinet decision-making process is played” (ibid.). Indeed, although the leaders of each of the four coalition parties reached an argument thanks to the mediation of Lorenzago, some elements of the government proposal were unacceptable without changes for many of the parliamentarians, and in particular those of AN and UDC. The subsequent modifications during the parliamentary procedure certainly didn’t help to simplify the project, and tempered the government’s initial intention, both in terms of giving more powers to the regions, and in terms of reinforcement of the PM.

The devolution, in particular, was an extremely problematic element. Francesco D’Onofrio (UDC), rapporteur of the law in the Senate, recalls the difficulties encountered on the topic of federalism: “I was one of the very few in my party to be in favour of federalism (...) Because in the Senate, many of those from Southern Italy heard their own voters who said ‘but this is what the Lega Nord wants, we do not want that’”.⁴²⁰ Many of the AN senators and MPs were equally ill at ease with devolution. Domenico Fisichella (AN), the vice president of the Senate at the time, even resigned from his party following the final adoption of the text in the Senate, in protest against devolution.⁴²¹ These reservations eventually led to new guarantees being given to the centralist wing of these two parties, in order to pass the reform. This took the form of the re-centralisation of a series of legislative competence ranging from international monetary policy, credit, and common organisation of the market for finance; big strategic networks of transportation and navigation considered to be in the national interest; strategic production, national transportation and distribution of energy for industry and economy; protection of health and food security for regulation, etc. There is an evident contradiction in the fact that the state regained the protection of health in its exclusive legislative competences, whereas the

⁴²⁰ «Io ero del mio partito uno dei pochissimi favorevoli al federalismo (...) Perché al Senato, molti dell’Italia meridionale sentivano i propri elettori che dicevano ‘ma questo lo vuole la Lega Nord, noi non lo vogliamo ». Interview with Francesco D’Onofrio, op. cit.

⁴²¹ Interview with Domenico Fisichella, Lazio senator between 1994 and 2005, independent senator between 2005 and 2006, vice-president of the Senate from 2001 to 2006, AN, 3 July 2013, at his home in Rome.

constitutional project devolved the organisation of healthcare to the regions. In fact, some of the constitutional experts that I have spoken with consider that, if anything, the reform was a centralist one. Ceccanti explains it in a lapidary way: “Devolution (...) was fake more than anything else”.⁴²² Fusaro offers the same diagnosis: “In reality then, in the Title V, everything is more centralist. Poor Bossi and the League had to satisfy themselves with slogans”.⁴²³ Similarly, Vassallo calls devolution a “myth” (2006).

Similar reflections could be made about the introduction of the so-called “*anti-ribaltone*” mechanism, supported in particular by AN in order to impede changes to parliamentary majorities, and which “guaranteed that it did not have to risk approving a reform that contemporarily would have put it out of the game”.⁴²⁴ It is worth keeping in mind that AN was a direct heir of the Movimento Sociale Italiano (MSI), a small fascist party that was excluded from forming any coalition from 1948 until 1992. The Senate adopted in the first reading a mechanism that enabled a change of PM without dissolution in the case that the majority that emerged from the elections presented a motion proposing an alternative PM. During the first reading in the Chamber of deputies, the proposal of the Senate was accepted with slight modifications,⁴²⁵ and the MPs adopted a norm disallowing the Prime Minister from winning a confidence vote through the votes of MPs coming from outside of the majority. By reinforcing the majority expressed in the elections, these two elements also weakened the figure of the PM. Calderisi, one of the most eminent constitutional experts of the centre-right, explains the contradiction between the *premierato* and the anti-reversal mechanisms: “instead of being a power for the PM, it becomes a power for a small minority, the one (...) that is able to transform your absolute majority into a relative majority.”⁴²⁶ Indeed, all parties effectively get blackmailing power *vis-à-vis* the Prime minister. To summarise, the conflict between the four centre-right components led to the subsequent adoption of trade-offs, always with the aim of closing the parliamentary procedure before the end of the legislature. Yet, these trade-offs tended to contradict the initial proposal, counter-balancing both the advancement of federalism and the reinforcement of the PM figure.

⁴²² « Devolution (...) era più finta che non altro ». Interview with Stefano Ceccanti, op. cit.

⁴²³ « In realtà poi, sul Titolo V, tutto è più centralista. Il povero Bossi e la Lega si accontentavano degli slogan ». Interview with Carlo Fusaro, op. cit.

⁴²⁴ « Una riforma che garantiva che non rischiava di approvare una riforma che contemporaneamente la metteva fuori gioco elettoralmente ». Interview with Francesco D’Onofrio, op. cit.

⁴²⁵ The replacement of the PM must not only be presented, but also voted on by the MPs of the majority that emerged in the elections.

⁴²⁶ « Anziché di essere un potere in capo al premier, diventa un potere in capo ad una piccola minoranza, quella (...) che è capace di trasformare la tua maggioranza assoluta in maggioranza relativa. » Interview with Giuseppe Calderisi, councillor for the president of the Senate between 2001 and 2006, 4 July 2013, in his office, Rome. Stefano Ceccanti, from the side of the experts of the centre-left, shares exactly the same analysis in retrospect.

The institutional logic, although it had less influence on the final text, is perceptible in important aspects. The Senate was the institution that would have been most severely affected by the reform, with major changes not only to its functions, but also to its composition. Getting the support of the senators was the main reason behind the very long transitory norms, which would have meant that the constitutional reform, and in particular the new composition of the Senate, would only become effective in 2016. The adoption of the so-called “strong contextuality”, a proposal that actually came from the Left Democrat senator Morando, and linked the office of the senators with the office of the regional councillors, illustrates the logic of self-survival incorporated by the senators. The initial proposal made by the Senate would have implied that the “duration in office of the regional councils would have depended of the length of time in office of the senators” (Vassallo 2005, 120),⁴²⁷ whereas the final version linked the office of the senators with that of the regional councillors. This would have meant that the Senate would have been partially renewed at each regional election contest. It may seem paradoxical that the members of the “federal Senate”, who supposedly represent the regional entities, share only the fact of their election on the same day to link them to their respective regional councils. Other solutions, closer to the model of the German *Bundesrat*, were considered when the text was elaborated. However, it soon became clear that the senators would not accept a system in which they would have not been directly elected. D’Onofrio recalls: “there was very strong pressure. Here is why in the end I succeeded in introducing the contextual election with the regional councillors: because this was the minimum point that the senators accepted. We want to be elected. We do not nomination by external people”.⁴²⁸

In other words, not only was the final deal on the constitutional reform wider than the initial one because of the modification of more articles, it was also both more ambiguous and less readable in terms of its intentions and expected outcomes. However, these modifications and ambiguities were necessary to successfully take the reform home, given the institutional and coalition disagreements which had not been dealt with at Lorenzago. A major disagreement was yet to be dealt with, though: the matter of the electoral system. The tricky question of the electoral reform, which was largely avoided between 2003 and mid-2005, was to make a dramatic entrance during the very last moments of the discussion on the constitutional reform in the Parliament.

⁴²⁷ In practice, this meant that in case of dissolution of a council, elections were to take place, which would be followed by new elections when the term of the senators came to an end.

⁴²⁸ « Ci fu una fortissima pressione. Ecco perché io alla fine riuscì a far passare l’elezione contestuale ai consiglieri regionali: perché questo era il punto minimo che i senatori accettavano. Vogliamo almeno essere eletti. Non accettiamo che siamo nominati degli esterni. » Interview with Francesco D’Onofrio, op. cit.

2.2. The upsurge of the electoral reform: closing the final deal⁴²⁹

At first glance, the electoral reform of 2005 is a puzzle, not only in terms of content, but also in terms of process. Why would such a major electoral reform, which led to a switch back to PR, succeed, when all of the previous attempts to reform the electoral law had been in the direction of making it more majoritarian, and had failed?⁴³⁰ Why would this reform, which at the beginning was supported only by the UDC, be adopted by a heterogeneous centre-right coalition made up of actors with different, if not opposing, partisan interests? The answer to the first question implies, again, the re-positioning of that electoral reform within a wider bundle of reforms, namely as a dimension of negotiation of the constitutional reform. The answer to the second question echoes the dynamics of the constitutional reform: the agreement reached on a complex electoral reform with multiple incentives is, once more, a result of multiple trade-offs among the coalition, in attempting to give something to each party.

2.2.1. Blackmail, constitutional reform, and fear of losing: the reasons behind the re-emergence of the electoral reform

D'Alimonte calls electoral reform the “*fiume carsico*” (underground river) of the Italian political debate, referring to a debate that is always present, even when not visible on the surface.⁴³¹ If no modifications were made to the electoral system adopted in 1993 in Italy until 2005, this was not for want of trying. The difference between this and the previous failed attempts is that, in 2005, the electoral reform was considered to be the final piece of the giant institutional jigsaw that began in 2003. Moreover, rather than disproving the parsimonious self-interested models of electoral reforms (Benoit 2004), the 2005 electoral reform shows the importance of considering the existence of other institutional reform attempts when trying to understand the position of a given party during a given process of electoral system change. The re-emergence of the debate on the electoral law in September 2005 was the result of two structural elements (the long-term commitment of the UDC to a return to PR, and the under-performance of the centre-right coalition in the SMDs), and of two contingent elements (the approach of the final vote on the constitutional reform in the Senate, and the bad electoral prospects of the centre-right coalition for 2006). Finally, despite the fact that the electoral reform

⁴²⁹ This part is largely drawn upon the article I published on the comparison of the 1993 and 2005 electoral reforms (Bedock 2011), which itself was drawn from the chapter 3 of my Masters' dissertation. It has been completed by the interviews conducted in Italy between June and July 2013.

⁴³⁰ Cf. *supra*.

⁴³¹ Interview with Roberto D'Alimonte, Professor of Italian political system at University LUISS Guido Carli of Rome, 13 June 2013, at his office in Florence.

was not dealt with up until the very end of the institutional process, the reflection on the electoral reform began earlier, in 2003. Indeed, the direct election of the PM, instigated in the new constitutional law, pointed towards a system similar to that of the provinces or of the regions,⁴³² whose heads are directly elected in Italy. These reflections had remained embryonic, but *de facto*, constitutional and electoral reforms were clearly thought of as part of the same debate.⁴³³

The debate on the electoral reform began with the apparent benign will to modify the most problematic aspects of the *Mattarellum*, following the generalisation of “*liste civette*” in 2001 – a concept that can be roughly translated as “trap lists” – invented in order to bypass the compensation mechanism for small parties in the PR part.⁴³⁴ The most discussed proposal was on the adoption of a single ballot, a proposal nicknamed the Nespolum after the AN senator who developed it.⁴³⁵ This choice was made, notwithstanding the repeated declarations of the UDC on the need to proceed with a much wider reform, that would lead to a return to PR.⁴³⁶ Yet, the first reflections of the Chamber of deputies on the electoral reform in commission took the form of a discussion in March 2005 regarding 7 proposals of minor corrections of the *Mattarellum*, and of the adoption in June 2005 of a relatively consensual text by the same Commission. These correctives had another, hidden objective: there was widespread agreement among the experts and the leaders of the centre-right regarding the tendency of the Polo to under-perform in the single member districts. Indeed, the centre-right consistently won more votes in the list part, where the parties run on their own, compared to the number of votes obtained in the SMD part, where the coalition presented a common candidate (the “differential of coalition”, D’Alimonte and Bartolini 2002). In late June 2005, the UDC MPs changed strategy, and eventually led the centre-right to widen the scope of the reform considerably, until the elaboration of a text to replace the 1993 system with a PR system with majority bonus (Table 19). In mid-2005, the constitutional reform reached the final stage in the Parliament, and the two final readings in the

⁴³² Caprettini, Alessandro M. « Scajola promette agli azzurri un nuovo sistema elettorale. » *Il Giornale*, 11 May 2003.

⁴³³ As confirmed to me by politicians such as Andrea Pastore, and experts such as Tarli Barbieri. Interviews with Andrea Pastore and with Tarli Barbieri, op. cit

⁴³⁴ When the citizens voted to elect their MPs, they had to give one vote for a candidate, and the other for a list. Each candidate was linked to a list, and thanks to a complex mechanism of compensation named the *scorporo*, the parties that performed the best in the SMDs had some of their votes subtracted in the PR part in order to give more seats to the parties that had underperformed in the majoritarian part. However, in 2001, the two biggest parties (FI and DS) had generalised the practice, which consisted of linking their candidates with “trap lists” with whimsical names in order to avoid subtracting votes from the party lists.

⁴³⁵ Anon., « Si profila una mini-modifica del sistema per votare alle prossime politiche fra un anno e mezzo ». *La Stampa*, 15 December 2004.

⁴³⁶ Cf. Fregonara, Gianna. « Torna la voglia di proporzionale. Forza Italia cambia idea ». *Corriere della sera*, 16 June 2004. Rampino Antonella. « Alla richiesta leghista di accelerare sulla devolution l’UDC contrappone il ritorno alla proporzionale ». *La Stampa*, 30 June 2004.

Chamber and in the Senate were due to take place before the end of the year. It is worth recalling that if any modification had taken place during those two readings, a further reading in each Chamber would have been required, making the adoption of the constitutional reform in the Parliament before the 2006 general elections impossible.

Table 19. *Main steps in the emergence of the electoral reform in the Chamber of deputies*

Date	Event in the Parliament	Initiator	Main dispositions
3 March 2005	Beginning of discussion in Commission	Commission Affari Costituzionali	Projects of minor modifications of the Matarella law
16 June 2005	Adoption of a unified text : suppression of the <i>scorporo</i> and minor technical dispositions	Commission Affari Costituzionali	Suppression of the <i>scorporo</i>
28 June 2005	Amendments in favour of a substantial electoral reform	UDC	The PR part of the Matarella electoral system would rise from 25% to 75%
8 September 2005	Re-opening of the amendments to the unified text against the will of the opposition	UDC	
13 September 2005	Discussion in commission of amendments entirely substituting the unified text	FI	PR system Blocked lists Majority bonus according to the seats obtained by the leading coalition
27 September 2005	Presentation in commission of new non-modifiable amendments	FI, AN	Suppression of preference vote National threshold of 4% Majority bonus according to the votes obtained by the leading coalition Obligation for coalitions to present a PM candidate and a common programme

As Nania recalls, the UDC intimidated its coalition partners, threatening to make the constitutional reform fail, if the electoral reform argument was not discussed: “Once the argument had been found on the whole reformatory package, [the UDC] (...) imposed a diktat: either an electoral law with a proportional system is made, or [they] do not vote these reforms that they had contributed, and a lot, to make”.⁴³⁷ A few years later, Roberto Calderoli, the LN senator who elaborated the final version of the project, talked about “blackmail” in an interview,

⁴³⁷ « Una volta invece trovata l'intesa su tutto il pacchetto riformatore, [l'Udc] (...) pose un diktat: o si fa una legge elettorale su impianto proporzionale, o non [votano] quelle riforme che avevano contribuito, e molto, a fare. » Interview with Domenico Nania, op. cit.

referring not only to the UDC, but also to the rest of its coalition partners: “we were blackmailed by Casini and the UDC to introduce a proportional system, by Fini who wanted the blocked lists and by Berlusconi who wanted the majority bonus”.⁴³⁸

The second contingent aspect that should be taken into account is the tight electoral spot in which the centre-right coalition found itself in 2005. Since its return to power in 2001, the centre-right had lost all of the intermediary elections. This came to a peak in April 2005, when the centre-right lost 12 regions out of the 14 called to vote. The centre-left was, at the time, considered to be almost sure to win, by a comfortable margin, the 2006 parliamentary elections, and was actively preparing the open primaries that would lead Romano Prodi to be appointed leader of the coalition in October 2005, with 75% of the 4.3 million votes. During September 2005, hard negotiations took place between the leaders of the centre-right coalition, in the context of major tensions between the UDC and Berlusconi, who accused the centrist leaders of “metastasis”.⁴³⁹ The *in extremis* closure of the deal, prior to the start of the general discussion of the text on 29 September 2005, resulted from the resignation of the first secretary of the UDC, Marco Follini, who had advocated for an exit from the centre-right coalition. Pier Ferdinando Casini, the president of the Chamber of Deputies was, on the other hand, in favour of keeping the centrist party within the Polo, and was one of the main architects of a definitive agreement on the electoral reform, by giving up on the matter of preference vote and accepting the majority bonus.⁴⁴⁰ His decision also closed the argument regarding Silvio Berlusconi’s leadership of the centre-right coalition. Moreover, the pact was facilitated by pre-electoral polls suggesting that the new system advocated by the centre-right would reduce the electoral defeat.⁴⁴¹

2.2.2. A bundle within a bundle: a complex electoral reform with contradictory incentives

So far, the emergence of the electoral reform has been explained, but its precise content has not, and nor have the reasons why the various parties of the centre-right came to an agreement on this particularly tricky institutional issue. The new system, modelled on the Tuscan

⁴³⁸ « Fummo ricattati da Casini e dall’Udc per introdurre un sistema proporzionale, da Fini che voleva le liste bloccate e Berlusconi che voleva il premio di maggioranza ». Declarations of Roberto Calderoli in the TG1 on TV, quoted in anon. « Calderoli: “Berlusconi ci ricattò sul Porcellum, con Casini e Fini”. Ma non spiega come ». *Il Fatto quotidiano*, 2 October 2011.

⁴³⁹ Interview with Silvio Berlusconi, « Basta Metastasi nel Polo ». *Corriere della Sera*, 21 September 2005.

⁴⁴⁰ Note that the centre-left had unsuccessfully attempted to propose a waiver pact for the next parliamentary elections in exchange for the blocking of the electoral reform.

⁴⁴¹ D’Alimonte, Roberto. « Per chi vince maggioranza ad handicap ». *Il Sole 24 Ore*, 15 September 2005.

regional electoral system, substituted the single member districts with a mixed system combining PR tempered by a majority bonus, taking the form of blocked lists for vast regional constituencies. The first crucial point is the mode of attribution of the majority bonus: the coalition that obtains more votes automatically secures 54% of the seats in the Chamber, while the bonuses are attributed region by region in the Senate.⁴⁴² Secondly, the lists are blocked: the citizen cannot express any preference vote. Thirdly, the new law introduced various thresholds of representation in order to access the distribution of seats in the Chamber: 10% of the votes for a coalition, 2% of the votes for a party that is part of a coalition,⁴⁴³ 4% for lists running on their own. These thresholds are 20%, 3%, and 8%, respectively, in the Senate. Finally, the law gave the option of standing for election in multiple constituencies, enabling the parties to modify the order of the lists in a discretionary way after the vote in case of multiple elections of a single candidate.

Figures gathered by Chiaramonte and Di Virgilio (2006) give a picture of the preferences of delegates from 11 Italian parties between 2002 and 2005 on the best electoral system.⁴⁴⁴ All of the small centre-left parties were in favour of a PR system (UDEUR, RC, Verdi, PCDI, SDI, SVP), as well as a substantial number of the MPs of the Margherita. The only actors who were clearly against the proportional option were the Left Democrats (DS), a majority of whom supported a two-round majoritarian system. Most of the centre-right parties (FI, MSFT, UDC) were in favour of pure PR, or PR with thresholds, with the notable exception of AN, which supported a majoritarian electoral system. Yet, why would all of the centre-left parties, including the small formations, oppose the reform in Parliament? Why would AN, the full integration of which into the Italian political system was only made possible by the 1993 electoral law, support the new system? Why would the UDC accept majoritarian corrections, with a majority bonus?

The answers to these questions are different for the centre-left and the centre-right. Again, for the political actors of the majority, the conciliation of contradictory interests within a bundle of electoral mechanisms served to bypass the conflict between the different components. Multiple mechanisms, with potentially contradictory incentives, were introduced in the law in order to enable each of the four parties of the coalition to anticipate the realisation of its own priorities. Such expectations were facilitated by the ambiguity of the law, which made it difficult, if not impossible, to anticipate its exact consequences. Similarly to what happened with the

⁴⁴² This was a consequence of the indication of the Colle that the law would be considered unconstitutional if a majoritarian bonus was applied nationally in the Senate.

⁴⁴³ In reality, the threshold is even lower, as the “best” party in the coalition under this threshold of 2% also gets to participate in the distribution of seats.

⁴⁴⁴ Cf. appendix 16.

constitutional reform, each party tried to push forward certain priorities, and had “blind spots” that enabled the agreement to emerge. This time, it is possible to identify five main points of tension (Table 20): the bipolarisation of the political system (1); the coalition constraint, which can be defined as the incentive for parties to form a pre-electoral coalition rather than running on their own (2); the level of the thresholds of representation (3); governability, which in particular implies the examination of government stability (4); and the reinforcement of the central leaders’ powers in candidate selection (5).⁴⁴⁵ The motley dispositions of the new law suddenly make sense: each of them is a concession to conciliate antonymic objectives, in particular those of AN and of the UDC, whose priorities are opposed on each and every point.

Table 20. *Prioritisation of the objectives on the electoral law by the parties present in the Italian Parliament, 2005*

	Reinforcement of bipolarisation	Strong coalition constraint	Low thresholds of representation	Reinforcement of governability	Reinforcement of the central leadership of parties
FI	+	+	--	++	++
AN	++	++	-	+	++
LN	=	-	+	-	+
UDC	--	--	+	-	--
Others Polo	=	=	++	--	=
DS	++	+	--	++	+
Margherita	+	+	--	++	+
RC	-	--	++	--	--
Others	=	-	++	--	--
Unione					

Note: ++ Leading priority, + secondary priority, = indifferent, - in contradiction with a secondary priority, -- in contradiction with a leading priority

Source: Bedock 2009, 105.

Given the different prioritisation of these five goals by the coalition partners, only a compromise which preserved the priorities of each partner enabled them to reach a consensus on the law, although, as for the constitutional reform, this was at the expense of the efficiency of the text. According to Vassallo, the general logic is the following: “the competition must be bipolar”, meaning that all provisions were meant to disincentivise independent lists.⁴⁴⁶ The PR formula aimed to make the system more representative, the differentiated thresholds of representation were meant to reinforce the coalition constraint, the majority bonus aimed to reinforce bipolarisation, the blocked lists aimed to give greater power to the party oligarchies, etc. As a

⁴⁴⁵ This analysis is a synthesis of the systematic qualitative and quantitative study of the detailed arguments on the merits of the reform during the parliamentary debates held on the electoral reform between 29 September and 13 October 2005 in the Chamber of Deputies. The main themes are the following: bipolarisation and alternation, coalitions, governability and fragmentation, thresholds of representation, selection of candidates and internal functioning of political parties (Bedock 2009, 94–105).

⁴⁴⁶ Interview with Salvatore Vassallo, op. cit.

consequence, the position of AN – or rather, the position of Fini⁴⁴⁷ – can be explained by the conviction that the majority bonus would preserve the bipolar structure of the Italian party system, and incidentally, that the blocked lists would avoid corruption,⁴⁴⁸ whereas the concessions of the UDC on the blocked lists were based on the (not so) secret hope that the law would eventually reconstitute a third centrist pole. FI sought to get rid of the SMDs while reinforcing the power of the party leaders through the blocked lists, and imposed the majority bonus in order to preserve bipolarism as well as its leadership. As D’Onofrio, the UDC senator, explains, “the bonus, Berlusconi in the final agreement, I would not say that he has imposed it, but he has been the one to ask for it, the head of the coalition”.⁴⁴⁹ The Northern League, finally, was compelled to adopt the electoral law in exchange for final support for the constitutional reform.

The existence of opposed objectives in the centre-left, which puts the big parties of the coalition (DS and Margherita) face to face with the small ones, is exacerbated, and does not immediately explain the centre-left’s unanimous opposition to the electoral reform. The small parties protested particularly against the introduction of thresholds of representation, even if they were very low, as they considered them to be a potential threat to their presence in the parliament. The attitude of the opposition has primarily to do with the centre-left’s certainty of an easy victory in the upcoming elections, therefore putting the electoral reform back on the agenda after the election, within conditions chosen by the centre-left. In other words, the official position of the *Unione* should not be explained on the basis of the actual preferences of the actors, but rather on the basis of the need to show strong opposition to the centre-right only a few months before a crucial electoral contest. The DS senator Tonini explained to me that the parliamentary opposition did everything in their power to stop the reform:

⁴⁴⁷ Nania, the AN “wise man”, told me what happened when he was consulted by his party leader on the opportunity to introduce preference voting in the new system: “Fini phoned me and told me: ‘what do you think about that [Tuscan] law, put at the national level?’ I told him that according to me, that law was an anti-democratic law because it did not give the voters the possibility to choose who they elect. (...) He answered me: ‘From now on, you are not in charge of this matter’”. « Fini mi telefonò e mi disse: ‘che ne pensi di questa legge, da mettere sul piano nazionale? Io gli disse che secondo me, questa legge era una legge anti-democratica perché non consentiva agli elettori di scegliere chi eleggere. (...) Lui mi rispose: ‘Da oggi non ti occupi più di questa materia’ ». Interview with Domenico Nania, op. cit.

⁴⁴⁸ This explanation was offered by Roberto Calderoli. Iovene Bernardo. « Ecco il retroscena della porcata ». *CorriereTV*, 8 October 2013.

⁴⁴⁹ « Il premio, Berlusconi nell’accordo finale, non dico che l’ha imposto, ma lo ha chiesto lui, il capo della coalizione ». Interview with Francesco D’Onofrio, op. cit.

“The battle against in the Parliament, we did it. (...) Obviously, we did not use weapons, explosives, no one has set himself on fire in a square, (...) we did not burn the hall of the Parliament, however, apart from violence, everything that could be done within the standing orders was done.”⁴⁵⁰

In fact, there is no consensus on the degree of opposition that was actually expressed internally: Alessandro Maran, a DS MP, recalls that “we were only a handful of people criticising”.⁴⁵¹ Moreover, this is not to gloss over the fact that some parties of the coalition, and in particular Comunist Rifoundation, were actually quite happy with the adoption of the new system.⁴⁵²

Calderoli soon called the law a “*porcata*” (“junk” or “load of rubbish”), which led to its more colourful nickname, *Porcellum*. The problems relating to its conception are numerous, the most problematic of these being the high risk involved in having different majorities in the Chamber and in the Senate. Beyond the anecdotes, the important issue is that, in this particular instance, as was the case with the referendum on the constitutional reform,⁴⁵³ the attitude of the centre-left was based not so much on the merit of the reform, but on the need to oppose a reform from which they had been excluded. This brings us to the importance of understanding the logic guiding the attitudes of parties within the context of majoritarian processes of institutional reforms.

2.3. The reasons behind the failed referendum: the consequences of the majoritarian logic of adoption

The hard-earned constitutional reform was adopted in a final reading in the Senate in November 2005, but ultimately failed to clear the final hurdle: in June 2006, during the confirmative referendum, the “no” vote triumphed with a comfortable margin, in the aftermath of parliamentary elections which were won by the centre-left. The main reasons behind this failed referendum were the successful centre-left campaign which presented the constitutional project as a product of the Lega’s blackmailing, thus threatening the unity of the country, but also the

⁴⁵⁰ « La battaglia contro in Parlamento, l’abbiamo fatta. (...) Certo, non abbiamo usato armi, esplosivi, nessuno si è dato fuoco in piazza, (...) o non abbiamo dato fuoco all’aula del Parlamento, però, a parte la violenza, tutto ciò che si poteva fare dentro i regolamenti è stato fatto ». Interview with Giorgio Tonini, op. cit.

