Mixed-Member Electoral Systems

The Best of Both Worlds?

edited by
Matthew Soberg Shugart
and Martin P. Wattenberg

Comparative Politics

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Comparative Politics

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To the memory of

Lois Soberg Shugart, whose years of service as an election precinct Inspector inspired her son's early interest in electoral systems,

and

Hillel Marans, Marty's grandfather, who would have been delighted to see any democratic electoral system in the land of his birth.

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Preface to the Paperback Edition

In the last decade of the 20th century a diverse set of countries adopted a form of electoral system known as the *mixed-member* system. Such a system combines both the traditional British- or American-style vote for individual candidates in single-seat districts and the typical continental European election of legislators by proportional representation from party lists. This mixture of electoral-system principles has now become so common that what once was an unusual variant now holds out the promise of being *the* electoral reform of the 21st century. In the view of many electoral reformers, mixed-member systems offer the best of both worlds—the direct accountability of members to the districts in which they are elected, and the proportional representation of diverse partisan preferences.

This book seeks to evaluate: 1. why these systems have recently appealed to many countries with diverse electoral histories; and 2. how well expectations for these systems have been met. Each major country which has adopted a mixed-member system thus has two chapters in this book, one on why a mixed-member system was adopted and one on its consequences thus far. We have also included one chapter each on prospects for a mixed-member system in Britain and Canada, respectively.

Most of the chapters in this volume were originally presented at a conference we organized in Newport Beach, California, in December 1998. We posed a set of common questions for participants long in advance of the conference, hence establishing a core set of areas to be addressed. Although not every contributor was able to answer every question we posed, we believe that they have all done a splendid job of addressing whichever questions were relevant to the country for which they were responsible.

When we first conceived of this project, we had a general impression that countries were gravitating to mixed-member systems in an attempt to have the best of both electoral worlds. Our contributors have largely confirmed that this was the case in country after country. Our expectations regarding the consequences of these systems were cautiously optimistic, i.e., that they would turn out, at least partially, to remedy whatever were seen as the drawbacks of the previous electoral system. Again, the results conformed nicely to our expectations, leading us to conclude optimistically in Chapter 25 that the advantages offered by mixed-member systems will most likely lead more countries to follow this world-wide trend.

Between the time that the original volume went to press in the summer of 2000 and the preparation of the paperback volume in the summer of 2002, there have been significant new developments regarding mixed-member electoral rules and their consequences in some countries. Most notably, Israel has abolished the electoral system covered in these pages. In February 2001, Israelis voted in direct Prime Ministerial elections for the third time. Unlike in 1996 and 1999, the parliament was not elected concurrently because the incumbent had resigned, thereby prompting "special" elections for the prime minister *only,* who then inherited the sitting parliament. Ariel Sharon defeated Ehud Barak by twenty-five percentage points, and on the same day that he presented his new government, the parliament passed a bill abolishing the separate election of the prime minister. Thus Israel will return to a pure parliamentary form of government, with purely proportional elections for the Knesset. In all of our other cases, the idea of mixing both single-seat and proportional elections has been retained, although there has been some tinkering within the framework of a mixed-member system. For instance, in Japan, as part of a deal to form a coalition government, the number of seats elected by proportional representation was reduced in January 2000 from 200 to 180 (along with the overall size of the lower house). In addition, a change of Japan's upper-house mixed-member rules prior to the 2001 election presents us with the first case of a national parliament using an open list (providing the voters an opportunity to cast a preference vote for a specific candidate) in a mixed-member system.

In the concluding chapter to the volume, we noted that the mixed-member systems in most cases appeared to be delivering on their promise of promoting two-bloc competition over governmental authority alongside continued presence of parties representing a broad range of interests and viewpoints. Elections since the publication of the first edition seem to be bearing this out. For instance, the election of 2001 in Italy produced a further consolidation of the fragmented party system into two distinct blocs, and alternation from one bloc to the other. Italy thus experienced alternation in power in each of the first three elections under the mixed-member system—a remarkable phenomenon given that the former Italian system never presented voters with competing viable government options. Likewise, the 2002 election in Hungary, like the first two elections under the mixed-member system, produced alternation in power as well as a further consolidation of the party system into two blocs. Thailand, a country not covered by its own chapters but discussed briefly in this volume, saw its first mixed-member election produce a stable government in 2001, breaking a pattern of severe party fragmentation under its previous democratic elections.

In Japan, the 2000 election resulted in the long-dominant Liberal Democratic Party (LDP) falling just short of a majority of seats and needing a coalition to govern. The election saw a greater tendency of both the LDP

and its opposition to structure pre-election deals regarding nominations in the single-seat districts, implying that Japan may also be experiencing a movement towards two-bloc competition. The cases in which party systems were poorly developed as of 2000—Bolivia, Russia, and Venezuela—may all require a few more elections before we can determine the effects of mixed-member systems in these countries. Bolivia held an election in 2002 that again returned a highly fragmented congress, whilst Venezuela continues to endure regime instability on top of the instability of its party system.

The prospects for mixed-member systems being adopted in the two countries discussed in Part IV of this book look somewhat more doubtful today than when these chapters were prepared. A BBC study found that the Labour government had made good on 85 percent of their manifesto promises after five years in power, but the pledge to hold a referendum on electoral reform was not one of them. And in the UK general election campaign of 2001 not only did Labour drop this pledge from their program, but also the Liberal Democrats deemphasized their long standing support for a move toward a more proportional system. In Canada, there has been even less progress towards electoral reform. The 2000 Canadian federal election once again produced a highly disproportional outcome, as the Liberals won just 40.8 percent of the vote but obtained 57.1 percent of the seats. This marked the fourth consecutive federal election in which a single party won a parliamentary majority with 43 percent or less of the popular vote. It is therefore striking that there has been hardly a murmur of discontent with the Canadian electoral system given these electoral results. Nevertheless, we remain confident that if electoral reform does make it on to the political agenda in either the UK or Canada, that mixed-member systems will be the most likely alternatives considered.

As we state in the concluding chapter, the mixed-member alternative has now clearly joined proportional and majoritarian systems as types of electoral systems to be considered when a new democracy is established, or a country's leaders seriously consider reforming existing democratic institutions.

Lijphart and Rein Taagepera for their incisive comments. Finally, we wish to express our appreciation to the staff at Oxford University Press, particularly to Dominic Byatt for his invaluable support and guidance, and to Amanda Watkins for smoothly managing the details of turning a manuscript into a book.

M.S.S. and M.P.W.

June, 2002

Introduction: The Electoral Reform of the Twenty-First Century?

Matthew Soberg Shugart and Martin P. Wattenberg

In the politics of the nineteenth century, elections were decided simply by which candidates individually got the most votes in local, usually single-seat, constituencies. The major electoral reform of the twentieth century was proportional representation (PR), which was adopted by many democracies in order to remedy inequitable distributions of seats to votes. In order to achieve proportionality, however, these countries had to sacrifice the principle of individual representation of geographic constituencies for large multi-seat districts in which representatives are drawn from party lists. As the twenty-first century begins, a compromise system is spreading throughout the world which offers the promise of providing the best of both the dominant nineteenth- and twentieth-century worlds of electoral systems. These systems can best be labeled as *mixed-member* electoral systems. They offer voters a direct role in choosing an elected representative for their localities, but also provide for some element of proportional representation. Although the relative emphasis of each element in the mixture can vary a great deal, as we shall see in the cases reviewed in this volume, the key point is that such systems allow nations to tailor their electoral systems so as to potentially have their cake and eat it too. Whether such systems ultimately fulfill this promise will no doubt determine whether mixed-member systems prove to be *the* electoral reform of the twenty-first century, as PR was in the twentieth century.

For a long time West Germany was the world's sole example of a mixed-member electoral system, but now there are numerous examples in various regions of the world. For example, in 1993 New Zealand—once regarded as the paragon of Westminster majoritarian democracy—voted to reject its single-seat district plurality electoral system and adopt a system almost identical to the German model. Around the same time, Japan discarded its single-non-transferable-vote system and Italy abandoned its list-PR system in favor of mixed-member systems. Venezuela, one of the two oldest democracies in

Latin America, also rejected list-PR in the early 1990s and adopted a system very much like that practiced in Germany. Israel, while not abandoning its large-district PR system for parliamentary elections, adopted direct election of the prime minister, which of course necessitates a majoritarian formula, and thereby makes its electoral system mixed.

In the 1990s Russia and a number of other former communist countries—including Albania, Armenia, Croatia, Georgia, Hungary, and Lithuania—also adopted mixed-member systems. In Latin America, Bolivia—formerly a list-PR nation with a sporadic history of democracy—followed the electoral reform example of Venezuela. Mexico—previously at best a semi-democratic country with a strongly majoritarian electoral system—adopted a mixed-member system as part of its sweeping liberalization of the electoral process. The new parliaments of Scotland and Wales also adopted mixed-member systems, and in 1998 a Royal Commission officially recommended such a system for Britain as a whole.

The major questions this book seeks to address are twofold: (1) Why have so many countries with such diverse political histories chosen to adopt mixed-member systems?; (2) What have been the consequences of implementing such a system? Thus, we first seek to learn whether countries have consciously tried to implement electoral systems that would give them a share of the best of both worlds. More importantly, we also aim to evaluate whether the results thus far suggest that nations can successfully enjoy a mixture of the advantages of both majoritarianism and PR, and of both personalized geographic representation and party representation.

Part I of this book sets the stage for the various country chapters. We first outline a definition and typology of mixed-member systems in Chapter 1. This chapter makes it clear that mixed-member systems come in a wide variety of options, with the most important choices being how seats and/or votes are linked between the two tiers. Shugart extends this discussion in Chapter 2, arguing that electoral systems may be conceived of in two dimensions. An interparty dimension concerns the way in which representation is allocated among parties, and how governments are formed. An intraparty dimension concerns how representation is allocated within parties, and the degree to which legislators cultivate personal versus party-based votes. Adopting a mixed-member system implies a trend toward balance on both dimensions, and in the established democracies mixed-member systems have tended to be adopted in precisely those countries where the pre-existing electoral system was among the most extreme on one or the other dimension.

The ideas expounded in Shugart's theoretical presentation laid the basis for a set of key questions which were presented to the authors of the country chapters in Part II. These chapters present ten individual stories concerning why particular countries adopted a mixed-member system. We asked each contributor to Part II to consider the following basic questions:

- What were the perceived flaws of the previous electoral system?
- Was there a political/economic crisis that precipitated the adoption of a mixed electoral system?
- Was it thought that this system would be more representative of broader majorities and less tied to clientelistic special interests?
- What sort of party system was desired when the mixed electoral system was adopted?
- Who were the expected winners and losers of electoral reform?
- What were the details of the mixed electoral system that was chosen?

Of course, not all of these questions applied to all of the countries examined in Part II. Contributors were given a fair amount of discretion to focus on those aspects that were particularly relevant to the country they were working on.

Our case studies, and the order in which they are presented, are as follows. First we have a chapter on the oldest mixed-member system, that of Germany. Susan Scarrow discusses the origins of the system which has become a model for reform elsewhere, and notes an irony: the German system was not the product of conscious design of a new model, but rather a product of political compromise under the postwar occupation regime.

