Catalysts and barriers: Explaining electoral reform in Western Europe

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Abstract. Most accounts of electoral system change tend to consider it as being driven by purely partisan interests. Political parties are expected to change the electoral rules as a way to maximise gains or minimise losses. However, little work has been done on the question of why electoral reforms are so scarce in spite of these potential benefits. In this study, a wide range of both factors that may foster (‘catalysts’) and ones that may hinder (‘barriers’) the change of electoral institutions are investigated. A statistical analysis is performed of 16 West European countries from 1975 to 2005, covering 23 reforms of the proportionality of their electoral systems. It is found that procedural barriers are more effective for explaining the likelihood of electoral reforms than (most of) the catalysts. Additionally, there are indications that courts may play a more active role in triggering reform than previously thought.

Keywords: electoral systems; political parties; electoral reform; Western Europe; institutional reform

Introduction

Given that electoral systems are ‘the most specific manipulative instrument of politics’ (Sartori 1968: 273), it should not be surprising that changing the electoral system (‘electoral reform’) regularly emerges on the political agenda (e.g., the 2011 British discussion and referendum on the Alternative Vote and the 2012 German and 2015 Italian electoral reforms). However, if electoral reform debates are so frequent, it is somewhat puzzling that actual reforms occur only rarely (Katz 2005). While the many case studies of the last 15 years provide detailed insight into the frequency of electoral reform (Colomer 2005; Katz 2005; Renwick 2011), the motivations driving reformers (Renwick 2010) and the processes leading to actual reform (Rahat 2008; Renwick 2010), the field still exhibits two important lacunae: a methodological and a substantive one.

The first lacuna is that there are only a few statistical studies of the phenomenon (but see Bedock 2015; Bol et al. 2015). Indeed, as Leyenaar and Hazan (2011: 445) point out in their review of the field, ‘the dominant methodology is single case studies’. Reform processes indeed involve factors such as reform-contingent motivations (Shugart 2008), leadership (Renwick 2010) or even misperceptions (Katz 2005: 62). Such factors are hard to account for in statistical analyses and ‘an irreducible element of unpredictability’ will always remain (Renwick 2010: 243). However, one should not discard statistical analyses altogether: certain contextual factors may constitute fertile soil for reform while others do not. Such factors are well-suited for statistical analyses. By themselves they do not explain electoral reforms, but they do shed light on what reduces (‘barriers’) or increases (‘catalysts’) the likelihood of reform.

The main reason for the lack of statistical studies is the limited number of reform cases (the so-called ‘small n problem’ of the field; Rahat 2011: 539). However, this ‘small
n problem’ is a consequence of the definitions of electoral system changes that predominate in the field. Most of these focus on extreme cases of electoral reform – that is, wholesale replacements of electoral formulas (of which there are only very few). When one takes a slightly broader view and studies all reforms that potentially affect the proportionality of an electoral system, such as introducing an electoral threshold, increasing/decreasing the assembly size or district magnitude, electoral reforms are not so exceptional anymore (though they are still relatively rare; Katz 2005; Jacobs & Leyenaar 2011). Thus, statistical analyses examining reform and non-reform periods become possible.

The second lacuna in the field is substantive. The few existing statistical analyses of electoral reform in established democracies focus almost exclusively on factors increasing the likelihood of reform (‘catalysts’) and tend not to include factors decreasing that likelihood (‘barriers’). This is unfortunate because even though actual electoral reform is a relatively rare phenomenon, reform debates occur quite often (Gallagher 2005b: 565; Jacobs 2011). Clearly many reform attempts flounder before they arrive at the finish line (Rahat & Hazan 2011). Focusing only on the factors that increase the likelihood of reform risks missing a substantial part of the picture.

In this study we use a unique dataset covering all the electoral reforms that affect the proportionality of the electoral systems of 16 West European countries in the period 1975–2005. We want to answer the following research question: Which circumstances influence the likelihood of electoral reform? Our main argument is that even though most research focuses on what increases this likelihood, the barriers to it are at least equally important. Indeed, it matters greatly whether or not electoral reforms are easy to implement. In particular, we find that the procedural barriers a reform faces are critical. Therefore, we posit that the focus needs to shift to a more holistic approach encompassing factors both fostering (catalysts) and hindering (barriers) electoral reform. Three such catalysts and barriers seem to matter in particular. Constitutional rigidity reduces the likelihood of reforms – specifically when they move away from proportionality, it seems. Governments consisting of incumbents and non-incumbents (partial alternation) often find it difficult to reach a compromise to change the status quo. Finally, judicial review seems to have a positive effect on the likelihood of reform: constitutional courts can legitimise reforms or can even demand a reform of the electoral law themselves.

In the next section we present an overview of the three main theoretical approaches to electoral reform, after which we translate these into specific hypotheses and provide a framework of catalysts and barriers that influence the likelihood of electoral reform. We then move on to discuss our data, method and operationalisations before presenting the main findings of this study. We begin with the statistical findings, which are then placed in the broader context of electoral reform debates via several illustrative case studies. The implications of our findings are discussed in the conclusion.

Three theoretical approaches

In general there are three main theoretical approaches to explain electoral reform: the rational choice approach, the systemic (sometimes labelled ‘institutional’) approach and the comparative historical approach (Leyenaar & Hazan 2011; Rahat 2011). Each of the three implicitly or explicitly refers to factors driving and factors hindering reform.

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Rational choice approach

According to the first school, epitomised by Benoit (2004) and Colomer (2005), reformers are primarily interested in maximising their seat shares. Electoral reform is expected to be implemented ‘when a coalition of parties exists such that each party in the coalition expects to gain more seats under an alternative electoral institution, and that also has sufficient power to effect this alternative through fiat given the rules for changing electoral laws’ (Benoit 2004: 363). The best example of such a reform is the French 1985 shift to proportional representation (PR) when the ruling Socialist Party wanted to limit its losses in the upcoming election (Renwick 2010). Benoit’s seat maximisation account can be seen as a stylised and parsimonious ‘pure’ rational choice model of electoral reform. Benoit himself saw the model simply as ‘an agenda for empirical research’ and invited empirical tests of it (Benoit 2004: 366).