⁴⁵¹ « Eravamo quattro gatti a criticare ». Interview with Alessandro Maran, MP of Gorizia between 2001 and 2006 and member of the Commission Affari Costituzionali I between 2001 and 2006, MP of Friuli-Venezia Giulia between 2006 and 2013, senator of Friuli-Venezia Giulia since 2013, DS, 25 June 2013, at a restaurant in Rome.

⁴⁵² D’Alimonte asserts: “I know for certain that Bertinotti has uncorked many bottles of champagne. (...) And French champagne, not even Italian! (« Io so per certo che Bertinotti ha stappato molte bottiglie di champagne. (...) E champagne francese, neanche italiano! »). Interview with Roberto D’Alimonte, op. cit.

⁴⁵³ Cf. infra.

bad timing of the referendum, as it occurred after the centre-right was defeated in elections. Beyond the Italian case, the failure of the referendum tells us quite a lot about the mechanics behind majoritarian processes of adoption of institutional reforms, and the conditions that must be present for these types of processes to succeed, illustrating the incentive to practice head-on opposition against packages of divisive institutional reforms.

2.3.1. The combination of bad timing and the “Lega factor”: the results of the 2006 constitutional referendum

The constitutional reform was rejected because the centre-right coalition did not manage to win the confirmative referendum on the constitutional package that it had been negotiating since 2003. The referendum failed because the centre-left won the elections, and managed to convince voters with its “anti-Lega” rhetoric. Finally, the length of the negotiations due to the construction and the expansion of the bundle gave the centre-right a difficult strategic choice: going all-out in the parliamentary elections, or in the referendum campaign. Berlusconi made the choice to organise the referendum after the parliamentary elections, knowing full well that a negative result would prevent his coalition from controlling the results of the referendum.

Much could be said, in retrospect, about the constitutional reform of the centre-right. Some criticisms are widespread, such as the fact that the legislative procedure that it would have put into place would probably have been very dysfunctional, and the fact that it did not correct the 2001 reform’s fundamental flaws (rigid repartition of matters between state and regions creating conflicts of competences). Regarding the reinforcement of the PM, and federalisation, many experts now consider that, if anything, the strengthening of the executive was limited, and that it was probably a re-centralising rather than a de-centralising reform.⁴⁵⁴ That being said, however, during the institutional process of the adoption of this constitutional reform, and even more so during the referendum campaign, the constitutional reform was demonised by the overwhelming majority of politicians and experts from the centre-left opposition on opposite grounds. The constitutional reform was described with colourful and comminatory judgments: as the “big ugly hash of Lorenzago” by the former president of the Republic, Cossiga,⁴⁵⁵ as “imminent and grave danger for Italian democracy” by Prodi,⁴⁵⁶ and as “a vision of extreme

⁴⁵⁴ Cf. supra.

⁴⁵⁵ « Quel pasticciaccio brutto di Lorenzago ». Cossiga, Francesco. « Francesco Cossiga : ecco perché sono contrario alla proposta del centrodestra ». *Corriere della Sera*, 18 September 2004.

⁴⁵⁶ Rampino, Antonella. « Il professore contro il premierato e le modifiche della carta: un pericolo grave e imminente per la democrazia italiana ». *La Stampa*, 12 March 2005

personalization of politics and power, even at the cost of a disaggregation of the institutional fabric” by Napolitano.⁴⁵⁷ A few experts raised voices defending the new text, or at least to give it the chance to be improved in the successive legislature: these included Panebianco,⁴⁵⁸ Calderisi,⁴⁵⁹ the Magna Carta foundation,⁴⁶⁰ but also constitutionalists close to the centre-left such as Carlo Fusaro (2004). Nevertheless, most constitutional lawyers and centre-left politicians not only opposed the reform, but argued against it on the grounds of serious accusations, the most common of these being the threat to Italian unity posed by devolution, the excessive personalisation of powers of the executive and of the PM, and the confusion of the new legislative procedure (for a synthesis, cf. Bassanini 2004).

On 25 and 26 June 2006, 61.3% of Italian voters rejected the centre-right’s constitutional reform, with a 52.3% turnout, a notable figure for a referendum.⁴⁶¹ There are two main reasons behind the clear “no” vote in this instance: the bad timing, and the successful campaign. Firstly, the change in the balance of power between centre-left and centre-right found concrete expression with the arrival in power of a new government led by Romano Prodi in April 2006. In addition, the centre-right chose not to campaign for a “yes” once it had decided to place the referendum *after* the parliamentary elections. Therefore, the timing chosen for the referendum was inauspicious, as the government did not manage to organise the referendum at a time when the balance of power was in its favour. Secondly, the referendum was perceived primarily as a move stemming from the Lega, which led to strong opposition to the reform in Southern Italy, a zone that had traditionally been favourable to the centre-right.

The referendum took place after the parliamentary elections of 2006, which were won by the centre-left coalition with a very slim majority in the Senate. The coalition’s opposition to the adoption of the constitutional reform in itself contributed to the victory of the “no” side in the referendum. In addition, the centre-right voters did not mobilise to the same extent as their centre-left counterparts during the referendum contest, explaining - at least partially - the 20 percentage point gap between the “yes” and the “no” vote. The interesting issue, beyond the electoral dynamics favourable to the centre-left, is the then PM, Silvio Berlusconi’s decision to

⁴⁵⁷ « Una visione di estrema personalizzazione della politica e del potere, anche a costo di una disaggregazione del tessuto istituzionale ». Rampino Antonella. « La nuova costituzione voto scontato a Palazzo Madama, il centrosinistra si prepara al referendum per cancellarla ». *La Stampa*, 16 November 2005.

⁴⁵⁸ Panebianco Angelo. « Perché sì ». *Corriere della Sera*, 1 June 2006.

⁴⁵⁹ Calderisi, Giuseppe. « Prodi, ribaltini e bugie ». *Il Giornale*, 19 June 2006.

⁴⁶⁰ Magna Carta. « Il Sì renderà più stabile l’Italia ». *Il Giornale*, 9 June 2006.

⁴⁶¹ Note that no quorum of registered voters is necessary for confirmative constitutional referendums, unlike abrogative referendums, where a 50% turnout of registered voters is required.

organise the referendum *after*, rather than *before* the parliamentary elections. The victory of the centre-left contenders was seen, if not as a foregone conclusion, then at least as the probable outcome of the 2006 elections. As a consequence, some people in the centre-right tried to give the constitutional referendum a chance, arguing that it should be organised before the general elections:

“We went, Calderoli and I, to Berlusconi. Before the election, obviously. And we said: ‘we would like to have the referendum organised before the elections. (...) And Berlusconi told us: ‘but this way we also lose the elections!’”⁴⁶²

In other words, in 2006 Berlusconi preferred to give himself and his coalition the best possible chance of winning the parliamentary elections, rather than risk losing them by a wider margin in the case of a negative referendum outcome. As a result, after the electoral defeat, the people who had actually elaborated the constitutional reform did very little to mobilise in favour of the “yes” vote. Fusaro summarises the attitude of the former PM Berlusconi as follows: “one of the golden rules of Berlusconi is ‘never support a lost cause’”.⁴⁶³ During the legislature, the constitutional reform was, for Berlusconi, the gateway between the Northern League and the government, and the way to keep LN in government. As the leader rightly considered that the referendum would be virtually impossible to win if the parliamentary elections were lost, the cause of the constitutional reform was more or less abandoned by the centre-right.

The second factor behind the referendum results is the rhetoric that came from the centre-left, which had managed to successfully present the constitutional reform as a Lega project. The “yes” vote won in the electoral strongholds of the Lega (Lombardy and Veneto), whereas the referendum was defeated in all other Italian regions, with the “no” vote peaking in Calabria with 82.5% (Figure 18). The electoral map shows clear evidence of strong opposition to the constitutional reform, not only in the traditional strongholds of the centre-left (Tuscany, Emilia-Romagna, and centre-Italy), but also in the South, where parties such as the UDC, AN, and FI in Sicily are stronger.⁴⁶⁴

Pastore, recalling the electoral campaign, talks about a “disaster”: “this idea was generated (...) that the law had been made to meet the will of the League, and our southerners became

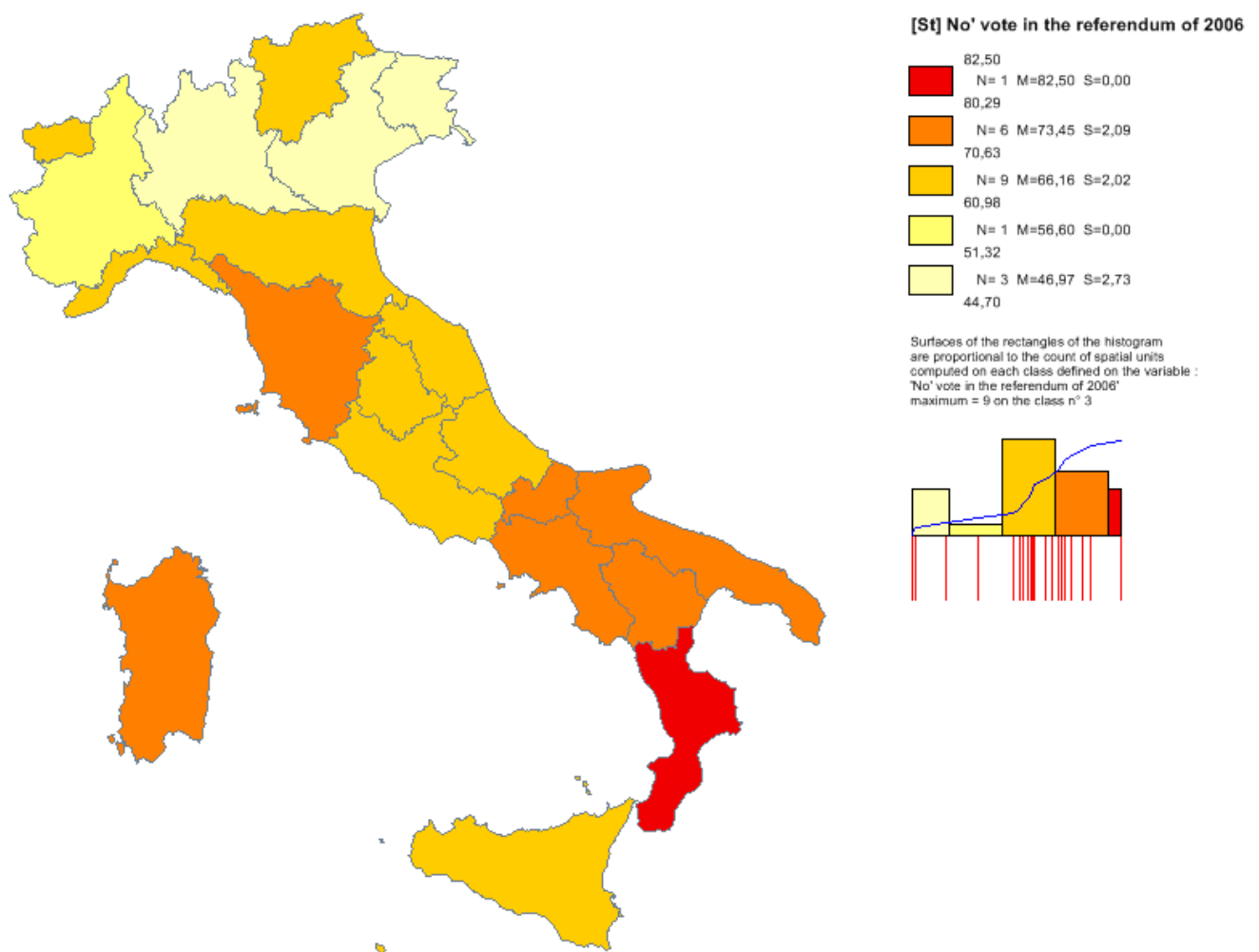
⁴⁶² « Andammo, Calderoli ed io, da Berlusconi. Prima dell’elezione, ovviamente. E dicemmo: ‘vogliamo far fare il referendum prima delle elezioni. (...) E Berlusconi ci disse: ‘ma noi così perdiamo anche le elezioni!’ ». Interview with Francesco D’Onofrio, op. cit.

⁴⁶³ « Una delle regole principe di Berlusconi è ‘non sostenere mai cause perse’ ». Interview with Carlo Fusaro, op. cit.

⁴⁶⁴ Cf. appendix 18.

scared.”⁴⁶⁵ To summarise, the outcome of a reform in a majoritarian process, unsurprisingly, is dependent on the ability of the majority that has elaborated the reform to pass it without the support of the opposition. The centre-right managed to pass the reform in the parliamentary arena thanks to the creation of a bundle of reforms, but it failed to pass the reform in the referendum arena following the change of majority in the 2006 parliamentary elections. Yet, one question remains: why did the centre-left systematically, and in many ways instrumentally, oppose the constitutional reform?

Figure 18. “No” vote in the referendum of 2006 by region, Italy



Note: “M” refers to the arithmetic mean. “S” to the standard deviation, and the figure on top of each class to the maximum by class. The map was computed with the software Philcarto.

Source: Ministero dell’Interno, archivio storico delle elezioni

⁴⁶⁵ « Si è generata quest’idea (...) che la legge fosse stata fatta per andare contro alla volontà della Lega, e i nostri meridionali si sono spaventati ». Interview with Andrea Pastore, op. cit.

2.3.2. The incentives for the opposition to “kill” a majoritarian constitutional reform

One of the DS senators that I questioned on the constitutional reform told me frankly that, “even if this reform had been made by the centre-left, it would not have been very different”.⁴⁶⁶ Yet the centre-left has, at least on the record, opposed the centre-right’s constitutional reform altogether. How can one explain the fierce opposition of the centre-left to this reform, even though the positions of the main Italian parties are actually quite similar in relation to many institutional topics? Beyond the Italian case, and beyond the referendum of 2005, what we try to understand here is the dominant strategy and attitudes of an actor who has been excluded from the elaboration of the law. As Vannino Chiti, the minister for parliamentary relations between 2006 and 2008, recalls, “the reform has been conducted by the forces who sustained the Berlusconi government. (...) So, in all of the parliamentary debate, there has been a poor involvement from our part. It has substantially been a confrontation”.⁴⁶⁷ Note that the responsibility for the opposition’s lack of involvement is clearly shared. As early as January 2003, on the issue of *premierato*,⁴⁶⁸ the centre-left had clearly chosen to stop collaboration with the centre-right on constitutional matters, despite discreet expressions of readiness for dialogue from Calderoli.

The constitutional reforms of the fourteenth legislature fall into the category of divisive institutional reforms, as there is no perception of widespread agreement among the citizens and the political elites on the desirability of the alternative contemplated. During institutional reform processes that are conducted through a majoritarian logic (i.e., reforms proposed and elaborated by the government, without the opposition), and concern divisive reforms, *the opposition has more of an incentive to antagonise rather than to support the reform, regardless of its own position on the topic*. In this regard, it is interesting to contrast the result of the 2001 referendum with that of the referendum in 2006. The two constitutional reforms, i.e. the successful reform of Title V of 2001 and the failed reform of the second part of the Constitution of 2005, are similar in two important aspects: during the final stages of the parliamentary procedures, they were adopted with only the votes of the parliamentary majority, after a majoritarian process in the parliament. Secondly, both

⁴⁶⁶ « Anche se quella riforma fosse stata fatta dal centrosinistra, non sarebbe stata molto differente ». Interview with Alessandro Maran, op. cit.

⁴⁶⁷ « La riforma fu portata avanti dalle forze che sostenevano il governo Berlusconi (...) Per cui, in tutto il confronto parlamentare, ci fu un scarso coinvolgimento nostro. Fu sostanzialmente un muro contro muro. » Interview with Vannino Chiti, MP of Toscana between 2001 and 2008, minister of the relations with the Parliament between 2006 and 2008, senator of Toscana since 2008, DS, 3 July 2013, at his office in Rome.

⁴⁶⁸ Cf. supra.

referendums took place soon after political alternation, following the 2001 and the 2006 elections. Yet, the later confirmative referendum led to a reversal in results (Table 21), as the two reforms were of different natures: consensual for the 2001 referendum, highly divisive for the 2005 referendum.

Table 21. *Comparison of the results of the 2001 and 2006 confirmative referendums*

	2001 confirmative referendum (Title V)	2006 confirmative referendum (Part II of the constitution)
“Yes” vote	64.2%	38.7%
“No” vote	35.8%	61.3%
Turnout	34.1%	52.3%

Source: Ministero dell’Interno, archivio storico delle elezioni

In the first case, the centre-right (then in the opposition) was involved in the conception and elaboration of the constitutional reform up until the breakup of the third *Bicamerale*. Despite the fact that the centre-right refused to vote on the reform of Title V during the final phase of the process, and the fact that the centre-right called for a “no” vote in the referendum, the confirmative referendum was adopted by a comfortable majority. As already explained, the centre-right’s main argument to justify its formal opposition was that the reform did not go “far enough”.⁴⁶⁹ This strategy is different to opposing the reform altogether: it consists of showing agreement with the objectives, but also of blaming the government for not doing enough to achieve them. Therefore, in many ways, federalism was framed as a *valence issue* (Stokes 1963) during the 2001 referendum, which can be defined as “those issues on which there is agreement on the ends of politics” (Green 2007, 629). The implicit, underlying argument behind the centre-right rhetoric was that the centre-left was unable to deliver on that shared objective, i.e. federalism.

In 2006, on the other hand, the centre-left built its rhetoric by framing the constitutional reform as ultimately a *position issue*. The main difference, in this instance, stems from the fact that the reforms at stake were divisive. I argue that the opposition’s attitude to the whole constitutional package was not dependent on their agreement or disagreement with the content of the reform, but was a consequence of the two major incentives for them to disagree with the reform. The first reason to oppose the reform derives from the majoritarian logic. More often than not, the parliamentary opposition has a greater incentive to oppose a project it has not participated in, even in the case of projects which benefit from broad agreement on their general

⁴⁶⁹ Cf. *supra*.

objectives, or even on the particular provisions of a given text. Lijphart considers that some political regimes, with identifiable institutional characteristics, are inherently more oriented towards consociational or adversarial behaviour (1969). The argument here is that cooperative vs. adversarial behaviour is also crucially dependent on the *process of reform* itself, as well as on the *nature of the reform*. As the issue of constitutional reform was hugely divisive, it was ultimately an easier, and less costly political strategy for the centre-left to present the project as an evil emanation of Berlusconi and Bossi's axis.

The second crucial incentive for the centre-left to oppose the constitutional reform of 2005 was its myriad of internal divisions on the matter. We have already made clear that, during the electoral reform, the centre-left was certainly not united behind clear and shared preferences on the best electoral system. Exactly the same thing can be said for the constitutional reform, with internal divisions both within parties and between the parties comprising the coalition, particularly in relation to the form of government and the opportunity to reinforce the Prime Minister (or not). As Stefano Ceccanti argues, "there are internal differences within the opposition that in this way have not emerged because the opposition has been able to make a propagandistic campaign against the majority".⁴⁷⁰

Conclusion

The electoral reform and the constitutional reform are to be viewed in light of an institutional sequence which started in 1993, following the collapse and recomposition of the Italian party system in a context of democratic dissatisfaction and deep electoral uncertainty. These two institutional reforms were put on the agenda as a direct consequence of the reforms adopted in the preceding legislature, and particularly the constitutional reform of Title V which turned Italy into a "federal" state. As early as 2003, the different themes that had structured the debate on Italian institutions (bicameralism, form of government, and electoral reform on one hand; federalism on the other) became intrinsically linked into a single debate and eventually, into a single gigantic bundle of institutional reforms.

This chapter has focused on two divisive institutional reforms, one of which succeeded and one of which failed, both after a majoritarian process of adoption in the Italian Parliament.

⁴⁷⁰ « C'erano differenze interne nell'opposizione che così non sono emerse perché l'opposizione ha potuto fare una campagna propagandistica contro la maggioranza ». Interview with Stefano Ceccanti, op. cit.

First of all, the chapter has shown the crucial importance of the bundling logics in contexts where the government coalition is divided. The adoption of the two reforms *in the parliament* resulted from the ability of the elements of the majority to build a package deal enabling every actor in the coalition to “win” on at least one of its priorities. Secondly, in majoritarian processes for divisive institutional reforms, the opposition has greater incentive to oppose the reform regardless of its own position on the topic, and this is even more the case when the opposition itself is split. Therefore, coalition dynamics are, in contexts where divisive reforms are discussed within a government coalition holding widely distinctive preferences, key to understanding the failure or the success of the adoption of institutional reforms, but also to understanding the attitude of the opposition towards the project. Thirdly, the issue of the confirmative referendum has demonstrated the centrality of timing in explaining the final outcome of a reform: despite the fact that the parliamentary battle for the constitutional reforms had been won, the time required to finalise the deal prevented the centre-right coalition from holding a referendum in favourable conditions, leading to the failure of the constitutional reform.

Another paradox of institutional design is apparent in the Italian case: mutual concessions and trade-offs were necessary in order to allow a comprehensive deal to be reached, but these negotiations eventually led to the adoption in the parliament of reforms which partially clashed with the initial objectives of most of the reformers. Despite the fact that the constitutional reform initially aimed, for some, to reinforce the executive, and for all, to neutralise the second chamber, and for others still to deepen federalism, the final agreement was so ambiguous and complex that, in all likelihood, it would have been at odds with all of these objectives. The same goes for the electoral reform: empirical evidence from the 2013 election particularly shows that it did not consolidate bipolarism, provide stable parliamentary majorities, or enable a truly proportional repartition of seats to emerge. “Too many cooks spoil the broth”, as the saying goes: here, the very conditions enabling an agreement to be found also meant that any deal would necessarily contain contradictory incentives and lead to uncertain outcomes.

Conclusion of the second part

The last three chapters have provided evidence suggesting that the factors explaining the final outcomes of consensual and divisive reforms are different, and thus lead to distinctive causal mechanisms. Before coming back to these findings, I should say a word about the link between the favourable antecedent conditions identified in the first part and the way in which they have facilitated the emergence of certain types of reform rather than others. Finally, I will briefly discuss how these findings could be generalized to other cases.

Ireland was the case that presented the most striking and most compelling short-term factors facilitating change, with a level of volatility that was through the roof, and a political alternation after 14 years of domination by Fianna Fáil. Experts and representatives of civil society have been successful in constructing a narrative linking the dramatic economic crisis that Ireland has faced since 2009 with the failure of its political system. This has resulted in the emergence of an agenda of reform mostly, but not exclusively, composed of consensual reforms, supported by a major element of both the political system and the public. The French case shows, however, that the presence of strong external public pressure to reform is not a necessary condition for the emergence of consensual reforms. Indeed, the reduction of the length of the presidential term, an issue which had enjoyed widespread public support for decades, resurfaced on the agenda without a clear external push, but as a result of the successful efforts of the centrists. On the other hand, the return to office of the left in 1997 certainly helped the issue to jump back up the agenda, as the leader of the coalition, Jospin, held distinctive preferences on the issue, unlike his predecessor. This finding confirms how political alternation often constitutes the concrete translation of the change in the preferences of the government, and provides new opportunities for reforms of the core democratic rules. As would be expected, conversely, the divisive reforms that were put on the agenda *with the intention to act on them* were mostly the result of mobilisation endogenous to the political system. For example, the Italian case shows the decisive role of the Northern League in the emergence of the initial agenda for the constitutional reform in 2003, whereas the UDC was the main supporter and initiator of the subsequent electoral reform in 2005. In France, the reordering of the electoral calendar clearly resulted from the short-term, vote-seeking considerations of the Socialist Party and its leader, who believed that they would be better off if the presidential election happened before the legislative elections. In contrast, in Ireland, some of the reforms that emerged as a result of the popular mobilisation of experts and civil society were ultimately quite divisive: the electoral reform, voting age, and the

reduction of the presidential term, to name a few. As a result, the leaders of the reform process adopted delay tactics, taking the form of the constitutional convention, to water down the reform agenda and bury the most contentious ones. Therefore, the case studies provide evidence that not all reforms of core democratic rules that appear on an agenda are tackled by politicians with the intention of actually having them adopted. On the contrary, in some cases, and particularly when the reforms result mainly from pressures external to the political system, reformers may engage in a process of reform that has little chance of leading to a concrete outcome, purely for the sake of dealing with the topic.

The empirical evidence points towards the variance of the causal pathways at work according to the combination of the type of process and the nature of the reform. I will now summarise the findings of the three chapters, and present the six combinations of types of reforms and types of processes, with empirical illustrations in the form of the successful and unsuccessful reforms that have occurred in Ireland, France and Italy. Most crucially, I will discuss the mechanisms behind these reforms. What was puzzling in the three cases investigated here is that, despite the fact that the reforms in each country are part of a single bundle, linked together by the reformers, and consequently have the same dynamics, they have not experienced the same fate.

Table 22. *Expected outcomes for different combinations of types of reform and types of process*

	Consensual reform	Divisive reform
Externalised process	++ Ex: none in the case studies	- Ex: most of the reforms discussed in constitutional convention in Ireland since 2013
Supermajoritarian process	++ Ex: <i>Quinquennat</i> in France in 2000	- Ex of attempt: Third <i>Bicamerale</i> in Italy, 1997-98
Majoritarian process	+/- Ex: Seanad reform in Ireland of 2013 “small” Irish reforms 2011-13 Federalism reform of 2001 in Italy	+/- Ex: constitutional reform of 2005 in Italy Electoral reform of 2005 in Italy Reordering of the electoral calendar in France

Note: ++ means that the reform is adopted by a majority going beyond the parties supporting the government, + that the reform is adopted by the majority/by a small margin, - that it is rejected or abandoned, -- that it is rejected and that there are defections inside the majority.

1- Consensual reform, externalised process

In the fifth chapter, I argue that for this type of reform, the general logic is to involve all actors in the process of reform as much as possible, including those outside of the political

system. As it concerns consensual reforms enjoying a great deal of popular support, and therefore bringing about positive outcomes for all of the actors within the political system, the dominant strategy consists of making sure that credit can be claimed for the reform, and therefore of ensuring involvement in the process. I have also argued that in such configurations, adoption should be relatively easy. These reforms are not actually expected to be very frequent: there would be many reasons to expect that, whenever possible, the government will try to claim credit for a popular reform idea by controlling its elaboration (see 3-). To date, at least, no instances of such reforms can be found in the three case studies. This might be the case at some point if topics such as voting rights for Irish emigrants are effectively implemented in the near future, based on the work of the constitutional convention; such measures appear to have the support of many Irish citizens and political parties. However, most of the reforms that are currently on the agenda of the constitutional convention are actually divisive (see 4-). This seems to confirm and expand the impasse already apparent to those who have studied citizens' assemblies: these devices are primarily created in order to deal with contentious issues such as electoral systems, or in the case of Ireland, the length of the presidential term, voting age, etc.. They don't tend to deal with consensual issues. Yet, at this point, the Irish case doesn't seem to provide decisive proof that externalised processes of reform make the adoption of consensual reforms easier either, insofar as the reformers appear to have little motivation to delegate the elaboration of consensual reforms. Indeed, given the fact that consensual reforms are dominated by outcome-contingent logics and credit-claiming strategies, the externalisation of consensual reforms would amount to deliberately sharing credit with external actors for the initiation of a popular institutional reform.

