
Why Are There So Many (or So Few) Electoral Reforms?

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The vast majority of the literature on electoral systems has been concerned, in the words of the title of Rae's seminal book (1967), with 'the political consequences of electoral laws'. Based primarily on cross-sectional data, analysts have tried to explain outcomes of proportional representation (PR), majority status and stability of governments, and the nature of parties and party systems, with reference to such dimensions of electoral laws as electoral formula, district magnitude, or the possibility of intraparty choice. Electoral systems, as the *explanans*, have been taken as fixed—or, when a change in a country's electoral system has been noted, this has simply been taken to define a new case, rather than to be a phenomenon that itself requires explanation.

One exception to the taking of electoral systems as given has been the debate concerning the adoption of PR in Europe. Originally, this debate focused on the direction of causation underlying the correlation between PR and multiparty systems, generally identified as Duverger's law. Typical of one side of this debate was Grumm's (1958) observation that multipartism preceded the adoption of PR, and that, therefore, 'PR is a result rather than a cause of the party system'. The other side (e.g. Riker 1982: 758; Sartori 1986: 65) took issue with the relevance of the test, observing that most of the changes to PR were from two-ballot majority systems, for which Duverger's law does not predict a two-party system, rather than single-member plurality (SMP), for which it does. Both sides, however, appeared to accept that there is a natural correspondence between the electoral system and party system, which would be more or less naturally established, and once established would be relatively stable.

This equilibrium approach is, however, incapable of explaining change except with reference to an external shock. The shock most often cited was the political mobilization and enfranchisement of large numbers of people who had been excluded from legitimate political participation under the *régimes censitaires* of the nineteenth century. The classic statement of this position is that of Rokkan (1970: 157): 'The rising working class wanted to gain access to the legislatures, and the most threatened of the old-established parties demanded PR to protect their position

against the waves of mobilized voters created by universal suffrage.' More recently, Boix (1999) has employed multivariate techniques and data unavailable to Rokkan both to confirm, and to refine, the hypothesis that electoral system change is brought about by the attempts of ruling parties to maximize their representation in a changed electoral arena. This self-interest-driven account of the adopting of PR has been challenged by an idea-based account asserting that PR was introduced because the ruling parties recognized that 'proportional representation is the only means of assuring power to the real majority of the country, an effective voice to minorities, and exact representation to all significant groups of the electorate' (Carstairs 1980: 3, translating a resolution of the international conference on PR convened in 1885 by the *Association Réformiste Belge*, cited in Blais and Dobrzynska 2000). Both sides, however, appear to imply that substantial changes in electoral systems are to be expected only in response to 'deep-rooted ruptures in the historical and political development' (Nohlen 1984: 217) of the countries involved.

In the 1990s, however, Italy, Japan, and New Zealand substantially altered their electoral systems under conditions that fell far short of being 'deep-rooted ruptures'. Although starting with electoral systems that were very different (respectively, PR, SNTV, and SMP), they all adopted variants of what came to be called (adopting the phrase applied in New Zealand) mixed member systems. In trying to account for these reforms, and on the presumption that these, in fact, represent some kind of intermediate position between the 'extremes' of SMP and PR,¹ Shugart (2001: 25) proposed 'that much of the appeal of mixed-member systems derives from how they appear to balance the extremes on [both the interparty and intraparty] dimension[s]'. Moreover, he implies that dissatisfaction with extreme performance on one or both of these dimensions may be adequate to lead to reform, even if the dissatisfaction is not sufficiently profound to be characterized as constituting a crisis.

THE PARADOXES OF ELECTORAL REFORMS

Notwithstanding the spate of reforms in the early 1990s, major reforms of national electoral systems remain quite rare, as Nohlen (1984: 218) observed some twenty years ago (see also Norris 1995). If one limits attention to the established democracies (roughly, democratic since the 1950s), and limits the meaning of 'major reforms of national electoral systems' to the wholesale replacement of the electoral formula through which a strong president, or the chamber of parliament to which the national government is responsible, is elected, the list of major reforms since 1950 numbers only fourteen. Three of these concern the adoption of mixed member systems in the early 1990s: in New Zealand in 1993 (first applied in the 1996 election), where mixed member proportional (MMP) replaced SMP for the election of the only chamber of parliament; in Italy in 1993 (first applied in the 1994

¹ Running counter to this presumption is the observation that before the start of the reform process in New Zealand, the German system now commonly classified as MMP was virtually universally identified simply as being PR.

election), where MMP replaced PR for the election of both chambers of the parliament; and in Japan in 1994 (first applied in the 1996 election), where MMP replaced SNTV for the election of the House of Representatives. Five major reforms took place in France: the replacement of D'Hondt formula PR with a complex system that varied between Paris and the rest of the country before the 1951 election; the wholesale replacement of that system by two-ballot majority that accompanied the advent of the Fifth Republic in 1958; the adoption of direct election of the president of the republic in 1962 (first election, 1965); the replacement of two-ballot majority election of the National Assembly with PR in 1985 in anticipation of the 1986 parliamentary election; and then the reinstatement of two-ballot majority election within months of the 1986 election (first applied in 1988). A similar pair of reforms (adoption and then abandonment) occurred in Israel, with the introduction of direct election of the prime minister in 1992, and its repeal in 2001. An additional major reform might be the introduction of direct election of the president in Finland in two stages in 1988 and 1994,² although the electoral reform was accompanied by reductions in the powers of the Finnish presidency, sufficient to move it out of the category of strong presidents. To these, one might also add the amendment of the Maltese electoral system in 1987 to guarantee that a party whose candidates receive a majority of the first-preference votes will also have a majority in parliament, regardless of the allocation of seats by single transferable vote (STV) at the constituency level. Finally, although it never came into operation, one might also add the enactment and then the repeal of the Italian *legge truffa* ('swindle law') that would have given 380 of 590 seats in the Chamber of Deputies to any alliance of parties that won 50 per cent of the votes.