Many have answered his call (for an overview, see Rahat 2011) and have nuanced the rationality assumptions of his model by taking into account the role of miscalculations and uncertainty in the context and results of the reform (Colomer 2005; Bedock 2015: 4). However, most of these accounts mainly focus on the motivations to implement reform, while the second part of the explanation (the ‘fiat’ power required to change the electoral law) has remained less examined. Hence, while Benoit suggested a combination of motivations and procedural barriers, the motivations drew most of the subsequent attention.

Systemic approach

The second school, epitomised by Shugart (2001, 2008), uses a systemic perspective and points to a combination of inherent and contingent factors influencing the likelihood of reform. The core argument is that electoral systems may have inherent problems and produce systemic failures or anomalous outcomes. In an initial formulation of the theory, Shugart (2001: 28–29) expected that ‘extreme’ electoral systems would be more prone to governance failures and thereby would experience more reform debates and actual reforms. However, this original framework left the notion of systemic failure under-developed in terms of conceptualisation and operationalisation. Therefore, Shugart (2008) refined his expectations and identified wrong-winner elections and lopsided majorities as two forms of systemic failure. Indeed, majoritarian electoral systems can produce ‘wrong winners’ when the party with the most seats is not backed by a majority of the voters. Such problems often lead to calls for reform and, incidentally, to actual reforms (Blais & Shugart 2008: 189–190). The last part of this sentence is crucial as it implicitly refers to the presence of barriers: for some reason many of the calls for reform flounder.

So far empirical research using this approach has mostly remained confined to majoritarian electoral systems and the framework needs still to be adapted to other electoral systems (cf. Blais & Shugart 2008).

Comparative historical approach

The third school, epitomised by Rahat (2008) and Renwick (2010), focuses on the electoral reform practice using detailed case studies to examine the actual processes that led to
the reform. Here the attention to the barriers is the most outspoken. This school focuses predominantly on the processes that lead to reform. Its main contributions are twofold and suggest that: (1) there are multiple types of reform processes, and (2) a reform proposal needs to pass a number of barriers in order to be successful.

One of the key insights is that public opinion can have an impact on electoral reform – the so-called ‘elite-mass interaction’ process (Renwick 2010). In such cases, a minority of reformist politicians succeeds in implementing electoral reform by reacting to (perceived or real) ‘citizen disengagement’ (Renwick 2011: 458). Under these circumstances, the position of politicians protecting the status quo is weaker while the position of reformers is stronger (Renwick 2010).

A second influential strand in this school starts from the observation that reform is a relatively rare event. Hence, either there are few reform attempts or many of these attempts fail. Of the two, the latter seems the most likely: the scattered available evidence suggests that serious reform attempts are relatively numerous (Blais & Shugart 2008; Rahat 2008; Jacobs 2011). Rahat and Hazan (2011: 479) suggest seven barriers that may influence the fate of a reform proposal: procedural barriers, political tradition, social structure, systems-level rationale, vested interests, veto players in a coalition and disagreement over content. Empirically, the barriers framework was built on the analyses of Rahat (2008), but it has been applied in case studies of Belgium (Hooghe & Deschouwer 2011) and the Netherlands (Jacobs & Leyenaar 2011). In spite of these works, so far no statistical test of the barriers framework has been carried out.

Based on the available case studies, Rahat and Hazan (2011: 487–488) suggest that four barriers matter most: procedural barriers, disagreement over the content, the number of veto players in a coalition and vested interests. ‘Procedural barriers’ refer to those legal clauses that render reforms more difficult. The rigidity of the constitutions or the need for parliamentary supermajorities are factors said to make electoral reform more difficult. The other three factors start from the contention that the more a system benefits the main political parties, the more difficult it is to reform (Blau 2008). The explanation is that the main actors in the system would be unwilling to change a system that already provides them a large bonus. Political parties’ capacity to veto decisions on electoral system design is also important. The more players with veto capacity there are in a system, the more difficult reform becomes (Tsebelis 2002). This is due to the different preferences that political actors may have about electoral system design. Whereas some political actors might be interested, for instance, in introducing majoritarian elements in the system, other actors might prefer the opposite. This means that disagreement over the content of a reform decreases the likelihood of its introduction. Of the four barriers, the number of veto players has attracted most empirical attention. So far, the results have been mixed: Hooghe and Deschouwer (2011) find a clear effect of the veto players, but Rahat (2008), Renwick (2010) and Bedock (2015) find mixed evidence at best.

From theoretical approaches to barriers and catalysts

We will now translate these more abstract theoretical insights into specific hypotheses. To stress that both factors fostering (catalysts) and factors hindering (barriers) reform are crucial, we will discuss both. We start by addressing the barriers, as they have been less
prominent in the literature so far. The framework by Rahat and Hazan (2011) guides our discussion of the barriers, while the three broader theoretical schools guide the one about the catalysts.