2- Consensual reform, supermajoritarian process

This second configuration of reform was encountered in the French case study, in relation to the shortening of the presidential term. This was the result of the country's particular institutional situation after the 1997 election, with the cohabitation of a Socialist PM and a Gaullist president. This situation of "divided majority" compelled the French political elites to collaborate, as both the president *and* the prime minister have some prerogatives regarding institutional reforms. Empirical evidence points towards a mix of collaboration between the majority and the opposition during the phase of elaboration of the content of the reform, and of the competition to be seen as the actor "responsible" for the reform during the adoption phase. In other words, in this configuration, I have argued that the dominant logic is one of credit-

claiming, and that the expected outcome would be the adoption of the reform by a large majority, regardless of the number of veto players or the referendum requirement.

The reform to introduce the *quinquennat* illustrated the double logic of competition and collaboration. The president of the Republic and his camp (the opposition) did indeed cooperate with the PM and his allies (the majority) in order to pass a popular reform in the parliament, but this was followed by a phase of competition to claim credit for a reform which had been supported by the vast majority of French people for decades. The credit-claiming logic was abundantly clear, and actors were quite self-aware of this imperative. For example, the lack of involvement of the left-wing parliamentary majority in the constitutional referendum called by the president, and therefore by the opposition, shows clearly how the main political actors tried both to claim credit for the reform and to minimise (in the eyes of the public) their opponents' degree of involvement in the final, positive outcome. Conversely, Chirac's decision to hold a referendum that was not constitutionally required for the adoption of that particular constitutional reform was a consequence of his fear of being excluded from the benefits of a popular reform. The reform was passed by a very comfortable margin, both in the parliament and during the referendum held a couple of months later, as a result of the agreement between the majority and the opposition on its merits.

To conclude, the cooperation between the majority and the opposition in France was forced upon them by the constitutional character of the modification, and the situation of a divided majority. In all likelihood, as illustrated by the reordering of the electoral calendar (6-), such cooperation would not have taken place if no institutional constraints had compelled the actors to act together. Going beyond the French case, it is arguable that situations in which the government and the opposition collaborate to pass a consensual institutional reform may actually be, if not exactly frequent, then at least relatively common. Indeed, in many countries, reforms of the core democratic rules, and constitutional reforms in particular, require a special procedure more stringent than that for the passing of ordinary legislation in the parliament. France, Ireland and Italy illustrate the consequences of the referendum requirement. However, supermajorities are also often necessary to pass a constitutional reform in parliament: in the US, for example, any constitutional amendment requires a supermajority of two-thirds of both houses of the Congress, *and* ratification by three-quarters of the states! In such cases, reformers who fight for the adoption of a given modification have greater incentives to work closely with the opposition, in order to have its support, notwithstanding the credit-sharing implicit in this set-up.

3- Consensual reform, majoritarian process

This case of reform is particularly interesting, and I believe it to be much more common than the two configurations mentioned above. This would suggest that the topics at stake are perceived as being popular with the public, and that the government decides to retain the upper hand on the elaboration of the reforms.

Thus, contrary to the previous configurations, the government here chooses not to collaborate with the opposition during the phase of elaboration of the reform, and therefore to claim credit for the reform without sharing the spoils with its main contenders. I argued that there is a particularly big chance in this situation that the opposition will switch positions before the process is over, being in favour at the beginning, and opposed at the end, particularly when a referendum is to be held during the final adoption phase, again as a result of outcome-contingent motivations. The rationale behind this assertion was that this would be a consequence of the exclusion of the opposition from the elaboration of the reform, and of the difficulty they would then have in claiming credit for the reform. Three examples of such reforms have been outlined in the case studies: the abolition of the Seanad in Ireland, the reform of Title V (the federal reform) in Italy in 2001, and the vast majority of the reforms that have been debated in Ireland since 2011.

The failure to abolish the Seanad in Ireland resulted, to a large degree, from the successful re-framing of the reform debate, which turned a consensual issue into a divisive one through criticism of the motives behind the referendum, and linked the issue with other contentious issues within the Irish institutional system, such as the matter of executive accountability. The constitutional reform of Title V in Italy in 2001 also offers an interesting example of this sort of configuration. The general objective of “federalism” was shared by political actors in both political camps, and was widely perceived to be a positive, popular reform that would benefit the entire Italian political system. Initially, the issue of federalism was embedded within a wider range of reforms (see 5-), involving both the opposition and the majority. The failure of this process following the dismissal of the Third *Bicamerale* led the centre-left majority to elaborate, this time on its own, a deep reform of Title V of the Italian constitution, which was eventually adopted through a confirmative referendum, but was opposed, at least “officially”, by the centre-right, both in the parliament and in the referendum campaign, on the grounds that the reform did not go “far enough”. Therefore, in both cases, there was evidence that the opposition, which had been excluded from the elaboration of the reform, felt the urge to hold a distinctly separate position from that of the majority, and partly or totally re-framed the issue at stake in order to

weaken the position of the government. However, in the case of the Seanad referendum, the reformers actively re-framed the debate in order to turn a single issue into a more complex one, embedded into multiple other dimensions of reform. In Italy, on the other hand, and despite the fact that the reform at stake was complex, the referendum on the issue largely consisted of asking one simple question: are you in favour of federalism? Moreover, the opposition was more cosmetic than anything else.

I argued in chapter 5 that it is harder to adopt a consensual reform when it is framed as a multidimensional issue, as it is highly likely that the existing consensus on a specific point will disappear when this issue is embedded into a wider frame. Moreover, the consequences of the exclusion of the opposition seem to be far less important for the outcome of consensual reforms when the final adoption takes place in the parliament, rather than in a referendum. Indeed, in such cases, the final outcome ultimately depends on the parliamentary majority: if this majority has enough seats in the parliament to pass the reform on its own, there is only so much that the opposition can or would want to do in order to reverse the final outcome on an issue that enjoys broad agreement. Indeed, insofar as the reforms of the core democratic rules tend not to be very popular with the general public, the credit-claiming logics are much less strong for issues that remain purely in the parliament. The conclusions may be different, however, in countries where reforms require supermajorities to pass: in such instances, it is probably a risky strategy for a government to attempt to claim credit for a consensual reform on its own by bypassing the opposition.

4- Divisive reform, externalised process

I have argued that such a configuration is particularly likely when the government is trying to shelve a topic that it considers too important to deal with, and where the government actually prefers the status quo. This may be the case, in particular, when a given agenda of institutional reforms is imposed upon the political elites by external pressures, as was the case in Ireland in 2011. It is quite striking to see, for example, how all of the experiences of citizens' assemblies on electoral reform eventually failed to lead to positive outcomes. Even though the existing Irish legislature is far from being over, the investigations in the Irish chapter show conclusively that the setting-up of the constitutional convention was a way of getting rid of certain important and divisive topics regarding institutional reform, such as electoral system reform in particular, but also other aspects, such as voting age and the length of the presidential term. There is still a great deal of uncertainty as to what the government will eventually put to a vote, either in the

parliament or through a referendum, with the current strategy consisting of moving the issues forward in time, later in the legislature. Therefore, the empirical evidence largely confirms that the most likely outcome of divisive reforms, when an externalised process of reform is put in place, is either the non-adoption of a reform proposed by the body to which the government has delegated the elaboration, or the non-discussion of the reform in the parliament, which is even more likely. This empirical evidence is completely in line with the findings on citizens assemblies conducted in Ontario, British Columbia, and the Netherlands, where divisive electoral reforms have failed to be adopted or even put to a vote (Fournier et al. 2011).

5- Divisive reform, supermajoritarian process

Of all of the six configurations of reform, I believe this one to be the least likely to lead to a positive outcome “in the real world”. What is more likely, however, is that the process will begin with collaboration between the opposition and the majority on a divisive issue, that this collaboration will end in the middle of the process, and that this will lead either to the abandonment of the reforms at stake, or to a switch to a majoritarian process of reform.

The example of the third *Bicamerale* in Italy presided over by D'Alema between 1999 and 2001 offers a good illustration of how the opposition and the majority failed to collaborate until the end of a project of constitutional reform that would have necessitated many substantial changes of the core democratic rules. Many of the provisions discussed over the course of the Bicameral Commission were abandoned altogether, whereas others led to a majoritarian process of adoption on the topic of federalism (see 3-). The reason why these reforms are particularly unlikely to succeed is straightforward: it is just very difficult to bring together the interests of the majority and of the opposition on divisive issues. The interests of these actors are likely to be totally distinct, and if such a reform is not particularly popular with public opinion, self-interested logics tend to prevail. This to some extent explains why, despite numerous attempts to reach a shared solution (shared by the majority and the opposition) on constitutional reforms in Italy, the antagonistic interests represented in the Italian Parliament were always a stumbling block. Overcoming the barriers to reform represented by such a configuration would imply both the opposition and the majority sharing of a set of “selfish” interests, a situation that could arise if “within-block” divisions inside the majority and the opposition prevail over “between-block” divisions. Some examples exist, such as the 4% threshold for European elections adopted by the big parties (PD, PDL) in 2009 in Italy in order to weaken their numerous, small coalition

partners. However, this situation is still quite exceptional, particularly in democracies based on a strong bipolar and alternating logic.

6- Divisive reform, majoritarian process

The last configuration is also probably the most frequent when it comes to the discussion of institutional reforms. It concerns divisive reforms, and processes during which the majority chooses to lead the process. When the majoritarian process is chosen to deal with such reforms, there are a number of possible final outcomes, which ultimately depend on the unity of the parliamentary majority.

The easiest situation is when the government can pass the reform on its own with the support of the parliamentary majority, because the majority is in agreement on the content of the reform. This implies, again, that no supermajority is required to pass the reform. In this case, the outcome is relatively straightforward: the opposition opposes, while the majority adopts the reform. The reordering of the electoral calendar in 2000 in France is a typical example: despite the fact that the RPR, particularly in the Senate, tried to slow down the reform in every way possible, as long as the Socialist Party, with the help of the centrists, had enough votes to pass the law in the parliament, the outcome was certain.

A second possible situation concerns moments when the majority supporting the government is divided on the reforms at stake, with opposite positions. In such cases, as the Italian case shows, both for the constitutional reform (at the parliamentary stage) and for the electoral reform, the crucial factor that enabled the reform to pass was the ability of the majority to construct a bundle of reforms, offering mutual concessions and “spoils” to each member of the coalition. The multifaceted character of the reforms, together with the uncertainty about their actual effects, and the actors’ misperceptions – each of whom believed that they had been the canniest of all, successfully led to the adoption of complex and substantial reforms, at least in the parliament. It is also important to note that in such cases, a positive outcome may occur at the expense of the general readability and efficiency of the reform, and that reform can only occur when the different actors have different priorities. Otherwise, it is not possible to distribute the “spoils” in such a way as to satisfy everyone.

The third possible outcome is that the government has no majority with which to pass the reform, or that this majority changes during the final stages of the adoption. The 2006 referendum on the constitutional reform in Italy provides a good illustration. The reform was

successfully adopted in the parliament thanks to the construction of a bundle of reforms during the parliamentary phase. Yet, the reform failed to pass the final hurdle, the referendum, as the 2006 election led to a switch of government majority (with the return of the centre-left), and to the defection of many centre-right voters. This also brings me back to the importance of timing for the final outcome of reforms. Rahat and Hazan suggest that, in the case of electoral reforms, delaying tactics serve as barriers to reform (2011, 487–488): procedural barriers, and the disagreement over content. Although the authors argue that these tactics cannot completely block a reform, the case studies suggest that they may be able to delay them for so long that the conditions favourable to a positive outcome may change.

To conclude, one can wonder how these empirical and theoretical findings could be expanded to other cases of reform. The empirical results on divisive reforms could certainly also be applied to major electoral reforms. For instance, the bundling logic found in the Italian case both for the electoral and the constitutional reform can be applied to other Italian reforms, including for instance the 1993 electoral reform where an agreement was also reached by accommodating in the text multiple incentives and priorities (Bedock 2011). I have also mentioned that the findings on externalised processes for divisive reform clearly echo the findings of authors who have worked on citizens' assemblies. We could multiply the examples, although a more promising research track could be to use a different method in order to investigate the applicability of these findings. In particular, the use of configurational methods and qualitative comparative analysis (QCA, Rihoux and Ragin 2009) seem particularly appropriate: the dependent variable is dichotomous (adoption/non-adoption), and a limited list of independent variables has been identified (the type of process, veto players, the type of reform, and its multifaceted character). It may therefore be possible to list a combination of variables observed in a larger dataset than the case studies presented here, in order to identify more systematically the conditions leading to reform and non-reform.

General conclusion

I started this thesis with the ambition of gaining a better understanding of the occurrence of change of the core democratic rules in Western Europe in the two last decades. These formal institutions contribute enormously to defining, and re-defining political competition, representation, and democracy. Consequently, it is important to understand not only how they function, but also how they are modified. This investigation has provided some answers to questions relating to the description of change, its contextual determinants, and the mechanisms leading to the successful adoption of a given reform. The main result of the thesis has consisted of showing that the primary determinant of the occurrence of change is not the difficulty in reforming the institutions, but rather, the conjunction of exogenous pressures making change more likely, and endogenous dynamics leading certain reforms to succeed and others to fail. The thesis has reached conclusions on four issues: the accurate description of the reforms of the core democratic rules that occurred in Western Europe from 1990 to 2010, the short and long-term determinants influencing the occurrence of reform, the dynamics of emergence of bundles of reforms, and finally, the link between the nature of the reform at stake, the process of reform, and the final outcome of a given proposal. The thesis leaves some issues unresolved, such as the degree of “real change” that has actually occurred, and leaves some blind spots, such as the issue of country patterns in the use of institutional engineering.

Through the study of six dimensions of change of the core democratic rules, the thesis has shown that reforms have happened in bundles 75% of the time, have moved towards greater institutional inclusion in two-thirds of the cases, and have been relatively frequent (on average, one reform every two and a half years). The evidence that most reforms tend to take place as part of a wider package of reforms in a single legislature reinforces the choice made, in the second part of the thesis, to study successful and unsuccessful reforms within a single bundle of reforms. The bundle of reforms as an analytical tool finds its theoretical justification in the inherently systemic and multidimensional character of the democratic institutions. The fact that the overwhelming majority of reforms of the core democratic rules happen within a bundle of reforms also shows that this is of strong empirical interest, and that there are very valid reasons to focus on institutional changes happening as part of a wider package deal and/or institutional sequence. The move towards greater inclusiveness is in line with the conclusions of Cain, Dalton and Scarrow, who argue that “in summary, institutional reform has expanded citizen access and participation in the political process” (2003c, 256). The empirical findings also confirm their

conclusions on the continuing predominant role of the representative form of democracy. Finally, compared with much of the existing literature, my findings dismiss the common assumption that changes to the formal institutional rules are exceptional. This is certainly because the database used is not limited to *major* changes of the core democratic rules. However, the theoretical implications are important, insofar as the findings replace institutional change as part of the everyday political life of consolidated European democracies. In other words, changing the formal institutional rules is neither the prerogative of democratising countries, nor of peculiar outliers such as Italy.

The “non-exceptionality” of these reforms is more apparent when one examines the long and short-term contextual determinants of the changes made to core democratic rules. In the long term, countries with low levels of public support for the political system tend to reform their institutions more often. In the short term, variables contributing to the prediction of more reforms in a given legislature include political alternation and rising volatility. Both of these factors occur frequently in consolidated democracies, and certainly do not fall within the realm of unforeseen, extraordinary conditions. Changing the core democratic rules, therefore, appears to result from the political elites’ response to certain challenges that they face, particularly in the electoral arena, confirming Mair, Müller, and Plasser’s hunch (2004b, 13). Therefore, the empirical findings of the first part of this thesis have tended to lean more towards an incremental, endogenous and pedestrianised vision of change, rather than an abrupt, *deus ex machina* and rare conception of institutional reform. To put it differently, change here resembles more gradual, or evolutionary institutional change (Mahoney and Thelen 2010b, Steinmo 2010, Streeck and Thelen 2005), rather than punctuated equilibrium (Baumgartner and Jones 1993, Jones and Baumgartner 2012). This constitutes an important finding in itself: indeed, the analysts focusing on incremental institutional change adopt a broad vision of institutions, which sometimes includes informal rules. There is evidence here that even the formal institutional rules which regulate democracy obey similar patterns.

Another major finding of the thesis on the contextual determinants of the occurrence of reform has been the evidence suggesting that neither constitutional rigidity nor the number of partisan veto players can be considered a main explanation for the number of reforms adopted. In the case of partisan veto players, some results even point towards the idea that many veto players may encourage, rather than discourage, reforms of the core democratic rules, whereas constitutional rigidity seems to have only a minor negative impact on the occurrence of reform in the short-term. These results are puzzling, and they put into perspective the main concurrent explanation that could have been advanced against the hypothesis of reforms as a response to

electoral challenges. However, one can only get a partial and imperfect understanding of the occurrence of reforms of core democratic rules if one fails to examine reforms that failed to be adopted *together* with successful reforms. This is the focus of the second part, examining three countries in which bundles of reforms have occurred, including reforms that succeeded and others that failed. The emergence of the reforms in Ireland, France and Italy has illustrated more precisely the findings of the fourth chapter in particular. Ireland provided a vivid illustration of the influence of a great electoral shock resulting from the economic crisis on the agenda of institutional reforms. It was clear in this particular example that the reforms of the core democratic rules that took place since 2011 were seen as part of the answer to the economic and political turmoil, which resulted in strong external pressure for the Irish political elites to reform the institutional system. France, on the other hand, showed that in a country characterised by a declining level of political support and in which the institutions were part of the everyday political battle for a long time, no strong external shock (such as that experienced in Ireland) was necessary for institutional reforms to be put on the agenda. France did experience political alternation in 1997, but the reforms largely resulted from the endogenous interactions of political elites, served by the favourable opportunity offered by cohabitation. Finally, the Italian example illustrated that in a context where the political system has taken a major blow, and been shaken to its foundations, a large sequence of institutional reforms may occur – even years after this shock, especially if the electoral environment and the party system prove particularly unstable, and if the level of political support is extremely low. The empirical evidence largely confirms the findings of previous studies, in particular those on electoral reform (Renwick 2010), showing that these reforms emerged either as a result of elite-mass interaction (as in Ireland), or through a process of elite majority imposition (as in France), or both (as in Italy). It seems, therefore, that there is no crucial difference between the mechanisms of emergence of electoral reforms, and the mechanisms of emergence of reforms of the core democratic rules more generally.

The main finding of the second part is the evidence that the final outcome of reform is dependent on the combination of the nature of the reform at stake, and the process used to adopt it. There are distinctive mechanisms leading to the adoption (or non-adoption) of consensual and divisive reforms, and depending on whether a majoritarian, supermajoritarian or externalised process is engaged, six configurations of reform may be identified.⁴⁷¹ Consensual reforms are dominated by act-contingent motivations. The main factor that explains why a consensual reform fails or succeeds is the ability of actors to claim credit for a popular measure. I have shown, in particular, that the perceived inability to claim credit when the majority takes over

⁴⁷¹ Cf. *supra*.

the process may provide an incentive for the opposition to re-frame the reform as a divisive issue, in order to weaken the parliamentary majority, particularly when a referendum will be making the final decision. In the Irish debate on Seanad abolition, the process of re-framing has consisted of repositioning a single, popular, issue as a multidimensional, complex, and contentious framework, with emphasis on other dimensions of the institutional system that were controversial and related to the alternative considered. The French case, where the consensual reform of the five-year term was conducted through a supermajoritarian process of reform, also showed the crucial importance of credit-claiming logics in explaining the behaviour of political actors, and the competition to appear to be the main promoter of the reform, while dismissing rivals' contributions. Divisive reforms obey a completely different set of motivations: as the actors cannot really capitalise on a reform which already enjoys widespread support, the main motivation in conducting a divisive reform is self-interest, understood broadly. As a result, the final outcome depends primarily on the fact that a party – or in the three cases examined, a coalition – supports an alternative, and has a sufficient majority to push through this alternative. Therefore, veto player dynamics are paramount. However, the Italian case shows that, even in cases where the parliamentary majority is extremely divided, reformers may have the ability to adopt substantial institutional reforms. This depends on their capacity to build a large bundle of reforms in which each player whose vote is needed to secure the deal obtains “spoils”, making trade-offs on other dimensions acceptable. The construction of such a bundle is made easier if the deal touches upon multiple dimensions in situations of relative uncertainty about the outcomes, as this makes it harder for the parties to accurately foresee the effects of the reform, and reinforces their view of the reform as an opportunity to win more than their counterparts as a result of the change. These findings can be related, in particular, to Rahat's conclusions on the politics of regime structure reform, as he evidences relatively similar dynamics in the building and re-building of coalitions at each stage of reform, and the play on ambiguity and uncertainty (2008). This result also shows that the number of veto players may not primarily influence the occurrence of reform, but rather, the level of complexity of the final product of reform.

The distinction between consensual and divisive reforms and the different set of mechanisms they entail constitutes one of this thesis' important conclusions. Indeed, insofar as most of the case studies focused on electoral reforms, much attention was devoted to the importance of self-interested motivations, and to the distinction between redistributive and efficient reforms (Tsebelis 1990). I argue that the most relevant analytical distinction may not consist of examining different dimensions of reform (electoral reform, decentralising reform, etc.), but rather of assessing the level of support reforms enjoy, both inside the political system

and with citizens. Here it is clear that different types of reform (consensual vs. divisive) entail very different types of behaviour, and this has an impact on the final outcome. However, the divisive or consensual character of reform does not depend on the dimension of reform examined, but rather on framing the pre-existing conceptions on a given alternative of reform, and the other dimensions with which it is examined. To take the example of the length of the presidential term in France, it is clear that the reform was consensual because it was examined *before* the reordering of the electoral calendar. Had the two reforms been examined together, the matter of the presidential term would certainly have become a divisive reform.

Some important questions have persisted, in the shadows, over the course of this demonstration. First, the seemingly simple question of “how much actual change”? Second, the importance of unique country patterns in relation to Irish, Italian and French political history. The first question is embedded in the context in which the examined reforms have taken place, i.e. the so-called “erosion of political support” (Dalton 2004). It has been argued that Western European democracies have never before faced such strong challenges to their legitimacy, outside of periods of war and historical disasters. These challenges have led some authors to talk about “democracy without a demos” (Mair 2006, 25), as a result of the joint processes of growing public indifference and elite disengagement regarding mass electoral politics. In such a context, the transformation of the core democratic rules is a major issue, as is commonly presented as a possible means of counter-acting these twin processes by re-engaging elites and citizens. That being said, assessing the “real” degree of change that has actually taken place is extremely hard. In the case of Ireland, in which the institutional reforms engaged were the result of external pressures, there is some evidence that thus far, the agenda of reforms has led to minor tinkering rather than to the democratic revolution promised in the 2011 election manifestos. In France, on the other hand, the reforms of the presidential term and the reordering of the calendar, which were largely presented as minor adjustments at the time, certainly had more significant consequences for French institutional practices than any other reform, other than the direct election of the president of the Republic. It effectively annihilated (until now at least) the possibility of cohabitation, and greatly accelerated the transformation of the French President into a “super prime minister” (Grossman and Sauger 2009, 424), as he is now elected in the same year as the MPs. In Italy, had the constitutional reform been adopted, it may have constituted a major institutional development, although it is impossible to know whether it would have changed the “core” nature of the Italian institutions. If one takes the examples of the 1993 and 2005 Italian electoral reforms, it is ultimately quite debatable as to whether they have led to any fundamental alteration within the Italian political system. Moreover, as Bowler and Donovan put

it, “there is a sense (...) that ‘true’ reform must promise a progressive component, an advance over some status quo, and a sense of improvement” (2013, 2). The same authors, while examining major electoral reforms, show that these reforms had a very limited impact on the actual behaviour of voters and parties. In conclusion, despite the fact of its importance, the issue of assessing the degree of change resulting from reforms of the core democratic rules may be the most difficult to tackle. It would be inaccurate to cynically conclude that “*plus ça change, plus c’est la même chose*”, and equally inaccurate to believe that seemingly small modifications necessarily have small consequences. Despite the fact that no institutional revolution in Western Europe has taken place in the last two decades, the institutions no longer look quite the same as in 1990. The actual impact of any reform, however, is highly contingent and unpredictable, and is heavily dependent on both the actors and the political context in each country. In other words, it is undoubtable that the scope of change depends largely on “unintended consequences” and “path dependence” (Hall and Taylor 1996, 938).

This leads me to the final consideration of this thesis: the importance of country patterns, something that I have deliberately mostly ignored in my demonstration. Most of the political science literature since the 1990s has centred on the renewed interest in the institutions, articulated through the three new institutionalisms (Hall and Taylor 1996). I want to return here, in particular, to historical institutionalism, which seeks to better understand the distinctiveness of national outcomes by examining the institutional organisation of their political and economic systems. As Steinmo emphasises, it is “neither a specific theory nor a specific method. It is best understood as an *approach*” (2008, 118). There have now been countless examples of influential works providing theoretical and empirical evidence that the major differences across countries can be explained by the structure of their institutions, which itself is a product of their national history, and shapes the strategies, alternatives, outcomes and preferences of the actors. Historical institutionalism’s major contribution has been to make actors “tak[e] history seriously”, firstly, by placing political outcomes in their historical context, demonstrating how agents can learn from their experiences, and also, by showing how actors’ preferences are shaped by the past (Steinmo 2008, 127). Using the historical institutionalist approach for this study, and particularly for the second part of the thesis, would have been a perfectly legitimate research strategy. In that case, I would have focused on the specificities of the French, Italian and Irish cases in order to understand why their institutions have not been reformed in the same way, and how the historical trajectories of these three countries influenced their use of institutional engineering. For instance, it is perfectly obvious that the alternatives that have been thought of as belonging to the range of reasonable possibilities for reform in Ireland since 2011 have been heavily influenced by previous

debates, and severely limited by the predilection of the Irish political system towards institutional stability since 1937. Similarly, the manner in which the electoral and constitutional debates were framed in Italy was greatly influenced, firstly, by the heritage of the First Republic, and secondly, by the traumatic experience that its demise represented for the political class. The debate on the presidential term in France was heavily influenced by the dominant vision of the French institutions since the advent of the Fifth Republic and the deep rejection of the Fourth Republic's so-called "*derive du régime parlementaire*". Moreover, the agitated institutional history has also served to turn institutional engineering into a perennial issue in the public debate. My thesis says little about these national trajectories. Rather, it tries to show that, *beyond* differences in the institutional structures and in the party systems, *beyond* historical paths, it is possible to say something about the occurrence of reforms of the core democratic rules in Ireland, France and Italy, and also more generally in consolidated democracies, by isolating particular factors that are decisive in explaining the final outcomes of reform, independently of specific countries' characteristics. In conclusion, this thesis is based on a variable-oriented rather than case-oriented strategy. This is not because it dismisses the findings of historical institutionalists in particular, but rather because, on a topic that has not been thoroughly investigated (the reforms of the core democratic rules from a multidimensional perspective), I feel the need to emphasise the importance of certain common factors (the level of political support, electoral challenges, the nature of the reforms and of the processes at stake) in explaining the variety of the outcomes observed, in order to go beyond a story about particular countries.