If, however, one takes a slightly more expansive view of electoral reform, then reforms of national electoral systems are far more common. Within the general category of proportional representation, there have been changes in the specific method/formula employed; introduction or modification of statutory thresholds (*Sparklauseln*); reapportionments of seats in ways that do (or do not) significantly affect district magnitudes; introduction or modification of multitiered methods of seat distribution; modification of systems of intraparty preference voting. While changes in formula or magnitude are impossible while staying within the category of SMP systems, redistricting decisions—as well as changes in the way in which those decisions are made—can have an impact on elections that is as profound as any of those listed in the previous sentence.³

In addition to changes such as these, there may be changes to the systems employed for elections of local or regional governments, a possibility rendered a virtual certainty if the structure of subnational government itself were changed (e.g. the (re-)creation of a Scottish parliament, a Welsh assembly, and a London metropolitan mayor and council in the UK). The advent of direct election to the European

² For details of this reform, see Chapter 23 in this volume.

³ Given their demonstrably large impact on the translation of votes into seats, it is thus surprising that Lijphart (1994) does not consider the wholesale redistricting that follows every decennial census in the USA to define a new electoral system.

Parliament forced all the member states to adopt new electoral systems; even if these were copied from the systems in use for national parliamentary elections, they necessarily differed from the existing systems in at least one aspect of district magnitude (either number of members per district, or number of voters per district, or both). And, of course, there are the wholesale revisions of electoral systems that have accompanied the transitions from communist to democratic rule in the former Soviet empire, from white to multiracial rule in South Africa, and so on—but these are unexceptional precisely because they did not occur in established democracies and did accompany regime changes.

Depending on how one understands the term ‘electoral reform’, this phenomenon presents two apparent, and apparently contradictory, puzzles. 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. In democratic countries, electoral reform generally can take place only with the approval, or indeed at the initiative, of the party or coalition of parties that have won the previous election. Why, it is often asked, would politicians change the rules of a game they have been winning? While the fact that the fourteen reforms listed above are the only such major changes to take place in the ‘canonical’ list of more than two dozen democracies over more than half a century (especially with five of those reforms taking place in a single country) certainly supports the claim that major reforms are rare, there are far too many such reforms to be dismissed simply as aberrations.

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. There are rarely, if ever, legal barriers to redrawing district lines after every election with the majority gerrymandering to its own advantage on the basis of the latest figures, but such frequent opportunistic reapportionments are virtually unheard of. On the basis of moderately strict counting rules (but far weaker than those used above to define a ‘major reform’), Lijphart (1994: 160–2) counts thirty electoral reforms in twenty-seven countries between 1945 and 1990; with less stringent rules, or more dimensions to be considered, the list would undoubtedly have been much longer. Nonetheless, while it would be a major undertaking to list all the ‘minor’ electoral reforms that have been implemented since 1950, the normal expectation remains that two successive elections in a country will be held under the same electoral arrangements. If the parties in power could give themselves an advantage, why do they not do so more often?

MAJOR REFORMS IN PRINCIPLE

With only fourteen major reforms in the last half-century, a statistical analysis of the circumstances under which parties in power change the rules of the game that put them there is not likely to be productive. Nonetheless, it is possible to posit a number

of generalizations based on these cases, the most significant of which is that the initial premise, that major electoral reforms are unlikely because they would have to be adopted by parties that have been winning under the old rules, and thus must be counter to the interests of those parties, is, if not simply false, then at least incomplete and misleading. As a review of the fourteen cases of major reforms that were enacted, as well as several reforms that were proposed—often by the parties in power at the time—but not enacted, reveals, this is so in virtually each particular.

First, the fact that a coalition is in office does not mean that it will not (possibly with good reason) perceive itself to be vulnerable. With hindsight, the fears of communist takeovers or fascist resurgence in Western Europe in the decades after the Second World War may appear the products of hysteria, but that does not mean that they were not significant influences on the decisions of European governments. Particularly, a first-term government may understand its victory to have been the product of a fortuitous combination of circumstances that is unlikely to persist—in effect, to believe itself to have won in spite of, rather than because of, the electoral system in place. Public opinion is not a constant, and a coalition that won election a few years before may expect that it would lose, in the phrasing of a common survey question, ‘if there were a General Election tomorrow’. And, even if a coalition is relatively secure in office, that does not mean that it could not hope to win an even bigger or more secure victory in the future.

Second, the ‘winners will not change the rules of the game they are winning’ hypothesis implicitly assumes that whether an electoral reform is adopted is entirely at the discretion of those winners. In some cases, however, the winners of the last election are not completely in control of events. Many of the conditions associated with Lijphart’s model of consensus democracy—an independent legislative branch that gives significant power to opposition MPs (e.g. by giving all parties a share of committee chairmanships), bicameralism, federalism, judicial review, referendum—may mean that the ‘government’ will not be able to prevent the enactment of reforms it opposes (or secure the enactment of reforms it wants), except perhaps at prohibitive cost.

Third, the simple above-mentioned hypothesis implies a bright line dividing winners and losers, such that all the members of the winning coalition share a single common interest with regard to possible electoral reform. In fact, this may be untrue for a variety of reasons. The primary incentive for the party (or person) of a would-be prime minister is probably to be heading a winning coalition rather than maximizing its own (or his or her own party’s) seat share, while for coalition partners (and individual MPs) increased seat shares may be more important than ‘winning’ the overall race to control the government. Some coalition members may have a wider choice of potential partners than others. An electoral reform that would benefit a small (or regional) coalition member might harm its larger (or more national) partner. In each case, there may be pressure from within a governing coalition to reform the electoral system, even though reform might not appear to be in the interest of the coalition if it were a unitary actor. Conversely, even if reform

would be in the aggregate interest of the governing coalition (e.g. the 'centre right' as a political family), it may be derailed by the opposition of some individual members of the coalition whose interests it would not serve.