Our next five chapters deal with the adoption of mixed-member systems in established democracies. Each of them represents one of the extreme preexisting types identified in Chapter 2. David Denemark traces the process by which New Zealand's extreme majoritarian system was replaced by a mixed-member proportional system. Richard Katz explores the replacement of an extremely proportional system by a relatively majoritarian variant of a mixed-member system. Gideon Rahat then analyzes the Israeli case, where the reform entailed switching to the direct election of the prime minister. This reform is clearly of a different nature from the others discussed in this book, in that it involves a change in the constitutional form of government and not just in the electoral system. Nonetheless, it belongs in a book on mixed-member systems because it represents a novel means of combining the majoritarian and proportional principles as an antidote to the problems of a pre-existing system that was extremely proportional.

In discussing the case of Japan, Steven Reed and Michael Thies review the movement from a system in which candidates of the same party competed against one another in three to five-seat districts to a mixed-member system, which eliminated intraparty competition. Finally, Brian Crisp and Juan Carlos Rey look at Venezuela, which moved from a situation of very dominant party leadership to a mixed-member system in which it was hoped that legislators would be more accountable to voters in the newly created single-seat geographic constituencies.

The remaining chapters of Part I cover four cases of mixed-member

systems adopted in newer democracies. Continuing with Latin American cases, Rene Mayorga's chapter looks at Bolivia, where the parties that dominated the young democracy were perceived as being unaccountable to the public, and, where, as in Venezuela, the introduction of single-seat districts in a mixed-member system was seen as a way to open up the political system. Juan Molinar Horcasitas and Jeffrey Weldon then analyze the case of Mexico, which has long experience with highly majoritarian variants of mixed-member systems. Recently Mexico's system has been made more proportional in a process of democratization. Two chapters look at the decision to adopt mixed-member systems in formerly communist systems, John Schiemann on Hungary and Robert Moser and Frank Thames on the Russian Federation. In Hungary the mixed-member system emerged as a compromise among several parties with competing preferences over different types of electoral system. In Russia the designers of the presidential decree that implemented the system saw a mixed-member system as being able to promote the formation of national parties while maintaining regional representation.

In Part III the consequences of a mixed-member system are examined for the same countries covered in the preceding part of the book. We posed the following set of questions for contributors to this section:

- Has the mixed electoral system resulted in party system change? How so?
- Duverger's law/hypothesis implies that single-seat district (SSD) plurality rule leads to two-party competition and that PR leads to multiparty competition. Have the SSD and PR components of the system borne out these divergent expectations, where relevant?
- Is the political system now less clientelistic or sectarian, and more representative of broad interests?
- Has there been a change in legislative behavior? In particular, do constituency representatives behave differently from representatives elected from party lists?
- Were the expectations of electoral reform met?
- Who were the winners and losers of electoral reform?
- How satisfied are elites and the public with the new electoral system?
- Are there calls for further electoral reforms?

In addition, we also asked contributors specifically to link their discussion to the points raised in the chapter on the causes of adopting a mixed-member system for their case.

Every country covered in Part II is again covered in Part III. First, Hans-Dieter Klingemann and Bernhard Wessels argue that the German mixed-member system does indeed live up to its German moniker of "personalized proportional representation," in that it provides at once individualized representation of geographic constituencies and proportionality. Writing on New

Zealand, Fiona Barker, Jonathan Boston, Steven Levine, Elizabeth McLeay, and Nigel Roberts make similar observations: personalized geographic representation has continued even as the overall system has been made more proportional.

With respect to Italy, where a more majoritarian variant of a mixed-member system was adopted, Roberto D'Alimonte notes that the reform has worked in the sense of permitting clearer choices for voters as parties have grouped themselves into two large pre-election coalitions. Nonetheless, the Italian party system remains highly fragmented and parties within the coalitions have "proportionalized" the single-seat districts by dividing up the nominations among themselves. Reuven Hazan reviews the experience in Israel with the direct election of the prime minister, noting that the reform has had the desired effect of establishing a direct link between the vote and government formation; however, the unusual system adopted in Israel has unexpectedly further fragmented the parliamentary party system.

Steven Reed and Michael Thies note that the number of parties has declined in Japan since the adoption of a majoritarian mixed-member system, and the factionalism that pervaded the former system of intraparty competition has diminished. In Venezuela, according to Michael Kulisheck and Brian Crisp, the adoption of single-seat constituencies for the first time has led to some personalization of the vote, but the behavior of legislators in a system of very strong parties did not change appreciably and the system remains in profound crisis.

Rene Mayorga's analysis of the Bolivian system reveals that local issues have become paramount for politicians elected in the mixed-member system's new single-seat districts. In Mexico a series of reforms to the electoral system has resulted in a more proportional allocation of seats, which made possible the first congress in many decades that was not controlled by the previously hegemonic party.

Kenneth Benoit finds that the Hungarian system, despite its remarkable complexity, has served the young democracy very well, as three different governments have come to power in as many elections, and parties that have fared well only in the majoritarian portion of the system in one election have tended to do well in the proportional segment in the next, and vice versa. Robert Moser finds that the distinct tiers of the mixed-member system in the Russian Federation have had unintended consequences, resulting from the uninstitutionalized party system: small parties have performed better in the single-seat districts, where they have regional bases, while numerous parties have failed to clear the 5% threshold in the PR tier. Yet he concludes that the mixed-member system is ideal for Russian conditions.

Because we believe the trend toward mixed-member systems will continue for a while longer, Part IV turns to two reasonable prospects for further electoral reform. Four of the world's eight largest economic powers (the "G8")

have already adopted mixed-member electoral systems for their lower legislative house. The next most likely prospects to join the club are the United Kingdom and Canada. Our two chapters in Part IV review why electoral reform is being considered in these countries, how a mixed-member system might work in each, and the likely consequences if such a system were to be adopted. David Farrell views the current debate over proportional representation in Britain as a sign that the country may finally be "coming of age," as proposals for the introduction of a mixed-member electoral system are now receiving serious consideration. In Canada, on the other hand, Kent Weaver notes that, despite recurrent problems with the performance of the existing plurality system, electoral reform has yet to claim a prominent place on the nation's agenda. Weaver nevertheless believes that this situation could change in the near future, and he outlines some scenarios that might stimulate serious consideration of a mixed-member system.

Finally, in the conclusion we summarize what we have learned from the accumulation of the country chapters. We find that there is considerable reason to see the recent experimentation with mixed-member electoral systems as successful. Although the countries covered in this book, aside from Germany and Mexico, have had at most three elections under a mixed-member system as this book goes to press, the preliminary evidence is that these systems do indeed hold great promise for providing the best of both worlds. While it is premature to declare that mixed-member systems will prove to be *the* electoral system of twenty-first century, there is sufficient promise to believe that these systems will receive careful consideration from electoral reformers around the world for decades to come.

Part I Placing Mixed-Member Systems in the World of Electoral Systems

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1 Mixed-Member Electoral Systems: A Definition and Typology

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It has long been conventional to divide electoral systems into two broad categories, majoritarian and proportional. Majoritarian systems usually employ exclusively single-seat districts with plurality rule (or sometimes a two-round majority formula) and tend to give greater representation to the two parties that receive the most votes. Proportional systems must employ multi-seat districts, usually with party lists, and typically produce parliamentary representation that largely mirrors the vote shares of multiple parties. Although the effect on party systems may be arrayed on a continuum ranging from fully proportional to highly disproportional (Taagepera and Shugart, 1989), designers of electoral systems have nonetheless tended to operate with either a "plurality principle" or a "proportional principle" in mind (Nohlen 1984a).

Recently, however, there has been a marked tendency around the world to mix these two principles of electoral system design. Many newly adopted electoral systems, including those in long established democracies such as Israel, Italy, Japan, New Zealand, and Venezuela, have entailed various hybrids of the competing majoritarian/plurality and proportional principles. In the prototype of a mixed-member system, half of the seats in a legislative chamber are elected in single-seat districts while the other half are elected from party lists allocated by proportional representation (PR). Yet, as we shall see, there are numerous variations within the general class of mixed-member systems. The universe of such systems has included the following examples: (1) a system with only one seat elected by the majoritarian principle (Israel); (2) one in which the share of seats elected by PR is only a quarter (Italy); (3) one in which the majoritarian tier is elected partly in multi-seat districts (Venezuela); and (4) one in which some significant share of seats is elected by lists, but not with a PR formula (Mexico, formerly). Establishing a generic definition of a mixed-member electoral system is therefore not as simple as it might at first seem.

Mixed-Member Systems as Variants of Multiple-Tier Electoral Systems

What most distinguishes mixed-member electoral systems is, as stated above, the mixing of principles in the same chamber. However, such a definition is far too broad. For example, many electoral systems have employed majoritarian formulas in some parts of the country while simultaneously using PR in other areas.[1] Massicotte and Blais (1999) review a broad range of what they call "mixed" systems, which entail some combination of PR and plurality or majority. Many other systems use formulas that are semi-proportional, and hence might be considered as mixing the two principles; examples include the single nontransferable vote and the limited vote. So, if defining a mixed-member system as an electoral system based on mixed principles of representation is too broad, and if a definition of such a system as half majoritarian and half proportional is too narrow, what is the appropriate definition?

In this book mixed-member electoral systems are defined as a subset of the broader category of *multiple-tier* electoral systems. An electoral system employs multiple tiers if seats are allocated in two (or more) overlapping sets of districts, such that every voter may cast one or more votes that are employed to allocate seats in more than one tier. Examples include the Belgian system of relatively small multi-seat districts, from which votes are transferred into upper tiers based on regions to ensure a closer approximation to PR. Denmark, Norway, Sweden, Austria, and Greece are among the PR systems that employ two or three tiers of allocation, which usually make the system more proportional than if only one tier were used.

Mixed-member systems are thus a variant of such multiple-tier systems, with the specific proviso that one tier must entail allocation of seats *nominally* whereas the other must entail allocation of seats by *lists*. The distinction between nominal and list voting is based on the nature of the vote cast by the voter and how it is employed to allocate seats. Under nominal voting, voters cast votes for candidates by name and seats are allocated to individual candidates on the basis of the votes they receive.[2] List votes, on the other hand, "pool" among multiple candidates nominated on a list submitted prior to the

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[1] Some examples are documented in Schiemann's and Farrell's chapters (Chs. 11 and 23).

[2] Nominal votes must be kept distinct from the phenomenon of the "personal vote" (Cain et al. 1987). A personal vote is that part of a candidate's vote that is based on the candidate's record, character, or other attributes specific to the candidate, apart from the party under whose label the candidate runs. Thus, the presence of a personal vote depends on an electoral system that permits (or requires) nominal voting. However, the presence of a nominal vote does not guarantee personal voting: a voter may cast a nominal vote for a given candidate solely on the basis of the candidate's party.

election by a party, alliance, or other political organization. There are various hybrids possible, of course, but in general electoral formulas break down into nominal vs. list systems. In a mixed-member system there are (at least) two separate overlapping tiers, one of which employs allocation of seats nominally, while another employs allocation to party lists. Typically, each voter is provided with the option of casting separate votes in each tier, which in this volume we shall call the nominal vote and the list vote. However, there are cases in which the voter casts only a nominal vote. In such cases allocation of seats in the list tier is based on an aggregation of nominal votes on the basis of party.