**Barriers**

*Procedures.* The first set of factors that may explain the stability of electoral systems are procedural barriers. In this research we argue that it is important to differentiate between two different elements associated to the legal dimension: constitutional rigidity and judicial review. Regarding the former, in many countries the choice of electoral system is enshrined in the constitution and usually special requirements are needed to change it. McElwain (2008) found that constitutional rigidity was the main factor accounting for the lack of electoral system changes in Japan. More generally, the literature examining constitutional change shows that the degree of constitutional rigidity is correlated with the frequency of constitutional amendments (Lutz 1994). It therefore seems reasonable to expect that the degree of rigidity can deter reforms. After all, procedural requirements determine how much support a reform proposal needs to pass. Therefore we expect that:

\[ H1: \text{ Higher constitutional rigidity decreases the likelihood of electoral reform.} \]

*Judicial review.* Constitutional requirements are not the only significant legal barrier that may deter the approval of reforms. The role of judicial actors should also be taken into account. They can be considered important institutional veto players ‘when they make constitutional interpretations’ (Tsebelis 2002: 228). So far the role of judicial review has not been examined systematically, but it seems reasonable to expect fewer reforms in those countries where courts have the possibility to review the constitutionality of laws after the enactment of the reform.\(^2\) Whereas one might argue that the existence of judicial review is linked to the degree of rigidity of the constitution, both factors do not capture the same effects. Through judicial review, courts can proclaim the unconstitutionality of reforms about elements that are not necessarily entrenched in the constitution. The possibility that the constitutional court (or another judicial body) overrides the government’s decision may even prevent reform attempts to a certain extent. For instance, the Czech Constitutional Court blocked an electoral reform that would decrease the proportionality of the electoral system in 2001 (Renwick 2010: 13–14). Hence, tentatively, we can expect that reforms are more easily approved in such countries.

\[ H2: \text{ The existence of judicial review of the constitutionality of laws decreases the likelihood of electoral reform.} \]

*Vested interest.* Blais and Shugart (2008) expected that plurality systems would be the least susceptible to reform given the substantial seat bonus awarded to the largest party. In such cases, the second most voted party can plausibly expect to be in office in the near future and hence refrain from reforming it. In general, electoral reform is less likely in systems where the electoral rules provide substantial rewards to the largest party (Blais & Shugart 2008: 198). While this might be directly applicable to single-member plurality (SMP) systems, the same logic may hold in proportional systems since they also result in a (sometimes substantial)
degree of disproportionality when they have a low district magnitude and/or high electoral thresholds. Therefore, we hypothesise that:

\textbf{H3:} A larger disproportionality bonus for the largest party decreases the likelihood of electoral reform.

\textit{Coalition politics.} In large coalitions, a lot of political actors need to agree on the content (and necessity) of a reform. Coalition pressures have been said to play a significant role in frustrating reform processes in Belgium (Hooghe & Deschouwer 2011), the Netherlands (Jacobs & Leyenaar 2011) and Israel (Rahat 2008). Despite the proportional nature of these cases, in plurality systems such pressures can also exist, as was the case in the United Kingdom’s 2011 referendum to replace the SMP system. Whereas holding the referendum was part of the coalition agreement with the Liberal Democrats, the Conservatives clearly positioned themselves opposite to their coalition partner during the campaign. Finally, in their statistical analyses, Bol et al. (2015: 396–397) find that the number of parties in government decreases the likelihood of reforms implementing high electoral thresholds or low district magnitude. Therefore, more generally, we expect that:

\textbf{H4:} A high number of parties in government decreases the likelihood of electoral reform.

\textit{Catalysts}

\textit{Alternation in government.} Benoit’s (2004) seat maximisation mechanism can most easily be examined in detailed case studies, but recent work has adapted his argument to large-N research. Specifically, authors have pointed to the role of newly formed governments in reform processes (e.g., Bedock 2015). Based on our earlier discussion of the rational choice approach, we expect that newcomers in a government are more likely to want to change the system. There are some cases where this factor seems to have played a role. The first of its kind, the Belgian Purple-Green 1999 government, which included green, social-democratic and liberal parties, seems to have been driven by such motivations. As the Green Party leader bluntly admitted, the reform was implemented because ‘[o]bviously, we wanted to use the electoral reform to consolidate our position’ (cited in Jacobs 2011: 163). Whether this is the exception or the rule remains to be examined.

\textbf{H5:} Alternation in government increases the likelihood of electoral reform.

\textit{Systemic crises.} The systemic approach highlights that systemic crises often trigger reform debates, and (occasionally) inspire actual electoral reforms. Shugart’s (2008) theoretical framework was explicitly tailored to majoritarian electoral systems. He therefore only identified plurality reversals, wrong winner elections and lopsided majorities as systemic failures. The prime example of the impact of systemic crises is New Zealand. Blais and Shugart (2008: 189), for instance, suggest that New Zealand’s wrong-winner elections contributed to its electoral reform in 1993. Surely, other factors also played an important role in explaining the actual reform (Renwick 2010: 219), but the case nevertheless suggests that systemic failures can constitute a fertile breeding ground for reform.

Shugart did not look at proportional systems, but this does not mean that systemic failures only occur in majoritarian systems. As Renwick (2010: 248) suggests, in ‘a system of
proportional representation the most commonly perceived problems – instability, difficulties in government formation, lack of accountability – become more acute as the number of parties rise; thus a greater number of parties would be expected to enhance the likelihood of reform. Clearly, systemic crises can also increase the likelihood of reform in proportional systems.

**H6:** The occurrence of systemic crises increases the likelihood of electoral reform.

*Changes in electoral behaviour.* The comparative historical approach highlighted the role of public opinion as a catalyst of reform. Renwick (2010: 252) suggested that electoral reforms are more likely where there is significant public dissatisfaction. The question that remains unanswered is how exactly public opinion influences the likelihood of electoral reform. After all, public dissatisfaction is fairly widespread and fluctuations in (dis)satisfaction are common (Norris 2011: 241). In fact, they are probably too common to drive reform: such a ‘crisis’ rhetoric is ‘too vague’ to be tested (Rahat 2008: 23). Moreover, in order to find such mechanisms at play, politicians need to be affected by public dissatisfaction. One of most tangible ways of signalling discontent is through voting. A high degree of vote switching (or electoral volatility) may push politicians to implement reforms that stabilise election outcomes and make them less vulnerable to electoral volatility. This is what seems to have happened in 1992 in Italy. The objective of the 1993 electoral reform was to increase the polarisation of the party system into two different blocs. The party system that had been in place for decades collapsed and electoral volatility in the 1992 elections reached record levels. Indeed, the electoral context of Italian politics seems to have played a role (among other factors) in the reform process (Baldini 2011: 651). Therefore, under circumstances of high electoral volatility, governments are more likely to introduce electoral reforms that compensate for the threats caused by the electoral uncertainty (cf. Bedock 2015).