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Appendix

Appendix 1. Complete list of the reforms of the core democratic rules adopted in the 18 Western European democracies, 1990–2010

Country	Year	Dimension reformed	Content	Direction	Scope	Bundle
Austria	1992	Parliamentary reform	MPs are allowed to resign from their parliamentary seat in order to enter a cabinet, with the possibility to return when leaving the cabinet	inclusive	minor	Y
Austria	1992	Electoral reform	Introduction of an electoral tier in 43 districts, apportionnement of seats based on census, strengthening of preference voting. Hare methods is used for districts and Länder, d'Hondt at the national level	mixed logic	substantial	Y
Austria	1992	Decentralising reform	The responsibility for housing is transferred to the Länder. The lower levels of government are granted participation in EU decision making.	inclusive	minor	Y
Austria	1994	Direct election	Direct election of mayors authorised and implemented in 6 out of the 9 länder	inclusive	substantial	Y
Austria	1997	Parliamentary reform	Limit on the incomes of publicly elected officials	inclusive	minor	Y
Austria	1997	Decentralising reform	Consociational <i>proporz</i> abolished for two provincial governments	exclusive	minor	Y
Austria	2005	Parliamentary reform	Abolition of the automatic rotating presidency of the <i>Bundesrat</i> . The Provincial parliaments can appoint an alternative parliamentarian within the same party	inclusive	substantial	N
Austria	2007	Parliamentary reform	Increase of the duration of the legislature from 4 to 5 years	exclusive	substantial	Y
Austria	2007	Access to suffrage	Introduction of postal voting, lowering of the voting age from 18 to 16 for national and European elections, lowering of the age to be elected from 19 to 18	inclusive	minor	Y
Austria	2009	Direct democracy	Introduction of a provision in the constitution guaranteeing that people's initiative (<i>Volksbegehren</i>) will be treated by the next parliament	inclusive	minor	N
Belgium	1993	Parliamentary reform	Lowering of the size of the lower house from 212 to 150 and of the Senate from 184 to 71 (only 40 senators being directly elected). Authorisation for candidates to compete both for the Senate and the Chamber. Government limited to 15 ministers, vote of censure becomes harder, quorum for majority reduced to half of the members of parliament.	mixed logic	substantial	Y
Belgium	1993	Access to suffrage	Simplified procedure to vote for citizens living abroad	inclusive	minor	Y
Belgium	1993	Decentralising reform	Belgium becomes constitutionally a federal state. Huge increase in the competences of	inclusive	substantial	Y

the communities and of the regions: all competences not defined in the constitution are, in principle considered as federal. Increase of the number of provinces from 9 to 10

Belgium	1994	Electoral reform	Introduction of a gender quota stating that there is a maximum of two thirds of candidates of the same list of the same gender.	inclusive	minor	
Belgium	1995	Electoral reform	Introduction of multiple preferential vote	inclusive	minor	
Belgium	1998	Access to suffrage	Overseas residents are given the right to vote	inclusive	minor	N
Belgium	2000	Electoral reform	Increase of preference voting by reducing by 50% the weight of the list votes for determining the order of election of the individual candidates.	inclusive	minor	Y
Belgium	2001	Decentralising reform	Reform of the financing mechanisms of region, that are given significantly greater regional tax autonomy. Regions are given control over provincial and local laws, as well as responsibilities in overseas development, agriculture, trade and research	inclusive	substantial	Y
Belgium	2002	Parliamentary reform	Increase of the number of Brussels MPs from 75 to 89	inclusive	minor	Y
Belgium	2002	Access to suffrage	Introduction of the possibility for proxy vote	inclusive	minor	Y
Belgium	2002	Electoral reform	Strengthening of the gender quota, stipulating that one gender should have no more than 50% of the candidates of the list	inclusive	minor	Y
Belgium	2002	Electoral reform	Number of constituencies reduced from 20 to 11: now composed of 9 constituencies and Bruxelles Vilvoorde and Leuven (that see their size increase). Introduction of a 5% legal threshold at the constituency level, allocating the constituencies on the basis of the number of inhabitants (and not of the number of citizens). Removal of the second tier allocation, use of the d'Hondt method in all 11 constituencies	mixed logic	substantial	Y
Belgium	2003	Decentralising reform	Regions are given responsibility for the licensing of weapons	inclusive	minor	Y
Belgium	2006	Direct election	Introduction of the direct election of the mayors in Wallonia, the candidate with the biggest amount of preference votes being appointed mayor	inclusive	substantial	N
Belgium	2008	Decentralising reform	Agreement on the transfer of powers from Decentralising government to regions in the field of industrial policy and introduction of new measures to strengthen inter-regional cooperation	inclusive	minor	N
Denmark	2005	Decentralising reform	271 municipalities merged into 198. The Faroe Island is given greater power of Home Rule	mixed logic	substantial	Y

Denmark	2007	Decentralising reform	15 counties merged into 5 regions		exclusive	substantial	Y
Denmark	2008	Decentralising reform	Greenland is given greater power of Home Rule		inclusive	minor	N
Finland	1991	Decentralising reform	Autonomous province of Åland is given greater autonomy, its own legislative assembly, and 16 municipalities		inclusive	minor	Y
Finland	1992	Parliamentary reform	Most amendments can now be taken by normal majority		inclusive	minor	Y
Finland	1993	Decentralising reform	Creation of 19 regional councils indirectly elected by municipalities, responsible for regional planning, the distribution of government and EU funds, the development of enterprise and education. Municipalities are given power to collect tax on real estate.		inclusive	substantial	Y
Finland	1994	Direct election	Direct election of the president by a two-round system with universal suffrage		inclusive	substantial	Y
Finland	1994	Parliamentary reform	Repeal of the minority delaying mechanism except for constitutional amendments and rights to social assistance		exclusive	substantial	Y
Finland	1995	Access to suffrage	Lowering of the voting age by 6 months (still 18)		inclusive	minor	Y
Finland	1995	Decentralising reform	Government Act lays down powers, rights and obligations of local authorities, as well as their mechanisms for joint cooperation. Local authorities are given more flexibility but mergers are also encouraged.		inclusive	minor	Y
Finland	1998	Electoral reform	Changing of the borders of the 15 constituencies to align them with the borders of the counties		mixed logic	minor	Y
Finland	2000	Parliamentary reform	Introduction of a new constitution. Reduction of the powers of the president. The Prime Minister is now chosen by the Parliament rather than the president. Fewer capacities of the president to nominate civil servants, reinforced leadership of the PM in government decision-making, reduction of the legislative powers of the president, reduced capacity of the president to decide on executive resignation		inclusive	substantial	N
Finland	2005	Decentralising reform	Regional council of Ålanku directly elected as part of an experiment in regional self-government. Some competences are delegated by local and central government		inclusive	minor	N
Finland	2007	Decentralising reform	Encouragement of municipalities to merge, obligation to cooperate in the field of health care		exclusive	minor	N
France	1991	Decentralising reform	Corsica is granted extensive power for economic, social and cultural development		inclusive	minor	Y
France	1992	Decentralising reform	Territorial Administration Act creates mechanisms for inter-municipal cooperation (“ <i>communautés de communes</i> ”) in certain policy areas (e.g. economic development,		inclusive	minor	Y

France	1995	Parliamentary reform	environment, planning, sports). Consultative municipal referenda are permitted and extra rights are granted to opposition in elected local authority assemblies.			
			Simplification of the rules of immunity for the prosecution of parliamentarians. Unification of the two annual parliamentary sessions in a single one. Inclusion of a compulsory weekly session of " <i>questions au gouvernement</i> ", introduction of a parliamentary reserved session for private members bills, widening of the use of referenda (that can now cover social security, education and privatisation, but still not bear on moral issues)	mixed logic	minor	Y
France	1999	Decentralising reform	Abolishment of some structures of inter-municipal cooperations replaced by " <i>communautés d'agglomération</i> " for big cities	exclusive	minor	Y
France	2000	Parliamentary reform	Term of the president shortened from 7 to 5 years	inclusive	substantial	Y
France	2001	Electoral reform	Reform of the election of the senate. The majoritarian system is now used only in small <i>départements</i> (electing between 1 and 3 seats). Proportional representation is used in other cases. The previous system used the majoritarian electoral system for all <i>départements</i> electing between 1 and 4 seats. Introduction of the alternation between male and female candidates in lists (<i>parité</i>)	inclusive	minor	Y
France	2002	Decentralising reform	Corsica gains entitlement for additional state subsidies as well as enhanced authority over education, culture, environment, agriculture, transport, housing, and social policy	inclusive	minor	Y
France	2003	Parliamentary reform	Progressive increase in the membership of the Senate from 323 to 348, length of the term reduced from 9 to 6 years, age limit to be able to get elected reduced from 35 to 30 years	inclusive	substantial	Y
France	2003	Decentralising reform	Constitution specifies that the organisation of France is "decentralised". Principles of devolution and financial autonomy for local authorities are placed in Article 72 of the French Constitution. Other Constitutional reforms confirm the existence of asymmetric exceptions for Corsica and TOM-DOM, which can change their territorial organisation by local referendum, and can even contest national laws that infringe their particular characteristics. Legislation sees regional competences consolidated in vocational training, secondary schools, regional and town planning, rail transport, environment and culture. Constitutional guarantee of the existence of regions as well as introduction of opportunities for experimentation	inclusive	substantial	Y
France	2004	Electoral reform	Replacement of the national constituency by several meta-regional constituencies for the EP elections	exclusive	minor	Y

France	2004	Direct election	Replacement of the PR system for regional elections by a two-round system for regional election with PR and majority bonus	mixed logic	minor	Y
France	2008	Parliamentary reform	President can now address houses of parliament, greater control of the assembly and the senate over the legislative agenda. Restriction of the possibilities of use of the article 49.3 to budget laws and provisions about Social security (previously granting the possibility to pass a law unless a non-confidence vote is adopted). Limitation of the presidential mandate limited to 2 terms	inclusive	minor	Y
France	2008	Direct democracy	Introduction of provisions for a combination of parliamentarians and citizens to organise popular referendums	inclusive	minor	Y
France	2008	Access to suffrage	Introduction of constituencies for citizens living abroad (electing 11 MPs)	inclusive	minor	Y
France	2009	Electoral reform	Change of the boundaries for the parliamentary elections	mixed logic	minor	Y
France	2010	Electoral reform	Concomitance of the renewal of the <i>conseillers généraux</i> and the <i>conseillers régionaux</i> in order to prepare for the future election of the " <i>conseiller territorial</i> " in 2014 (replacing former provincial and regional councillors). For this period of transition, the duration of the term of the <i>conseillers régionaux</i> is set up to 4 years (election in 2010) and of the <i>conseillers généraux</i> to 3 years (election in 2011)	exclusive	minor	Y
France	2010	Decentralising reform	Profound modification of the architecture of the local levels in France. Replacement of the <i>conseillers régionaux</i> and <i>généralux</i> by a new local mandate (" <i>conseiller territorial</i> "), seating both in the région and the <i>département</i> , elected for 6 years with a two-round system. Change of the boundaries of the <i>cantons</i> . Possibility for regions and cantons to merge after the agreement through referendum of the population. Creation of a new type of <i>établissement public de coopération intercommunale</i> , the " <i>métropole</i> " for agglomerations of more than 500 000 inhabitants. Mechanisms to facilitate the merging of municipalities. Specialisation of the competences of the <i>départements</i> and the <i>régions</i> so that from 2015 on they don't have anymore the " <i>clause de compétence générale</i> " (general competency clause). significant reduction of the number of persons elected at the local level: 3 493 <i>conseillers territoriaux</i> , whereas there were 6 000 <i>conseillers généraux et régionaux</i>	exclusive	substantial	Y
Germany	1992	Decentralising reform	Amendment of the Basic Law to give German Lander direct involvement in EU decision-making.	inclusive	minor	Y
Germany	1994	Decentralising reform	Modest increase in the legislative powers of the <i>Lander</i> and more clearly defined separation of legislative powers between federal and <i>Land</i> levels.	inclusive	minor	Y

Germany	1996	Parliamentary reform	Drop of the number of MPs elected in Single Member districts from 328 to 299, reducing overall the size of the <i>Bundestag</i> from 656 to 598. Hesse obtains 1 more vote in the <i>Bundesrat</i> because of population growth	exclusive	minor	N
Germany	2002	Decentralising reform	Law amending the Constitution with regard to the distribution of judicial powers between the Federal State and the <i>Länder</i>	inclusive	minor	N
Germany	2006	Decentralising reform	Major agreement on federal reform reached between federation and <i>Länder</i> : inclusive separation of the legislative responsibilities between national and regional levels, partly by almost eliminating the use of framework laws. Reduction of the proportion of national legislation that requires the <i>Bundestag</i> approval (60 to 40%), but also increases autonomy of German <i>Länder</i> in other policy areas (education, judiciary, commerce).	inclusive	substantial	Y
Germany	2009	Decentralising reform	Constitutional change that limits the ability of national and <i>Land</i> governments to increase the public debt	exclusive	minor	Y
Greece	1990	Electoral reform	Introduction of a pure PR system with a 3% national threshold to access the Parliament	inclusive	substantial	Y
Greece	1990	Direct election	Introduction of the direct election of the mayors with a two-round system	inclusive	substantial	Y
Greece	1993	Electoral reform	Incorporation of a “bonus” of seats for the party winning the most votes, sufficient to secure a parliamentary majority	exclusive	substantial	N
Greece	1994	Decentralising reform	Introduction of directly elected prefects and prefectural councils, a meso level between municipality and State (n.b. distinct from 13 development regions created by central government in 1988 and entirely nominated). Delegation to these new entites of competences over development funding, education, health and hospitals, roads and transport, and the right to establish agencies.	inclusive	substantial	Y
Greece	1994	Direct election	Direction election of prefects and prefectural councils on the same model as mayors, run-off system	inclusive	substantial	Y
Greece	1997	Decentralising reform	Merger of several thousand nonviable municipalities into 804 new ones.	exclusive	substantial	N
Greece	2001	Decentralising reform	Constitutional amendment strengthening regional government and recognising the existence of two levels of localities.	inclusive	minor	Y
Greece	2006	Direct election	Lowering of the threshold to be elected in the first round from 50 to 42%	inclusive	minor	Y
Greece	2007	Electoral reform	“Bonus” retained but limited to 40 seats, with the other 260 seats are distributed entirely on a proportional basis. Any winning party must secure at least 42.5% of the	inclusive	minor	Y

vote to have a parliamentary majority

Iceland	1991	Parliamentary reform	Unicameral legislature introduced to replace the former tri-cameral system (upper, lower, and joint houses). The governing majority becomes 32 (previously 33) out of 63 seats	substantial	N
Iceland	1995	Electoral reform	Removal of the “vagabond” seat which is now attributed to the constituency of Reykjavik.	minor	N
Iceland	1998	Decentralising reform	Outlining of the rights and responsibilities of the local governments in Iceland, which are historically powerful, largely autonomous in fiscal terms, and have a degree of legislative capacity.	minor	N
Iceland	1999	Electoral reform	Reduction of the number of constituencies from 8 to 6 with 6 seats each minimum. Introduction of a 5% threshold, shift to d'Hondt method. National Election Board is allowed to reduce territorial discrepancies, in order to reduce the surrepresentation of the countryside	substantial	Y
Iceland	2000	Decentralising reform	Number of municipalities falls to 124	minor	Y
Iceland	2006	Decentralising reform	Number of municipalities falls to 79	minor	N
Iceland	2010	Decentralising reform	Number of municipalities falls to 77	minor	Y
Ireland	1991	Decentralising reform	Creation of 8 regional authorities to monitor and coordinate implementation of EU structural funds, indirectly elected by local authorities.	substantial	N
Ireland	1998	Decentralising reform	Creation of two regional assemblies to monitor and coordinate implementation of EU structural funds, indirectly elected by local authorities. This complements (and does not replace) the 8 regional authorities created in 1991. Local Government Act approves a two-tier structure composed of town councils (lower tier) and county or city councils (upper tier). Replacement of the Urban District Councils and Town Commissioner Boards.	substantial	Y
Ireland	1999	Decentralising reform	Constitutional amendment recognising the role of local government for local democracy, saying that the local authorities should be elected every five years	minor	Y
Ireland	2001	Decentralising reform	The 2001 Act simplified the local government structure, in which the principal tier of local government (county and city councils) covers the entire territory of the state and have general responsibility for all functions of local government except in 80 towns within the territory of county councils, where the lower tier (town councils) exists with more limited functions. The five county boroughs of Dublin, Cork, Galway,	minor	Y

Waterford, and Limerick were re-styled as city councils under the Act, with the same status in law as county councils. It meant the abolition of urban district councils, of boards of two commissioners, that were renamed town councils

Ireland	2003	Decentralising reform	End of the “dual mandate” by introducing a rule forbidding members of parliament to run in local elections, while local councillors can no longer stand for the parliament	inclusive	minor	N
Ireland	2010	Direct election	Introduction of the legislation to allow the direct election of mayors	inclusive	minor	N
Italy	1991	Electoral reform	Suppression of the preference vote for Parliamentary elections	exclusive	minor	N
Italy	1993	Decentralising reform	Regional governments obtain the right to raise several of their own taxes including vehicle tax, an annual surtax, a special tax on diesel cars, health taxes and a university fee. Regions set the rate within centrally determined limits	inclusive	substantial	Y
Italy	1993	Electoral reform	Replacement of PR by a mixed-member majoritarian system, with 75% of the MPs elected in single-member districts, and 25% by compensatory list votes, both for the Lower Chamber and the Senate	mixed logic	substantial	Y
Italy	1993	Direct election	New electoral laws introduce the direct election of Mayor and Provincial President through a two round ballot, a secure governing majority (60% seats) for party lists linked to winning Mayoral or Presidential candidate.	inclusive	substantial	Y
Italy	1995	Direct election	Introduction of the direct election of the presidents of regions with a two-round ballot	inclusive	substantial	N
Italy	1997	Decentralising reform	Empowerment of the central government to transfer administrative responsibilities to the regions in the areas of their competence. Limitation on the exercise of central and bureaucratic controls. Ordinary regions are allowed to set their rate of personal income tax up to a nationally determined ceiling	inclusive	minor	Y
Italy	1999	Direct election	Constitutional reform secures the direct election of Regional Presidents through a one round system, and guarantees them a secure majority in the legislature (Regional Council). Mayors cannot hold office for more than two terms of 4 years	inclusive	minor	Y
Italy	2001	Decentralising reform	Centre-left reform modifies the Article V of the Constitution and grants greater autonomy to regional governments, which obtain all powers not reserved for national government in the Constitution. Ordinary regions can set the rate on their share of value added tax. Introduction of an equalisation fund that obliges the state to subsidise poorer regions. The five special regions (and Bolzano-Bozen and Trento) have particular arrangements whereby they receive a share of taxes collected in their	inclusive	substantial	Y

jurisdictions					
Italy	2001	Direct election	Direct election of the Regional President in Special Status regions introduced via Constitutional amendment. Now applies to all Italian regions except Val d'Aosta and province of Bolzano.	inclusive	minor Y
Italy	2005	Electoral reform	Replacement of the mixed-member majoritarian electoral system by a PR with majority bonus for the larger coalition	mixed logic	substantial Y
Italy	2005	Decentralising reform	Modification of 50 Constitutional articles, which would have transformed Italy into a "federal state". Increase of the competences of regions, the Chamber would develop exclusive authority on issues of exclusive national competence and would determine government formation and transformed bi-cameral symmetry of national parliament into an asymmetrical arrangement with federal features. The Senate would develop exclusive authority on issues of shared competence between national and regional levels, the Chamber would develop exclusive authority on issues of exclusive national competence and would determine government formation. (This reform was eventually repelled by a referendum)	mixed logic	substantial Y
Italy	2005	Access to suffrage	Introduction of overseas constituencies	inclusive	minor Y
Luxembourg	2000	Decentralising reform	70 inter-municipal joint bodies are created for the existing 118 municipalities.	inclusive	minor Y
Luxembourg	2003	Access to suffrage	Voting rights for local elections are also granted to non-EU citizens living in Luxembourg	inclusive	minor Y
Luxembourg	2005	Direct democracy	Legislation approved for the possibility to organise popular referendum, requiring support of 25,000 voter or 1/4 MPs	inclusive	substantial Y
Luxembourg	2008	Access to suffrage	Time for registration of voters reduced from 1 year to 3 months, and duration of residence requirement lowered from 5 to 2 years.	inclusive	minor Y
Luxembourg	2008	Electoral reform	Change in electoral system for EP elections, with possibility to express 2 preferences for the same candidate (as with general elections), and a total of 6 candidates per party list.	inclusive	minor Y
Netherlands	1994	Decentralising reform	A revision of the Provinces Act limited the supervision of central government, abolished <i>ex ante</i> control and replaced them with <i>ex post</i> (legality) controls.	inclusive	minor N
Netherlands	1997	Electoral reform	Threshold for the preference vote was reduced from 50% to 25% of the Hare quota	inclusive	minor Y
Netherlands	2004	Direct democracy	Authorisation of citizen-petitioned local and national consultative referendums	inclusive	substantial Y

Netherlands	2010	Electoral reform	Rise of the threshold for preferential vote in the indirect election of the upper house. Party lists can no longer be linked after elections	exclusive	minor	
Norway	1992	Decentralising reform	Adoption of some centralising measures but also allows local government increased freedom in the structure of council and committees, and increased control over the structure of taxation.	mixed logic	minor	N
Norway	2003	Electoral reform	The new system consists of 150 geographical district candidates and 19 adjustment candidates (1 per constituency). Prior to this reform there were only 8 adjustment candidates. The countryside remains over-represented, although parties agree to re-evaluate distribution formula every 8 years.	inclusive	minor	Y
Norway	2003	Parliamentary reform	Increase in the number of parliamentarians from 165 to 169	inclusive	minor	Y
Norway	2007	Parliamentary reform	Repeal of the division of the <i>Storting</i> into two chambers (the <i>Odelsting</i> and the <i>Lagting</i>), new bills will need to be passed twice by the plenary <i>Storting</i> . A new bill is rejected if it does not pass the first vote. If the same bill is passed in two subsequent meetings, the motion is carried. If the new bill is not accepted in the second parliamentary meeting, it must be evaluated a third and final time. If the third vote is negative, the new bill proposal is rejected; if it passes the third time, it will become law upon royal assent.	inclusive	substantial	Y
Portugal	1991	Access to suffrage	Among parliamentarians, 226 are elected in the national territory, 2 from Portuguese in other European countries, and 2 from Portuguese in Macau and other non-European countries). Allocation is ensured through PR using the d'Hondt method as before	exclusive	minor	Y
Portugal	1991	Parliamentary reform	Reduction of the number of the national parliamentarians from 250 to 230	exclusive	minor	Y
Portugal	1991	Decentralising reform	Increase in the regional powers of Madeira following that of Azores	inclusive	minor	Y
Portugal	1997	Parliamentary reform	Reduction of the number of national parliamentarians from 230 to 180	exclusive	substantial	Y
Portugal	1997	Electoral reform	Creation through a constitutional reform of the possibility for some uninominal districts to be introduced alongside existing plurinominal constituencies	exclusive	minor	Y
Portugal	1997	Direct democracy	Constitutional amendment allows citizens to propose a referendum, which must be approved by Parliament before it is held.	inclusive	substantial	Y
Portugal	1997	Access to suffrage	Constitutional reform of 1997 creates the possibility for emigrants to vote in presidential from 2001. Overseas residents are granted the right to vote in presidential elections and referenda but only through a personal vote in their local consulate.	inclusive	minor	Y

Portugal	1998	Direct democracy	Reform introduced a 50% + 1 quorum for the popular referendums to become binding.	exclusive	minor	Y
Portugal	1998	Decentralising reform	Increase in the powers of the two autonomous regions of Azores and Madeira through statute reform.	inclusive	minor	Y
Portugal	2000	Parliamentary reform	MPs can no longer suspend their mandates by finding temporary substitutes, while membership in the parliament becomes incompatible with the fact of holding positions in the public sector, local government, and European Parliament. If an MP owns more than 10% of a firm, this firm cannot have any public sector contracts. Restrictions introduced to prevent the abuse of immunity of MPs in relation to legal proceedings.	inclusive	minor	N
Portugal	2003	Decentralising reform	Greater autonomy granted to greater metropolitan areas (GMA), incorporating a minimum of 9 municipalities and 350,000 inhabitants	inclusive	minor	Y
Portugal	2006	Decentralising reform	Constitutional amendment replaces the Minister of the Republic to Azores and Madeira with a less powerful Representative of Republic.	exclusive	minor	N
Portugal	2009	Decentralising reform	New revision of the statute of the Azores	inclusive	minor	N
Spain	1993	Decentralising reform	Change in financing laws to allow regional governments to raise 15% of own taxation (share of income tax and certain forms of indirect taxation)	inclusive	substantial	N
Spain	1996	Decentralising reform	Change in the rules of regional financing allows regional governments to raise 30% of own taxation (share of income tax and certain forms of indirect taxation).	inclusive	substantial	N
Spain	2006	Decentralising reform	Catalan Statute approved by the Spanish parliament, which grants the region of Catalonia more extensive/defined policy competences, and establishes mechanisms for greater regional fiscal autonomy.	inclusive	minor	Y
Sweden	1991	Decentralising reform	New Local Government Act provides greater freedom for municipalities to organise and new competences in education	inclusive	minor	N
Sweden	1994	Electoral reform	Introduction of single preference voting from the 1998 elections. This allows the candidate with the highest number of preference votes to come top of ballot, although it requires at least 8% of total preference votes for that candidate's party in that constituency (threshold is only 5% in municipal, county, and European elections).	exclusive	minor	Y
Sweden	1994	Parliamentary reform	Increase in the length of legislature from 3 to 4 years.	exclusive	substantial	Y
Sweden	1995	Electoral reform	Introduction of preference vote for European elections	inclusive	minor	Y