The Nominal Tier

Usually the nominal tier consists of single-seat districts (SSDs). Within SSDs the allocation formula is usually plurality, though in some systems there is a runoff required in any district in which there is no first-round majority, as in Albania, Georgia, Hungary, and Lithuania. There have also been mixed-member systems with multi-seat nominal-tier districts, including South Korea in 1987 and some districts in Venezuela in 1998. The key point is that for a system to qualify as mixed-member, there must be a tier in which nominal votes are the sole means by which candidates win seats in this tier.[3]

Nominal formulas are usually majoritarian, but they need not be. For example, the single nontransferable vote (SNTV) is a purely nominal formula, but one that is aptly described in the literature as semiproportional because of its tendency to permit some seats to be won by relatively small parties (Lijphart 1999). Japan's upper house continues to use SNTV in some districts; because there is also an overlapping national list PR tier, this electoral system is a mixed-member system. Taiwan also has a mixed-member system with SNTV in the nominal tier. Although both of these systems belong in the broader family of mixed-member systems, the use of a semiproportional rather than majoritarian formula for the nominal tier places them in a distinctly different branch of the family from those that represent the current "wave" of electoral reform. Notwithstanding these cases, in this volume a mixed-member system will be understood to have a nominal tier of SSDs (and thus a majoritarian formula) unless otherwise noted.

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[3] Nominal votes do not exclude the possibility of transferable votes. For example, the alternative vote, proposed by the Jenkins Commission for the nominal tier of a mixed-member system for Britain, retains the feature that members are elected solely on the basis of votes given to candidates by name. The difference is that votes given to candidates who lack the votes to be elected can be transferred to other candidates which the voters have placed as their second (or lower) ranked preferences. When used in multi-seat districts, this system is the single transferable vote (STV), which is therefore a nominal-voting form of PR.

The List Tier

A mixed-member electoral system must also contain a tier of members elected from party lists that overlays the nominal tier. Most list systems employ a PR formula, such as d'Hondt divisors or the simple quota and largest remainders.[4] However, there are less familiar list majoritarian systems. The US Electoral College is a prominent example, in which each US state serves as a multi-seat district. Each candidate has a slate of electors for each state, and when a candidate wins the plurality of the state's vote his entire slate is elected.[5] There have been several cases of mixed-member electoral systems with list tiers that are at least partially majoritarian. Examples include several former systems of Mexico (see Chapters 10 and 20) and South Korea, as well as the current systems of Cameroon and Chad (Massicotte and Blais 1999). However, throughout this volume, when we speak of mixed-member systems we will be speaking of systems that employ a PR list tier alongside a majoritarian nominal tier, unless otherwise stated. By far the most common form of list in a mixed-member system is the closed list, wherein candidates are ranked prior to the election by the parties themselves. Voters have no say in the order by which candidates are elected from a closed list. The major alternative to the closed list is the open list, wherein candidates receive preference votes from voters and the order of election from the list is determined by the number of preference votes received.

There is no reason why a mixed-member system could not employ open lists in the list tier; however, no mixed-member system used at the national level has done so.[6] There have been some alternatives to the closed list, however. Mixed-member systems lend themselves to lists ordered on the basis of which candidates prove to be the "best losers" in the nominal-tier districts in which they are nominated.[7] Variations on the best-loser provision have been used in Mexico (1964–76), as well as by the Italian senate since 1993 and Japan's lower house since 1996. From the point of view of voter choice, the best-loser list is no different from a closed list, at least if the nominal-tier districts are SSDs. As with closed lists, voters do not have the opportunity to select from among multiple candidates within their party's list. Nonetheless, best-loser lists do provide candidates with the incentive to be popular within

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[4] For an excellent concise review of these formulas and an assessment of their relative degrees of proportionality, see Lijphart (1994).

[5] There have been some US states that have used open slates—wherein voters cast nominal votes for the electors—and Maine and Nebraska currently choose some of their electors in districts.

[6] There have been some examples at the state level in Germany.

[7] Sometimes the losing candidates are ranked for list-tier allocation simply on the basis of how many votes they received. In other cases a ratio between winning and losing candidates' votes is computed, such that candidates are rewarded for coming close to their successful nominal-tier opponents, rather than for the sheer number of votes obtained.

their districts—even in districts that are "hopeless" for their party to win in the nominal tier—because more popular candidates will be elected from the list tier ahead of less popular copartisans.

In a system that employs a best-loser provision on the list tier, there is in fact no list, per se.[8]Rather, parties simply nominate candidates in the nominal tier. Once nominal-tier winning candidates have been determined, any seats that a party may obtain from the list are taken from its pool of nominaltier candidates who did not win their races. Thus, under this system, the nominal-tier districts serve as de facto nominating districts for the list tier. As with the nominating districts used in some list PR systems (such as Slovenia), seats are allocated to parties across a multi-seat district, but are allocated to candidates within parties according to their success at garnering votes in the nominating districts.

Majoritarian or Proportional: Linkage Between Nominal and List Tiers

As noted, mixed-member systems combine the majoritarian and proportional principles in one electoral system. However, notwithstanding the mixture of principles, most mixed-member systems tend to "lean" towards either majoritarian or proportional in their overall effects. Thus, we identify two broad subtypes, which we call mixed-member majoritarian (MMM) and mixed-member proportional (MMP). In this section we show that the primary variable in mixed-member systems that separates MMM and MMP systems is the presence or absence of a linkage between tiers. If the tiers are not linked, then the typical majoritarian boost received by a large party in the nominal tier is not likely to be wiped away by proportional allocation from the list tier. Thus, the principle behind majoritarian systems—giving an advantage to a large party—remains in MMM systems. On the other hand, MMP systems prioritize the list-PR tier, such that large parties do not receive a boost in overall seat allocation, or receive a smaller one than they would in an otherwise similar MMM system.

Linkage refers to whether votes are transferred from the nominal tier to the list tier, or whether the number of list seats a party receives is based in some way on how many nominal-tier seats it has won. At one extreme, the two tiers are *parallel*; i.e., there is no linkage between tiers in the allocation of seats to

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[8]   Hybrids are conceivable. In the Japanese mixed-member system, parties (or alliances) have the option of submitting an entirely closed list, or a list on which some or all candidates are given the same pre-election rank, with the order of their election being sorted out after the election according to a best-loser provision.

parties.[9]Thus, parties' list votes and seats are not adjusted in any way on the basis of votes cast or seats won in the nominal tier.[10]A party in a parallel mixed-member system simply takes its seats in the nominal tier and adds to them whatever number of seats it wins in the list tier.[11]

If seats are linked, the number of seats a party takes from its list is determined partially by the number of seats it has won from the nominal tier. In these systems a formula is applied to the two tiers combined—either in the whole territory of a jurisdiction, or in regional subdivisions of it. The formula establishes a party's total seat allocation; then list seats are allocated to bring the party's representation up to that total. The form of seat linkage that will most concern us here is the *compensatory* type,[12]which produces a mixed-member proportional (MMP) system. For example, in Germany a party wins a percentage of seats nationally that is determined by applying a PR formula to the total number of parliamentary seats. Each party then fulfills its entitlement of seats by taking whatever SSDs it has won and augmenting them with the number of candidates off the list that it requires to reach its overall entitlement.[13]A similar system was first used in New Zealand in 1996.

Seat linkage occurs also in a type of system that might best be called *majority-assuring*. The electoral systems used in Mexico in 1988 and 1991 assured the party with the most nominal-tier seats a majority of all seats in the chamber. In other words, the largest party was automatically given whatever number of list seats was necessary to augment the SSDs it had won in order for it to have a legislative majority. These systems are rare and are likely to be found in countries of dubious democratic credentials. Thus, they will not concern us further here, though they are a principal feature of the chapters in this volume on Mexico, and examples have existed elsewhere.[14]The common

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[9]   Massicotte and Blais (1999) refer to these as systems of "superposition."

[10]   There must, of course, be accounting for seats won by *candidates* of a party in the nominal tier: in the event that a candidate from the list is elected in the nominal tier, he or she is passed over on the list. The key point is that, if the system is parallel, seats won in the nominal tier have no effect on the allocation of seats to *parties* in the list tier.

[11]   That number may even be zero, for example if the party does not present a list, or fails to pass a threshold needed to win a list seat. The point is that the total number of seats won in a parallel system is a simple additive function of the numbers won in each tier independently.

[12]   "Correctional" in the Massicotte–Blais (1999) typology.

[13]   If the number of SSDs won exceeds its PR entitlement, extra seats (*überhangmandate,* or overhang seats) are actually added to the parliament, as discussed in more detail below.

[14]   South Korea has also used a form of linkage between tiers that ensured a majoritarian outcome. In the rules in use in 1988, the party that won the most seats in the nominal tier took half the list seats, thereby assuring it a majority; the rest of the list seats were allocated proportionally, but on the basis of the party's shares of nominal-tier seats (not votes) won (Morriss 1996). Similarly, both Cameroon and Chad currently use mixed-member systems in which list seats are allocated in their entirety to the leading party if that party has a majority of nominal-tier seats; otherwise, half the list seats go to the leading party and the rest are distributed proportionally to the remaining parties (Massicotte and Blais 1999).

theme in both the compensatory-PR and majority-assuring systems is that seat allocation from the list tier is determined in part by seat allocation in the nominal tier.

Returning to systems that use PR for the list tier, if votes are linked, then the votes that are used to allocate list-tier seats are not solely the votes that are cast for party lists,[15] because those votes are adjusted by the transfer of votes from the nominal tier. Linkage may take the form of either positive or negative transfers of votes. For example, in Hungary votes cast for candidates who do not win their own SSD races are added to their parties' list votes. Conversely, in Italy parties' list votes are reduced to account for their candidates who are successful in the nominal tier.[16]

By combining the two variables of vote and seat linkage, we can arrive at a typology, shown in Table 1.1. Parallel systems occur only in the upper-left

Table 1.1. Linkage Between Tiers: A Typology of Mixed-Member Systems With Pr List Tiers[a]

Seat linkage?	Vote linkage?	
	No	Yes
No (parallel)	MMM	MMM with partial compensation
	Armenia	Hungary
	Georgia	Italy
	Japan	
	Lithuania	
	Macedonia	
	Mexico[b]	
	Russian Federation	
	Thailand	
	Ukraine	
Yes (compensatory)	MMP	
	Bolivia	
	Germany	
	New Zealand	
	Venezuela	

[a] System currently in use as of late 1999; both houses in Italy, lower house only in other cases.
[b] Mexico imposes a cap on over-representation (8 percentage points over a party's vote share). *Sources*: see sources for Table 1.3.

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[15] If voters are not given two votes, then "list votes" here refers to the aggregation of nominal-tier votes based on the party affiliation of the candidates.