Fourth, the hypothesis, like all hypotheses in the rational choice paradigm, assumes that the participants know their interests, know the consequences of their alternative courses of action for those interests, and act accordingly.⁴ Looking at the drafting of new electoral laws in postcommunist Europe suggests that this line of reasoning is highly problematic. On the one hand, there appears to have been a strong tendency among those drafting these laws to misread the relative strengths of the likely competitors, but on the other, a very simplistic understanding of the political consequences of electoral laws. The result was often to make these exercises look (at least with hindsight) like 'amateur night at the constitutional convention'. While these problems certainly are more likely to afflict new democracies than those with decades of experience, both with voter preferences and with the operation of the electoral system *from* which it is proposed to change, that does not mean that parties in established democracies are immune to misperceptions and miscalculations concerning an electoral system *to* which it is proposed to change.

Fifth, the implication that governing coalitions are motivated by considerations of short-term advantage in a game played by a fixed cast of characters may be defective in either or both of these aspects. On the one hand, parties may be concerned more with long-term positioning than they are with securing possibly temporary advantage in the next general election, but on the other hand, and at least in part for long-term advantage, they may want to change the whole format of the party system, including both the identity or number of the parties and the patterns of competition among them, not just the relative strengths of a constant menu of parties.

Sixth, although electoral systems are of great potential importance in altering the translation of votes into seats and thus into political power, and although the increased power that might be achieved by an electoral reform (or the decreased power that might be avoided by blocking a reform) could be deployed in many policy areas, still, maximizing their electoral advantage is only one goal that parties pursue (Strøm 1990). Under the right circumstances, both proponents and opponents of electoral reform may be prepared to trade their preferences or interests on this dimension for support on other questions.

These reasons why electoral systems might be changed, notwithstanding the conventional expectation that major reforms cannot occur without the consent of the current winners, are not mutually exclusive, and indeed in some cases, as will be seen below, can be mutually reinforcing. They are summarized in Table 3.1. Some suggest reasons why reforms might be adopted over the initial opposition of the government in office; some suggest reasons why a government in office might countenance electoral reforms, including reforms that are not in their own apparent

⁴ It is possible that the consequences of actions will be stochastic rather than determinate (that is, changing the probabilities of outcomes rather than directly determining them), but as the probability distributions of the outcome of alternative actions increasingly overlap, the analytic purchase of the rational model vanishes.

Table 3.1 Reasons why parties might change, or allow to be changed, the rules of a game they are winning

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1. The winners may believe that their continued victory is seriously threatened under the existing rules.
 2. The winners are not entirely in control of the situation, and can have reforms imposed upon them.
 3. There is division of interests among the members of the winning coalition.
 4. Those able to adopt electoral reforms are overly optimistic about their own prospects under the new system, or misperceive its probable consequences.
 5. Parties may value long-term change in the competitive system over short-term electoral advantage.
 6. Parties may be willing to trade electoral advantage for other goals.
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interest. All suggest that the equation of incumbency with preference for the status quo, and preference of the incumbents for the status quo with no change, is too simple. Turning to the fourteen cases of major reforms enacted since 1950, and taking into consideration examples of reforms of comparable magnitude that were proposed by incumbent governments and yet not adopted, illustrates these points.

MAJOR REFORMS IN PRACTICE

The first of the reasons just listed why a sitting government might change the rules under which it was elected—insecurity in, or dissatisfaction with, the status quo—is implicated in seven of the fourteen major reforms, as well as contributing to the explanation of why sitting governments would propose a number of major changes that were not enacted. In the decade after the Second World War, the stimulus for reform was the insecurity of the governing coalitions of the centre, stimulated by the strength of parties on both left (communists) and right (Gaullists in France and neofascists in Italy) that were believed to be subversive of democratic, or at least of parliamentary, government. Both the French reform enacted for the 1951 election and the Italian reform enacted for the 1953 election were designed to favour the centrist parties that would be able to form electoral alliances, while penalizing the extremes who presumably would be isolated. In the French case, a uniform system of PR that favoured the larger parties was replaced by a dual system: in Paris, where the communists and Gaullists were strong, the system was a version of PR favourable to small parties; in the rest of the country, the system was a form of PR favourable to large parties or alliances, with the additional provision that if any party or alliance won an absolute majority of the votes in a constituency (generally a *département*), it would win *all* the seats for the constituency (Carstairs 1980: 180–1). In the Italian case, the basic system of large district PR with a national distribution of remainders was retained, but with the addition of a provision that would award 380 (64 per cent) of the 590 seats in the Chamber of Deputies to any party or alliance that obtained an absolute majority of the votes.

Beyond reducing the representation of 'anti-democratic' forces, these reforms were also intended to increase the stability, and hence the influence, of the executive. In slightly different form, this stimulated the French change to a directly elected president in 1962. De Gaulle was hostile to the idea of political parties, and wanted to govern 'above the parties'. Initially, he could do this simply on the basis of his personal charisma and the support of MPs who had been elected pledging to support him. As time progressed, he renewed his charisma by the plebiscitary use of the referendum—ultimately using the referendum in a manner contrary to the letter of the constitution in order to institutionalize a direct and personal mandate for the president by replacing an electoral college with a direct popular vote. A similar combination of a desire to maximize the advantage of the ruling party and a desire to increase government stability is evident in the failed attempts at introducing SMP into Ireland in 1959 and 1968 (both attempts being defeated by referendum) and into Japan in 1956 (defeated by a combination of popular outcry and disunity within the Liberal Democratic Party (LDP)). The same combination also underlay the earlier and successful, although, in the terms employed in this paper, minor, attempt to reduce the average district magnitude in Ireland in order to make it 'easier for a party which may be called upon to shoulder the responsibility of government to get sufficient seats to enable them to undertake that task with adequate parliamentary support' (Minister for Local Government Seán MacEntee, *Dáil Debates* 108: 924, 23 October 1947).

Two more reforms can at least partially be ascribed to damage control. This is most obviously so in the case of the decision by the French Socialists (PS) to replace single member districts with PR for the 1986 election. Although the PS had been big winners in the 1981 election of the National Assembly (with 38 per cent of the popular vote and 56 per cent of the seats in the Assembly), the 1985 cantonal elections were a disaster for the socialists, and, coupled with polling data, they made it clear that the PS could expect to be routed in 1986, a result that they hoped to minimize by avoiding the majority-enhancing consequence of the old system. Damage control also played a role in the Italian and Japanese moves to mixed member systems. While some Italian reform was forced by the referendum of 1993, the only thing that was constitutionally barred was a return to the old system; the government could have reacted with a quite minimal reform, but it was widely recognized that its popularity, such as it was, had collapsed, and that to be seen as eviscerating the referendum result would be even more costly than accepting it.