Sweden	1997	Decentralising reform	Two regions are formed (Västra Götaland, Skåne) from the merger of 3 and 2 counties respectively. They co-exist with 19 counties in the rest of Sweden. The regions contain elected councils (PR every 4 years) and a regional executive commission. They take over responsibility for the functions of county councils (mainly healthcare), but have also been delegated new competences from the central government on economic growth and regional infrastructure.	inclusive	minor	Y
Sweden	1998	Electoral reform	Voters cannot add or cross out candidates, and competing lists in same party cannot have ballot access, reinforcing power of party leadership vis-à-vis internal factions.	exclusive	minor	Y
Switzerland	1991	Access to suffrage	Reduction of the voting age for Swiss citizens to 18	inclusive	minor	N
Switzerland	1992	Access to suffrage	Swiss citizens living abroad are allowed to vote in federal elections and ballots and to append their signature to popular initiatives and referendums by correspondence from their foreign domicile.	inclusive	minor	N
Switzerland	1999	Decentralising reform	Constitutional amendment gives cantons the right to participate in Swiss foreign policy.	inclusive	minor	Y
Switzerland	1999	Access to suffrage	Postal voting is now possible for everybody in federal/cantonal elections/referendums.	inclusive	minor	Y
UK	1996	Decentralising reform	Two tier system of local government is replaced by a single tier system in Scotland and Wales. England continues to contain a complicated patchwork of single tier and two tier systems.	exclusive	minor	N
UK	1997	Electoral reform	Introduction of mixed-member electoral systems in devolved Scotland, Wales and Northern Ireland	inclusive	substantial	Y
UK	1997	Decentralising reform	Devolution legislation approved by incoming Labour government, granting a large number of competences to the newly created devolved assemblies.	inclusive	substantial	Y
UK	1998	Decentralising reform	8 Regional Assemblies are created in England (in addition to London) to monitor activities of the Regional Development Agencies.	exclusive	minor	Y
UK	1999	Parliamentary reform	Hereditary peerages abolished except for 92 hereditary Lords “elected” by their peers, who will stay in post (and pass on their peerages)	inclusive	minor	Y
UK	1999	Access to suffrage	Reform of postal and proxy voting that makes it much easier for somebody away from their place of residence to vote	inclusive	minor	Y

UK	2000	Direct election	Introduction of the direct election of the mayor of London. Local Government Act of 2000 also introduced the possibility of introducing the direct election of mayors at the municipal level, if this reform is initiated by the district and supported in a referendum.	inclusive	minor	Y
UK	2001	Access to suffrage	The new rules make it unnecessary to give a reason and no requirement for an attestation of illness to use proxy or postal voting	inclusive	minor	Y
UK	2002	Parliamentary reform	Reduction of the number of Scottish MPs from 72 to 59 from the 2005 election, as a result of the process of devolution to the Scottish Parliament, and in order to reduce the over-representation of Scottish MPs in Westminster. House of Lords Appointment Commission formally reduces ministerial power and discretion in the nomination of members of the upper house. Introduction of salaries for Committee chairs, making them more independent of government.	mixed logic	minor	Y
UK	2004	Electoral reform	STV electoral system introduced for local elections in Scotland (alongside with the Mixed-member proportional system for regional elections, the Westminster system for general elections, and the D'Hondt PR system for European elections).	inclusive	minor	Y
UK	2006	Decentralising reform	Government of Wales Act grants greater legislative competences for the Welsh Assembly	inclusive	minor	Y
UK	2007	Decentralising reform	Restoration of the Northern Ireland Assembly restored after an agreement between the Ulster Unionists and the Irish Nationalist parties. Further devolution of competences to Northern Ireland.	inclusive	minor	Y

Source: Bedock, Mair, Wilson 2012 and my own further elaborations

Appendix 2. Detailed criteria of classification of reforms in function of their scope (substantial vs. minor)

A substantial institutional reform can be defined as *a reform that substantially alters the balance of power and the relationship between parties, executive and legislative, or citizens and political elites.*

1. Electoral reforms regulating the translation of votes into seats and the expression of votes adopted at the national level

In classifying electoral reforms as either major or minor electoral reforms, I have used Jacobs and Leyenaar's conceptualisation (2011, 497), which is a very precise categorisation of the scope of reforms. I also chose to ignore the distinction between minor and technical electoral reforms, combining the "minor" and "technical" categories into the single category of minor reforms, as the most crucial distinction is between major reforms and all others.

Table 1: Conceptualization of electoral reform

Dimension	Major	Minor	Technical
1. <i>Proportionality</i>	<ul style="list-style-type: none"> Change in category of electoral formula Average district magnitude, effective threshold: $X > 20\%$ change 	<ul style="list-style-type: none"> Change within category of electoral formula Average district magnitude, effective threshold: $1\% < X < 20\%$ change Redistricting: affecting $X > 1\%$ of inhabitants 	<ul style="list-style-type: none"> Average district magnitude, effective threshold: $X < 1\%$ change Redistricting: affecting $X < 1\%$ of inhabitants
2. <i>Election levels</i>	<ul style="list-style-type: none"> Introduction direct election president/prime minister 	<ul style="list-style-type: none"> Introduction direct election non-national public figures for $X > 1\%$ of the electorate Introduction new layer for $X > 1\%$ of the electorate 	<ul style="list-style-type: none"> Introduction direct election non-national public figures for $X < 1\%$ of the electorate Introduction new layer for $X < 1\%$ of the electorate
3. <i>Inclusiveness</i>	<ul style="list-style-type: none"> Expansion of the electorate $X > 20\%$ Compulsory voting: yes or no 	<ul style="list-style-type: none"> Expansion of the electorate: $1\% < X < 20\%$ change Registration: <ul style="list-style-type: none"> * Cost: free or not * Individual or state Compulsory voting: change in actual enforcement: yes or no 	<ul style="list-style-type: none"> Expansion of the electorate: $X < 1\%$ change Registration: <ul style="list-style-type: none"> * Cost: lowering cost * Role individual: lowering burden for individual Compulsory voting: other changes
4. <i>Ballot structure</i>	<ul style="list-style-type: none"> Ballot choice: <ul style="list-style-type: none"> * Type of ballot structure changes Candidate choice <ul style="list-style-type: none"> * Introduction/repeal of quotas $X > 20\%$ of the candidates Party choice <ul style="list-style-type: none"> * Introduction/repeal/change registration requirements $X > 20\%$ of parties 	<ul style="list-style-type: none"> Ballot choice: <ul style="list-style-type: none"> * Number of votes : $X > 20\%$ change * Impact of votes: $X > 20\%$ change Candidate choice: <ul style="list-style-type: none"> * Change in quota: $X > 20\%$ * Introduction quota $1\% < X < 20\%$ Party choice <ul style="list-style-type: none"> * Change in requirements: $1\% < X < 20\%$ of parties 	<ul style="list-style-type: none"> Ballot choice: <ul style="list-style-type: none"> * Number of votes : $X < 20\%$ change * Impact of votes: $X < 20\%$ change Candidate choice: <ul style="list-style-type: none"> * Change in quota: $X < 20\%$ * Introduction quota $X < 1\%$ Party choice <ul style="list-style-type: none"> * Change in requirements: $X < 1\%$
5. <i>Electoral procedures</i>		<ul style="list-style-type: none"> Change between EMB category 	<ul style="list-style-type: none"> All other changes in how and when elections are organized?*

* Given the limited research on electoral procedures, this category is still fairly underdeveloped. It may well be that more reforms merit the label 'minor' or even 'major'. The question mark seeks to highlight this and urges other scholars to focus on elaborating the fifth dimension.

The substantial reforms here correspond to the "major reforms" regarding proportionality and ballot structures.

One should note that what the authors classify as reforms affecting "inclusiveness" were not classified as belonging to this first category, but within the category of reform concerning the access to vote, and also that what the authors refer to as reforms concerning "election levels", belong to the category of reform concerning the direct election of the head executive.

Other cases listed as substantial reforms:

- Introduction of a national threshold for representation in parliament
- Introduction of a new electoral formula at local or subnational levels for the whole country

Other cases listed as minor reforms:

- Introduction of regional electoral tiers
- Introduction or modification of a majority bonus for the winning party while keeping the same electoral formula
- Introduction or suppression of preference vote while keeping the same electoral formula

2. Parliamentary reforms

Parliamentary reforms that have been classified as substantial:

- Increase or decrease by more than 20% of the size of the parliament
- Increase or decrease by more than 20% of the duration of the term (president, MPs, senators)
- **Constitutional** change modifying the formal balance of powers between the executive and the legislative (between president and parliament, between the different chambers)
- Adoption of a new constitution
- Introduction or suppression of one or several upper chambers

Parliamentary reforms that have been classified as minor:

- Change of the parliamentary procedures within the same constitutional framework (rules to enter cabinet, incomes of public officials, duration of sessions, ...)
- Relaxing or introduction of special parliamentary procedures (emergency procedures, simplified votes) without a formal change in the balance of powers between executive and legislative

3. Federal reforms or decentralisation reforms

For the definition of the criteria, I have used extensively those proposed by Hooghe, Marks, and Schakel (2010).

Federal/ decentralisation reforms that have been classified as substantial:

In all of the following criteria, we considered the reform as substantial ONLY if the reforms concerned the totality or the vast majority of a given set of subnational entities, i.e. the general rule for a given layer of regional or local authority.

- A unitary state becomes federal (or the opposite)
- Introduction of a new subnational level of authority
- Number of municipalities reduced by more than 20%
- Number of subnational entities increased or reduced by more than 20% for a given layer or regional authority
- Subnational entities for the first time gain some authority in one or several of the following areas: economy, education, welfare
- Subnational entities gain some authority in immigration, citizenship, police, justice
- Subnational entities gain some fiscal autonomy
- Subnational entities given direct involvement in national or EU decision making

Federal/ decentralisation reforms that have been classified as minor:

- Only one or less than 20% of the subnational entities gain some new policy competences, representation or tax autonomy
- All reforms concerning inter-municipal cooperation
- Limit on the control of central governments

4. Reforms of the direct election of the head executive/president

Direct election reforms that have been classified as substantial:

- First introduction of the direct election of mayors or presidents of regions for all or the great majority of the municipalities/regions/provinces of the territory

Direct election reforms that have been classified as minor:

- Introduction of direct election for less than 20% of the municipalities, regions or provinces

N.B. for the case of Belgium, the introduction of the direct election of mayors in Wallonia in 2006 was considered a substantial reform even though the new measure did not concern the majority of the Belgian population, given the particular situation of the country and the extreme separation between the two linguistic communities.

5. Reforms of direct democracy at the national level

Direct democracy reforms that have been classified as substantial:

- First historical introduction of mechanisms of citizens' initiative / direct democracy

Direct democracy reforms that have been classified as minor:

- All other modifications regarding access and conditions of use of citizens' initiative or direct democracy
- Introduction of constitutional provisions for citizens' initiative, but no law to implement it

6. Reforms regulating the access to suffrage or the means of access to suffrage

Access to suffrage reforms that have been classified as substantial:

- All regulations regarding means of voting, access to vote to citizens living abroad, etc., resulting in a net change in the size of the electorate in excess of 20%

Access to suffrage reforms that have been classified as minor:

- All regulations regarding means of voting, access to vote to citizens living abroad, etc., resulting in a net change in the size of the electorate of less than 20%

Appendix 3. Detailed criteria of classification of reforms in function of their direction (inclusive vs. exclusive)

1. Electoral reforms regulating the translation of votes into seats and the expression of votes adopted at the national level

Electoral reforms that have been classified as inclusive:

- Increase of preference vote
- Introduction of corrective tiers in majoritarian systems
- Expansion of the proportionality of the electoral system (through size of district, formula, etc.)
- Introduction/ Reinforcement of mechanisms to establish gender-equality
- Reduction of territorial discrepancies

Electoral reforms that have been classified as exclusive:

- Introduction of or rise in the legal threshold of representation
- Reduction of proportionality of the electoral system (through size of district, formula, etc.)
- Introduction of a majority bonus in a proportional electoral system

When reforms were introduced with both exclusive and inclusive dimensions, they have been classified as reforms with multiple logics. For example, the 1994 electoral reform in Austria was qualified as a reform with multiple logics because it both enhanced the preference vote and increased the effective threshold of representation, and therefore gave both more and less weight to the voter's decision at the same time. The same applies for all of the five remaining dimensions.

2. Parliamentary reforms

Parliamentary reforms that have been classified as inclusive:

- Decrease of the duration of the term for MPs/the president
- Increased opportunities for MPs to enter the government / choose the head of a chamber
- Tougher regulations on the incomes of MPs and elected officials
- Increase of the formal power of the Lower Chamber over the upper Chamber/the president
- Suppression of the upper chamber
- Reduction in the majority needed to pass a law/amendment
- Increase in the number of MPs

Parliamentary reforms that have been classified as exclusive

- Increase in the duration of the term of MPs/the president
- Decrease in the number of MPs
- Weakening or suppression of the means of the minority to delay the adoption of a law or of amendments

3. Federal reforms or decentralisation reforms

Federal/ decentralising reforms that have been classified as inclusive:

- Creation of new regional entities
- Increase in the competences of the regions or federal entities
- Increase in the tax autonomy of regional or federal entities
- Introduction of or increase in the opportunities for municipalities to cooperate

- Limitation of the dual mandate

Federal/decentralisation reforms that have been classified as exclusive:

- Reduction of the proportionality of the composition of decision-making bodies in regions or municipalities
 - Reduction of the number of municipalities/regions/federal entities
 - Creation of scrutiny institutions to monitor spending of regions/federal entities
4. Reforms of the direct election of the head executive/president

Direct election reforms that have been classified as inclusive:

- Introduction of the direct election of the mayor / president of region or province
- Introduction of the direct election of the president

Direct election reforms that have been classified as exclusive:

- Suppression of the direct election of the mayor / president of region or province (not applicable)
- Suppression of the direct election of the president (not applicable)

5. Reforms of direct democracy at the national level

Direct democracy reforms that have been qualified as inclusive:

- Introduction of citizens' initiative and other provisions for direct democracy
- Facilitation of citizens' initiative when it already exists (not applicable)

Direct democracy reforms that have been qualified as democracy restrictive:

- Suppression of citizens' initiative and mechanisms for direct democracy (not applicable)
- Tougher regulation of citizens' initiative (not applicable)

6. Reforms regulating the access to suffrage or the means of access to suffrage

Access to suffrage reforms that have been classified as inclusive:

- Facilitation of postal or overseas voting
- Facilitation of the registration procedures on electoral lists
- Introduction of constituencies for citizens abroad
- Lowering of voting age
- Expansion of suffrage to non EU-citizens for local elections

Access to suffrage reforms that have been classified as exclusive:

- Suppression of possibilities of alternative forms of voting (not applicable)
- Tougher regulation on access to alternative forms of voting (not applicable)
- Restraints on the access to suffrage based on age or nationality (not applicable)

Appendix 4. *Number of reforms of the core democratic rules adopted by country and by dimension in Western Europe, 1990-2010*

	Electoral reform	Parliamentary reform	Decentralisation / federal reform	Direct democracy	Direct election	Access to suffrage	Total
Austria	1	4	2	1	1	1	10
Belgium	5	2	4	0	1	3	15
Denmark	0	0	3	0	0	0	3
Finland	1	3	5	0	1	1	11
France	4	4	6	1	1	1	17
Germany	0	1	5	0	0	0	6
Greece	3	0	3	0	3	0	9
Iceland	2	1	4	0	0	0	7
Ireland	0	0	5	0	1	0	6
Italy	3	0	4	0	4	1	12
Luxembourg	1	0	1	1	0	2	5
Netherlands	2	0	1	1	0	0	4
Norway	1	2	1	0	0	0	4
Portugal	1	3	5	2	0	2	13
Spain	0	0	3	0	0	0	3
Sweden	3	1	2	0	0	0	6
Switzerland	0	0	1	0	0	3	4
UK	2	2	5	0	1	2	12
<i>Total</i>	<i>29</i>	<i>23</i>	<i>60</i>	<i>6</i>	<i>13</i>	<i>16</i>	<i>147</i>

Appendix 5. *Explanatory variables for the models 1 to 5*

Variables	Measurement	Source
<i>Explanatory variables</i>		
Political support	<p>Scale ranging from 0 to 100% constructed out of 4 variables, summarising</p> <ul style="list-style-type: none"> • The average percentage of respondents in a given country who trust the political parties, the parliament, and the government “a great deal” or “quite a lot” • The average percentage of respondents “fairly” or “very” satisfied with the functioning of democracy in their country 	<p>Eurobarometers 31, 33, 34, 35, 36, 37, 38.0, 39.0, 40, 41.0, 42, 43.1, 44.3, 47.1, 48, 49, 51, 52, 53, 54.1, 56.2, 58.1, 59.1, 60.1, 61, 62, 62.2, 63.4, 65.2, 68.1, 72.4, 73.4</p> <p>For Iceland, Norway and Switzerland: European Value Survey: Waves of 1990, 1999, 2008, World Value Survey: wave of 1994-1999, module 1, 2 and 3 of the Comparative Study of Electoral systems released in 2003, 2007 and 2011, and some complements at the beginning of the period with the Mannheim Eurobarometer trend file, 1970-2002 for Norway, 1990-1995</p> <p>Data points for:</p> <ul style="list-style-type: none"> • <u>Trust in political parties</u>: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Spain, Sweden, UK: 1997, 99-2010, Iceland: 2009 Norway, Switzerland: 1996, 2008 Portugal: 1998-2010 • <u>Trust in parliament</u>: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Spain, Sweden, UK: 1997, 99-2010 Iceland: 1990, 1999, 2008 Norway: 1990, 1996, 2008 Portugal: 1990-2010 Switzerland: 1996, 2008 • <u>Trust in government</u>: Austria, Belgium, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Spain, Sweden, UK: 1997, 99-2010 Denmark: 1997, 1999, 2001-10 Iceland: 2010 Norway, Switzerland: 1996, 2008 Portugal: 1998-2010 • <u>Satisfaction with democracy</u>: Austria: 1995, 1997-2007, 2009-10 Belgium, Denmark, France, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain, UK: 1990-95, 1997-2007, 2009-10 Finland: 93-95, 97-2007, 2009-10 Germany: 90-95, 97-2006, 2009-10 Iceland: 1990, 2003, 2007 Ireland: 1990-2007, 2009-2010 Switzerland: 1999, 2003, 2007
Majoritarian democracy	Majoritarian countries are all countries that load negatively on the final measure of the executive-parties	Lijphart, Arendt. Patterns of Democracy, New Haven, Yale University Press, 1999.

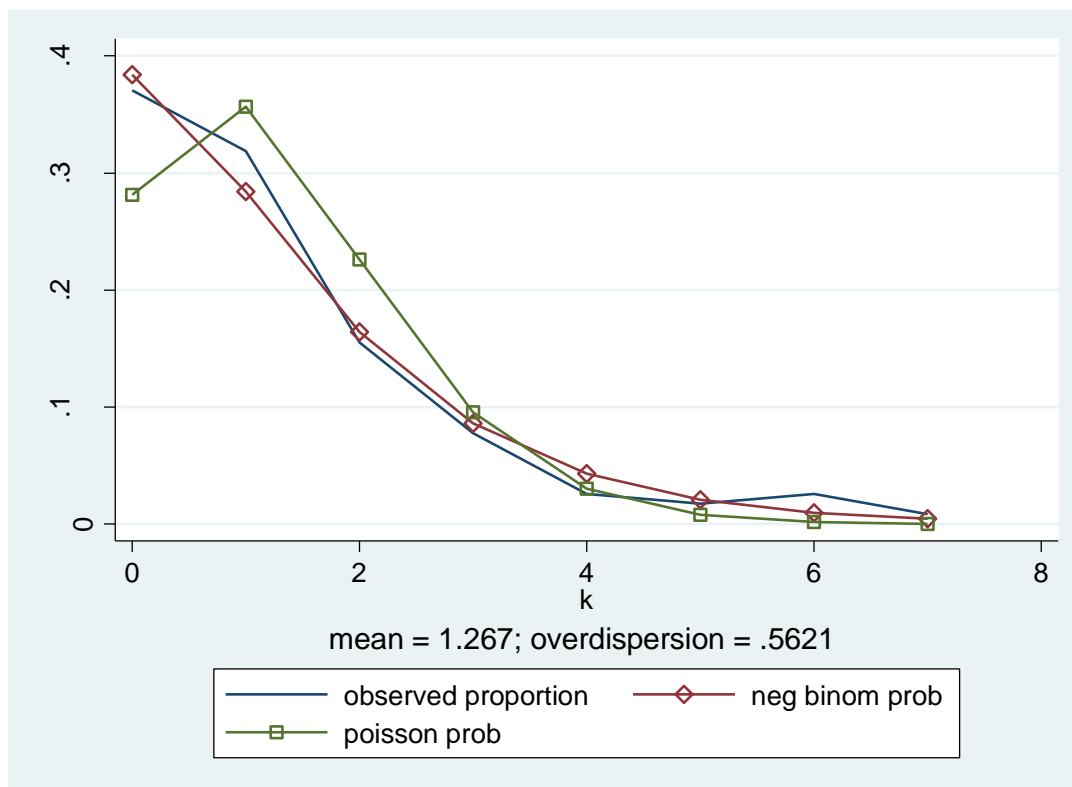
	dimension (1971-1996)	
Disproportionality	Average measure of the least square index of disproportionality of Gallagher, 1990-2010	Source: http://www.tcd.ie/Political_Science/staff/michael_gallagher/ElSystems/
Partisan veto players	Average number of parties present in the government, 1990-2010	Computed from the data about cabinet composition of the ParlGov dataset http://www.parlgov.org/stable/data.html
<i>Control variables</i>		
Level of constitutional rigidity	<p>Degree of constitutional rigidity on a scale of 1 to 4.</p> <p>This variable measures how hard it is to change the constitution in a given country. One point each is given if the approval of the majority of the legislature, the chief of state and a referendum is necessary in order to change the constitution. An additional point is given for each of the following: if a supermajority in the legislature (more than 66% of votes) is needed, if both houses of the legislature have to approve, if the legislature has to approve the amendment in two consecutive legislative terms, or if the approval of a majority of state legislature is required.</p>	<p>La Porta, López-de-Silanes, Pop-Eleches & Shleifer– Judicial independence. (La Porta et al 2004)</p> <p>http://post.economics.harvard.edu/faculty/shleifer/Data/jcb_data.xls</p> <p>in the dataset: Teorell, Jan, Marcus Samanni, Sören Holmberg and Bo Rothstein. 2011. The Quality of Government Dataset, version 6 Apr 2011. University of Gothenburg: The Quality of Government Institute, http://www.qog.pol.gu.se.</p>
Total of registered voters	Total of registered voters in the last election	http://www.idea.int

Appendix 6. *Explanatory and control variables for the models 6 to 11*

Variables	Measurement	Source
<i>Explanatory variables</i>		
Shifts in satisfaction with democracy	Shift in percentage from one legislature to another of the percentage of respondents “fairly” or “very” satisfied with the functioning of democracy in their country (phrasing of the original question: “On the whole, are you very satisfied, fairly satisfied, not very satisfied or not at all satisfied with the way democracy works in (YOUR COUNTRY)?”	Eurobarometers 31, 33, 34, 35, 36, 37, 38.0, 39.0, 40, 41.0, 42, 43.1, 44.3, 47.1, 48, 49, 51, 52, 53, 54.1, 56.2, 58.1, 59.1, 60.1, 61, 62, 62.2, 63.4, 65.2, 68.1, 72.4, 73.4 For Iceland, Norway and Switzerland: Module 1, 2 and 3 of the Comparative Study of Electoral systems released in 2003, 2007 and 2011, and some complements at the beginning of the period with the Mannheim Eurobarometer trend file, 1970-2002 for Norway, 1990-1995
Shifts in total volatility	Shift in percentage of the level of total volatility from one election to another	Computed from the electoral data for parliamentary elections of the ParlGov dataset http://www.parlgov.org/stable/data.html
Political alternation	Dummy variable: 1 if the head executive and the ideological orientation of a cabinet changed at the beginning of a legislature, 0 otherwise.	Computed from the data about cabinet composition of the ParlGov dataset http://www.parlgov.org/stable/data.html
<i>Control variables</i>		
Partisan veto players	Number of parties present in the government	Computed from the data about cabinet composition of the ParlGov dataset http://www.parlgov.org/stable/data.html
Level of constitutional rigidity	Degree of constitutional rigidity on a scale of 1 to 4. This variable measures how hard it is to change the constitution in a given country. One point each is given if the approval of the majority of the legislature, the chief of state and a referendum is necessary in order to change the constitution. An additional point is given for each of the following: if a supermajority in the legislature (more than 66% of votes) is needed, if both houses of the legislature have to approve, if the legislature has to approve the amendment in two consecutive legislative terms or if the approval of a majority of state legislature is required.	La Porta, López-de-Silanes, Pop-Eleches & Shleifer– Judicial independence. (La Porta et al 2004) http://post.economics.harvard.edu/faculty/shleifer/Data/jcb_data.xls in the dataset: Teorell, Jan, Marcus Samanni, Sören Holmberg and Bo Rothstein. 2011. The Quality of Government Dataset, version 6Apr11. University of Gothenburg: The Quality of Government Institute, http://www.qog.pol.gu.se .