[16] As Katz discusses in more detail, the subtraction mechanism is different in each house. In the senate, the votes of SSD winners are subtracted from their party's total before votes are transferred to the list tier. In the lower house, list-tier votes for parties that win SSDs are adjusted by the subtraction of a number of votes equivalent to that obtained by the SSD runner-up. Yet another complication is that in the Italian senate all list-tier votes come from the nominal tier, as votes cast there are aggregated and then adjusted by subtracting SSD winners' votes.

cell, having linkage of neither votes nor seats. These are MMM systems, in that they conform to the majoritarian principle that large parties should receive a seat bonus. The seat bonus is not, of course guaranteed (even in purely majoritarian systems), but is likely to result from the parallel combination of over-representation of large parties in the nominal tier and large parties' full proportional share of the list-tier seats. Among cases placed in the upper-left cell of Table 1.1, Mexico deserves special mention because it provides a cap on the degree of over-representation a party may receive.[17] The Mexican provision is that no party may obtain a seat share more than eight percentage points greater than its vote share. Up to this limit seats are allocated in parallel, and the fact that a party with as little as 42% of the votes is likely to win a majority of seats[18] means Mexico's system must be considered MMM, albeit in a limited form.

In the upper-right cell, we find systems that have parallel seat allocations but incorporate a mechanism of vote linkage. We consider these cases to remain in the broad category of MMM, because once again, even if a party is over-represented in the nominal tier relative to its vote share, it is still likely to receive a significant share of the list-tier seats. Nonetheless, the vote linkage provides partial compensation for smaller parties by reducing the number of list seats that such an over-represented party will win compared with a fully parallel system.

In the bottom row of Table 1.1, we find systems that entail the opposite principle from the MMM systems. Whereas MMM systems add seats from the list tier in parallel, even for parties that are already over-represented in the nominal tier, systems with compensatory seat linkage provide list seats to compensate parties that are under-represented in nominal-tier allocation. These MMP systems ensure that the total number of seats in an allocation district—the whole nation in Germany and New Zealand, states in Venezuela—are allocated proportionally.

The remaining cell of Table 1.1 is empty because no system employs vote linkage along with seat linkage. Such a system is plausible, however, and might work as follows. Parties that outperformed their list vote in a nominaltier district would have the difference added to their list votes, thereby boosting large parties' overall seat share while maintaining a fundamentally compensatory allocation of list-tier seats. Thus, just as vote linkage is employed to counter the principle of majoritarianism in MMM systems such as in Hungary and Italy—adjusting list votes to favor smaller parties—so could vote linkage be employed in MMP to counter the principle of proportionality—adjusting list votes to favor large parties. No country has yet adopted such a system, but it would be both logical and feasible as a means of rewarding parties that present popular candidates in the nominal tier while retaining considerable proportionality.

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[17]   In Ch. 10, Molinar Horcasitas and Weldon refer to this provision as "conditional" seat linkage.

[18]   A party that wins 42% of the vote is not *guaranteed* a majority, for it must have won a sufficient number of SSDs such that, upon the parallel addition of its list-tier allocation, the total amounts to a majority.

How MMM and MMP Systems Work: Simple Systems and Additional Variables

Here we demonstrate how simple MMM and MMP systems operate on a hypothetical distribution of votes. We then introduce additional variables that affect the degree to which either principle (majoritarianism or proportionality) dominates. In the example given in Table 1.2, there is a chamber of 200 seats, half of which are elected in a nominal tier of 100 SSDs, and the other half of which are elected in a single nationwide PR district. The example takes as its starting point (panel A) a hypothetical distribution of national votes among five parties, and a hypothetical distribution of 100 SSDs to these parties.

Table 1.2. Example of Seat Allocation in Simple MMM and MMP Systems

	Party				
	A	B	C	D	E
(A) Hypothetical partisan distribution of votes and single-seat districts won					
v (% votes)	45.0	38.0	9.0	5.0	3.0
n (nominal-tier SSDs won, out of 100)	57	42	0	0	1
(B) Parallel majoritarian allocation (MMM)					
l (list seats won by party, out of 100)	45	38	9	5	3
s (total seats = $n + l$)	102	80	9	5	4
% seats ($s/200$)	51.0	40.0	4.5	2.5	2.0
(C) Compensatory-proportional allocation (MMP)					
s' (seat entitlement out of 200)	90	76	18	10	6
l' (list allocation s' − n)	33	34	18	10	5
% seats ($s'/200$)	45.0	38.0	9.0	5.0	3.0

Panel B shows how a MMM system would allocate the 100 list seats. Because this is a system of parallel allocation, the 100 list seats are allocated without regard to the number of seats won by each party in the nominal tier. The number of list seats per party (l) is here taken to be in exact proportion to national votes. The total seats (s') won by a party is thus just the sum of its nominal and list-tier seats won.

Panel C shows how a MMP system would allocate the 100 list seats. It first requires a determination of the total seat entitlement to each party (s'), based

on the allocation by PR in an allocation district of 200 seats. Seats allocated off the list (l') are then determined as $s' - n$, where n is the number of nominal-tier seats won. These list seats are used to "top up" each party's nominal-tier allocation in order to arrive at its total proportional entitlement. Below we shall discuss mechanisms used in MMP systems to cope with the possibility that some parties' nominal-tier allocation may already have exceeded its proportional entitlement.

In the examples given in Table 1.2, the largest party—with 45% of the votes—has won a majority of the seats available in the nominal tier. MMM does not assure the largest party a majority, but it makes this more likely than does MMP, provided that it has benefited from the typical bonus that SSD allocation provides to large parties. The MMM system here has reduced the largest party's seat bonus over what it would have been in a pure SSD system, but the outcome is still unmistakably majoritarian, owing to the parallel allocation. The MMP example, on the other hand, shows a proportional allocation of the total number of seats in the chamber, compensating smaller parties for their typically poor performance in the SSDs.

Variations in Mixed-Member Systems Around the World

The variations in mixed-member systems in current use are shown in Table 1.3. Every country that we are aware of that has a mixed-member system and can be reasonably considered a democracy is included in the table. An initial distinction is whether there are *separate votes* in each tier. As can be seen in this table, nearly all MM systems provide the voter with two votes. However, a few systems provide only a single vote. In such cases, list votes are simply an aggregation of the votes each party's nominal-tier candidates receive.

Probably the most important choice that designers of a mixed-member system must make is how proportional they would like their system to be. In making that choice, it is the variable of *linkage between tiers* that is most crucial, as we discussed above. Seat linkage largely determines whether the resulting system is MMP or MMM. As Table 1.3 makes clear, most mixed-member systems in use in the world today have been adopted where a predominantly majoritarian system was preferred. There are currently only four mixed-member proportional systems in existence (Bolivia, Germany, New Zealand, and Venezuela). Within the more common category of MMM, only Hungary and Italy employ vote linkage to temper the majoritarianism of the system.

Turning to other variables in mixed-member systems, one very important one is the *percentage of seats set aside in the list tier*. In the case of MMP systems, the seats set aside for compensatory allocation must be a sufficient percentage of the total for a high degree of proportionality to be achieved. Taagepera and Shugart (1989: 131) note that full compensation is achieved if

the percentage of seats set aside for this purpose is at least the same percentage as the deviation from proportionality resulting from the lower-tier allocation. Given that deviation from proportionality in systems that employ exclusively SSDs only rarely exceeds 25%, the 50% in Germany or the 46% in New Zealand are more than sufficient. Albania's 1992 system (not shown in Table 1.3), however, which used majority runoff instead of plurality in SSDs[19]and set aside only 29% of seats for compensation, would not necessarily correct for the disproportionality of the nominal tier. This observation leads us to a general rule for MMP: the more disproportional the nominal-tier allocation is likely to be, the greater the share of list-tier seats that needs to be set aside if full compensation is desired.

Under the MMM format, the percentage of seats allocated from the list tier is an even more important variable than under MMP, given the noncompensatory nature of the PR allocation. Most MMM systems have a nearly even split between tiers, such that around half of the seats are allocated proportionally. However, a few have far less than half the seats allocated in the list tier. For example, the share of list seats is 15% in South Korea, 29% in Macedonia, and around 25% in the partially compensatory MMM systems used in each house in Italy. On the other end of the scale, Georgia, with over 60% of seats in the list tier, is likely to be less disproportional than the other parallel systems.

Another variable of great importance is the *magnitude of the list tier*. In MMP systems the compensatory seat linkage applies the proportional formula to all seats within an allocation district. In New Zealand, where list seats are allocated in a single nationwide district, the magnitude of the district in which allocation takes place is actually the same as the size of the entire assembly, as in the example in Table 1.2. There are 120 seats in the New Zealand House of Representatives, so the magnitude of allocation in the New Zealand MMP system is 120. In Germany, list allocation is carried out in 16 *Land* (state) districts averaging a magnitude of 41 (when both SSD and list seats are counted—as they must be, given the linkage mechanism). Such an average magnitude of allocation makes for a very proportional system. Nonetheless, each party's *Land* lists are themselves linked such that the magnitude of allocation is actually equivalent to the size of the entire assembly, 626.[20]In Venezuela's MMP system, a similar compensation takes place on a

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[19]   The two-round system tends to be more disproportional than plurality at least if the calculation of disproportionately is based on first-round votes. If the votes of the round in which a given district is decided are used instead, the result may be more proportional than if plurality were used.

[20]   This "allocation magnitude" is different from the "effective magnitude" (Taagepera and Shugart 1999), which is an adjustment that takes into account the limiting effect of a threshold on representation of small parties. We discuss thresholds, which have their own column in Table 1.3,   separately below.

Table 1.3. Mixed-Member Systems in Use, 1999

	Separate votes	Form of linkage between tiers	Percent of seats by PR	List-tier avg. allocation magnitude	Threshold for PR allocation	Nominal tier (SSDs unless otherwise noted)		
Country						Seats	Formula	Type of system
Armenia	Yes	None	43	56	5%	75	Plurality	MMM
Bolivia	Yes	Seats: compensatory	48	14.4	3%	68	Plurality	MMP
Georgia	Yes	None	64	150	7%	84	Majority	MMM
Germany	Yes	Seats: compensatory[a]	50	656	5% or 3 SSDs	328	Plurality	MMP
Hungary	Yes	Votes: positive	54	7.6	$2/3(M + 1)$	176	Majority–plurality	MMM/ partial compensation
		transfers to third tier	—	58[b]	5%	—		
		if not yet used to win						
		seats where cast						
Israel	Yes	None	99	119	1.5%	1	Majority	Direct PM
Italy lower	Yes	Votes: negative	25	155	4%	475	Plurality	MMM/ partial compensation
		transfers for parties						
		winning SSDs						
Italy upper	No	Votes: negative	26	4.6	None	232	Plurality	MMM/ partial compensation
		transfers for parties						
		winning SSDs						
Japan	Yes	None	40	18	None	300	Plurality	MMM
Lithuania	Yes	None	50	70	5%	71	Majority	MMM
Macedonia	Yes	None	29	35	5%	85	Majority	MMM
Mexico	No	Seats: conditional;	40	200	2%	300	Plurality	Limited MMM

		over-repre-sentation						
		capped at 8%						
New Zea-land	Yes	Seats: com-pensatory[a]	44	120	5% or 1 SSD	67	Plurality	MMP
Philippines	Yes	None	20	—[c]	2%	200	Plurality	MMM
Russian Federation	Yes	None	50	225	5%	225	Plurality	MMM
South Ko-rea	No	None	15	46	3%	253	Plurality	MMM
Thailand	Yes	None	20	100	5%	500	Plurality	MMM
Ukraine	Yes	None	50	225	4%	225	Plurality	MMM
Venezuela	Yes	Seats: com-pensatory	53	8.3	None	90	Plurality (*M*: 1 to 7,	MMP
							average 1.2)[d]	

[a]   Provision for overhang seats.
[b]   This number is the minimum number of seats allocated at the uppermost tier. Seats remaining unfilled at the regional tier of list allocation are transferred to the uppermost tier for allocation there.
[c]   No party may obtain more than 3 list seats.
[d]   *M* refers to district magnitude.