Finally, two additional French reforms that were made possible by the collapse of the coalition that had implemented the previous electoral system fit under this general rubric. In 1958, with the country on the verge of a civil war, the government of the Fourth Republic invited de Gaulle to assume power and to revise the constitution; as a part of this transformation to the Fifth Republic, de Gaulle, by decree, replaced the 1951 electoral system with the two-ballot majority system. In 1986, after its victory in the legislative election held under the socialist-imposed PR system, the Chirac government quickly restored the two-ballot majority system.

Several of these reforms, as well as the reforms in New Zealand and Malta, illustrate the second of the inadequacies of the 'major electoral reforms should not happen' hypothesis: that electoral systems can be changed (or prevented from changing) despite the wishes of the government nominally in power. The most obvious cases are those in which popular referendums played a prominent role. The major Italian reform in 1993 (as was true of earlier 'minor' reforms) initially was forced by a popular referendum, which most immediately imposed a change to the electoral system for the Senate, but which indirectly forced the reform of the system for the Chamber of Deputies as well, both by indicating that failure to reform would be electorally devastating and because, with the cabinet being equally responsible to both chambers, to have the chambers elected by systems that were likely to produce different majorities would have been untenable. New Zealand's 1993 move to MMP began in 1986 with the appointment of a Royal Commission by the Labour government that had been elected in 1984, inspired in part by the presence of 'an electoral reform zealot' as deputy prime minister (Denemark 2001: 85) and in part by the fact that in both 1978 and 1981 Labour had won a plurality of the votes and yet National had won a majority of the seats. It was ultimately brought to fruition, however, by the passage of a referendum that both major parties had committed to accept as binding, although both hoped, and initially expected, that it would be defeated. On the negative side, as cited above, government-supported replacement of STV in Ireland was twice rejected by referendum, while a series of government-backed reforms were defeated in Japan when the government responsible to the House of Representatives was unable to control the House of Councilors. In another case, the Maltese Labour Party (MLP) government was forced to accept a constitutional amendment guaranteeing a parliamentary majority to any party with the majority of the first-preference votes, thereby undoing the advantage it presumably had obtained through gerrymandering by the MLP-dominated electoral commission (Hirczy de Miño and Lane 2000: 199),⁵ by a combination of obstructionist/abstentionist tactics by the Nationalist Party and the MLP's need for Nationalist votes for a constitutional amendment that the MLP wanted.⁶ Finally, although I have not listed it as one of the major reforms to have taken place in the established democracies, one can observe that the 'reapportionment revolution' in the USA was imposed on the parties by the courts.

The lack of common interest in the governing majority (one aspect of the third qualification to the 'electoral reforms should not occur' hypothesis) is significant here primarily as an explanation of why governments sometimes are unable to enact

⁵ Hirczy de Miño and Lane observe (2000: 204, note 11) that complaints of gerrymandering were raised only after the 1981 election, not when the new boundaries were being considered in Parliament.

⁶ The original amendment prevented a recurrence in 1987 of the 1981 situation (in which one party had an absolute majority of the first-preference votes and yet the other had a majority of the seats in parliament) by giving the Nationalist Party four extra seats. The constitution was subsequently amended again so that bonus seats would be given to the party with the most first-preference votes, even if it were less than half, if required to give that party a parliamentary majority as well, provided that no third party won any seats at all.

minor reforms, or reforms that would be less damaging to their aggregate interest, and thus leave themselves vulnerable to major reforms. That internal disunity contributed to the inability of the LDP to introduce SMP into Japan in 1956 has already been mentioned. Disunity within the LDP also contributed to the inability of Prime Minister Miki in 1974 or Prime Minister Kaifu in 1990 or Prime Minister Miyazawa in 1993 to enact reforms in the face of mounting scandal-driven public demand for fundamental change (Reed and Thies 2001: 161–5).⁷

There were many reasons why the pressure for electoral reform in Israel had become irresistible by 1992. As Doron and Harris (2000: 79) observe, however, one question is why the two large parties, even when they were in government together from 1984 to 1990 (with other parties but between them with an overwhelming majority in the Knesset), could not enact a reform that would have solved many of the problems militating for reform and aided them both, at the expense of the small parties. The answer is a variant of the Prisoners' Dilemma: while both would gain by working together, each would gain more if it could prove to the small parties that the other was trying to hurt them. Hence, neither was willing to cooperate with the other.

The fourth problem with the expectation that major electoral reforms should not happen, the role that lack of knowledge, lack of forethought, wishful thinking, and plain mistakes can play in bringing about electoral reforms, is illustrated with particular clarity in at least four of these reforms. When the New Zealand Royal Commission (which was itself, in part, the result of promises that appeared electorally advantageous to the Labour Party while they were 'unfairly' kept out of office, but which seemed far less attractive once they had won the 1984 election) made its report, one recommendation was that a referendum be held on the issue. Although a referendum was opposed by a majority of the Labour cabinet, during the 1987 campaign Prime Minister David Lange promised that Labour would hold such a referendum; this was apparently a mistake in reading his notes (Jackson 1993: 18). Since the promise was not repudiated, and no referendum was held, the issue could be raised by National to embarrass the government, and this they did by making their own pledge of a referendum, secure in the belief that the status quo would be supported, notwithstanding polls that showed large and growing support for PR. This pledge came home to roost when National won an overwhelming victory in 1990. In 1992, National held an advisory referendum with a promise that if reform were endorsed by the electorate, there would be a binding referendum in conjunction with the 1993 general election, pitting the status quo against the most popular alternative.⁸ Vowles (1995: 104) suggests two explanations for the decision to hold the referendum: the government's failure to honour other electoral commitments, and the continued belief by politicians that the reform effort ultimately would lose. In fact, 85 per cent of those voting (45 per cent of the total electorate) opted for

⁷ The public demand for reform was not, however, specifically a demand for change in the electoral system.