**H7:** Higher electoral volatility increases the likelihood of electoral reform.

*Data, operationalisation and method*

*Conceptualisation and operationalisation of electoral reform*

Many case studies define ‘electoral reform’ very narrowly as wholesale replacement of the electoral formula (Katz 2005: 58). However, there are many other ways for parties to maximise their seat share, such as by introducing electoral thresholds or changing the size of electoral districts. Once one moves beyond electoral formulas, one has to determine what elements of the electoral system are to be included in the definition of electoral reform. Since the theoretical approaches outlined earlier first and foremost focus on the proportionality of the electoral system, we decided to examine the proportionality dimension of electoral systems and not, for example, those elements affecting the distribution of power within parties (ballot structure). Specifically, we consider the following dimensions: electoral formula, assembly size, district magnitude, tier structure and pooling of the votes, number of districts and legal electoral thresholds. This approach mirrors insights from detailed case studies on electoral reform that find that the precise ‘size’ of electoral reforms is often hard to predict because reform processes typically encompass a lot of bargaining about the exact content of the reform (Rahat & Hazan 2011: 486, 488). Sometimes, major reform proposals
get watered down significantly during the negotiation process, at other times they do not. The factors that explain such discrepancies are best examined through detailed case studies. In our analysis we therefore set the bar as low as possible – did a change occur or not? - as arguably this is the most important threshold to cross.

We now move on to discuss the operationalisation of the independent variables. The descriptives regarding the (in)dependent variable(s) and our data sources can be found in the Online Appendix. The independent variables are lagged where appropriate.

**Independent variables: Barriers**

The rigidity of the constitution \((H1)\) is a count variable reflecting how difficult it is to change the constitution in a given country on a scale from 1 to 4 (La Porta et al. 2004: 463). 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 per cent of votes) is needed, whether or not both houses of the legislature have to approve the reform, whether or not the legislature has to approve the amendment in two consecutive legislative terms. A dummy is used to test the judicial review hypothesis \((H2)\), where the presence of a judicial review option is coded ‘1’ and its absence is coded ‘0’. The impact of vested interests \((H3)\) is operationalised by taking the difference between the share of seats and the share of votes of the largest party.\(^6\) Finally, the impact of coalition politics \((H4)\) is measured by a variable representing the probability that two randomly chosen members of parliament from the government parties belong to different parties (i.e., government fractionalisation).

**Independent variables: Catalysts**

Alternation in government \((H5)\) is measured by a variable indicating the extent to which a government has changed its composition compared to the previous one. We employ an ordinal variable that is coded ‘0’ when the composition remains the same after the elections. The code ‘1’ is used to depict a partial change vis-à-vis the pre-election one (i.e., when the pre- and post-election coalition is not the same). When the new government consists entirely of non-incumbents, it is coded ‘2’. The cases that have no alternation (‘0’) serve as reference category in all the models. Operationalising systemic crises \((H6)\) is less straightforward as the concept has not yet been operationalised for non-majoritarian electoral systems. Following the logic of Shugart (2008) and the suggestions of Renwick (2010), we introduce a standardised variable to capture such crises across different electoral systems. Our starting point is that for a situation to be considered a crisis, it needs to be exceptional to the standards of that country. Hence, any indicator has to be relative and standardised to that country. To this end, we have computed how many standard deviations the degree of government fractionalisation differs from the country’s average. The most important advantage of this operationalisation is that it can be equally applied to majoritarian and proportional systems. Indeed, while Renwick’s general contention that a higher effective number of parties increases the likelihood of reform seems plausible, politicians in proportional systems are likely to be able to cope with a higher number of government parties (as this is ‘normal’ for them). Yet even in such systems there is a limit to the party fragmentation that is deemed acceptable. We only considered election outcomes
where the number of parties in government is higher (in standard deviations) than the average of that country in the period 1975–2005 to be instances of systemic failure.\(^7\) When there are fewer parties than usual this is coded as \('0'\).\(^8\) Regarding the variables reflecting changes in electoral behaviour (H7), we use the traditional indicator of electoral volatility: the Pedersen Index (Pedersen 1979). It reflects the sum of changes in the electorate’s preferences by adding up the absolute changes in vote shares won/lost by each of the parties and dividing that sum by two.

**Pool of countries, timespan and method**

In our analyses, we rely on a set of 16 countries: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland and the United Kingdom. Our timespan runs from 1975 to 2005, which produces 143 country-election cycle observations.\(^9\) Data for the dependent variable is taken from the Electoral System Changes in Europe (ESCE) database.\(^10\)

The case selection is driven by the aim to maximise the comparability of the cases. In newly democratised countries, both the political supply and demand are unstable and, as a consequence, the interests of parties are not yet fixed. This makes it more difficult for them to estimate which reforms would be to their benefit. Hence, under such conditions, the dynamics of reform are likely to be different. We therefore focus on cases of relative party system (supply side) stability.\(^11\) Regarding the timespan, we focus on the period between 1975 and 2005. Not only are the overall reform dynamics of the prewar and postwar periods deemed to be different (cf. Renwick 2010), but there may also be differences between the periods after 1945. Patterns of electoral behaviour have profoundly changed: the 1970s marked the decline of traditional party identification based on social cleavages (Franklin et al. 2009). Electoral behaviour became much more volatile after 1970 and governments were more likely to be held accountable for economic performance (Dassonneville & Hooghe 2015). We therefore focus on cases where there is a possibility of change in the political demand side and a relative stability on the political supply side. This has important implications for electoral reforms: one of the factors that makes these periods different is the impact of public opinion, which is said to have become more prominent since 1975 (Renwick 2011: 475).