Sources: chapters in this volume; Massicotte and Blais (1999); Shvetsova (1999), except as follows: Armenia: www.elections.am; Macedonia: www.izbori987.gov/mk; Taiwan: Cheng and Haggard (2000); Philippines and Thailand: personal communication with Allen Hicken; Venezuela: personal communication with Juan Carlos Rey.

state-by-state basis, except that unlike in Germany there is no opportunity for parties to link their lists across states. Thus, the magnitude of allocation in Venezuela is equivalent to the number of seats in each state, which ranged from 3 to 25 in 1998, with an average of around 8. Venezuela's MMP system therefore is not as proportional as Germany's or New Zealand's.[21]

Although there are currently no MMP systems in which the share of PR seats is less than around 40% or the average allocation magnitude is less than eight, there is one such prominent proposal. As discussed in Farrell's chapter (Chapter 23), the Jenkins Commission in 1998 proposed that Britain adopt a mixed-member system in which from 15%–20% of the seats would be set aside for compensatory PR allocation from lists. Moreover, the Commission proposed that these seats be allocated in several self-contained compensatory districts of only one or two seats each. Although the Jenkins proposal would not be highly proportional, it must be classified as MMP because of the "top-up" allocation procedure proposed for compensating under-represented parties. It is simply a variant of MMP in which the average magnitude of allocation would be quite small.

Among the MMM systems, the magnitude of allocation in the list tier is typically quite large, as the list tier consists of a single nationwide district. The Russian Federation has the highest list-tier magnitude of any of the parallel systems, at 225 seats; but even the 15% list seats in South Korea provides for a high-magnitude district, given that it is a single district of 46 seats. There are, however, some MMM systems that employ regional allocation. For instance, Japan's MMM system provides for parallel PR allocation of twofifths of the entire number of representatives in 11 regional districts, which range in magnitude from 7 to 33. Thus, other things being equal, the majoritarian bias in favor of large parties is much more corrected for in Russia than in Japan. But even Russia's large PR district can only begin to correct the disproportionality of the nominal tier, given the absence of linkage between tiers.[22]

A final variable of the list tier in Table 1.3 is the threshold that a party must reach in order to participate in PR allocation. Typically a threshold is employed in those systems that allocate their list-tier seats in a single nationwide

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[21]   Venezuela's system has a further wrinkle in the form of a national partial compensation mechanism. However, this procedure does not entirely eliminate the seat bonus that the largest party can obtain as a result of the relatively low allocation magnitude of several of the states.

[22]   Moser notes a surprising fact in his chapter on the consequences of MMM in the Russian Federation (Ch. 22): smaller parties tend to perform better in the SSDs than in the PR tier. This outcome is a consequence of the great regional variations in the partisan distribution of the nominal-tier votes and the high fragmentation that permitted many SSDs to be won with less than 20% of the votes. It also resulted from poor coordination among parties, such that in 1995 about half the electorate voted for parties that failed to surpass the threshold for PR allocation.

district. The most common threshold is 5% of the national list vote. Two MMP systems offer a "loophole" in the threshold: a party that wins three SSDs in Germany or just one SSD in New Zealand may take part in list allocation even if it has failed to clear the otherwise necessary threshold of list votes.

Next we consider the *nominal-tier number of seats and formula*. All the systems shown in Table 1.3 have a nominal tier of exclusively SSDs except Venezuela, which had some multi-seat plurality districts in 1998. The plurality (first-past-the-post) formula is by far the most common, though several systems require a runoff in the event that no candidate obtains a majority of votes in the first round.[23] The overall degree of proportionality is more likely to be affected by nominal-tier variables in MMM systems than in MMP ones. Thus, the use of the two-round majority formula in MMM systems such as in Georgia and Lithuania implies a greater disproportionality than does the use of plurality for the nominal tier in Japan. Among MMP systems, only Albania in 1992 has used a two-round system rather than plurality. The Jenkins Commission in Britain proposed the use of alternative vote (AV) in the nominal tier. Because AV could give a party a very large seat bonus (compared with its first-preference votes), the degree of proportionality of this system would be quite modest in light of the very small magnitude of allocation in the proposed list tier.

A final feature, which is relevant only to MMP systems, is how they cope with the possibility that a party or parties might win a number of seats from the nominal tier that exceeds its total proportional entitlement. In such a case it obviously would not need its total topped up, but some procedure must be established for dealing with the lesser proportionality introduced by a party's excessive nominal-tier seat bonus. All MMP systems allow the party so advantaged to keep its bonus; no party is forced to surrender a seat that one of its candidates has won on the basis of nominal votes. There are two possible procedures.

One procedure is to provide for what we shall call *overhang seats,* from the German term *überhangmandate.* Overhang seats actually increase the total number of seats in the chamber in order to allow all other parties to receive their full complement of list-tier seats despite the bonus obtained by some large party. In addition to Germany, this procedure is found in New Zealand and was used in the Venezuelan election of 1993. The other option is to retain the fixed number of seats in the legislature but to reduce the number of listtier seats available for compensation by one for each bonus seat obtained by some party in the nominal tier. This procedure is used in Bolivia and was

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[23] Here we distinguish between the "majority" formula, in which the runoff is restricted to the top two candidates from the first round, and the "majority–plurality" formula, in which three or more candidates may stand in the runoff, with the plurality of second-round votes sufficing.

employed in Venezuela in 1998. The effect is thus effectively to shift a seat from a small party to a large one.

The overhang-seat procedure maintains a higher level of proportionality, and thus is more consistent with the proportional principle. However, in systems in which proportionality is calculated at the level of regional rather than nationwide multi-seat districts, it has the disadvantage of increasing a region's share of legislative seats beyond its fixed quota. Thus, it is not surprising that two systems which determine proportionality on a regional basis, Bolivia and Venezuela, settled on the procedure of maintaining the fixed number of seats even at the expense of denying a small party a seat. In contrast, the systems with nationwide compensation, Germany and New Zealand, employ overhang seats.

Summary

In sum, there is a wide range of options from which to choose when designing a mixed electoral system. If such systems are thought to provide the "best of both worlds", then electoral system designers can certainly choose how much of each world they want. Mixed-member systems lend themselves to myriad variations in their details, but as a class they all offer the combination of both majoritarian and proportional principles and both nominal and party-list voting in one electoral system. Presumably this combination of principles will continue to make mixed-member systems of one form or another likely outcomes of future electoral reform processes.

2 "Extreme" Electoral Systems and the Appeal of the Mixed-Member Alternative

Matthew Soberg Shugart

As outlined in the Introduction, there is a wave of electoral reform underway in the contemporary world, washing over long-established democracies such as Italy, Japan, New Zealand, and Israel. At the same time, there is a wave of democratization in formerly communist or military-run governments. Mixed-member systems have been the choice in a strikingly large percentage of cases where a new electoral system has been adopted. This chapter will develop an argument applicable primarily to reform in established democracies—but potentially offering insight into choices in new democracies as well—that there are certain electoral systems that may be seen as extreme on one (or both) of two dimensions, interparty and intraparty. The interparty dimension refers to the degree to which, on the one hand, a single party forms a majority government on well under a majority of votes, or, on the other hand, coalitions are formed among several parties. The intraparty dimension refers to a continuum of electoral systems from those in which legislators depend exclusively on their own personal votes to those in which votes are given exclusively to parties such that legislators have no direct ties to voters. I suggest that electoral systems that are extreme on one or both of these dimensions are inherently prone to reformist pressures. The chapter will also show that much of the appeal of mixed-member systems derives from how they appear to balance the extremes on each dimension.

The tradeoff on the interparty dimension is between majoritarian and proportional forms of representation. Majoritarian seat allocation formulas in single-seat districts typically afford clear choices for alternative governments but also tend to permit majority governments to rest on substantially less than a majority of the vote. Proportional systems, on the other hand, typically result in coalition governments that do not afford voters the opportunity to select from competing possible government options (because governments tend instead to be formed out of post-election bargaining).

The tradeoff on the intraparty dimension is between "strong candidates" and "strong parties," through the employment of either nominal voting or list

voting. As defined in Chapter 1, purely nominal voting implies "strong candidates" because, with voters casting votes for candidates by name, individual legislators and legislative candidates tend to develop personal reputations as worthy representatives of a constituency. List voting, on the other hand, implies "strong parties", because voters are selecting only parties and thus may not even know the identity of the candidates who will fill their preferred party's seats. Therefore, legislators and legislative candidates have no incentive to build individual reputations under purely list voting; instead, they tend to rely on their parties' reputations.

Mixed-member systems balance the countervailing tendencies on each dimension, and herein lies much of their appeal, as the case studies in this book suggest. Mixed-member systems provide balance on the interparty dimension by typically electing some members according to majoritarian methods and others according to proportional methods.[24]Thus, there is at least the possibility that a mixed-member system will allow a polity to have it both ways: (1) with two principal parties or blocs of parties, one of which will receive a mandate to form a government; and (2) with proportional representation of smaller parties such that no party that fails to receive a majority of votes may govern without a coalition or the support of other parties. On the intraparty dimension, mixed-member systems balance the two forms of representation by electing some members nominally and others from party lists. Therefore, the possibility again exists of having it both ways, with (1) constituent ties to voters in their localities via nominal representation in single-seat districts, and (2) relatively strong and cohesive nationally focused parties promoted by the election of many members from party lists. Whether mixed-member systems really can successfully perform this balancing act on either dimension is an empirical question, but such a scenario is at least theoretically promising. Their appeal—both in countries that have grown tired of one of the extreme systems and in new democracies seeking to build a democratic foundation by avoiding one of the pure types of representation—may be largely explained by this promise.

Contingent and Inherent Factors

In the study of events such as electoral reform, but also social revolutions, accidents, outbreaks of disease, and many others, the causes of the event may be broken down into contingent and inherent factors (Eckstein 1980).

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[24]   As discussed in the preceding chapter, it is possible to use semiproportional methods for the nominal (lower or district) tier, or to use majoritarian formulas for the list (upper) tier. However, all the systems to be discussed in this chapter use the more common combination of a majoritarian formula in the nominal tier and PR in the list tier.