⁸ The 1992 referendum asked two questions. First, did the voter prefer the status quo or an unspecified change. Second (and asked of all voters, including those who had chosen the status quo on the first question), if there were to be change, which of four alternatives did the voter prefer.

change and 71 per cent chose MMP as their preferred option (Vowles 1993: 506). Promises made for short-term advantage, without concern about the consequences of being called upon to honour those promises; misreading of public opinion and overestimation of their own ability to control it; and a simple mistake in speaking combined to leave the leaders of both major parties committed to a binding referendum that neither party wanted.

The introduction of direct election of the prime minister in Israel reflected a different kind of miscalculation. One set of claims (generally supported by constitutional lawyers and opposed by political scientists, according to Rahat and Hazan in this volume) was that direct election would curtail the excessive blackmail power held by small and extreme parties while encouraging coalition-building by prime-ministerial candidates which would ultimately lead to a simpler party system (even to a two-party system). Moreover, the fact that the new system would be a mix, combining presidentialism with parliamentarism and majoritarianism with proportionality, meant that it could be perceived by parties and groups with contradictory interests to be to their own benefit (Rahat 2001: 140–1). In the event, of course, the results were far from those touted by the reform's supporters. Prime-ministerial candidates built coalitions, but they did so at the expense of their own parties, trading representation in the Knesset for support in the prime-ministerial race; the number of parties, and the strength of the small, extreme, and sectarian parties, all increased; the prime minister had greater security of tenure, but lesser ability to govern. And in this sense, miscalculation was also reflected in Israel's return to the *status quo ante*: the politicians (and the public) recognized their earlier mistake and tried to correct it.

Similar miscalculations also played a role in the Italian reform. Faced with uncertainty, parties with opposing interests convinced themselves that the same reforms would be advantageous; straightforwardly (or simple-mindedly) applying Duverger's law, reformers claimed that a system in which single-member districts predominated would lead to a reduction in the number of parties and in the power of party bosses—neither of which materialized—although the promised *alternanza* and a clear move towards bipolarity have occurred (see Chapter 12).

Qualification five, that the game may be seen to be about long-term system change rather than short-term advantage, is illustrated first by two otherwise inexplicable cases of parties advocating reforms that ought to have been seen to be to the advantage of their opponents. The first is the support in Ireland by some leaders of both Fine Gael and Labour in the 1950s and 1960s for a move from STV to first-past-the-post (FPTP) (Chubb 1970: 75), even though such a change clearly should have aided Fianna Fáil.⁹ By the time it came to a referendum on this change, however, both parties were united in opposition. The other is the initial support by the Japan Socialist Party for the 1956 proposal to move from SNTV to a single-member

⁹ Naively applying the 'cube law' (the then current 'state of the art') to the 1954 distribution of first preference votes (the low point for Fianna Fáil during these decades) suggests that Fianna Fáil would have won a better-than-two-thirds majority in each parliamentary election.

district system even though the LDP outpolled them by nearly two-to-one. In both cases, the explanation is the expectation that FPTP would produce, more or less automatically, not just a two-party system, but one with regular alternation in office, so that, ultimately, the immediate losers would come into power. The same desire for bipolar alternation contributed to the support of the 1992 Israeli reform and the 1993 Italian reform.

The French reformers in 1958 wanted to shift power from the left to the right, but they also wanted a system that would weaken parties altogether. At the extremes, one of the reform activists in Italy (Marco Pannella) claimed a similar objective: 'to close down the parties' ('chiudere i partiti', *La Repubblica*, 20 May 1993, p. 4).

The sixth qualification, that a governing coalition may be prepared to trade away its apparent electoral advantage in order to secure other objectives, most clearly and directly explains the case of Malta. Although the Labour Party had little desire to surrender the advantage it gained through the distorted translation of first preference votes into seats, it did want to entrench Maltese neutrality and a ban on the stationing of foreign troops on Maltese territory in the constitution. This would require a two-thirds majority, which Labour did not have. In the end, the Labour and Nationalist parties struck a deal, in which the Nationalists supported Labour's neutrality amendment in exchange for Labour's support of the reform of the electoral system.

The converse scenario helps explain why the Japan Socialist Party ultimately retreated from its support of FPTP in 1956. Although it apparently assumed that the tremendous advantage the change was expected to give the LDP would be short-lived, it was afraid that it would be sufficient to give the LDP the extraordinary majority required to amend the constitution, and that given that majority the LDP would use it to remove the renunciation of the right to wage war or maintain military forces (Reed and Thies 2001: 158).

Finally, although this analysis has been structured primarily in the cynical terms of the rational choice paradigm (the claim has been that the equation of the electoral status quo with the interest of the coalition that won the last election is too simplistic, not that partisan interest is irrelevant), it does appear that parties sometimes simply want to do the right, or the democratic, thing. This possibility is the basis for the long-standing debate cited above about whether PR was introduced in Europe because the ruling parties recognized it to be required by standards of fairness, or because it offered protection to bourgeois parties that perceived themselves about to become minorities with the enfranchisement of the working class (see Blais and Dobrzynska 2000; Boix 1999).¹⁰ Without taking a position in this debate and recognizing that a 'democratic' justification can be constructed for self-interested proposals, however, it is clear that the desire to be more democratic played a major role in the decision to have direct election of the Finnish president. While perhaps reflecting rather less credit on the 'reformers', the explanation of the repeal of the Italian *legge truffa* after its failure to come into effect in 1953 (rather than trying

¹⁰ Those making the self-interest argument must then also explain why the bourgeois parties allowed suffrage expansion in the first place.

again at the next election) has at least an element of democratic justification; recognition that the law differed only in detail from a 1923 law enacted by the fascist regime clearly branded it as undemocratic, and not merely self-interested.