To analyse the impact of the catalysts and barriers, we apply a series of logistic regressions. As our data are aggregated at the level of election cycles, we opted for discrete-time models (i.e., logistic regression including a time variable). To account for the hierarchical nature of the data and the fact that some of our countries experienced more than one electoral reform, we use robust standard errors (clustered by country). In total, we have 23 electoral reforms in our dataset. The time passed since the last electoral reform and the number of prior electoral reforms are included as control variables.

**Empirical results**

Table 1 looks into the impact of the barriers. These analyses serve as an exploration: each variable is tested separately because of the relatively low number of electoral reforms in our dataset. (We show the results of our multivariate analysis in Table 3 below.)
Table 1. Impact of barriers on electoral reforms

<table>
<thead>
<tr>
<th></th>
<th>-1</th>
<th>-2</th>
<th>-3</th>
<th>-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitutional rigidity</td>
<td>-0.68*</td>
<td>-0.35</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Judicial review</td>
<td></td>
<td>0.45 (-0.95)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disproportionality bonus</td>
<td></td>
<td>0.11**</td>
<td>-0.03</td>
<td></td>
</tr>
<tr>
<td>Government fractionalisation</td>
<td>-1.16 (-1.11)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>-0.29 (-1.01)</td>
<td>-2.40*** (-0.85)</td>
<td>-2.36*** (-0.45)</td>
<td>-1.75** (-0.54)</td>
</tr>
</tbody>
</table>

Observations 143 143 143 143
Countries 16 16 16 16
Pseudo R^2 0.046 0.02 0.047 0.028

Notes: Standard errors in parentheses. Clustered errors by country. Controlled for years passed since last reform and number of reforms enacted until each legislative term. Coefficients not displayed.

*p < 0.1;  *p < 0.05; **p < 0.01; ***p < 0.001.

Two variables stand out in Table 1. Model 1 shows that more rigid constitutional rules indeed lower the likelihood of reform. The second important result is found in model 3: a positive and significant effect of the electoral bonus for the winning party. This result suggests that majoritarian electoral systems and relatively disproportional PR systems are more likely to experience electoral reforms. This finding runs counter to the common claim that electoral reforms are extremely rare in majoritarian systems (cf. Blais & Shugart 2008).

However, it is in line with Benoit’s (2004) argument that fiat power is crucial. Those parties whose electoral bonus is larger are the ones who have first-hand experience of the ‘positive’ effects of the electoral system and are less likely to be in a coalition – something that certainly may have played a role in, for instance, France and Greece: both systems produce majoritarian outcomes and most (though not all) of the governments that implemented reforms consisted of just one party. Obviously we should be cautious in our interpretations as until now we were merely dealing with results of ‘explorative’ regressions.

Table 2 shows the impact of the different catalysts on the likelihood of electoral reform. Interestingly, it turns out that none of the variables has a statistically significant effect. This is an indication that the effect of the catalysts is not really consistent. For instance, while research suggests that electoral volatility influenced the 1993 Italian electoral reform (Baldini 2011), electoral volatility does not seem to have a consistent effect on the likelihood of electoral reform. Indeed, there were several instances of even higher electoral volatility that did not correlate with the introduction of electoral reforms, such as Portugal in 1979 (30.16 per cent), Spain in 1982 (35.82 per cent) and even Italy in 1994 (the first election after the reform was introduced; 48.35 per cent). This suggests that focusing on cases of reform while excluding cases of non-reform risks biasing our understanding of what influences the likelihood of reform.

Table 3 shows to what extent these results hold in a multivariate analysis. Models 1 and 2 essentially resemble the two previous tables: the coefficients are fairly similar and in the same direction. Once again the barriers variables (model 1) stand out the most. Constitutional rigidity has the same effect as in the bivariate analyses (cf. HI), but when
Table 2. Impact of catalysts on electoral reforms

<table>
<thead>
<tr>
<th></th>
<th>-1</th>
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<th>-3</th>
</tr>
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<tbody>
<tr>
<td>Partial alternation</td>
<td>-0.74 (-0.53)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Full alternation</td>
<td></td>
<td>0.23 (-0.49)</td>
<td></td>
</tr>
<tr>
<td>Systemic failure related to number of parties in government</td>
<td></td>
<td>0.47 (-0.35)</td>
<td></td>
</tr>
<tr>
<td>Electoral volatility</td>
<td></td>
<td></td>
<td>-0.01 (-0.03)</td>
</tr>
<tr>
<td>Constant</td>
<td>-1.81 *** (-0.49)</td>
<td>-2.18 *** (-0.48)</td>
<td>-1.95 *** (-0.59)</td>
</tr>
</tbody>
</table>

Observations: 143 143 143
Countries: 16 16 16
Pseudo R²: 0.034 0.029 0.016

Notes: Standard errors in parentheses. Clustered errors by country. Controlled for years passed since last reform and number of reforms enacted until each legislative term. Coefficients not displayed.  
+ p < 0.1; * p < 0.05; ** p < 0.01; *** p < 0.001.

Table 3. Joint impact of catalysts and barriers

<table>
<thead>
<tr>
<th></th>
<th>-1</th>
<th>-2</th>
<th>-3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitutional rigidity</td>
<td>-0.76 + (-0.4)</td>
<td>-0.92 + (-0.44)</td>
<td></td>
</tr>
<tr>
<td>Judicial review</td>
<td>1.39 + (-0.61)</td>
<td>1.31 + (-0.64)</td>
<td></td>
</tr>
<tr>
<td>Disproportionality bonus</td>
<td>0.10 ** (-0.04)</td>
<td>0.07 (-0.04)</td>
<td></td>
</tr>
<tr>
<td>Partial alternation</td>
<td>-0.89 + (-0.47)</td>
<td>-0.88 + (-0.48)</td>
<td></td>
</tr>
<tr>
<td>Full alternation</td>
<td>0.3 (-0.51)</td>
<td>0.36 (-0.46)</td>
<td></td>
</tr>
<tr>
<td>Systemic failure related to number of parties in government</td>
<td>0.61 + (-0.37)</td>
<td>0.64 (-0.41)</td>
<td></td>
</tr>
<tr>
<td>Constant</td>
<td>-1.65 (-1.06)</td>
<td>-1.94 *** (-0.51)</td>
<td>-1.01 (-1.15)</td>
</tr>
</tbody>
</table>