Ideological orientation of the legislature	<p>Classification of the legislatures based on the ideological orientation of the cabinets, divided in three categories: left/centre left, right/centre right, grand coalition. Grand coalitions include all of the main political parties of the left and the right in power. When one or several of the main parties are excluded, and the cabinet still contains left-wing and right-wing parties, we looked who is the prime minister to know whether the cabinet was classified as a left-wing or a right-wing cabinet.</p> <p>In cases when a legislature experiences cabinets with different ideological orientation, the classification depends on the cabinet that lasted longer. Caretakers governments were included into the “grand coalition” category.</p>	<p>Computed from the data about cabinet composition of the ParlGov dataset http://www.parlgov.org/stable/data.html</p>
Economic growth	<p>Average percentage of growth in GDP in constant prices for a given legislature</p>	<p>Data of the International Monetary Fund www.imf.org</p>

Appendix 7. *Actual distribution of the total number of reforms adopted by legislature compared to the poisson and the negative binomial distribution*



Appendix 8. *Determinants of the number of reforms of the core democratic rules in Western Europe, 1990-2010 (controlling for the number of registered voters)*

	Model 1	Model 2	Model 3	Model 4	Model 5
Degree of constitutional rigidity	-1.529 (1.323)				
Index of political support				-0.367 ** (0.111)	-0.269 ** (0.094)
Majoritarian democracy		4.694 (3.222)			
Least squares index			0.721 ** (0.214)		0.545 ** (0.185)
Mean number of parties in government		1.638 (1.013)	1.453 * (0.691)		1.218 * (0.69)
Number of registered voters (in millions)	0.055 (0.052)	0.016 (0.060)	-0.035 (0.050)	-0.058 (0.055)	-0.099 * (0.047)
Constant	11.128 * (3.732)	2.804 (2.912)	1.415 (2.234)	26.096 *** (5.830)	16.429 ** (5.572)
Number of observations	18	18	18	18	18
Adjusted R2	0.04	0.08	0.42	0.40	0.61

Note: Coefficients are the result of ordinary least-squares regression; standard errors are in parentheses; the dependent variable is the number of reforms adopted between 1990 and 2010
 *p < 0.1; **p < 0.05; *** p < 0.01

Appendix 9. *Determinants of the number of institutional reforms adopted by legislature in Western Europe (1990-2010), omitting one dimension*

	Without electoral reforms	Without parliamentary reforms	Without federal reforms	Without citizens' initiative	Without direct election	Without alternative vote
Evolution of the total volatility in %	1.003 ** (1.00-1.01)	1.003 *** (1.00-1.01)	1.004 *** (1.00-1.01)	1.003 ** (1.00-1.01)	1.003 ** (1.00-1.01)	1.003 ** (1.00-1.01)
Degree of constitutional rigidity	0.724 ** (0.54-0.96)	0.773 ** (0.60-0.99)	0.627 *** (0.46-0.86)	0.744 ** (0.57-0.98)	0.796 * (0.61-1.04)	0.813 (0.63-1.04)
Number of parties in the government	1.103** (1.00-1.22)	1.120 * (0.99-1.22)	1.195 *** (1.03-1.38)	1.149 *** (1.04-1.27)	1.110 * (0.98-1.26)	1.100 * (0.99-1.22)
Ideological orientation (ref. cat.: left/centre-left)						
<i>Right/ Centre-right government</i>	1.137 (0.70-1.84)	1.172 (0.71-1.93)	1.676 (0.86-3.28)	1.226 (0.77-1.96)	1.150 (0.71-1.85)	1.197 (0.72-1.93)
<i>Grand coalition government</i>	0.823 (0.48-1.40)	0.876 (0.53-1.44)	1.167 (0.63-2.15)	0.815 (0.47-1.40)	0.871 (0.52-1.47)	0.754 (0.38-1.48)
Growth	1.077 (0.97-1.19)	1.093 ** (1.01-1.19)	1.081 (0.90-1.30)	1.084 ** (1.00-1.17)	1.100 ** (1.00-1.20)	1.064 (0.98-1.15)
Observations	116	116	116	116	116	116
Number of clusters	18	18	18	18	18	18
Alpha	0.173 (0.05-0.56)	0.385 (0.15-0.99)	0.798 (0.33-2.00)	0.358 (0.14-0.89)	0.398 (0.17-0.92)	0.317 (0.12-0.84)
MacFadden's Pseudo R-squared	0.04	0.03	0.05	0.04	0.03	0.03
Cox-Snell Pseudo R-squared	0.10	0.09	0.11	0.11	0.08	0.09
Wald chi2	9.67	13.11	18.73	19.93	11.44	11.97
Prob>chi2	0.139	0.041	0.005	0.003	0.076	0.063

Note: The results of the coefficients are reported in terms of incidence rate ratios. 95% confidence intervals in parentheses. The dependent variable is the total number of reforms adopted by legislature between 1990 and 2010, omitting one of the dimensions of reforms for each model. *p < 0.1; **p < 0.05; *** p < 0.01.

	Without electoral reforms	Without parliamentary reforms	Without federal reforms	Without citizens' initiative	Without direct election	Without alternative vote
Alternation in government	1.834 *** (1.47-2.29)	1.887 *** (1.36-2.62)	2.161 *** (1.50-3.10)	1.824 *** (1.45-2.30)	1.714 *** (1.30-2.26)	1.984 *** (1.44-2.73)
Degree of constitutional rigidity	0.741 ** (0.57-0.97)	0.802 ** (0.63-1.01)	0.647 *** (0.49-0.86)	0.768 ** (0.59-1.00)	0.817 (0.63-1.05)	0.841 (0.66-1.07)
Number of parties in the government	1.054 (0.95-1.17)	1.072 (0.95-1.21)	1.147 (0.97-1.36)	1.104 (0.98-1.24)	1.072 (0.93-1.24)	1.048 (0.94-1.17)
Ideological orientation (ref. cat.: left/centre-left)						
<i>Right/ Centre right government</i>	1.191 (0.75-1.90)	1.240 (0.76-2.01)	1.778 (0.93-3.40)	1.302 (0.82-2.07)	1.221 (0.76-1.95)	1.266 (0.80-1.99)
<i>Grand coalition government</i>	0.920 (0.54-1.56)	0.978 (0.62-1.55)	1.354 (0.73-2.50)	0.906 (0.54-1.52)	0.946 (0.55-1.56)	0.849 (0.46-1.58)
Growth	1.078 (0.96-1.21)	1.096 * (1.00-1.20)	1.073 (0.89-1.29)	1.086 * (1.00-1.18)	1.099 * (0.99-1.22)	1.070 (0.97-1.17)
Observations	116	116	116	116	116	116
Number of clusters	18	18	18	18	18	18
Alpha	0.138 (0.04-0.49)	0.341 (0.12-1.01)	0.719 (0.27-1.90)	0.323 (0.12-0.87)	0.374 (0.14-0.98)	0.263 (0.10-0.77)
MacFadden's Pseudo R-squared	0.05	0.04	0.06	0.05	0.03	0.05
Cox-Snell Pseudo R-squared	0.13	0.11	0.13	0.13	0.10	0.13
Wald chi2	36.12	25.56	29.11	40.21	19.91	23.20
Prob>chi2	0.000	0.000	0.000	0.000	0.003	0.001

Note: The results of the coefficients are reported in terms of incidence rate ratios. 95% confidence intervals in parentheses. The dependent variable is the total number of reforms adopted by legislature between 1990 and 2010, omitting one of the dimensions of reforms for each model. *p < 0.1; **p < 0.05; *** p < 0.01.

	Without electoral reforms	Without parliamentary reforms	Without federal reforms	Without citizens' initiative	Without direct election	Without alternative vote
Evolution of the level of satisfaction with the way democracy works in %	1.005 (0.99-1.01)	1.005 (0.99-1.01)	1.001 (0.99-1.01)	1.006 (0.99-1.01)	1.006 (0.99-1.01)	1.007 (0.99-1.02)
Evolution of the total volatility in %	1.002 * (1.00-1.01)	1.003 ** (1.00-1.01)	1.003 ** (1.00-1.01)	1.003 * (1.00-1.01)	1.003 * (1.00-1.01)	1.003 ** (1.00-1.01)
Alternation in government	1.564 *** (1.22-2.00)	1.575 *** (1.05-2.35)	1.842 *** (1.18-2.87)	1.516 ** (1.09-2.10)	1.550 *** (1.16-2.07)	1.620 *** (1.15-2.28)
Degree of constitutional rigidity	0.755 * (0.55-1.03)	0.809 (0.62-1.05)	0.664 *** (0.49-0.90)	0.778 (0.57-1.05)	0.826 (0.62-1.10)	0.848 (0.64-1.12)
Mean number of parties in the government	1.038 (0.94-1.15)	1.054 (0.95-1.17)	1.124 (0.97-1.31)	1.077 (0.98-1.19)	1.048 (0.93-1.19)	1.024 (0.93-1.13)
Ideological orientation (ref. cat.: left/centre-left)						
<i>Right/Centre right government</i>	1.176 (0.73-1.88)	1.229 (0.74-2.03)	1.621 (0.82-3.19)	1.282 (0.80-2.04)	1.193 (0.74-1.93)	1.254 (0.79-1.99)
<i>Grand coalition government</i>	0.901 (0.50-1.62)	0.952 (0.58-1.57)	1.262 (0.61-2.62)	0.870 (0.49-1.55)	0.915 (0.52-1.61)	0.836 (0.44-1.58)
Growth	1.072 (0.95-1.20)	1.090 * (0.99-1.20)	1.070 (0.88-1.30)	1.072 (0.98-1.17)	1.089 (0.98-1.21)	1.050 (0.95-1.16)
Observations	110	110	110	110	110	110
Number of clusters	18	18	18	18	18	18
Alpha	0.106 (0.02-0.66)	0.291 (0.08-1.07)	0.625 (0.21-1.86)	0.267 (0.09-0.82)	0.332 (0.13-0.85)	0.199 (0.05-0.75)
MacFadden's Pseudo R-squared	0.06	0.05	0.06	0.06	0.04	0.06
Cox-Snell Pseudo R-squared	0.15	0.14	0.14	0.16	0.12	0.15
Wald chi2	98.20	31.15	38.04	49.08	30.64	23.31
Prob>chi2	0.000	0.000	0.000	0.000	0.000	0.003

Note: The results of the coefficients are reported in terms of incidence rate ratios. 95% confidence intervals in parentheses. The dependent variable is the total number of reforms adopted by legislature between 1990 and 2010, omitting one of the dimensions of reforms for each model. *p < 0.1; **p < 0.05; *** p < 0.01

Appendix 10 Methodology of the case studies

1. Sources triangulated in the case studies

Semi-directed interviews were conducted with academics, experts, journalists, civil society activists, policy advisors and politicians involved in the three processes of reform, during short and intensive stays: one month for the 23 interviews conducted in Ireland in May 2012 (principally in Dublin); around two months for the 16 interviews conducted in France between January and March 2013 in Paris; and a bit more than one month for the 14 interviews conducted between June and July 2013, mostly in Florence and Rome. The interviews lasted, on average, around 50 minutes (from 30 minutes to an hour and a half). A different questionnaire comprising about twenty questions was used consistently for each country, and the use of interviews was facilitated by the fact they were always conducted in the native language of the interviewees. For each of the three interview guides, I adopted a sequential approach for the analysis of the reforms, dividing the processes into different phases (emergence of the issue of reform, construction of the agenda of reforms, negotiation, and adoption) in order to facilitate comparisons between the different reforms. This also means that before going out into the field, a fair amount of time was spent studying the relevant secondary sources (reports and press articles), in order to get a fair idea of the sequencing of the reforms, and, of course, to identify the key people who should be interviewed.

In addition to these 53 interviews which have constituted the most important research material for the three case studies, the empirical corpuses have been complemented with a significant number of reports led by experts or by politicians in and outside of parliament, analysis of the press coverage of the reforms over a long period of time, occasionally archives, and consultation of the most relevant parliamentary debates, which are systematically available online for the period covered in all three countries. I therefore applied the triangulation strategy advocated by Davies, advocated in particular when elite interviewing constitutes the major material (2001). The analysis of the press was systematised in order to lead to some additional quantitative analyses in the French case, while I re-used the study of the integrality of the debates on the electoral reform (both in committees and in plenary sessions) that I conducted in Italy for my Master's dissertation (Bedock 2009). In each case, I focused on several daily newspapers, trying as much as possible to use sources with different political sensibilities – ideally, one left-wing, one centrist, and one-right wing newspaper – and, when relevant (in Italy) published in different regions of the country. In Ireland, I consulted articles from the *Irish Times* (Dublin, centre-left), the *Irish Independent* (Dublin, centre-right) between 2009 and 2013. In France, the three main newspapers (*Libération*, left, *Le Monde*, centre, and *Le Figaro*, right) were systematically reviewed on the reduction of the presidential term and the reordering of the electoral calendar for a period covering July 1999 to June 2001. In Italy, the press archives cover a period ranging from January 2003 to July 2007, including in particular articles from *La Repubblica* (Rome, centre-left), *Il Corriere della Sera* (Milano, centre), *la Stampa* (Torino, centre-right) and *Il Giornale* (Milan, right).

2. Access to the field

The interviews were based on a “non-probability sampling approach”, as it is of course more suitable for process-tracing (Tansey 2007): in all three cases, the first important task consisted of identifying the key political actors in charge during the process. The interviews conducted can fall within the category of elite interviews, elites being intended as “those with close proximity to power or policymaking” (Lilleker 2003, 207). Email was generally used for first contacts, including an explanation about my research and a justification of my wish to interview them, recalling their role in the process in order to show that I had some circumstantial knowledge of the process at stake.

Overall, I did not encounter major problems of access to the most important actors of the process, although it is indubitable that the fieldwork in Ireland was the easiest: the reforms studied were still largely “in progress” and high on the agenda, and there has been far greater involvement from civil society than in the Italian or French case. In the three countries, the experts, as they were almost all linked to academia, were particularly helpful and easy to talk with. In all three cases I managed to meet some or most of the experts who were closely, intensively, and directly associated with the processes of reform studied. I contacted them first, in order to get a point of access to the field, and to use their advice and

contacts to access to the political actors. Regarding the politicians, I chose not to focus most of my efforts on trying to meet the party leaders or the heads of the executive in charge at the time, given the limited amount of time at my disposal. Rather, I privileged meetings with those who were specialists of the institutional matters in their party, and who were actively involved in building the political alternatives that were examined by the parliament, and the policy advisers working in the cabinets and in charge of the concrete aspects of the elaboration of the reform. I usually proceeded in the following way: contacting, first, the individuals who were easier to access (i.e. the academics), in order to use their knowledge of the processes to gain access to other people, most notably politicians and political advisors. In some cases, I had to go through a number of steps before managing to obtain the interview, including information about my credentials or the list of people I had interviewed in the past. On only one occasion, for a French interview, I had to communicate the list of questions in advance. I asked the interviewees systematically if they allowed me to record the interview, to quote them and if they allowed their names to appear in the research. Only two public servants in office asked me not to mention their name, and on only one occasion did the interviewee refuse to be recorded.

To conclude, the interview process was very smooth, and I did not encounter many of the difficulties usually associated with elite interviews, which some have called a “minefield” (Lilleker 2003). I attribute this to several factors. First, institutional reforms are typically technical and not highly contentious issues. Despite the fact that some of the reforms studied were divisive, institutional reforms tend to be dealt with by a limited number of specialists, who on many occasions have specialised knowledge in public law and/or political science. This undoubtedly facilitated the interviews a great deal. Secondly, both the experience of my Master’s dissertation and that of this thesis have opened my eyes to a paradox: it may actually be easier to interview elites in a foreign country. Indeed, both in Ireland and in Italy, my status as a French student in a European University was a help rather than a hindrance: my interviewees adopted a much more educational attitude than the French interviewees, and revealed the dynamics of the process more freely than they would have done with a “domestic” interviewer. On several occasions, I discussed some of the findings of the interviews with Irish or Italian students, and several of them noted the freedom of tone that some of the quotes indicated. I believe that this largely counter-balanced the “insider” knowledge I benefited from when conducting the French interviews. These conclusions are relatively similar to those of Herod, who shows that being a foreign researcher can operate as an “ice-breaker” (1999, 325). National factors also certainly came into play, facilitating or complicating the interviews: Ireland’s small size and its tradition of informal and localist political elites making them more accessible in comparison, for example, to the centralised and hierarchised processes of policy-making in France.

3. List of the interviews conducted

This presentation is ordered in the following way: name, function held during the sequence of reforms considered (for politicians and councillors), current function (for experts), other relevant functions (when applicable), party (when applicable), date of the interview, location of the interview, city in which the interview was held.

3.1. *List of the interviews conducted in May 2012 on the agenda of political reforms in Ireland*

- 1- Anon. political adviser in the department of the Taoiseach, FG, 30 May 2012, at his office in Dublin.
- 2- Byrne, Elaine, journalist and research fellow at University of New South Wales Sydney, co-author of politicalreform.ie, on the academic team of We the Citizens, 10 May 2012, at a café in Dublin.
- 3- Coakley, John, Professor of political science in the University College Dublin, 1 June 2012, at his office in Dublin.
- 4- Daly, Eoin, lecturer in the School of Law at University College Dublin, 9 May 2012, at a café in Dublin.

- 5- Dempsey, Noel, ex-Teachta Dála (TD) for Meath and Meath West between 1987 to 2011, ex-minister (1997-2011), FF, 30 May 2012, at a café in Dublin
- 6- Devins, Jimmy, ex Teachta Dála (TD) for Sligo-Leitrim between 2002 and 2011, ex local councillor in Sligo County Council between 1991 and 2002, ex-minister, FF, 18 May 2012, at his office in Sligo.
- 7- Farrell David, Professor of political science at University College Dublin, co-author of politicalreform.ie, on the academic team of We the Citizens, the constitutional convention and reformcard.com, 8 May 2012, at his office in Dublin.
- 8- Hardiman, Niamh, Professor of political science at University College Dublin, 22 May 2012, at a restaurant in Dublin.
- 9- Harris, Clodagh, Professor of political science at University College Cork, on the academic team of We the Citizens and reformcard.com, 21 May 2012, by Skype.
- 10- Hogan, Gerard, High Court Judge, ex-lawyer and professor of constitutional law at Trinity College Dublin, 29 May 2012 and 31 May 2012, at his office in Dublin.
- 11- Leahy, Pat, journalist for the Sunday Independent, 15 May 2012, at a café in Dublin.
- 12- Marsch, Michael, professor of political science at Trinity College Dublin, 15 May 2012, at his office in Dublin.
- 13- Mac Conghail Fiach, senator since 2011, director of the Abbey Theatre and Chairman of “We the Citizens”, Independent, 29 May 2012, at his office in Dublin.
- 14- Murphy, Eoghan, Teachta Dála (TD) for Dublin South-East since 2011, ex-Dublin city councillor from 2009 to 2011, FG, 24 May 2012, Leinster House, Dublin.
- 15- Murphy, Mary P., professor of sociology at NUI (National University of Ireland) Maynooth, member of TASC and Claiming our Future, 16 May 2012, at a café in Dublin
- 16- O’Connor Nat, director of the think tank TASC, 4 May 2012, at his office in Dublin.
- 17- O’Keeffe, Susan, senator since 2011, ex-journalist, Labour, 24 May 2012, Leinster House, Dublin.
- 18- O’Rourke, Mary, ex-Teachta Dála (TD) for Longford Westmeath and Westmeath (1981-1997, 2007-2011), ex-senator (1997-2007), ex-president of the Seanad (2002-2007), ex-minister (1989-1994, 1997-2002), FF, 23 May 2012, at her home in Athlone.
- 19- Power, Averil, senator since 2011, ex-political advisor of Mary Hanafin in the Department of Tourism, Family affairs and education, ex-spokesperson on political reform in the 2011 election, FF, 29 May 2012, Leinster House, Dublin.
- 20- Wall, Matt, postdoctoral researcher in the department of political science of the Free University, Amsterdam, 2 May 2012, by Skype.
- 21- Whelan, Noel, lawyer, columnist with the Irish Times and other media, ex-political adviser and FF politician, 14 May 2012, at a café in Dublin.
- 22- White, Alex, Teachta Dála (TD) for Dublin South since 2011, senator from 2007 to 2011, Labour, 24 May 2012, Leinster House, Dublin.

3.2. *List of the interviews conducted between February 2013 and April 2013 on the quinquennat and the reordering of the electoral calendar*

- 1- Avril Pierre, constitutional lawyer, ex-Professor of public law at *Institut d’Etudes Politiques* of Paris, 6 February 2013, in his home in Paris.
- 2- Bas, Philippe, former deputy general secretary of the Presidency of the Republic between 2000 and 2002, 19 February 2013, at his office in Paris.
- 3- Bourdon, Pierre, constitutional and administrative lawyer, ATER at University Paris I Panthéon Sorbonne, 25 February 2013, at a café in Paris.
- 4- Carcassonne, Guy †, constitutional lawyer, professor at university Paris-X Nanterre, 4 February 2013, at his office in Paris.

- 5- Colmou, Yves, former director of cabinet of the minister in charge of the relations with the Parliament, and adviser of the minister of Home Affairs between 1997 and 2002, 11 March 2013, at his office in Paris.
- 6- Dutheillet de Lamothe, Olivier, former deputy general secretary of the Presidency of the Republic between 1997 and 2000, 20 March 2013, at his office in Paris.
- 7- Gicquel, Jean, constitutional lawyer, emeritus professor of public law at University of Paris I Panthéon Sorbonne, 15 February 2013, at his office in Paris.
- 8- Giscard d'Estaing, Valéry, MP of the Puy de Dôme (1956-73, 1984-2002), former President of the Republic between 1974 and 1981, 11 March 2013, at his home.
- 9- Guelman, Pierre, former advisor of the Prime Minister for the relations with the Parliament, 1997-2002, 5 March 2013, at his office in Paris.
- 10- Ludet, Daniel, former advisor for Justice in the cabinet of Lionel Jospin, 1 March 2013, at his office in Paris.
- 11- Mazeaud, Pierre, member of the constitutional council between 1998 and 2004, former secretary of state in governments of Debré, Pompidou and Messmer, ex-MP of Haute-Savoie between 1988 and 1998, former president of the constitutional council (2004-2007), RPR, 5 March 2013, at his home in Paris.
- 12- Maus, Didier, constitutional lawyer and high civil servant, 20 February 2013, at his home.
- 13- Roman, Bernard, MP of the Nord (1997-now) and former president of the *Commission des lois* in the national Assembly (2000-2002), PS, 13 March 2013, at his office in Paris.
- 14- Mény, Yves, political scientist and specialist of the institutions, ex-director of the European University Institute, 31 January 2013, at a café in Paris.
- 15- Paillé, Dominique, former general delegate of the UDF, MP of the Deux-Sèvres between 1993 and 2007, 3 April 2013, at his office in Paris.

3.3. *List of the interviews conducted between in June and July 2013 on the constitutional reform and on the electoral reform of 2005*

- 1- Anon. Councillor of the Camera dei Deputati, 28 June 2013, at his office in Rome.
- 2- Calderisi, Giuseppe, Councillor for the president of the Senate between 2001 and 2006, 4 July 2013, at his office in Rome
- 3- Ceccanti, Stefano, Professor of Comparative Public Law at university La Sapienza of Rome, senator of Piemonte between 2008 and 2013, PD, 26 June 2013, at a café in Rome.
- 4- Chiti, Vannino, MP of Toscana between 2001 and 2008, minister of the relations with the Parliament between 2006 and 2008, senator of Toscana since 2008, DS, 3 July 2013, at his office in Rome.
- 5- D'Alimonte, Roberto. Professor of Italian political system at University LUISS Guido Carli of Rome, 13 June 2013, at his office in Florence.
- 6- D'Onofrio, Francesco, senator of Lazio (1983-1987, 1996-2008) and president of the parliamentary group from 2001 to 2006, ex-MP of Lazio between 1990 and 1996, UDC, 25 June 2013, at his home in Rome.
- 7- Fisichella, Domenico, senator of Lazio between 1994 and 2005, independent senator between 2005 and 2006, vice-president of the Senate from 2001 to 2006, AN, 3 July 2013, at his home in Rome.
- 8- Fusaro, Carlo, Professor in the department of legal sciences at Università degli Studi of Florence, 10 June 2013, at his office in Florence.
- 9- Maran, Alessandro, MP of Gorizia between 2001 and 2006 and member of the Commission Affari Costituzionali I between 2001 and 2006, MP of Friuli-Venezia Giulia between 2006 and 2013, senator of Friuli-Venezia Giulia since 2013, DS, 25 June 2013, in a restaurant, Rome.
- 10- Nania, Domenico, senator of Sicilia and president of the AN parliamentary group in the Senate from 2001 to 2006, MP of Sicilia between 1987 and 2001, AN, 26 June 2013, in the Senate, Rome.

- 11- Pastore, Andrea, senator of Abruzzo between 1996 and 2013 and president of the Commission Affari Costituzionali I between 2001 and 2006, FI, 19 June 2013, at his office in Pescara.
- 12- Tarli Barbieri, Giovanni, Professor of constitutional law at Università degli Studi of Florence, 17 June 2013, at his office in Florence.
- 13- Tonini, Giorgio, senator of Marche between 2001 and 2013, senator of Trento since 2013, DS, 4 July 2013, at his office in Rome.
- 14- Vassallo, Salvatore, Professor of Political Science and Comparative Politics at University of Bologna, former MP of Emilia-Romagna between 2008 and 2013, PD, 11 June 2013, at his office in Bologna.

4. Interview guides

The three following interview guides were used as consistently as possible across the different interviews. They are here reported in the original language in which the interviews were conducted.

4.1. *Interview guide used in Ireland*

Role of the interviewee in political reform

- 1- First of all, I would like you describe me a little bit what has been your specific role in the process of political reform that is (now) happening in Ireland. I know you were involved in..., but I would like to know more precisely was your “function”, and when and why you started to focus on political reform.
- 2- What, personally, do you think are the most urgent political reforms to conduct in Ireland?

Period going from the 1990s to the crisis in 2008

Before going to the most intense “moment of the debate”, I want to understand what was the importance given to the issue of political reform before the crisis, so roughly in the last two decades before 2008. So, quickly, can you tell me...

- 3- Who were the **actors / parties** interested in political reform back then? Who was pushing for it?
- 4- What were the **topics** that were debated? How did these topics emerge in the agenda in the first place? /Who pushed to discuss these topics in the Parliament in the first place?
- 5- **Where** did the discussions about political reforms take place? /For politicians: how was work organised in the committee? Was it only in the parliament, or between academics? Was there some interest among the general public?
- 6- What were the **preferences** of the actors promoting reforms? Were there really consensual, or on the contrary quite contentious, or were parties quite indifferent? For politicians: What was the preference of your own party on this matter? And the other parties in Parliament?
- 7- There were quite a number of early parliamentary reports that were released, by the All-party committee on the constitution, then by the Joint committee on the constitution between 1997 and 2002. What happened with the recommendations of these reports? Were they followed by any action?

Discussions on political reform in the legislature 2008-2011

Then I would like to focus on the period that preceded the election of 2011, so roughly 2008-2011.

- 8- Was there a “before” and “after” crisis in the debate on political reform? When did **non-political actors** start to get interested in the topic (like the civil society and academics)? And when did the citizens and the general public start to become interested in this?

- 9- *For politicians:* When the Joint committee on the constitution was set up, what was it you were asked to debate? For example, why did you review the electoral system? And what did you intend to achieve back then?
- 10- What were the positions of the main parties in the parliament about political reform at the beginning of the last legislature? And at the end? Do you think that this position changed? Why?
- 11- Did the agenda of the things discussed concerning political reform in the parliament change over the course of the legislature?/Do you think that the leader of your party, or of other parties became more interested in political reform before the election?
- 12- What happened with the recommendations released by the committee, such as the establishment of an electoral commission, or commitment for women participation and reinforcement of the Dail? Were they followed by action? Were they used to fashion the manifestos, or the programme for government? /How and who fashioned the manifestos for the section on political reform in your party?

Political reform since the election of 2011

There are now clear commitments to political reform in the Programme for Government, and the government is preparing the launch of a constitutional convention right now.

- 13- Who are **the actors** involved in the debate on political reform since the election of 2011? Did new actors emerge?
- 14- What are **the preferences** of these actors? Do you believe for example that the governing coalition, the opposition parties, and the civil society are pushing for the same agenda for reform, or that there are differences? What are they hoping to achieve with it?
- 15- Would you say that there are now strong expectations of the citizens towards political reform, or is the crisis still mainly an economic crisis? *For politicians:* When you talk(ed) to your constituents, do you have the feeling that political reform is an important topic for them, compared to other issues? Is there a demand for it?
- 16- What are the different **arenas** in which political reform is debated today in Ireland?
- 17- Some of the most important measures announced by the PoG include the abolition of the Seanad, the reduction of the size of the Dáil, more powers to the Dáil. Who is responsible for the content of the Pfg, and where do the main ideas come from? For example, how did the idea to abolish the Seanad appear?
- 18- Why do you think that the government made the choice of delegating a part of the decision about reform to the constitutional convention? Why not staying within the parliament? Where does the idea of Citizens' assemblies come from?