This review of the fourteen cases of major reforms to electoral systems since 1950 suggests three more substantive generalizations that explain why such reforms occur, even when they appear to be contrary to the interests of the parties in power at the time. The first is the importance of public outrage. Significantly, this is rarely, if ever, outrage about the electoral system itself, although the electoral system may come to be blamed for, or to be seen as symptomatic of, more deep-seated problems. In Italy and Japan, the real concern was corruption; in New Zealand, it was the high-handed imposition of policies that were contrary to the wishes of the people, the electoral manifesto of the government in office, and the preferences of the government's backbench supporters; in Israel and France, it was the instability and incapacity of fragile coalitions to address the literally vital challenges confronting the country. On one hand, even the government may find reform of electoral institutions easier and politically less threatening than resolving the underlying problems. On the other hand, in a context of public insistence that 'something must be done', to block any proposed electoral reform may be seen as supporting the insupportable.

The second generalization is that the institutional context is important. While constitutional provisions or institutional arrangements that require super-majorities for some kinds of action may appear to militate against electoral reforms, when they apply to other policy areas they may force the government to compromise with its opponents with regard to electoral policy, in order to gain their support for government proposals on other questions. Even more directly, the government may be forced to take action it would have rather avoided when citizens have recourse to binding referendums.

The third generalization is that democratic values are important. While reference to the norms of democracy may in some cases or by some observers be interpreted primarily as rationalization and window-dressing, in other cases it appears that reforms really have been motivated by a desire to enhance democracy.

MINOR REFORMS THAT NEVER WERE

The converse of the question, 'Why would parties change the rules of a game they are winning,' is 'Since they could gain partisan advantage by changing the rules of the game, why do parties not do so more often?' As the consideration of the Maltese and Finnish reforms cited above as 'major' shows, there is no clear dividing line between major and minor reforms; even more, there is no clear dividing line between reforms that might be considered minor, and those that might instead be called trivial, technical, or no reform at all. Once attention shifts to minor reforms, it is apparent that short lists of dimensions, for example Lijphart's list (1994: 10–12) of four dimensions—formula, district magnitude, legal threshold, and assembly size—are inadequate to encompass all the aspects of elections that might be manipulated

for partisan advantage. While, if only for these reasons, it is unlikely to be productive to try to construct a full listing of minor reforms, it is nonetheless apparent that any list of actual reforms would be much shorter than the list of reforms that might have advantaged the parties in power but which were not made.

That said, it is instructive to consider the seventeen changes in electoral systems listed by Lijphart that took place in the countries, and during the time period, considered in the previous section, but that did not qualify as major in the terms used here. Of these, twelve included one or more of the following types of change: from a less proportional to a more proportional PR formula; an increase in district magnitude; the addition of a second tier for the distribution of compensation seats; the reduction of a statutory threshold. All these could have been anticipated to increase the proportionality of the outcome, and according to Lijphart's calculations, all did so. One additional change (in the Netherlands between 1952 and 1956—an increase in assembly size which was accompanied by a reduction in threshold) might have been expected to increase proportionality, and in fact did so in the next election; ultimately, however, the number of minor parties increased so much that the average proportionality for that electoral system decreased. Two more changes involved only changes in assembly size: Australia 1983–4, with the alternative vote and a decrease in proportionality; and Malta 1955–62, with STV and an increase in proportionality. This leaves only two—both Israeli—changes of PR formula that might have been expected to decrease proportionality (one did so and the other did not).¹¹ The reform in 1973, which restored the Hagenbach–Bischoff formula (the D'Hondt method) and decreased proportionality, was agreed by the two large parties in order to benefit themselves at the expense of the small parties—or put more charitably, in order to reduce the fragmentation of the Knesset (see Chapter 16). Of the thirteen changes to increase proportionality (including the Dutch case), four were enacted under minority governments and two under surplus majority governments; the others were enacted under four minimum winning coalitions (including one Italian government that controlled exactly one-half of the seats) and three single-party majority governments. In other words, given a choice of interpretation between the model of a minimum winning coalition manipulating the electoral system to its own advantage and a model of consensual reform to 'improve' elections according to an agreed standard, the second interpretation of these 'technical' reforms appears at least as plausible as the first. This is an important point, to which I will return.

Other reforms were not included in Lijphart's list because they either occurred after the period or related to dimensions other than those with which he was concerned. In Italy, the reforms included reduction of the number of personal

¹¹ According to Gideon Rahat (personal communication), the change in 1951 increased the electoral threshold from 0.83 per cent to 1 per cent, instead of the 2 per cent that had previously been agreed, because it served the interest of the largest party (Mapai) to maintain the blackmail potential of a small orthodox faction. In 'revenge' for adopting the lower threshold, the medium-sized parties, which held a majority in the Knesset, imposed a change from the Hagenbach–Bischoff formula (from which only Mapai benefited) to the Hare quota system, which benefited them. The result was increased proportionality.

preference votes allowed in elections to the Chamber of Deputies and the elimination of public subsidies to the parties, both imposed by referendum supported by those opposed to the Italian *partitocrazia*. In the Netherlands, there was the repeal of compulsory voting, intended to reduce the vote of fringe parties, in the mistaken belief that their votes came primarily from citizens who would stay home if they were given a choice (Schmidt 1974), and presumed to be to the advantage of mainstream parties of the opposition as well as the government. A reform in Belgium in 2000, decreasing the weight given to list votes in determining which particular candidates will be elected, represented a compromise within the government (Rihoux et al. 2001: 255–6), and was seen as part of a general move to ‘improve’ Belgian democracy.¹² None of these reforms represents an attempt by the governing majority to advantage itself at the expense of the minority.