Observations: 143 143 143
Countries: 16 16 16
Pseudo R²: 0.085 0.034 0.099

Notes: Standard errors in parentheses. Clustered errors by country. Controlled for years passed since last reform and number of reforms enacted until each legislative term. Coefficients not displayed.  
+ p < 0.1; * p < 0.05; ** p < 0.01; *** p < 0.001.

controlling for other barriers, judicial review turns out to have a significant positive effect (versus H2). It appears that the role of constitutional courts (or their equivalents) is not preventing new reforms by governments, but rather is triggering them. As mentioned earlier, this factor has so far received little attention, but it turns out to have a consistent effect in our final model. We can think of at least three explanations for this finding.

First, it may well be that constitutional courts play an active role in demanding or triggering reforms. Indeed, the German Constitutional Court, for instance, triggered reforms...
that changed the electoral thresholds and the variation of the number of MPs. Similarly, McElwain (2008: 36) found that in Japan the Supreme Court intervened in four instances by threatening to declare malapportionment levels unconstitutional, after which electoral reforms were implemented. Second, it may well be that courts strike down reforms that have been approved and thereby force the government to introduce new ones that ‘fix’ the system. An example of this is the 2000 Czech electoral procedure law, which was abolished by the country’s constitutional court and replaced by a new law in 2002 (Kopecký 2004: 352).

Third, it could be that judicial review partially limits the negative effect of constitutional rigidity because it offers opposition parties the chance to appeal to new electoral laws, which in turn can trigger new follow-up legislation.

Regarding the catalysts (model 2), it seems that governments that are only partially the same as the previous one are less likely to experience reforms (versus $H_5$). Interestingly, the effect of full alternation is positive (though not significantly different from the ‘no alternation’ condition). Our explanation (based on Rahat and Hazan’s barrier logic) is as follows: what the ‘no alternation’ and ‘full alternation’ governments have in common is that they consist of parties that are in a similar position: either they all were winning the game (no alternation) or they won a game they were previously losing (full alternation). In the first case, all government parties are more likely to desire reinforcing the existing system (e.g., make it even more majoritarian), while in the second they are more likely to desire changing it (e.g., make it less majoritarian). When partial alternation occurs, the government parties have divergent interests: some parties are more likely to desire reinforcing the existing system, while others are more likely to desire changing it. In such instances, disagreement over the content can be expected, thereby lowering the likelihood of reform (cf. Rahat & Hazan 2011: 487–488). Hence, partial alternation acts as a barrier rather than a catalyst. Finally, experiencing a systemic failure (cf. $H_6$) seems to be slightly correlated with a higher likelihood of electoral reform ($p < 0.1$), but this effect disappears when we include the barrier variables.

Model 3 examines both the barriers and catalysts together. It confirms that most catalysts have no significant effect and that barriers remain the largest and most significant factors in explaining the occurrence of reforms. The most important difference between models 3 and 1 is that the significance of the disproportionality variable disappears when the alternation dummies are added. This makes sense as both may capture similar dynamics: electoral reforms are more likely to be introduced in those systems where incumbents enjoy a larger disproportionality bonus and, therefore, where partial alternation is less likely because single party governments tend to prevail. This again suggests that one of the most powerful explanations for the lack of electoral reforms is the existence of disagreement over content between government parties. When a party enters a pre-existent government coalition it might push for electoral reform, but the other parties in government are likely to oppose it. Governments need to be able to garner enough parliamentary support to pass a reform (Benoit 2004) and this seems to be easier to achieve in systems where governments face lower barriers – that is, single-party governments in systems that provide a bigger electoral benefit to the larger parties.

Turning to our hypotheses, $H_1$ seems to be corroborated: the effect of constitutional rigidity is consistent and negative in all the models (cf. the marginal effect of this variable in Figure 1). $H_2$ to $H_4$, on the other hand, are not corroborated. In fact, we found that judicial
review has a positive effect and acts as a catalyst, as shown in Figure 2. H5 to H7, which all tap into the catalysts of electoral reform, are not corroborated. However, partial alternation (or governments encompassing incumbents and non-incumbents) was found to act as an additional barrier (Figure 3). All in all then, it seems previous research has tended to overestimate the role of catalysts and under-estimate the role of barriers.16

We now provide several explorative and illustrative case studies that serve to substantiate the findings of our statistical analyses and to rule out the impact of country-specific factors (cf. Renwick 2010: 60).17 In line with the suggestions of Seawright and Gerring (2008: 297), we selected the cases with low residuals (‘typical cases’). Regarding judicial review, we analysed cases of successful reform (as this variable acts as a catalyst). Regarding constitutional rigidity and partial alternation, we analysed failed but serious reform attempts (as both act as barriers).
Figure 3. Marginal effect of alternation in government (model 3, Table 3): Predictive margins with 95 per cent confidence intervals.

Constitutional rigidity

Three countries have a (very) high constitutional rigidity and experienced almost no reforms: the Netherlands, Ireland and Spain. In the Netherlands and Ireland, serious reform debates were held.18 The Netherlands has the maximum rigidity score. First, both parliamentary chambers have to approve the reform with a simple majority. After elections, both chambers again have to approve it by a two-thirds majority. In our timeframe, the Netherlands experienced no electoral reforms that affect proportionality. However, reform debates were high on the agenda in 1990, 1994 and 1999 and 2003 (Jacobs 2011: 188). Each time the proposals failed because the required majorities were not achieved. The last of these attempts even explicitly ‘sought to avoid changing the constitution, as the procedure is cumbersome’ (Andeweg 2005: 507). However, in order to achieve that goal, the proposal was so modest that its main proponents withdrew their support (Jacobs 2011: 191).