Explanations based on contingencies focus their attention on "aberrant" factors that trigger an event; explanations based on inherencies focus on preexisting conditions. For instance, in the study of revolutions and "collective political violence", authors such as Gurr (1970) and Johnson (1964) explain outbreaks of political violence as a product of sudden and disequilibrating changes in the political context. They seek to explain why previously stable systems break down and give way to violent revolutions. On the other hand, other scholars of revolutions such as Tilly (1973) seek to explain revolution as a byproduct of the collective (and usually peaceful) political action that takes place as societies modernize. For Gurr or Johnson revolution represents a rupture; for Tilly it is one of many outcomes that are inherent in the process of social mobilization.

Similarly, a traffic accident may be explained by the risks inherent in a poorly designed intersection between two major highways, or the contingency of a driver travelling through the intersection at an excessive speed. To cite one more example, the onset of disease may be explained by contingencies, i.e. the invasion of the body by bacteria or viruses, or by inherencies, i.e. the fact that stress on living organisms is pervasive and sometimes organisms manage to ward off infections and sometimes—particularly when under various sorts of stress or in old age—they succumb (Eckstein 1980).

The framework of contingent and inherent factors is useful also for the study of electoral reform. An electoral reform is a deliberate political act, typically of a legislature or other political body, and hence there must be some contingency that explains it when it occurs. Perhaps there is a split in the ruling party over the issue of electoral reform, as in Japan. Alternatively, a party committed to reform might win an election and carry through on its reformist posture, as may be happening in Britain. In a two-party system, each party may seek to take up a popular but latent demand for reform, and the process of competition between them might lead to action, as occurred in New Zealand and Venezuela. A citizen-initiated referendum might force politicians to tackle the question of reform, as in Italy. Contingent factors are best determined through careful case studies, which is why we have assembled this volume. That is not to say that they cannot be theorized on; rather, it is to say that they can be understood only with reference to empirically rich case studies.

In this chapter, I focus on inherent factors in electoral reform. I suggest that those electoral systems that are "extreme" on either the interparty or intraparty dimension contain within themselves the preexisting conditions that generate reformist pressures. Some electoral systems repeatedly generate outcomes that come to be viewed as pathological by some actors, or by the general public. However, inherent preconditions for reform do not necessarily result in reform. There must be some triggering event—a contingency. And electoral reform is not the only possible outcome of an extreme system;

it is simply an inherent path that such a system may travel. The contingencies that bring about reform are addressed in detail in the case-study chapters of this book and are summarized in the Conclusion to this volume. The rest of this chapter provides a theoretical overview of the factors inherent in certain types of electoral system that generate reformist pressures.

Efficient Vs. Extreme Electoral Systems

I argue that on the interparty and intraparty dimensions systems at the extremes often fail to connect government formation to policy-based electoral majorities. Furthermore, I posit that on each dimension there is a theoretical midpoint of "electoral efficiency", The term, efficiency, generically implies the achievement of some desired effect with the minimum cost, effort, and waste feasible. This is an economic meaning that is only partially applicable to government. The concept of efficiency has been applied to politics by other scholars, notably Bagehot (1867) and Cox (1987), but their meaning of the concept is primarily that it is the executive, rather than the legislature that is the locus of real policy-making power. While this is a very useful starting point, I seek to offer a broader understanding of what it means to have efficient governance in democratic political systems. I extend the concept by taking as a point of departure the axiom that the task of a government is to provide public goods for the broader society of which it is a part. The task of a democratic government is to provide a basket of public goods that are preferred over some other basket by as broad a segment of the society as is feasible. It follows, then, that to provide such a link between societal demand and governmental output requires an electoral process that conveys as much information about voter preferences as possible.

In this chapter I define an efficient polity as an ideal type in which the institutions permit the articulation of *policy-based electoral majorities*. To argue that efficiency, thus defined, is at least theoretically achievable is not to deny the complexities that inhibit collective choice (for a review, see Riker 1982a). It is merely to posit that there is an ideal under which elections serve as mechanisms by which voters can weigh the policy record of the incumbent government and the policy commitments of an opposition party (or pre-election coalition). Employing a mix of "prospective" and "retrospective" voting (Fiorina 1981), voters can thus decide which governing "team" they wish to entrust with the government in the next term.[25] Actual polities vary greatly in the degree to which they approximate such an ideal, but those that do

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[25]   This idea is thus similar to the "responsible parties" school of thought, best summarized by Ranney (1962).

approach it must meet the twin conditions of: (1) structuring a clear government–opposition choice, one that can be endorsed by a majority of voters (the interparty dimension), and (2), encouraging parties and politicians to campaign on the basis of broad collective policy programs (the intraparty dimension).

Deviations from the midpoint of either dimension therefore imply a diminution in efficiency. On the interparty dimension, one extreme deviation from interparty efficiency is what I shall call a *pluralitarian* system (Nagel 1994b), in which a majority government is formed by a party that received only a plurality of the votes. Pre-reform New Zealand is perhaps the best example. The opposite extreme is what I shall call a *hyper-representative* system, where none of several parties wins a majority, so the government results from post-election bargaining. Pre-reform Italy is a prominent example. Hyper-representative systems fail to provide electoral campaigns with a clear division between government and opposition, while pluralitarian systems provide clear choices, but fail to require that governments actually represent a majority of the voters.

On the intraparty dimension, one extreme deviation is what I shall call a *hyper-personalistic* system, in which individual legislators form personal-support networks that deliver small, clientelistic favors to voters. When elections are hyper-personalistic, the identity and entrepreneurial activities of individual candidates trumps the identity of parties in voter choice, with the result being that party political programs are not the basic stuff of the campaign. Among advanced industrial democracies, pre-reform Japan would be the clearest example. The opposite extreme is what I shall call a *hyper-centralized* system, in which party leadership so dominates over candidates that parties tend to be cut off from the policy preferences of their voters because individual members have no incentive to find out what voters want. Hyper-centralized systems thus may be the closest empirical referent to what Michels (1915) meant by the "iron law of oligarchy" in his classic study of the absence of party democracy. There probably are no hyper-centralized systems among the advanced industrial democracies, but at least one longstanding democracy, Venezuela, is a good example of the phenomenon.

Degrees of Efficiency: The Interparty Dimension

The interparty dimension concerns the tradeoff between polities that provide choices of *government* before elections and those that offer choices of *parties* that form governments after elections (Huber and Powell 1994; Lijphart 1984; Powell 1989, 2000). With representativeness maximized, voters are presented with a wide range of parties on several salient issue dimensions, but the

probability that governments will be formed only after post-election bargaining means that voters are apt to have difficulty identifying the likely governmental options at election time.

Representative or consensus systems are usually contrasted with majoritarian systems (e.g. Lijphart 1984, Powell 2000). However, the term *majoritarian* is actually not precise (Lijphart 1999), even though it remains in common use. The implicit assumption behind the term is that the system represents a majority of *voters,* although all the model of majoritarian governance requires is that a majority of parliamentary *seats* is sufficient to rule. Indeed, single-party parliamentary majorities are typically based on mere pluralities of the electorate, often in the range of 38%–45%.

Table 2.1 shows several indicators of governmental performance for several countries. The time period for these data for each country is about twenty years from the late 1960s or early 1970s until the 1990s. The various indicators are defined and operationalized as follows.

Pre-Election Identifiability (ID)

> Developed originally by Strom (1990) and further extended by Huber and Powell (1994) and Powell (2000), this is an impressionistic estimate of the regularity with which elections provide voters with clear choices of competing governments prior to elections.[26] Each election in which there was a clear choice among competing governments presented to voters, as in Westminster parliamentary systems, is scored 1.00, while a score of zero represents a situation in which the array of parties presents no effective means for voters to cast a meaningful vote for the government they prefer. Intermediate scores include 0.75, when there are two opposing blocs but neither can form a government without the support of parties that remain unaligned during the campaign, or 0.50, when one side of the left–right divide is clear to voters but the other side is inchoate. In presidential systems, both presidential and legislative elections must be included (with equal weight) because voters make separate choices in each branch and may have clearer choices for one branch than for the other.[27] Efficient and pluralitarian systems should both score high here, while representative systems should score low.

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[26]   I am deeply indebted to G. Bingham Powell, Jr, for supplying his coding scheme for most of the elections used in this study. However, any errors in the scores used herein are mine, as I modified some of his (due to the slightly different purposes for which I was applying the data) and I constructed my own scores for a number of countries and elections not covered in Powell's work.

[27]   When an election for one branch occurs in the midst of the other branch's term, that election receives half weight. The logic is that voters must have the opportunity to identify the consequences of their vote for both executive and legislature for it to count as a fully identifiable election.

Table 2.1. Indicators of Interparty Efficiency

Country	Pre-election identifiability (ID)	Post-election majority approximation (MA)	Electoral linkage (L)	Plurality enhancing (P)	Interparty efficiency (E_{inter})
Australia	1.00	1.00	1.00	0.22	0.22
Belgium	0.06	0.54	0.30	0.03	−0.68
Canada	1.00	0.97	0.99	0.26	0.25
Colombia	1.00	0.98	0.99	0.04	0.03
Costa Rica	1.00	0.97	0.99	0.08	0.07
Denmark	0.66	0.69	0.67	0.02	−0.31
Finland	0	0.46	0.23	0.05	−0.73
France	0.89	0.99	0.94	0.38	0.32
Germany	0.67	0.97	0.82	0.03	−0.16
Greece	0.78	0.99	0.89	0.18	0.07
Ireland	0.88	0.98	0.93	0.09	0.02
Israel 1	0.17	0.78	0.48	0.04	−0.49
Israel 2	0.75	0.48	0.62	0.03	−0.35
Italy 1	0	0.71	0.36	0.06	−0.58
Italy 2	1.00	1.00	1.00	0.22	0.21
Japan 1	0.48	0.99	0.74	0.15	−0.12
Japan 2	1.00	0.96	0.98	0.18	0.16
Netherlands	0.47	0.77	0.62	0.02	−0.36
New Zealand 1	1.00	1.00	1.00	0.31	0.31
New Zealand 2	0.88	0.87	0.88	0.09	−0.03
Norway	0.64	0.88	0.76	0.10	−0.14
Portugal	0.60	0.90	0.75	0.11	−0.14
Spain	1.00	0.97	0.99	0.20	0.19
Sweden	0.74	0.93	0.83	0.03	−0.14
United Kingdom	1.00	0.99	1.00	0.15	0.23
United States	0.75	0.93	0.84	−0.02	−0.18
Venezuela 1	1.00	0.89	0.95	0.15	0.09
Venezuela 2	0.75	0.60	0.68	0.05	−0.28

Majority Approximation (MA)

This is a measure of how closely an election outcome approximated a majority of seats for a single party or a pre-election coalition. If a majority was obtained, $MA = 1$. If no majority was obtained, it is defined as:

$$MA = s \,/\, 0.5,$$

where s is the share of seats obtained by the largest party or pre-election coalition among those who participated in the first government formed after the election. Thus, if the largest party in government obtained 45% of the seats,

MA = 0.450/.5 = 0.9, signifying that it wound up completing 90% of the "distance" it needed to cover in order to be a majority party. For presidential systems, majority governance is achieved only if a given election results in the president and congressional majority coming from the same party or pre-election coalition. *MA* should be high in pluralitarian as well as efficient systems, but low in representative systems.