There is an additional set of ‘minor’ reforms that are enacted with some frequency: those concerning periodic redistributions of seats among constituencies. These may be divided into three categories. The first are the more-or-less mechanical application of a previously agreed formula to allocate seats among multimember constituencies, the boundaries of which are not subject to change, or the more-or-less automatic enactment of redistricting decisions made by ‘non-political’ boundary commissions. While legislative action may be required, political discretion is not. The second involve affirmative legislative decisions to alter constituency boundaries. In the absence of a neutral boundary commission, these reforms are unavoidable in single-member-district systems unless gross disparities of population are to be tolerated,¹³ but they may also be necessary in PR or STV systems (with prominent examples from both Ireland and Malta) if the boundaries of constituencies are not regarded as immutable. While it may be possible to imagine these decisions being made on neutral or objective grounds (but see Grofman 1985), such decisions are nearly always identified by opponents as ‘gerrymanders’, a term that is meant to imply illegitimate manipulation for partisan advantage. The third type of district-related reform is to eliminate the need for the second type of reform by creating a boundary commission.

Turning to the problem of minor reforms that might have been enacted but were not, there are, in general terms, two types of minor non-reforms. On the one hand, there are proposals for minor reforms that are introduced, but which failed to be adopted. While the Japanese and Irish failures to adopt FPTP would be examples of this type of non-reform with regard to a major question, the 2003 attempt by the Republican majority in Texas to redraw that state’s congressional districts (delayed,

¹² Reforms to increase the role of personal preference votes have also been adopted in Austria and Sweden (see Chapters 19 and 20).

¹³ Significantly, the disparities of district populations that ultimately led to the ‘reapportionment revolution’ in the USA were generally the result of inaction rather than manipulation. While the Constitution required periodic reapportionment of Congressional seats among the states, a state often would respond to the gain of a seat simply by dividing one of its existing districts in two, or to the loss of a seat by combining two contiguous districts. With regard to state legislatures, inaction might be even more complete. When the Supreme Court ruled in the case of *Baker v. Carr* (369 US 186) in 1962, Tennessee had not reapportioned its state legislature since 1901.

at least temporarily, by the minority Democrats' fleeing the state to deny a quorum) would be an example of a minor reform proposed by the party in power but not adopted. Non-reforms of this type appear to be quite uncommon—perhaps because parliamentary majorities are rarely defeated once they have decided to take action (or alternatively, do not decide to take public action unless they are confident of success). On the other hand, there are ideas for changes that might have been made and adopted, but which were never proposed in the first place. The real question is why these (potentially quite numerous) ideas are not proposed. As with any counterfactual, the answer to this question must be speculative, but the cases described above offer some basis for speculation.

The key, indirectly suggested above, is to ask why a party would want to win an election in the first place. One obvious answer is to achieve power; but why achieve power through free elections rather than by force or fraud? One likely answer is that winning an election confers legitimacy, and legitimacy is itself a valuable political resource. In the twentieth century, even authoritarian and totalitarian dictators attempted to assert their own legitimacy through the holding of ritual elections, albeit with obviously limited success. The point is that not just election, but victory in a contested election that is widely regarded as free and fair, is required for the successful assertion of democratic legitimacy. But this means that being seen to have won office by manipulating the rules devalues the victory.

Some credence is lent to this idea by the British experience with redistricting. If parties took every opportunity to change the rules to their own advantage, one would expect, first, that they would not give up the opportunity to redistrict and, second, that so long as they could redistrict, they would do so moderately frequently. In fact, the British experience is exactly the reverse. Before permanent boundary commissions were established in 1944, constituency boundaries were changed by ordinary legislation, and quite infrequently. There were, for example, no changes between the enactment of the Representation of the People Act in 1918 (which also included the enfranchisement of women over thirty, the establishment of a single uniform polling day, and the requirement that candidates pay a deposit of £150) and 1944 (six general elections with the same boundaries). Since the commissions were established, boundary changes are made by Order in Council on their recommendation, and therefore with far less risk that the party in power will be accused of unfair manipulation.¹⁴ Between 1945 and 1987 there were twelve general elections, only three held with precisely the same boundaries as the election before.

Charges of gerrymandering, although, as observed, raised only after the fact, undermined the legitimacy of the Maltese government elected in 1981 and contributed to its acceptance of the substantial reform discussed earlier. Similar charges were raised regarding the 1974 'Tullymander' of the Dublin constituencies in Ireland,¹⁵ except that in the Irish case the gerrymandering coalition of Fine Gael

¹⁴ The recommendations can be modified with explanation by the minister, but the draft order can only be rejected, not amended, in parliament.

¹⁵ The 'Tullymander' was named for James Tully, the minister in charge of drawing the new constituency boundaries.

and Labour apparently overreached, with the result that Fianna Fáil won more Dublin seats than the coalition at the next election even though it had fewer votes. Of greater significance here, however, is that, as Mair (1986: 304) observes: 'the sheer partisanship of this particular gerrymander led to the first independent electoral commission'.

There is, of course, a complementary explanation for the apparent reluctance of parliamentary majorities to redistrict, even if it could improve the expected seat shares of the parties that comprise the majority. In particular terms, that is the natural conservatism of individual MPs with regard to their own constituencies; having built a constituency organization and developed a relationship with their constituents, MPs are unlikely to look favourably on changes, even if those changes might make their districts safer—but, of course, a gerrymander that increases a party's expected share of the total number of seats is likely to be able to do so only by making the seats of its already incumbent MPs less safe. Put more generally, this re-emphasizes a point already made with regard to major reforms: that there may not be a harmony of interest within the majority coalition. Just as each Israeli prime-ministerial candidate was more interested in the size of his coalition than he was in his own party's particular strength within it, so individual MPs are likely to be more concerned with their own, individual, re-election than they are with the total seat shares of their parties. Similarly, the Israeli government that adopted the Hare quota method of PR was made up of parties with quite different interests regarding the treatment of small, medium, and large parties.

As with the paradox of major reforms that are enacted even though one might naively think governments would not change the rules of the game that put them into office, it appears that the paradox of minor reforms not being enacted even though they would be to the advantage of the government in office rests on a fallacious premise. It is not necessarily the case that parties in power fail to pursue their self-interest, but rather that, paradoxically (perhaps the true paradox), it is not in their self-interest to pursue their self-interest because other actors in the political process—including many voters—react badly to excessive partisanship. In other words, even if parties are simply motivated by self-interest, and unrestrained by any normative commitment to democratic principles, they might still find abstaining from even the appearance of electoral manipulation to be to their advantage.