In Ireland, in order for a constitutional amendment to be introduced, it needs to pass both houses of the parliament and then be approved in a referendum. As Gallagher (2005a: 527) points out: ‘Because the electoral system is entrenched in the Irish constitution, … PR-STV [proportional representation-single transferrable vote] enjoys a level of protection against its critics. Without this, it might well not have survived.’ Indeed, Fianna Fáil triggered two referendums to change the electoral system by a majoritarian one, but failed twice (in 1959 and 1968). These defeats influenced more recent, but failed reform debates in 1996 and 2002 (Gallagher 2005a: 528). The only (modest) reform that did make it was the 1980 increase of the assembly size, which made the system slightly more proportional.

Judicial review

Two countries illustrate that judicial actors can matter in reform processes: Germany and Italy. In the former, the constitutional court has been very active in electoral reform debates dealing with the electoral threshold and surplus seats. In 1979, the court explicitly found an electoral threshold was ‘unobjectionable’ (Tomuschat 2013: 228), thereby legitimising...
changes to it such as the 1990 and 1994 reforms (versus abolishing it once and for all). Here, the impact of the court has been indirect by legitimising the position of reformers. Regarding surplus seats, the court had a direct impact. It ruled on the topic in 1957, 1963, 1988, 1997, 2008 and 2012 (Tomuschat 2013: 225). Early on, the court hinted that politicians should change the existing legislation, in the absence of which it decided to force politicians to action in 2008 and 2012 (when it struck down the 2011 electoral reform aimed at addressing the 2008 ruling).

In the 1993 Italian reform towards a more majoritarian system, the role of the courts has been mainly indirect. Two referendums played a crucial role in this reform process (Renwick 2010). For the first of these, the referendum movement submitted three proposals aiming to force electoral reform upon politicians. The Italian Constitutional Court rejected two of the three proposals, but crucially ‘made it clear that the abrogation of parts of existing legislation was permissible in principle’ (Donovan 1995: 54–55). This in turn legitimised the referendum route to the 1993 reform (and several referendums on the topic).

In 2013, the Italian Constitutional Court also played a role in a reform process. The 2013 general elections produced a very fragmented parliament with no clear winners. In December of that year, the court declared, among other things, that the majority bonus of the existing system was unconstitutional, scrapped the existing provision and thereby converted the system to one of pure proportional representation. This in turn spurred politicians to act and implement another electoral reform (Baldini & Renwick 2015: 154). A new electoral law was passed in May 2015. It introduced a two-round system to allocate the majority bonus in the event that no party wins at least 40 per cent of the vote in the first round.

Partial alternation

Partial alternation combined with no electoral reform occurred in Finland, the Netherlands, Portugal, Denmark and Austria. In two of these countries, serious reform debates took place when a government consisted of incumbents and non-incumbents: Austria and the Netherlands. Specifically, the Austrian 2000–2002 and Dutch 1994–1998 government periods comply with our case selection criteria. In the case of the former, the government consisted of the incumbent ÖVP (conservative party) and the non-incumbent FPÖ (populist radical right party). Before it entered the government, the FPÖ desired reforms in the direction of a more personal (and more majoritarian) electoral system. However, its coalition partner was far more hesitant, and the FPÖ’s electoral reform plans got blocked during the coalition negotiations (Jacobs 2011: 106).

The Dutch 1994–1998 government included the incumbent PvdA (social democrats), and the non-incumbent D66 (progressive liberals) and VVD (conservative liberals). D66 desired a more majoritarian system to introduce a direct connection between the voter and the elected. However, while the coalition agreement did include a section on electoral reform, the other parties in the government were far more hesitant or even hostile, and a bill to introduce a mixed-member proportional representation (MMP) system did not pass (Andeweg 2005).

In summary, our illustrative case studies suggest that the three main factors of the statistical analysis do seem to play a role in actual reform debates. We found indications that constitutional rigidity can shield proportional systems from reforms moving away from
proportionality. Judicial review can have a direct or indirect impact. It can legitimise the position or route taken by reformers (indirect impact) or the court itself can request reforms (direct impact). The direction of these reforms seems to depend on the wording of the constitution. Finally, partial alternation mainly seems to benefit the status quo and can function as a barrier to any type of reform (away from or towards more proportionality) as the preferences of the different government parties are unlikely to converge.

Conclusion

Given the goals that political parties have (Müller & Strøm 1999), changing the electoral system to their benefit seems to be an attractive route to take. Unsurprisingly then, electoral reforms frequently emerge on the political agenda and many scholars have examined the origins of such reforms. Yet, if electoral reforms seem so attractive to politicians, why are there so few of them? This research has provided one of the first statistical studies examining the factors that increase and decrease the likelihood of electoral reform. We wished to answer the question: Which circumstances influence the likelihood of electoral reform?

Case studies – the dominant methodological approach in the field – are well suited to examining the processes that lead to electoral reform, the country-specific factors that influence these processes or explaining the actual content of a reform. However, they mainly zoom in on cases of actual reforms (excluding periods of non-reform), which risks focusing on factors that also occur often in periods of non-reform. We found that one such factor is electoral volatility. Contrary to previous case studies (e.g., on the Italian 1993 electoral reform; Baldini 2011), statistically the effect of volatility is not consistent (and not significant in our analysis).

In general, we find that the literature so far has perhaps been focusing too much on circumstances increasing the likelihood of reform. Barriers also seem to play an important role. Constitutional rigidity clearly decreases the likelihood of reform (especially if the reforms would be away from proportionality, it seems). We also found that governments consisting of incumbents and non-incumbents have a lower likelihood to implement reform, probably because this triggers disagreement over the content of reform proposals (cf. Rahat & Hazan 2011). Finally, we found that judicial review acted as a catalyst: constitutional courts seem to have a positive impact on the likelihood of reform.