Electoral Linkage (L)

This is an average of identifiability and post-election majority governance, and thus provides a rough measure of the degree to which a polity provides majority governance based on campaigns with high identifiability.

Plurality Enhancement (P)

This variable captures the degree to which, in a given election, the largest party or pre-election coalition that forms the government has found its plurality of votes enhanced through the votes-to-seats conversion process. The equation that defines this indicator contains two terms, one of which measures the ratio of the largest party/bloc's seats to the majority marker of 50% and the other of which does the same for votes. The votes term is then subtracted from the seats term:

$$P = (s / 0.5) - (v / 0.5).$$

This indicator tends to take a value near zero in the case of an "earned" majority; i.e. a majority of seats based upon a majority of votes. Typical cases of manufactured majorities, where the seat share is in the range of 0.55 to 0.65 despite a votes share of only 0.35 to 0.45, take values between about 0.2 and 0.5. *P* should be high in pluralitarian systems and low in efficient and representative systems.

Interparty Efficiency (E$_{inter}$)

The final column of Table 2.1 reports a variable of interparty efficiency (E_{inter}), which is derived from the other variables shown in the table. Recall that I have posited efficiency as the midpoint of a continuum. For ease of exposition, I propose an index that is set to 0 for the most efficient system, in order that representative and pluralitarian deviations from the ideal can be scored as moves away from efficiency. Such an index can be derived from the variables in Table 2.1 by employing some simple arithmetic:

$$E_{inter} = L - 1 + P,$$

where E_{inter} is the interparty efficiency, *L* is electoral linkage, and *P* is plurality enhancement. Negative values place a system on the representative side of the efficient midpoint, while positive values indicate a system that is on the majoritarian side of the midpoint. The mean of all the established democracies

reported in Table 2.1 is −0.08, which is very close to the midpoint. Thus, one could say that, on average, democracies exhibit interparty efficiency!

Very negative values of interparty efficiency indicate hyper-representative systems. Among the set of established democracies, examples are Finland (−0.73), Belgium (−0.68), and Italy (−0.58). Of the established democracies, the next lowest value is that of the Netherlands (−0.36). Thus, there is a clear break between those established democracies that can be defined as hyper-representative, and those other PR-based systems that might best be described as "representative", These latter systems, with negative scores closer to zero, are those in which at least one party approximates a majority or else parties have tended to structure pre-election coalitions. In either case, the system then has some of the attributes of efficiency. Although establishing precise cutoffs would be arbitrary, the way in which the cases actually array on E_{inter} would suggest that we can think of hyper-representative systems as being those that score lower than around −0.50.

The systems with the highest observed values would be the pluralitarian systems, and these are France (0.32) and New Zealand (0.31). The other systems that employ single-seat districts, i.e. Australia, Canada, and the United Kingdom, have slightly lower values (all 0.20 to 0.25). A bit lower than these systems we find Spain at 0.19. Spain employs a rather disproportional variant of a PR electoral system, yet despite the disproportionality it tends not to manufacture majorities if the plurality party is more than a few percentage points short of a voting majority. Thus, the Spanish system can be classified as majoritarian rather than pluralitarian, as could the less extreme SSD cases (Australia, Canada, and the UK).

That no case scores above 0.32 tells us that no democratic electoral system in this sample is so disproportional as to generate majorities for parties with very small electoral pluralities. For example, in the highly unlikely case of two major parties, neither one of which exceeded 20% of the vote, but one of which was well understood to be capable of governing alone after the election because of the extreme fragmentation of the rest of the vote and an extremely plurality-enhancing electoral formula, E_{inter} would exceed 0.6. That no actual system comes close to such a high figure means that actual pluralitarian democracies tend to have two parties that do not fall far short of a majority of votes. Nonetheless, when a system regularly manufactures a majority for a party receiving anywhere from around 35% to not much more than 40% of the vote, the system is extremely pluralitarian among the empirically observed range of cases.

The empirical range extends farther into negative values than into positive ones, with the lowest value being −0.73. Lower values would be obtained only if the largest party in a given system were well below 30% of the votes, a condition not encountered among the cases analyzed. What the empirical

range of cases on the interparty dimension says about democratic systems is that: (1) even hyper-representative systems tend to produce at least one fairly large party around which government formation revolves, such as the Italian Christian Democrats or the Finnish Social Democrats; and (2) even pluralitarian systems, with their inherent ability to turn vote pluralities into seat majorities, tend to produce parties that are not greatly distant from a majority of votes. Another way of expressing this is that the size range of the largest party in democratic systems is not great—about 35%–45% in most countries—even though the way that electoral systems treat these parties in allocating seats and their role in government formation vary substantially in ways captured by the interparty efficiency index.

There is a group of countries that approximate efficiency, yet come up short because only one side of the left–right partisan spectrum has regularly had an identifiable governing option. The efficiency scores of these countries—Germany, Japan, Norway, Portugal, Sweden—is not as close to 0 is it otherwise would be. That Germany scores −0.14 raises some question about the hypothesized ability of mixed-member systems to provide for electoral efficiency. In only some of the German elections from 1966 to 1998 has there been full identifiability. From 1972 to 1980 voters were presented with two competing government options, a pre-election coalition of the Social Democrats (SPD) and the Free Democrats (FDP) on one side, and a Christian Democratic bloc (CDU/CSU) that was within reach of a single-party majority. However, after the FDP switched coalition partners in 1982, elections from 1983 through 1998 did not provide as clear an alternative to the ruling bloc, because the consequences of the governing parties falling below a majority of seats was as likely to be a grand coalition as an alternative coalition. Thus elections in this period receive an identifiability score of only 0.75, which is also the typical value for Japan and Sweden.[28]

Thus, while Germany has not delivered the ideal-type high identifiability in more than three elections under study, it has delivered very high majority governance, which is atypical of PR systems. Furthermore, it has delivered very low plurality enhancement, thus ensuring that governments have in fact rested on a majority of votes (or very nearly so), a condition that is rare in countries that score as high on electoral linkage as does Germany. Thus, Germany scores closer to the efficient point of the interparty dimension than most PR systems, and its mixed-member feature may be partly responsible for that.

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[28]   I am grateful to G. Bingham Powell, Jr, and Russell Dalton for their advice in thinking about identifiability in Germany. They bear no responsibility for any errors in my coding.

Degrees of Efficiency: The Intraparty Dimension

The intraparty dimension concerns the extent to which legislative candidates depend on their own personal reputations, as opposed to the reputation of their parties, to gain election. Although the variables that affect how seats are distributed *within* parties are many and complex (see Carey and Shugart 1995; Katz 1986), for present purposes they may be reduced to a single dimension: the extent to which the election of specific candidates depends on either nominal or list votes.

I posit that, in an ideal political system, legislators should have the incentive to find out what kinds of collective-goods policies their constituents want, and to pursue reputations based on working to bring about such policies. Voters would either reward or punish their representatives on the basis of their performance (Fiorina 1981). The problem is that some electoral systems give legislators incentives to respond to far narrower interests. At one extreme, they may be collecting personal votes on the basis of clientelistic favors rather than building collective-goods policy reputations. At the other extreme, they have no incentive to represent constituents at all, because their career advancement depends only on pleasing a party oligarchy. Either extreme may imply catering to "special interests" that provide resources either to personalistic campaign networks or to party machines. Under such conditions, then, the electoral and policy-making processes become skewed toward such narrow interests, at the expense of voters' preferences over collective goods.

In an extremely candidate-centered system, the identity of specific candidates trumps the party label in the calculus of voters, and which candidates are elected depends entirely on nominal votes. Such hyper-personalistic systems thus entail competition of candidates within a given party where the number of candidates nominated exceeds the number of seats the party can realistically win. Such rules encourage voters to see the unit of representation not as the party, but as the individual candidate. Candidates cannot campaign exclusively on their party label, and must take steps to separate themselves from copartisans and to court a subset of their party's electorate.

In contrast, in hyper-centralized systems, voters are given only a choice of competing parties and, moreover, authority within those parties is highly concentrated in the hands of the leadership. At the extreme, there are no internally democratic mechanisms such as autonomous district-level nominating committees, primaries, or (unorchestrated) conventions to decentralize decisions regarding which candidates will be nominated and how they will be ranked on the ballot. Under such systems, candidates are far more responsive to the "internal constituency" (Demsetz 1990; Geddes 1994) of their own

party, which they must court in order to ensure a favorable list position, than with the external constituency of voters in their districts.[29]

Less extreme forms of representation located on either side of the midpoint are possible. On the one side are relatively candidate-centered (but not hyper-personalistic) forms of representation such as the single transferable vote, used in Ireland, or SSDs in which no party-administered nomination is required, such as with primary elections in the USA. On the other side are the relatively party-centered (but not hyper-centralized) systems that are most common in Europe, wherein party-list voting dominates, but nominations are decentralized such that candidates still must develop ties to the party's constituents.

An Index of Intraparty Efficiency

I develop an index of the degree to which candidates are dependent on their own personal ability to collect votes in order to be elected, as opposed to depending on the influence of party leadership. The index is derived in part from a previous operationalization by Carey and Shugart (1995), but is modified to take account of the locus of party nomination control to a degree not countenanced in the Carey–Shugart scheme. It is based on three components of electoral formulas, termed *ballot, vote,* and *district*; negative scores on any component indicate features that push the system in a candidate-centered direction, and positive scores indicate features that push it in a party-centered direction.

The *ballot* component captures how candidates gain access to the ballot and what the structure of that ballot is. The party oligarchies of hyper-centralized systems can thrive only if access to the ballot is firmly controlled inside the highest offices of the party, *and* voters have no opportunity to "disturb" the rank-order of candidates on the list submitted by party leaders. Short of the hyper-centralized extreme, but still party-centered, are those in which nominations are carried out through decentralized internal party procedures, but voters cannot alter the order of names. Less party-centered are those systems in which voters may disturb the list order by casting nominal preference votes. Moving toward the personalistic side of the scale are ballots to which access may be gained through winning a primary election, simply collecting some signatures, or paying a deposit. The coding of this component is as follows:

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[29]   One reader has observed that hyper-centralized systems ought not to be even discussed alongside democracies; however, Venezuela is an example of a hyper-centralized system of party nomination control in a country that regularly received high marks for its democratic practice. For instance, its average Freedom House scores from 1972 to 1994 on political rights and civil liberties were 1.5 and 2.3, respectively, on a par with Western European countries.