CONCLUSIONS

The explanation of electoral reform involves three interrelated questions. First, why do reforms happen, especially given the assumption that parties will not want to change the rules of a game they are winning? Second, when do they happen? Third, what form do they take—which aspects of the electoral system are reformed, and in which direction? This chapter has been concerned primarily with the first of these questions, but addressing it raises suggestions about the nature, if not necessarily the substance, of answers to the other two.

As Shugart (2001: 26–7) suggests, electoral reforms must be analysed in terms of both contingent and inherent factors. While inherent factors may play a role in creating the preconditions for reform and in determining the direction of reform once the process begins, the cases examined here suggest that the timing of reform is very much contingent. While factors like the instability of governments or disproportionality of electoral results may contribute to the possibility of electoral reform, at any particular time the likelihood of reform is quite small. To turn a vague possibility into a substantial probability requires a catalyst or trigger, the presence of which is unlikely to be predictable from systemic characteristics. The cases considered here suggest what such triggers might be. As has always been recognized, reform may be triggered by a real crisis such as the French crisis over Algeria and the threat of civil war; reform may also be triggered by an imagined crisis such as the communist threat in early 1950s Italy.¹⁶ Even when endemic corruption is widely recognized, a particular scandal may be ‘the straw that breaks the camel’s back’ which could lead to reform. Other triggers may be even more unpredictable: someone suddenly figures out how the striking out of a few words by means of an abrogative referendum will leave a technically admissible but politically untenable electoral law (Italy in 1993); a leading politician makes a slip of the tongue and then confirms it, rather than admit that he misspoke (New Zealand in 1993); some extraneous issue forces the government to seek compromise with the opposition (Malta in 1987). While it may be possible statistically to estimate the probability of reform in any particular year, it would appear that even the ‘peaks’ in predicted probability will be so low as to leave accounting for specific instances in the realm of historical reconstruction rather than statistical prediction.

As for the content or direction of reforms, there appear to be two related lessons. The first is that there are fashions in electoral reform. Two such fashions were evident in the 1990s and early 2000s. One was mixed-member electoral systems, adopted in Italy, Japan, and New Zealand among the cases reviewed in this chapter, but also first used in Venezuela in 1993, Bolivia in 1997, Hungary in 1990, and Russia in 1993. The other fashion was to increase the direct role of voters—in determining which particular candidates from their parties’ lists would be elected in Belgium, Sweden, and Austria, and in the switch to direct election of the president in Finland. The second lesson is that democratic values matter. While the specific motivations of specific politicians in advancing reforms will always be subject to debate, the vast majority of the reforms enacted can be seen not just as ‘pro-democratic’ (which would not be saying much, although it would explain the reform of systems like New Zealand or Malta that produced the perverse result of a majority government formed by a party that had won fewer votes than its principal opponent), but as supporting one particular view of democracy. This view values the direct popular choice of representatives and the representation of diversity over

¹⁶ With specific regard to the question of the timing of reform, it is significant that the 1953 Italian election was only the second election of the Republic—that is, the first election for which the electoral system could be changed by a coalition that had won under the ‘old’ rules.

choice of representatives mediated by party and the popular accountability of governments.

Finally, returning to the original question, there is again a two-part lesson. On one hand, the governments, even of highly centralized democracies, are not always in secure control of events; the idea that a majority government can simply prevent changes to the rules of the game it has just won is sometimes false. On the other hand, because electoral reform can itself be a political issue, the outcome of an election is likely to be influenced not just by the mechanics of the electoral system in place, but also by the process through which it came to be, or remained, in place. Even when a reform would clearly be costly to the parties in power, they may expect resistance to be even more costly; even when parties have the capacity to tweak the rules to their advantage, the expected benefits may be outweighed by the potential backlash.

REFERENCES

- Blais, A. and Dobrzynska, A. (2000). 'The Choice of Electoral Systems: Interests versus Ideas' (unpublished).
- Boix, C. (1999). 'Setting the Rules of the Game: The Choice of Electoral Systems in Advanced Democracies', *American Political Science Review*, 93: 609–24.
- Carstairs, A. M. (1980). *A Short History of Electoral Systems in Western Europe*. London: George Allen and Unwin.
- Chubb, B. (1970). *The Government and Politics of Ireland*. Stanford: Stanford University Press.
- Denemark, D. (2001). 'Choosing MMP in New Zealand: Explaining the 1993 Electoral Reform', in M. S. Shugart and M. P. Wattenberg (eds.), *Mixed-Member Electoral Systems: The Best of Both Worlds?* Oxford: Oxford University Press, 70–95.
- Doron, G. and Harris, M. (2000). *Public Policy and Electoral Reform: The Case of Israel*. Lanham, MD: Lexington.
- Grofman, B. (1985). 'Criteria for Districting: A Social Science Perspective', *UCLA Law Review*, 33: 77–184.
- Grumm, J. (1958). 'Theories of Electoral Systems', *Midwest Journal of Political Science*, 2: 357–76.
- Hirczy de Miño, W. and Lane, J. C. (2000). 'Malta: STV in a Two-Party System', in S. Bowler and B. Grofman (eds.), *Elections in Australia, Ireland, and Malta under the Single Transferable Vote*. Ann Arbor: University of Michigan Press, 178–204.
- Jackson, K. (1993). 'The Origins of the Electoral Referendums', in A. McRobie (ed.), *Taking It to the People? The New Zealand Electoral Referendum Debate*. Christchurch: Hazard Press.
- Lijphart, A. (1994). *Electoral Systems and Party Systems: A Study of Twenty-seven Democracies, 1945–1990*. Oxford: Oxford University Press.
- Mair, P. (1986). 'Districting Choices Under the Single-Transferable Vote', in B. Grofman and A. Lijphart (eds.), *Electoral Laws and Their Political Consequences*. New York: Agathon Press, 289–308.
- Nohlen, D. (1984). 'Changes and Choices in Electoral Systems', in A. Lijphart and B. Grofman (eds.), *Choosing an Electoral System: Issues and Alternatives*. New York: Praeger, 217–24.