Conclusion

Thank you, again, for these insights, and for giving me this interview. Before I leave,

- 19- Do you know other people, or do you have access to documents that might help me to better understand the process of political reform in Ireland? Who do you think I should talk to?

4.2. *Interview guide used in France*

Rôle de l'interviewé dans le processus quinquennat/calendrier, préférences, et prévisions

- a- Premièrement, j'aimerais que vous me décriviez quel a été votre rôle spécifique dans le processus qui s'est déroulé entre 2000 et 2001. Quelle a été votre « fonction », et à quel moment avez-vous commencé à vous impliquer dans ces deux questions institutionnelles ?
- b- D'un point de vue théorique, pourquoi pensiez-vous (ou non) que les réformes du quinquennat et du calendrier étaient importantes à mener ? Par quelles réformes auriez-vous voulu les voir complétées ?
- c- Au moment de l'adoption du quinquennat et de l'inversion du calendrier, quels effets anticipiez-vous ?

La genèse du quinquennat

Avant que nous commencions à parler du moment le plus intense du débat j'aimerais comprendre quelle était l'importance accordée à l'enjeu de la réduction du mandat présidentiel avant 2000, disons depuis 1973, moment où le sujet est débattu au parlement. Pouvez-vous me dire, en deux mots :

- 1- Que s'est-il passé en 1973, au moment de l'échec de la réforme ? Le sujet a-t-il été remis sur l'agenda depuis ?
- 2- Quels étaient les acteurs qui soutenaient cette réforme avant 2000 ? S'agissait-il plutôt d'acteurs isolés, ou y'avait-il une réflexion systématique au sein des partis et du monde académique sur ce sujet ? Quels étaient les arguments avancés ?
- 3- Pourquoi ce long moment entre 1973 et 2000 sans rediscuter du quinquennat ? L'intérêt pour la réforme était-il alors purement limité au monde académique ?
- 4- Alors que Jospin s'est prononcé assez rapidement en faveur du quinquennat, Chirac s'y est opposé à de nombreuses reprises. Étaient-ils représentatifs des positions de leurs partis respectifs ? Savez-vous s'il s'agissait d'un sujet plutôt consensuel au sein des différents partis ? suscitait-il le conflit, l'indifférence, une large adhésion ?
- 5- La troisième cohabitation a-t-elle relancé le débat ? A-t-elle fait changer d'avis certains acteurs ? Pourquoi ?
- 6- Des tribunes d'intellectuels ont été publiées régulièrement dans le monde pour défendre le quinquennat, notamment à partir de la troisième cohabitation. Ont-elles influencé les politiques ? Avez-vous pu, vous ou des collègues, être consulté à ce propos par les acteurs politiques ? Lesquels ? A quel moment ?

Premiers mois de l'année 2000

Je voudrai maintenant revenir sur les premiers mois de l'année 2000, avant que le quinquennat ne soit discuté au parlement.

- 7- Des acteurs politiques tels qu'Alain Juppé, Hervé de Charrette, ont commencé à annoncer publiquement leur soutien au quinquennat début 2000. De plus, le RPR a commencé à avoir un groupe de travail sur le sujet, assez actif. Pourquoi ce revirement ? Comment se positionne Chirac là dedans ?
- 8- Avant que le débat ne s'engage au parlement, avez-vous une idée de ce qu'étaient les positions des principaux partis sur le sujet ? Existait-il des divisions au sein de la droite et de la gauche, ou même au sein des partis ?
- 9- Lorsque l'on épluche la presse de 2000, on a l'impression que la réforme devient peu à peu inéluctable. Pourquoi le débat se cristallise-t-il à ce moment précis ? Pourquoi cette réforme

gagne-t-elle autant d'adhésion aussi vite après avoir été oubliée si longtemps, et pourquoi cette accélération ?

- 10- VGE a pris la responsabilité de déposer une proposition de loi début mai. Pouvez-vous m'expliquer ce qui s'est passé entre ce moment, et le moment où la décision est prise de passer par un projet de loi sans amendement (« quinquennat sec »), puis par un référendum ? pourquoi cette voie et pas une autre ?
- 11- Comment expliquez-vous une adoption facile et rapide au parlement de la réforme ? Comment est-il possible qu'autant d'acteurs aux idéologies et préférences institutionnelles opposées aient pu se retrouver sur cette réforme ?

Pour les parlementaires

- 12- Pouvez-vous me redonner les grandes lignes du débat qui ont eu lieu au parlement sur le quinquennat ? L'assentiment était-il fort ? Sur quels arguments ? Qui pour, qui contre ? Comment les acteurs ont-ils réagi à l'interdiction d'amender le texte ?

Campagne référendaire de l'année 2000

Revenons maintenant brièvement sur la campagne référendaire qui a eu lieu à l'été 2000.

- 13- Il a été fait le choix d'une campagne brève. Pourquoi ce choix ? Pour les partis n'ont-ils pas mis plus de ressources et d'énergie dans la campagne ?
- 14- L'opinion publique apparaissait, dans les sondages, à la fois comme acquise, et indifférente. Mais comment expliquer un tel niveau d'abstention ? Les partis avaient-ils prévu cela ?

Pour les experts

- 15- Les académiques et les intellectuels ont-ils été appelé à jouer un rôle dans cette campagne ? Quelle était la position des experts face au « quinquennat sec » proposé ?

La genèse du calendrier

- 16- Juste après la réforme du quinquennat, un certain nombre de voix s'élèvent pour modifier le calendrier dans la foulée, avec au départ une grande réticence, et de Chirac, et de Jospin. Qui a promu l'idée de l'inversion, avec quels arguments ? Et pourquoi cette réticence ?
- 17- Comment expliquer que, quelques-mois après s'y être opposé, Jospin et le PS décident finalement de déposer une proposition de loi sur le sujet ?

Le débat sur le calendrier

- 18- Au contraire du débat sur le quinquennat, la question du calendrier a suscité une forte opposition au parlement du PCF, des Verts, et du RPR. Comment expliquer les positions des partis respectifs sur le sujet ? Pourquoi, notamment, le RPR a-t-il défendu une vision qui, somme toute, donnait plus de prééminence au parlement ? Et le PS une vision qui entérinait une vision plus présidentielle ?
- 19- De façon générale, pourquoi le quinquennat a-t-il fait peu débat, et le calendrier déclenché les passions politiques ?

Conclusion

- 20- Connaissez vous d'autres gens, ou avez-vous accès à des documents qui pourraient m'aider à mieux appréhender ce qui s'est passé pendant ces deux réformes ?

4.3. *Interview guide used in Italy*

Ruolo dell'intervistato nel processo di riforma, preferenze, e previsioni sulle conseguenze delle riforme

- 1- Innanzitutto, vorrei sapere qual è stato il Suo ruolo specifico nel processo di elaborazione delle riforme istituzionali che sono state definite tra il 2003 e il 2005. Quale è stata la sua funzione, e in che modo Lei è stato coinvolto nel processo?
- 2- Dal punto di vista teorico, che cosa pensava rispettivamente della riforma costituzionale e della riforma elettorale del 2005? Il Suo giudizio era positivo o negativo? Perché?
- 3- Quali erano gli effetti di queste due riforme da Lei anticipati, sia sul piano politico che sul piano istituzionale?

Genesi della riforma (2002-Agosto 2003)

Prima del 2003, ci sono stati vari tentativi di riforma delle istituzioni italiane. Quali sono state le iniziative del centrosinistra tra il 1996 e il 2001? In particolare, potrebbe parlarci della riforma del Titolo V?

- 4- Alla fine del 2002, c'erano già state varie discussioni in Parlamento sulla devoluzione. In seguito, all'inizio del 2003, si è cominciato a parlare di premierato, con un giudizio abbastanza positivo da parte dell'opposizione. In marzo, si parla della riforma del Titolo V. A che epoca queste questioni hanno cominciato a emergere nel dibattito pubblico? Sono emerse in modo concomitante oppure le differenti questioni sono apparse in momenti diversi? Chi ha preso l'iniziativa per i differenti aspetti della riforma?
- 5- Quali erano le posizioni iniziali dei principali partiti della maggioranza all'inizio delle discussioni su questi temi? E quelle dell'opposizione?
- 6- Perché il CDx ha scelto di discutere i vari aspetti della riforma costituzionale (devoluzione, federalismo, premierato, corte costituzionale, etc) in un singolo provvedimento piuttosto che in alcuni disegni di legge distinti?
- 7- L'idea di riformare la legge elettorale per tornare alla proporzionale è emersa nell'aprile 2003, insieme all'idea di adottare un sistema simile a quello delle elezioni provinciali. Chi ha avuto quest'idea? Perché fu deciso di non discuterla insieme alla riforma costituzionale? Quali erano le posizioni iniziali dei differenti partiti del CDx su questo punto?

Per i politici

- 8- Quali erano gli aspetti più importanti della riforma per il suo partito? Perché? E quelli più problematici?

L'elaborazione del progetto unico di riforma costituzionale

- 9- Qual è stato il ruolo dei costituzionalisti e degli esperti all'inizio del processo? Quali costituzionalisti, gruppi, ed esperti, sono stati consultati dal centrodestra? (dal centrosinistra)?
- 10- Nel luglio 2003, D'Onofrio, Nania, Pastore, e Calderoli hanno ricevuto il compito di scrivere una proposta di riforma costituzionale. Perché si è scelto di procedere così? Che cos'è successo a Lorenzago di Cadore, e quali sono stati i punti più problematici della discussione? Come sono state sormontate le divisioni della coalizione?
- 11- Quali sono state le principali misure su di cui ci fu un accordo fra i 4 saggi di Lorenzago?
- 12- Che cosa è successo nella maggioranza del CDx fra agosto 2003 (accordo di Lorenzago) e dicembre 2003 (inizio della discussione in parlamento)? Chi ha negoziato il progetto?

La discussione della riforma costituzionale in parlamento

- 13- Da dicembre 2003 a marzo 2004, durante la prima lettura al Senato, ci sono state ancora delle tensioni tra la Lega e gli altri alleati sul federalismo? Il CDx era unito, oppure restavano dei punti problematici? Erano isolati, o rappresentativi, gente come Pera o Fisichella?
- 14- Qual era l'attitudine dell'opposizione sul testo, e come spiegarla? C'erano tensioni interne al CSx sulla riforma costituzionale?
- 15- Durante la prima lettura alla Camera (aprile-ottobre 2004), torna la discussione sulla riforma elettorale, questa volta con l'idea di adottare il Tatarellum. Perché? Qual è stato il ruolo dell'UDC, e perché quest'idea non ha avuto impatti in quel momento?
- 16- Nel luglio 2004, l'UDC ha proposto vari emendamenti del testo, che hanno provocato nuove tensioni nel centrodestra. Perché? Come è stato sormontato questo nuovo ostacolo? Che cosa cambia nel testo e nell'accordo? A cosa serve il cosiddetto Lorenzago due?
- 17- Che cosa succede durante gli ulteriori passaggi della riforma costituzionale in Parlamento nel 2005?

Riforma elettorale

- 18- Alla fine del 2004, fu presa la decisione di adottare una "mini-riforma elettorale", più precisamente con l'idea di adottare la scheda unica e il cosiddetto Nespolum, mentre l'UDC voleva una riforma molto più importante. Perché il processo è finito con l'adozione di una grande riforma elettorale abbastanza eteroclita? Quali erano le posizioni dei partiti di CDx sulla riforma elettorale? E quelle dei partiti di CSx? C'erano delle divisioni nelle due coalizioni, oppure erano compatte?
- 19- Come si è riusciti ad arrivare al compromesso finale e all'adozione delle due riforme alla fine 2005?

Referendum

- 20- Che cosa mi può dire della mobilitazione per il referendum del 2006? Delle posizioni dei differenti partiti? Perché il CDx ha perso questo referendum abbastanza nettamente? Quale sono stati i momenti decisivi della campagna sul referendum?

Conclusione

- 21- Lei conosce altre persone, o dei documenti che potrebbero aiutarmi a capire meglio che cos'è successo durante il processo di adozione di queste due riforme ?

Appendix 11. Main institutional reforms promised in the manifestos of the major Irish parties, 2011

Party	Parliament / Government	Electoral reform / access to suffrage	Local Government / direct election
Fine Gael	Transformation of the department of An Taoiseach into a cabinet office Abolition of the Seanad Reduction by 20 number of TDs Pre-legislative scrutiny and authorisation for committees to propose legislation Attribution of constitutional standing to committees and further powers of investigation	Examination of electoral reform in a citizens' assembly Increase in the number of women in politics Establishment of an independent electoral commission Reduction of the voting age to 17 and right for citizens to vote in Irish embassies	Move community employment and enterprise support back to local government Insurance that all property-related revenues are part of the income of local government Direct election of the mayor of Dublin
Labour	Draft of a new constitution with a constitutional convention Abolition of the Seanad Mechanisms to make ministers legally accountable Pre-legislative scrutiny and limitation of the use of guillotines Right for citizens to petition the Oireachtas Increase in Dáil sitting days Establishment of a bipartisan committee with powers of investigation	Establishment of an independent Electoral Commission Quotas to increase number of women in politics	Direct election of the mayor of Dublin Abolition of county managers to replace it with a chief executive Powers to concillors to seek report from providers of services (public and private) More control over transport, traffic, economic development and infrastructures to communities
Fianna Fáil	Separate ministers from the Dáil and allowing non parliamentarians to be ministers Election of the Ceann Comhairle (speaker) by secret ballot, more time devoted to private member business in the Dáil Pre-legislative scrutiny More powers of oversight to committees Abolition of the Seanad IF the electoral reform and Dáil reforms are adopted Attribution to committees of further powers of investigation	Replacement of STV by a mixed system (single seat STV + top up proportional list seats) Introduction of measures to favour gender balance within the top up national list Examination of electoral reform in a Citizens' assembly Extension of the franchise for presidential elections to all Irish citizens including emigrants Establish an independent electoral commission	

Sinn Féin	Establishment of an all-Ireland constitutional forum to draft a new constitution Abolition of the Seanad Increase in Dáil sitting days, proportional allocation of committee chairs Attribution to committees of further powers of investigation Northern Ireland representation in the Dáil	Reduction of the voting age to 16 Establishment of an independent electoral commission Extension of the voting rights to Irish emigrants and long-term residents Replacement of PR-STV by a mixed system (1/3 PR, 2/3 PR-STV with 6 seat constituencies)	
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Source: <http://www.reformcard.com/>

Appendix 12. *Example of poster of Fine Gael for the campaign on the abolition of the Seanad, October 2013.*



Appendix 13. *Coding of the French articles relative to the quinquennat and the reordering of the electoral calendar.*

1023 articles have been coded, coming from the three main daily national newspapers in France, representing the main ideological families of the French ideological spectrums (Libération for the left, Le Monde for the centre, and Le Figaro for the right), dealing exclusively or in part with the reforms of the *quinquennat* and the reordering of the electoral calendar.

The period examined is from 1 July 1999, until 30 June 2001, hence covering two years. The keywords used to select the articles were “quinquennat” and “calendrier électoral”. One or both of these keywords had to be present either in the title or in the body of the text. The Lexis Nexis database was used to identify the articles from Le Monde and Le Figaro, and the Factiva database was used to identify the articles from Libération. This research led to the identification of 1023 articles, which form the corpus of the database.

All of these articles were hand-coded, with information relative to the date, the journal, the authors of the articles, the theme of the article, the other institutional reforms mentioned in the body of the article, and the main arguments used in favour or against these reforms, when relevant.

journal

Libération
Le Monde
Le figaro

yyyymmdd

Date of the article, coded: year, month, day

year

1999
2000
2001

month

01- January
02- February
Etc.

author

Name of the author

author2

Name of the second author
(etc. until author5)

title

Title of the article as published in the journal

wordnumber

Length of the article in words

theme

Theme of the article

- 1- quinquennat
- 2- calendrier
- 3- Both reforms

otherref

Are other institutional reforms mentioned in the article?

- 0- No
- 1- yes

otherref1

First other institutional reforms mentioned in the article

- 1- “Cumul des mandats”
- 2- Senator term in office, and other terms in office
- 3- Electoral system for legislative elections
- 4- Federalism and decentralisation
- 5- Right to dissolve, veto of the president
- 6- Reinforcement of the parliament, Senate
- 7- Reform of the Conseil national de la magistrature and of justice
- 8- Reform of the article 5 and 20
- 9- Referendum
- 10- Corsica
- 11- Vote des étrangers
- 12- Suppression PM / president
- 13- Responsabilité pénale du chef de l’Etat et des membres du gouvernement
- 14- Direct election of the president
- 15- Constitutional council, saisine, QPC
- 16- Limitation of the power of nominations and other powers of the president

otherref2

second other institutional reform mentioned in the article

(same grid until otherref8)

framing

What is the main way in which the article is framed?

- 1- Purely factual: the article only gives information about what is happening, who made declarations in favour or against, regarding the reforms of the quinquennat and the reordering of the calendar.
- 2- The article contains other elements (arguments, tactical considerations)

tactical

(Among the population of article that are not purely factual)

The article contains speculation about either:

- tactical considerations of the actors regarding this reform, i.e. anticipations about the consequences of the reforms for the actors and parties themselves (outcome-contingent arguments),
- tactical considerations about the desirability to be seen as supporting/opposing the process of reform, and/or the desirable process of adoption (act-contingent arguments)

0- No

1- Yes

Examples of abstracts of articles that were coded as presenting tactical considerations:

« Face au calendrier électoral, François Bayrou est plus démuni. Si, comme prévu, les législatives précèdent de quelques semaines la présidentielle, il lui sera difficile d'affirmer l'autonomie de l'UDF, donc sa propre différence. En 2002, les députés centristes n'auront, en effet, qu'un seul objectif : décrocher des investitures communes UDF-DL-RPR » (Portes Didier. « UDF Au-delà des municipales, c'est déjà la présidentielle que préparent les centristes ». *Le Figaro*, 29 November 1999)

« Jacques Chirac souffrira en 2002 d'un handicap, celui de l'âge. Il lui sera plus aisé de demander aux électeurs de le reconduire pour cinq ans plutôt que pour sept. Valéry Giscard d'Estaing lui donne l'occasion d'opérer une conversion au quinquennat, propice à son éventuelle réélection, sans apparaître à l'initiative d'une réforme à laquelle il s'est toujours dit hostile » (anon. « Dans la presse ». *Le Monde*, 5 May 2000)

« Dès à présent, l'Elysée fait monter la pression sur les vingt-cinq députés de l'UDF qui ont permis à Jospin d'obtenir une majorité. Chirac est persuadé qu'il lui sera plus facile de l'emporter en 2002 après une victoire de la droite aux législatives. François Bayrou fait le calcul inverse. Le président de l'UDF a son «théorème»: les législatives ne proposent qu'un choix binaire - gauche-droite, RPR-PS. La présidentielle offre plus de choix à l'électeur » (Bresson, Gilles. « Calendrier électoral : Chirac s'inverse ». *Libération*, 27 March 2001)

argumentation

(Among the population of articles that are not purely factual)

The article contains elements of precise argumentation (“reason-giving”) about the reform (normative arguments)

0- No

1- Yes

proreform

(Among the population of articles containing elements of precise argumentation)

This article contains pro-reform arguments, i.e. justification of the endorsement of a pro-reform position

0- No

1- Yes

antireform

(Among the population of articles containing elements of precise argumentation)

This article contains anti-reform arguments, i.e. justification of the endorsement of an anti-reform position

- 0- No
- 1- Yes

neutral

(Among the population of articles containing elements of precise argumentation)

This article contains arguments about the reform, but leading to a neutral position, i.e. justification of the endorsement of a pro-reform position

- 0- No
- 1- Yes

refarg1

first reform argument mentioned?

- 1- Centrality / no centrality of the presidential election and function in the Vth Republic and or balance of power between the prime minister and the president
- 2- Cohabitation: will be affected/not affected by the reform
- 3- Democracy: more frequent consultation/better “democratic respiration”/more involvement of the citizens
- 4- “modernity”/”modern”
- 5- Length (“too long”, not long enough...)
- 6- Stability and coherence: governability of the regime, clarity of alternation and balance of power and responsibilities of legislative and executive power
- 7- President and the parties: the reform will detach the president of party politics / reinforce the link of president with parties
- 8- Drift of the institutional regime: towards presidentialisation, the “American regime”, domination of the parliament
- 9- Triviality of the reform: “Gadget reform”/not essential
- 10- Trick: reform is an electoral manipulation / “circumstantial manoeuvre”
- 11- Pluralism: equality of chances for each candidate before the election, preservation of the representation of different forces

refarg2

Second reform argument mentioned?

(same grid until refarg8)

These eleven arguments are not, of course, fully exhaustive, but encompass the great majority of the pro, anti, or neutral arguments used in the debate. In order to make them clearer, I present some examples for each of these eleven arguments.

function

The article mentions an argument about the centrality/no centrality of the presidential election and function in the Vth Republic and/or balance of power between the PM and the president.

- 0- No

1- Yes

cohabitation

The article mentions an argument about the fact that the cohabitation: will be affected/not affected by the reform

0- No

1- Yes

democracy

The article contains an argument about democracy: more frequent consultation/better “democratic respiration”/more involvement of the citizens

0- No

1- Yes

modern

The article contains an argument about the reform bringing “modernity” or being “modern”

0- No

1- Yes

length

The article contains an argument about length (“too long”, not long enough...)

0- No

1- yes

stability

The article contains an argument about stability and coherence: governability of the regime, clarity of alternation and balance of power and responsibilities of legislative and executive power

0- No

1- Yes

partypol

The article contains an argument about the balance between the President and the parties: the reform will detach the president of party politics / reinforce the link of president with parties

0- No

1- Yes

drift

The article contains an argument about the drift of the institutional regime: towards presidentialisation, the ‘American regime’, domination of the parliament

- 0- No
- 1- Yes

gadget

the article contains an argument about the triviality of the reform: “Gadget reform”/not essential

- 0- No
- 1- Yes

trick

The article contains an argument about the reform being a trick: reform is an electoral manipulation / “circumstantial manoeuvre”

- 0- No
- 1- Yes

pluralism

The article contains an argument about pluralism: equality of chances for each candidate before the election, preservation of the representation of different forces

- 0- No
- 1- yes

Examples for each argument

- 1- Centrality / no centrality of the presidential election and function in the Vth Republic and/ or balance of power between the prime minister and the president

« Le député de Paris estime que, dans l'esprit de la Ve République, c'est l'élection présidentielle qui est la clef de voûte des institutions. Normalement, elle doit précéder les législatives. » (anon. « Le calendrier électoral de 2002 en débat à droite ». *Le Monde*, 2 October 1999)

« L'instauration du quinquennat permettrait plutôt de revenir à la conception initiale de la Ve République telle qu'elle a fonctionné de 1962 à 1986, avec un président de la République élu au suffrage universel et gouvernant avec un gouvernement appuyé sur une majorité parlementaire de même sens que la majorité présidentielle. » (Fulda, Anne. « Après l'initiative de Giscard et l'acquiescement suspensif de Chirac; un retour aux fondements de la Ve République ». *Le Figaro*, 12 May 2000)

« On me pardonnera de répéter que l'élection la plus importante étant celle qui confère le pouvoir de gouverner, c'est l'élection législative, comme l'a montré ce qui s'est passé dans notre pays en 1986, 1993 et 1997, lorsqu'une majorité parlementaire contraire à l'orientation politique qui était celle du président élu quelques années plus tôt a imposé un changement de politique. En 2002, c'est celui qui gagnera les législatives qui gouvernera et pas un autre » (Balladur, Edouard. « Que les élections coïncident ». *Libération*, 9 May 2001)

- 2- Cohabitation: will be affected/not affected by the reform

« Elisabeth Guigou a rappelé que le raccourcissement du mandat présidentiel (...) ‘permettra un fonctionnement plus ordonné de nos institutions’ en raréfiant les périodes de cohabitation » (Bresson, Gilles. « Le Sénat vote le quinquennat de l'amitié ». *Libération*, 30 June 2000)

« Cette réforme n'est ni bonne ni prioritaire. Je ne voterai pas le quinquennat. Il ne nous prémunit pas contre la cohabitation et il soulève des questions de fond » (Bezat, Jean Michel. « Josselin de Rohan ». *Le Monde*, 17 May 2000)

3- Democracy: more frequent consultation/better “democratic respiration”/more involvement of the citizens

« Alain Juppé, d'abord, qui, dans un entretien au Figaro du 27 mars, estime que le septennat n'est plus un temps démocratique dans un univers fortement médiatique et ne correspond plus à la perception que les gens ont de leur relation avec le pouvoir » (Robert Diard Pascale. « Jacques Chirac et Lionel Jospin confrontés au quinquennat ». *Le Monde*, 11 May 2000)

« Le quinquennat constitue, certes, une amélioration. (...). Hérité de circonstances historiques hasardeuses, le septennat détonne parmi les pratiques des grandes démocraties, où le chef effectif de l'exécutif est élu tous les quatre ou cinq ans. » (Maury, Emmanuel. « Cette réforme ne règle ni le risque de cohabitation ni la question de l'équilibre des pouvoirs ». *Le Figaro*, 13 July 2000)

4- “modernity”/“modern”

« [Cette réforme] vise (...) à moderniser le délai de légitimation du président de la République en lui donnant une durée qui corresponde davantage à l'évolution des esprits de notre temps » (Giscard d'Estaing, Valéry. « Et maintenant, le quinquennat! ». *Le Monde*, 11 May 2000)

« J'ai l'impression, ajoute le sénateur du Puy-de-Dôme, d'assister à un grand concours, genre 'plus moderne que moi, tu meurs'. Mais la modernité telle qu'ils semblent la concevoir est contraire aux grands principes républicains. Quitte à avoir l'air d'un vieux con, je m'en tiens aux valeurs qui fondent la République. » (anon. « Quinquennat : le coup de gueule de Charasse ». *Le Figaro*, 30 May 2000)

5- Length (“too long”, not long enough...)