Our research makes two contributions to the broader debates regarding institutional change. First, our analyses contribute to the general institutional change literature, which often considers institutions as ‘a source of inertia and resistance to change’ (Olsen 2009: 3). Our analyses indeed show that the relative scarcity of reforms is partially due to barriers inherent to existing institutions (i.e., constitutions). However, they also indicate that some institutions can act as a catalyst rather than a barrier. While they are typically seen as additional veto players in the institutional literature (cf. Tsebelis 2002: 246), constitutional courts can also stimulate change indirectly by legitimising reform or even directly by demanding modifications of the electoral law.

Second, our analyses offer useful insights to the literature on institutional change and the so-called ‘crisis of democracy’. Scholars have warned about rising citizen dissatisfaction, particularly regarding the democratic institutions (Pharr & Putnam 2000; Dalton 2004; Norris 2011). Electoral reform and institutional change in general are seen more as a
response by scholars (Dalton 2004: 203) and political elites (Bowler & Donovan 2013: 134). However, our study suggests that there might be unintended side-effects attached to this course of action: most proposals are likely to fail because of the steep barriers that exist in many countries. Such failed reform attempts in turn may lead to the perception that the ‘elites’ do not want change, which will lead to even more public disappointment.

Going beyond the present study, our findings suggest that the barriers to reform should be a standard set of variables in the toolbox of electoral reform scholars. It also indicates that judicial review is a factor meriting more attention. Specifically, more elaborate case studies examining countries outside Western European established democracies, more fine-grained measures of judicial review incorporating the degree of activism of courts and analyses examining the interaction between judicial review and constitutional rigidity seem promising. Finally, we suggest that future research examines whether there might be differences between ‘major’ and other electoral reforms (cf. Katz 2005). In short, several avenues for future research exist, but what is beyond doubt is that future research benefits from a more holistic approach including both catalysts and barriers.

Acknowledgments and data accessibility

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Notes

1. The section on methods (below) details which electoral reforms we include and which ones we do not.
2. Here we refer both to those countries that have constitutional courts and those where the ordinary judiciary system is allowed to judge the constitutionality of laws (e.g., through supreme courts).
3. For instance, the rational choice approach centres on seat-maximisation of parties.
4. The ballot structure also affects the competition within parties, and therefore requires a somewhat different explanatory model.
5. Legislative terms during which at least one reform package is introduced are coded ‘1’.
6. As a robustness check we also ran analyses using the overall measure of disproportionality as devised by Gallagher (1991). The results are similar to the ones in our analyses.
7. In models not reported here we have also used a different operationalisation of systemic failure based on the number of parliamentary parties. No significant effect was found.
8. This is not considered a systemic crisis following Shugart’s (2008) definition. On the one hand, it is likely to apply only to PR systems – in majoritarian systems, single-party governments tend to prevail. On the other hand, having fewer parties than usual in PR systems would not entail a crisis as understood by Shugart because the system is working as it is supposed to in terms of representation and proportionality.
9. We opted for election cycles because most of the independent variables remain constant within legislative terms. For the variables based on the number of parties in government we have opted to code the change or stability of government that occurs just after the election.
10. The data were collected via: www.electoralsystemchanges.eu
11. We include two younger democracies – Spain and Portugal – because they were already stable early on. The effective number of parties in terms of seats only shifted from 2.91 in 1977 and 2.93 in 1975 to 2.52 in 2005 and 2.56 in 2005, respectively (Gallagher 2015).

12. Only one (or a few) variables and technical controls have been included in the models so far.

13. Given our low number of reforms, we only included the ‘strongest’ variables; electoral volatility and government fractionalisation were excluded. We also ran analyses including these variables, but they had no significant effect.

14. This does not artificially inflate the number of reforms: when elements of the electoral law are declared unconstitutional, politicians tend to use this window of opportunity to make broader changes to the status quo law – that is, producing a new set of rules different from the earlier status quo (e.g., Italy in 2015).

15. This explanation points to an interaction effect between the two variables. We would like to thank one of the anonymous reviewers for suggesting this third possibility. Constitutional rigidity mainly acts as a preventive factor – one that can be surpassed when the reformers have fiat power. Judicial review, however, can act as a genuine catalyst. It opens the possibility to amendments when opposition parties – or the courts themselves – disagree with the content of a reform. In this reasoning, judicial review is a variable (partially) neutralising the effect of high constitutional rigidity. In countries where there is no judicial review, the constitutional rigidity may still have its traditional negative effect. One can thus expect that the impact of constitutional rigidity is less negative in countries that have judicial review. Our preliminary analyses seem to confirm this, but our dataset is too limited to carry out a strong test of this interaction hypothesis. Clearly, this is a promising venue for future research.

16. We ran several checks to test whether our results might be biased. Outliers and influential cases do not drive our results and the variance inflation factor (VIF) values did not point to extreme multicollinearity. We also reran our analyses dropping one country at a time and the results of constitutional rigidity and partial alternation are robust. This is also the case for judicial review, but our dataset includes only a fairly limited number of countries that do not exhibit judicial review. Hence, to err on the side of caution, we suggest that more research may be needed to find out how broad is the effect of this variable.

17. These illustrative case studies do not aim to offer complete explanations of the (lack of success of) reform attempts. Such explanations are best reserved for elaborate case studies.

18. In Spain, electoral reform was not a big political issue (Hopkin 2005: 390). Nevertheless, the fact that important parts of the electoral system are enshrined in the constitution ‘acts as a deterrent to serious electoral reform’ (Hopkin 2005: 391).

19. In Denmark, ‘[t]he electoral system is not a political issue’ as the current complex and balanced system is ‘generally seen as working well’ (Elklit 2005: 469). Finland witnessed some historical reform debates, but proportionality proposals from the smaller parties ‘have not won support among the three main parties’ (Raunio 2005: 487). Information about Portuguese electoral reform debates is scarce, but Freire (2004) notes that the assembly size was reduced after the 1987 election (when there was no alternation).

References


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