« Le 27, Pompidou se justifie: J'ai pensé qu'il fallait consulter le pays un peu plus souvent et j'ai pensé qu'une durée de cinq ans était bonne. » (Viro, Pascal. « Pompidou, pionnier du quinquennat. ». *Libération*, 6 June 2000)

« Le président du RPF ajoute que le président de la République doit avoir une assise électorale supérieure à celle des autres élus nationaux, notamment les députés. Il doit disposer d'un mandat plus long pour conduire les affaires du pays avec le recul nécessaire. » (anon. « QUINQUENNAT: Charles Pasqua se dit prêt à prendre toute (sa) place dans la bataille du "non" ». *Le Monde*, 29 May 2000)

6- Stability and coherence: governability of the regime, clarity of alternation and balance of power and responsibilities of legislative and executive power

« Que voulons-nous? (...) Une équipe, un capitaine, la durée, la responsabilité, la plupart des grandes démocraties européennes comportent ces éléments indispensables à une articulation viable entre efficacité et liberté. (...) La logique et les précédents convergent pour indiquer qu'une présidentielle juste avant les législatives garantit mieux la cohérence majoritaire que l'inverse. La priorité de l'élection présidentielle est donc préférable du point de vue de l'efficacité du pouvoir politique » (Carcassonne, Guy, Duhamel, Olivier, Vedel, Georges. « Ne pas voter la tête à l'envers ». *Le Monde*, 13 October 2000)

« Au Sénat, son patron, Christian Poncelet, grince des dents sur le référendum. Et Josselin de Rohan, le patron du groupe RPR, est contre le quinquennat qui risque d'ouvrir une période d'instabilité institutionnelle. » (anon. « Référendum d'automne pour le quinquennat. ». *Libération*, 19 May 2000)

7- President and the parties: the reform will detach the president of party politics / reinforce the link of president with parties

« Samedi, à Nîmes, le président du RPF a estimé que 'le quinquennat ramènerait le président de la République à un rôle de chef de parti. En revanche, le septennat est garant de la légitimité du président, qui dépasse les clivages des partis politiques et donne une assise plus large à la fonction'. » (Portes, Didier. « Lionel Jospin appelle 'naturellement à voter oui' ». *Le Figaro*, 10 July 2000)

« Pourtant, le plus étrange de cette argumentation porte sur l'idée que la Ve République est ontologiquement trahie si le quinquennat est voté. Car la fonction présidentielle exigerait par essence un mandat majestueux par sa durée, enjambant les rythmes électoraux ordinaires, et transcendant les divisions partisans, gardien souverain de l'essentiel sans lien avec la cuisine politicienne. Mais de quoi et de qui parle-t-on? Où siège cette Ve République? Pour la tuer ou la trahir il faudrait qu'elle existe autrement que sur le papier (...) Cette pièce maîtresse, raison d'être du septennat, cet arbitre, idéal, à la fois distant et souverain, où l'a-t-on rencontré depuis 1958 sinon au pays des coquecigrues? » (Vedel, Georges. « Voter oui et comprendre ». *Le Monde*, 16 September 2000)

8- Drift of the institutional regime: towards presidentialisation, the “American regime”, domination of the parliament

« La situation ne saurait s'accommoder d'une réforme purement cosmétique comme, par exemple, le fameux quinquennat. Un succédané de régime présidentiel à l'américaine n'aurait aucune chance de s'adapter à la culture de notre nation. » (Toubon, Jacques. « Pour un gaullisme de projet ». *Le Monde*, 19 October 1999)

« Cela peut présenter des avantages », a-t-il ajouté, avant de virer à 180 degrés: selon lui, une inversion de la chronologie conduirait à « une accentuation de la présidentialisation du régime », ce qui serait « grave pour la vie politique française ». » (Quinio, Paul, Viro, Pascal. « Calendrier - Hollande promet de négocier ». *Libération*, 28 November 2000)

9- Triviality of the reform: “Gadget reform”/not essential

« Que veulent les écologistes? Une VIe République, avec une représentation proportionnelle, un statut de l'élu, le droit de vote des étrangers aux élections locales... Bref, le quinquennat 'sec' ne les intéresse pas. Sur ce point, ils se retrouvent d'accord avec les chasseurs de CPNT dont le slogan se résume à 'un référendum pour rien, votons blanc ou nul'. Le député européen CPNT Michel Raymond a même conseillé à ses électeurs d'aller à la chasse' le 24 septembre. » (Lebegue, Thomas. « Quinquennat - revue de troupes avant une morne bataille ». *Libération*, 5 September 2000)

« Le quinquennat ne résout 'aucun des maux de notre démocratie'. Plusieurs députés avancent cet argument. 'Le quinquennat est une mascarade, un cautère sur une jambe de bois', lance Renaud Dutreil (DL), (...). 'Réservé' à l'égard d'une réforme qu'il juge 'accessoire', Jean-Louis Debré, le président du groupe RPR de l'Assemblée, estime que la modernisation de la vie politique 'passe par d'autres voies, plus importantes, notamment l'instauration d'un scrutin législatif à un tour' » (Huet, Sophie. « A l'Assemblée et au Sénat, les adversaires de la réduction du mandat présidentiel se recrutent dans tous les groupes politiques ». *Le Figaro*, 21 May 2000)

10- Trick: the reform is an electoral manipulation / “circumstantial manoeuver”

« C'est une mesure de circonstance. Je suis contre. Jacques Delors, ancien ministre, ancien président de la Commission européenne, a exprimé ainsi, dimanche 18 juin, au Grand Jury RTL- Le Monde-LCI, son hostilité au quinquennat sec, qui nous fait faire un saut dans l'inconnu. » Anon. « Jacques Delors votera non ». *Le Monde*, 20 June 2000)

« Le maire de Lyon assure que c'est sa seule fidélité aux institutions de la Ve République qui le pousse à vouloir engager un 'débat loyal' sur le sujet. Il ajoute: 'Je ne suis pas candide au point de méconnaître que, par-delà les appréciations portées sur l'évolution de nos institutions, chacun sera sensible à l'intérêt que peut présenter un calendrier ou l'autre pour le candidat qui a sa préférence, ou pour la famille politique à laquelle il appartient. Rien de plus naturel. Mais, justement, personne ne peut dire aujourd'hui si un calendrier avantagerait un candidat ni, moins encore, lequel.' Raymond Barre refuse de politiser le débat » (Hassoux, Didier. « Barre veut remonter le temps électoral. ». *Libération*, 23 November 2000)

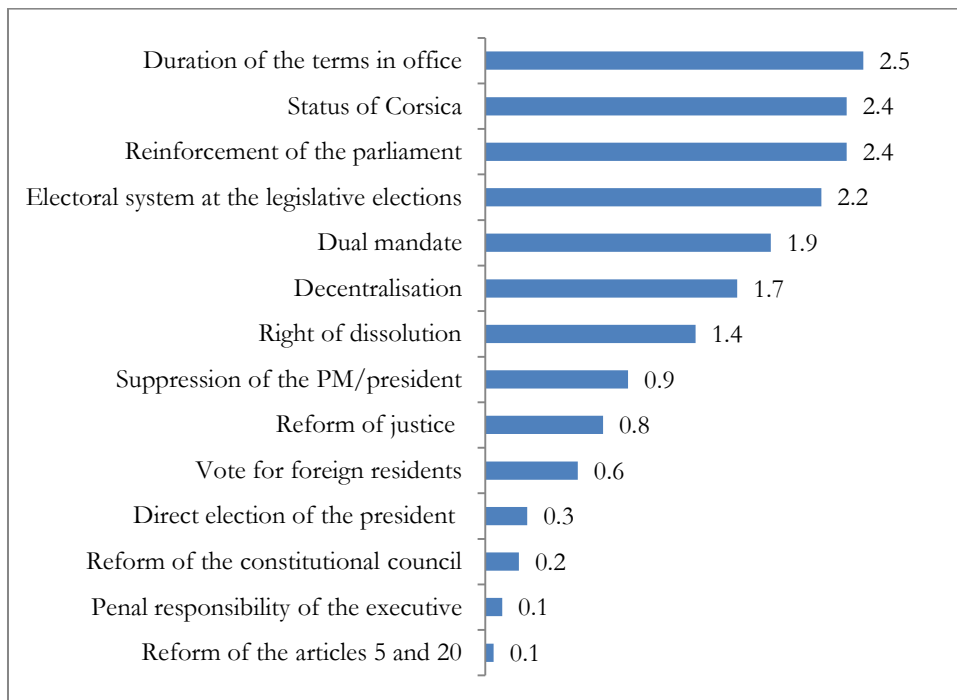
11- Pluralism: equality of chances for each candidate before the election, preservation of the representation of different forces

« En désignant clairement son adversaire de l'Elysée, il observe que pour tous les candidats à l'élection présidentielle, sauf un, le dilemme sera le suivant: ou bien affaiblir leur campagne législative parce qu'ils auront déjà annoncé leur candidature à l'élection présidentielle; ou retarder leur candidature à la présidence jusqu'aux termes des législatives, ce qui les placera en situation d'inégalité manifeste face au président sortant, si celui-ci décidait d'être à nouveau candidat. Au contraire, si le calendrier est remis sur ses pieds, plaide-t-il, la compétition redevient équitable. » (Anon. « Alain Juppé et Lionel Jospin s'affrontent sur la convenance ». *Le Monde*, 20 December 2000.)

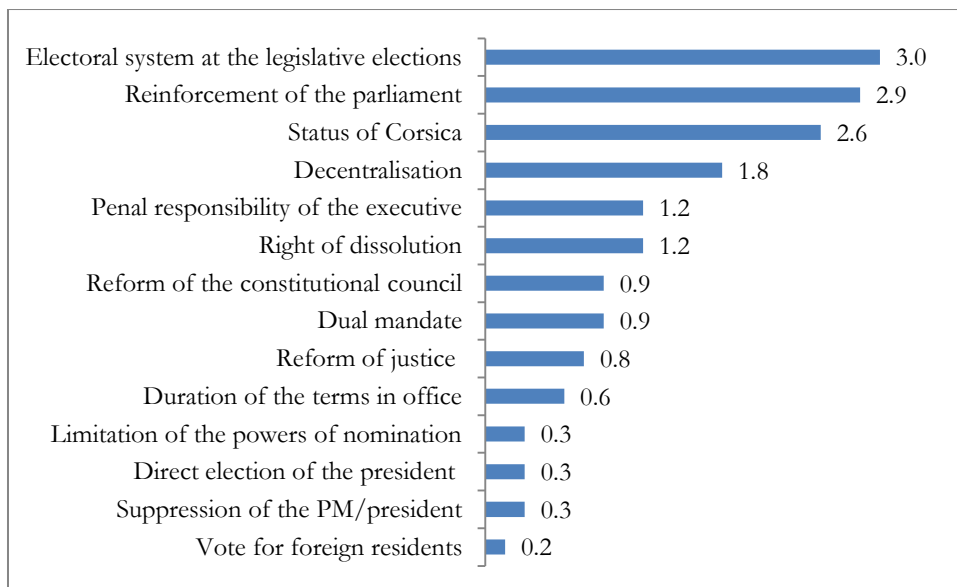
« Le quinquennat 'mène à un régime encore plus présidentieliste et à une bipolarisation de la vie politique autour des partis pouvant présenter un candidat, au dépens du pluralisme', a-t-il prédit en annonçant que les communistes allaient déposer un amendement pour éviter la concomitance des scrutins présidentiels et législatifs. » (Bresson, Gilles. « Quinquennat - les députés mous du oui ». *Libération*, 6 June 2000).

Appendix 14. *Other institutional reforms mentioned, among the articles on the quinquennat, electoral calendar or both mentioning at least one other reform, in %*

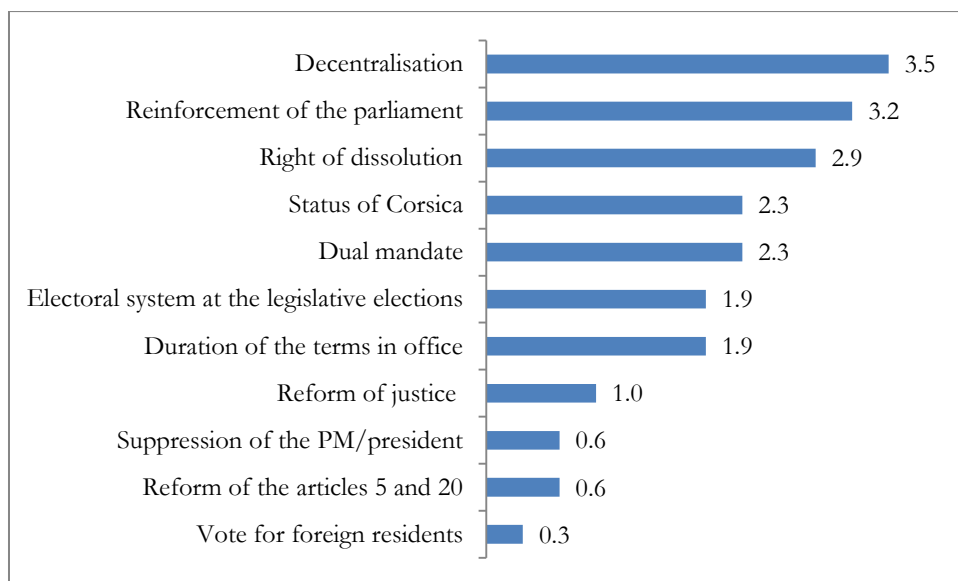
Quinquennat: total = 180



Electoral calendar: total= 66



Both : total=33



Appendix 15. *Balance of the pro, anti, and neutral reform arguments in the articles about the quinquennat and/or the electoral calendar, July 1999-July 2001 (in %)*

	pro-reform	anti-reform	neutral	Total
Quinquennat	55.3	46.3	11.0	246
Electoral calendar	53.1	60.8	7.0	143
Both	76.5	43.1	9.8	51

Appendix 16. *Positions of the delegates of the main Italian parties on electoral reform, 2002-2005*

	Forza Italia	Udc	Nuovo Psi	Fiamma Tricolore	Ds	Margherita	Rc	Pdci	Sdi	Radicali
First past the post	26.6	5.5	2.2	5.9	8.6	5.8		0.7	2.5	92.7
French two-round majoritarian system	7.8	0.6	3.3	2.9	63.2	30.3	0.5	5.3	16.1	2.4
PR with thresholds of representation	51.3	79.3	66.7	8.8	19.4	52	52.5	18.1	58.1	3.2
Pure PR	6.7	13.4	27.9	74.3	0.7	2.4	47	70.1	17.4	1.6
Conservation of the Mattarellum	7.6	1.2		8.1	8.1	9.5		5.7	5.9	
TOTAL	100	100	100	100	100	100	100		100	100

source: Chiaramonte, Alessandro, and Aldo Di Virgilio. 2006. "Da Una Riforma Elettorale All'altra: Partiti, Coalizioni e Processi Di Apprendimento." *Rivista Italiana Di Scienza Politica* 36 (3): p.387.

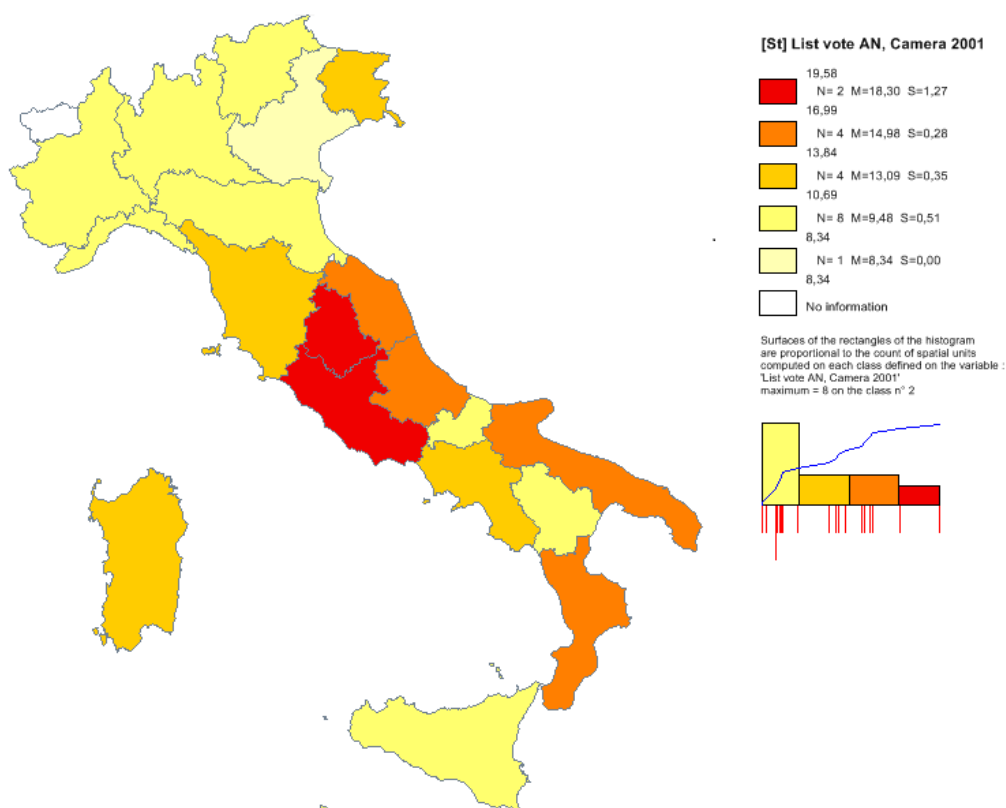
Note: the data mentioned by Chiaramonte and Di Virgilio has been gathered by the Osservatorio italiano sulle trasformazioni dei partiti (University of Bologna, Florence, and Trieste) with the delegates of the 11 parties during the national congresses held between November 2002 and July 2005. The question asked was the following: "at the beginning of the 1990s, the modification of the electoral system has been one of the most important factors of transformation of Italian political life. In the light of political experiences, up until now, you consider desirable...". A series of proposals of electoral systems was following. The results for the radicals, who are not in the Parliament in 2006, are not mentioned.

Appendix 17. *Main steps of the parliamentary procedures for the electoral and constitutional reforms, and electoral contests between 2002 and 2006*

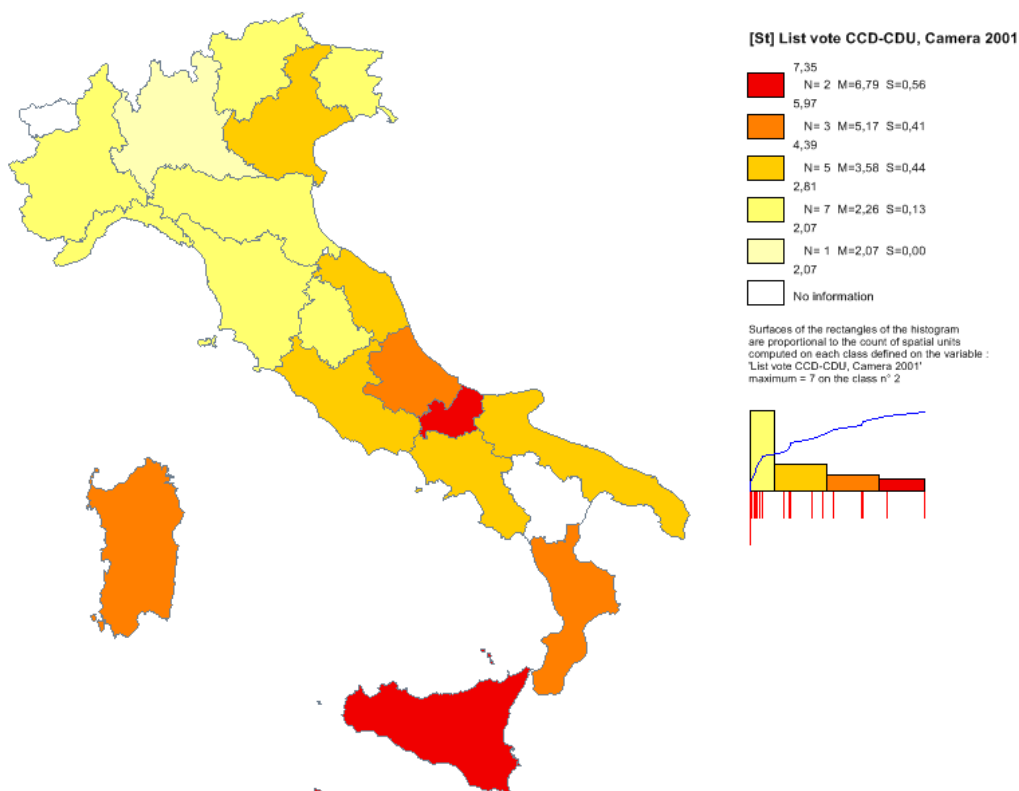
Date	Event
11/02/2002	Institution of the Committee of study Brigandì on the constitution
25 and 26/5/2003	Administrative elections won by the centre-left (6 municipalities out of 10, 7 provinces out of 12)
17/10/2003	Presentation of the project AS 2544 of constitutional reform in the Senate
25/04/2004	Approval in the Senate in first reading of the constitutional reform
12 and 13/6/2004	European elections won by the centre-left
15/10/2004	Approval with modifications in the Chamber of Deputies of the project AC.4862 of constitutional reform in first reading
03/03/2005	Beginning of the discussion on electoral reform in the Chamber of Deputies
23/03/2005	Approval in the Senate in new first reading of the constitutional reform
3 and 4/4/2005	Regional elections won by the centre left (12 regions out of 14)
13/10/2005	Approval in the Chamber of Deputies of the electoral reform
20/10/2005	Approval by the Chamber of Deputies of the constitutional reform in second reading
16/11/2005	Approval by the Senate of the constitutional reform in second reading
18/11/2005	Publication of the constitutional law in the Official journal
14/12/2005	Approval without modifications in the Senate of the electoral law
30/12/2005	Publication of the electoral law in the Official journal
9 and 10/4/2006	Parliamentary elections won by the centre-left
25 and 26/6/2006	Confirmative referendum on the constitutional reform won by the "no" side

Appendix 18. Geographic repartition of the votes for the four parties of the center-right coalition by regions in the 2001 parliamentary elections

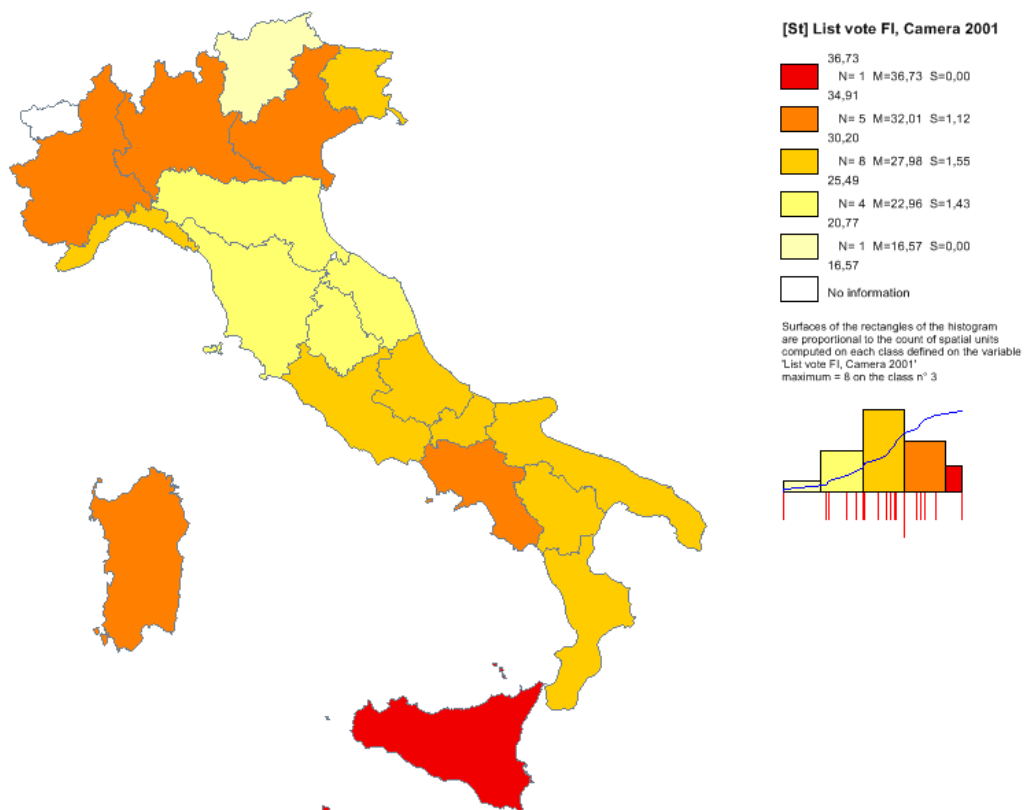
Vote for Alleanza Nazionale in the 2001 parliamentary elections by region, Chamber of Deputies



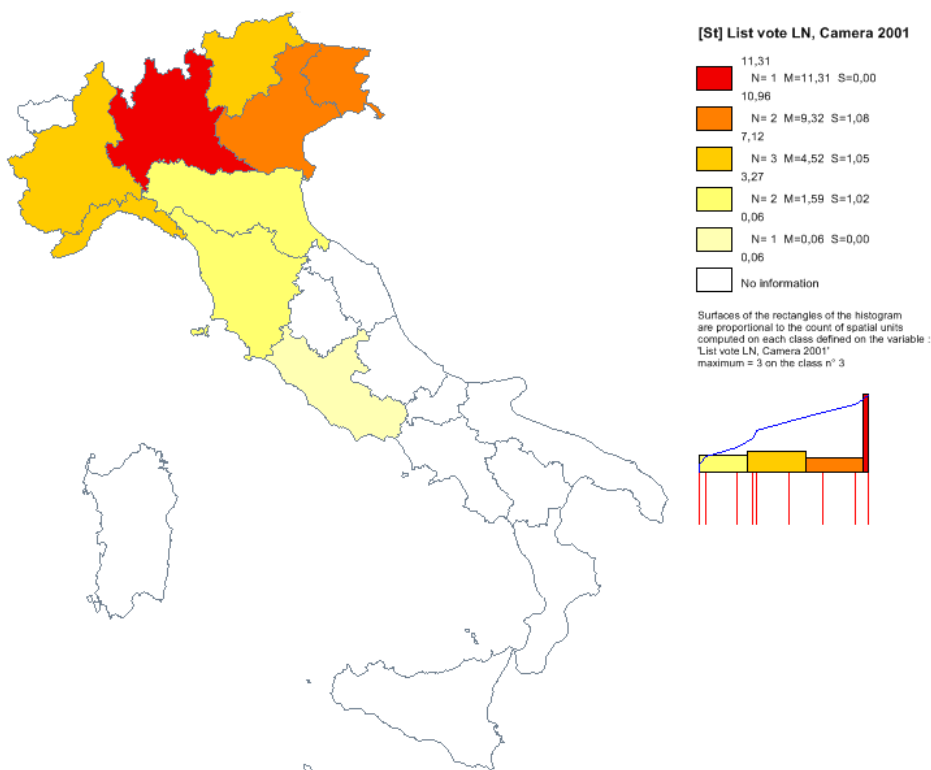
Vote for the CCD-CDU in the 2001 parliamentary elections by region, Chamber of Deputies



Vote for Forza Italia in the 2001 parliamentary elections by region, Chamber of Deputies



Vote for the Lega Nord in the 2001 parliamentary elections by region, Chamber of Deputies



Note: “M” refers to the arithmetic mean. “S” to the standard deviation, and the figure on top of each class to the maximum by class. The map was computed with the software Philcarto. Source: Ministero dell’Interno, archivio storico delle elezioni.