2	Ballot access through approval of party elite only, and voters may not disturb order of list
1	Ballot access through decentralized internal party procedures, and voters may not disturb list
0	Ballot access dominated by parties, but voters may disturb list
−1	Ballot access in general election requires first surviving a preliminary round of popular voting
−2	Ballot access nearly unrestricted

The *vote* component captures the degree to which voters are casting list vs. nominal votes. At one extreme voters cast only a list vote; at the other extreme voters cast a nominal vote that assists the election only of that candidate for whom it was cast. Intermediate systems range from lists with a fixed order that can be altered only when many voters act in concert, through "flexible" lists that establish some modest quota to disturb the preordained list order, through nominal votes that pool at the level of the list. This component is coded as follows:

2	Vote is list only
1	Vote is list or nominal, but list votes predominate
0	Vote is nominal only, but may pool or transfer to other candidates
−1	Vote is nominal or list, but nominal votes predominate and pool to other candidates
−2	Vote is nominal only and nontransferable

The *district* component captures the differential effects of larger district magnitude in systems that are basically party-centered or basically candidate-centered. As Carey and Shugart (1995) note, the direction of the effect of district magnitude on candidates' incentives to cultivate personal reputations depends on the type of votes cast. Where voters cast party-based votes, the value of a candidate's personal reputation declines as magnitude rises. The logic is that at low magnitudes, especially single-seat districts, the efforts of individual candidates to cultivate personal reputations can enhance their electoral prospects by attracting votes to the party. As magnitude increases with party-list votes, the number of copartisans on the list also grows and the relative importance of any candidate's personal popularity shrinks. On the other hand, when voters cast nominal votes, as magnitude increases each candidate is in increasing competition with other candidates—including copartisans—for each voter's vote. Thus, the importance of establishing a unique personal reputation to stand out in a crowded field of copartisans (as well as other parties' candidates) grows. The *district* variable takes account only of the dichotomy between SSDs and multi-seat districts (MSDs), notwithstanding the likely difference between very small and large MSDs. It is coded as follows:

1   District magnitude greater than one, with Vote > 0
0   District magnitude of one
−1   District magnitude greater than one, with Vote ≤ 0, provided that Ballot ≤ 0

Once each electoral formula is coded according to these variables, the rank ordering remains to be determined. In keeping with the spirit of Carey and Shugart's scoring system, it is insufficient to simply sum the component scores, because those scores do not carry any actual numerical value. The method taken here to devise an index starts at each of the two logical extremes and works its way toward systems that balance party and personal-reputation incentives. Table 2.2 shows the final result, including the ranking of each of the cases discussed in this chapter. The index values simply represent the seven intervals between −1.00 and 0 and the five intervals between 0 and 1.00.

Table 2.2. Scores on the Intraparty Dimension

Index value	Component scores	Description of system	Examples
Candidate-centered systems			
−1.00	−2, −2, −1	SNTV	Pre-reform Japan, Colombia
−0.86	−2, −2, 0	SSD-plurality with unrestricted access	Philippines
−0.71	0, −1, −1	Open list PR	Greece, Italy, Brazil
−0.57	−2, 0, −1	STV	Ireland
−0.43	0, 0, −1	Quasi-list PR	Finland, Chile
−0.29	−1, −2, 0	SSD two rounds	USA, France
−0.14	0, −2, 0	SSD-plurality with party control	UK, Canada
Party-centered systems			
0.20	1, −1, 1	Separate nomination and allocation districts	Denmark, Slovenia
0.40	0, 1, 1	Flexible list	Belgium, Netherlands
0.60	−1, 2, 1	Nominations by primary, closed list in general	Costa Rica
0.80	1, 2, 1	Closed list	Portugal, Spain
1.00	2, 2, 1	Closed lists with concentrated nominations	Pre-reform Venezuela

Starting at the top of the table (interval −1.00), the first system (−2, −2, −1) is the single nontransferable vote. This system puts a greater premium than any other on a candidate's ability to garner a personal vote because votes cannot be pooled with copartisans or transferred to other candidates. Thus, only candidates with a bloc of committed voters can survive. The ranking of all of the other systems on the candidate-centered side of the midpoint considers the degree to which the system resembles or deviates from the premium that SNTV places on the personal vote. The next interval (−0.86) is a system

that is identical except in magnitude (−2, −2, 0). This is an SSD with plurality decision rule in which nonpartisan candidates or multiple candidates of the same party may enter almost without restriction. Like SNTV, this system puts a premium on candidates' access to a pool of committed voters. However, in SSDs, on average, candidates must appeal more broadly than in MSDs using SNTV.

The next interval (−0.71) is a system in which parties control access to the ballot (Ballot = 0), and voters may cast either a list or a nominal vote (Vote = −1). The result is an open-list PR system. The reason this is rated as such a personalistic system is that the optional nature of the nominal vote implies that candidates can win with the support of a relatively small group of committed followers among the party's broader constituents. Yet, unlike in non-transferable-vote systems, there is a party list, which makes each candidate's probability of victory some function of the overall popularity of the party (including votes cast just for the list) and the popularity of some other candidates (whose personal votes add to the party's total), as well as their own personal appeal to voters.

Next we have systems in which copartisan candidates share their nominal votes, but in which the nominal vote is not an option, but is a required part of the voting act (Vote = 0). Of the two systems that meet this criterion, the single transferable vote (−0.57) is the more personalistic because, like SNTV, it permits nonpartisan candidates to share in vote transfers (Ballot = −2) and it permits transfers between and among parties. The other system with Vote = 0 is that found in Finland, where, as with open-list PR, candidates must receive party endorsement to share in vote pooling (Ballot = 0). Taagepera and Shugart (1989) suggest calling this system the "quasi-list", because, unlike with open lists, voters do not have the option of simply voting for a list. Therefore, candidates with very narrow personal support bases cannot get into office with the help of voters who simply cast party-list votes, and are less likely to be lifted into an electable list position with a small share of the votes of those voters who cast nominal votes.

The last two systems are again systems with exclusively nominal and non-transferable votes (Vote = −2) in SSDs (Dist = 0). Of these two systems, the more personalistic is the one in which candidates must qualify in a first-round ballot (Ballot = −1), such as the primaries in the United States or two-round elections in France (−0.29). The least candidate-centered system in which nominal votes predominate (i.e. Vote ≤ 0) is the system of plurality in SSDs (−0.14) in which parties virtually monopolize ballot access (Ballot = 0), as in Britain.

Our first system on the party-centered side of the midpoint is a system of separate nomination and allocation districts (0.2). Such a system has two of the basic characteristics of the closed-list PR system that we shall encounter later on (Ballot = 1 and District = 1); however, voters must actually cast

nominal votes for the one candidate nominated by their preferred party in subdistricts (also known as nominating districts), hence Vote = 0. A party's seats entitlement is determined at the level of the larger multi-seat districts, but the specific victorious candidates are those who have performed best in their own subdistricts. The reasons why it should be considered to be (slightly) party-centered in spite of the nominal votes are that: (1) the dominant criterion in allocating seats is how well the party performs in the larger multi-seat district, not how it performs at the level of subdistricts, unlike in SSD systems; and (2) voters have no choice over competing candidates within their preferred party, unlike in open-list or STV systems. This sort of system is used in Slovenia and, with some further complication that will not concern us here (see Katz 1986), in Denmark. It is also used in the list tier of some mixed-member systems, notably Japan and Italy (senate), thereby employing the nominal-tier SSDs as subdistricts for the list tier as well.

All of the remaining systems have Votes > 0 and District = 1, implying a dominant role for the party rank order in determining which candidates are elected. Of these, the greatest relative role for the voter is found in the so-called flexible list systems (0.4) in which voters may cast preference votes but a candidate must obtain a quota of his party's votes in order to be elected ahead of other candidates whom the party's internal nomination process gave a higher list rank. Systems of this sort are found in Belgium and the Netherlands. Although personal votes sometimes do make a difference in these systems, studies have shown that most of the time they do not, and often voters do not even make use of the preference vote option (Andeweg and Irwin 1993; Fitzmaurice 1986, 1992).

The three remaining systems all provide voters with only a list vote in the general election (Vote = 2). The least party-centered system (0.6) of this sort would be one in which the rank order itself is set through a primary election. This system gives voters less of a role than the flexible-list system because, even if a party's primary is open to voters with no official registration with the party, parties are likely to retain means of influencing the rank order through mobilizing their most loyal supporters, as Carey (1996) shows for the case of Costa Rica. Once the rank order is set, no personal campaigning by candidates can affect the intra-party outcome, unlike in flexible-list systems. These systems may be justifiably classed as only one interval less party-centered than closed-list systems (0.8).

Finally, hyper-centralized systems (1.0) entail the absence of mechanisms that encourage candidates to attend to personal reputations. They are systems of purely list voting (Vote = 2) in multi-seat districts (District = 1), wherein these party-centralizing features are not compensated for by internally democratic procedures. Rather, party leaders control nominations tightly (Ballot = 2).

Applying the Index to Mixed-Member Systems

Determining an intraparty efficiency score for mixed-member systems encounters difficulty. For instance, Germany's system combines a tier of SSDs that would rank the same as Britain's (-0.14) and a list tier that is similar to that of Portugal (0.8), and each tier contains almost exactly half the total seats. The result may be about halfway between these two extremes, but we cannot be sure if such a score is appropriate. To give the system a score of 0.33 would be: (1) to assume real numerical value to the rank ordering; and (2) to imply that the German system is essentially intermediate between flexible-list PR and PR with nominating districts. While a score of 0.33 might indeed be valid, it is also possible that the priority given to the PR allocation in the interparty dimension in Germany makes the resultant system more closely resemble closed-list PR in its overall effects on the intraparty dimension as well. Such a result could obtain because SSD nominees have less incentive to engage in personal-vote-seeking than if they were elected under a pure SSD system, given that they can be elected off the list if they fail in their SSD. On the other hand, it could be that the German system lives up to its German moniker as "personalized PR" such that the overall system has effects in the intraparty dimension that place it closer to the pure SSD system than to the midpoint between the separate tier values. Such a result could obtain if deputies elected from the list seek to be responsive to a geographic constituency, perhaps one in which they were nominated (but defeated) and may aspire to represent directly in the future.

The ultimate placement of a mixed-member system cannot be determined exclusively by the methods of the scoring system developed thus far. It must be determined through careful case-based research of the behavior of members in each tier. The chapters in this volume on the consequences of mixed-member systems in Germany (Chapter 13) and New Zealand (Chapter 14) both suggest that the ultimate result is more a "personalization of PR" than a "partisanization of SSDs". For instance, both chapters report that even members elected off the list rather than nominally are assigned to constituency service. This finding suggests that the presence of the SSDs induces list members to act as though they had smaller geographic constituencies. Further, Klingeman and Wessels find that representatives elected in SSDs are more likely to see their role as that of a "trustee" for their whole constituency, not just as delegates of their own party, notwithstanding the fact that many of them would in fact have won a seat off their party's list if they had failed in the SSD. This finding tells us that the presence of lists does not lead SSD members to act as though they were elected by PR. In the Japanese system, the personalization of the PR tier should go even further, given the use of the SSDs as nominating districts for the list tier. Indeed, in Chapter 17 Reed and Thies find evidence that list-tier Dietmen who were

nominated in an SSD but lost are "shadowing" the Dietman who was elected in the SSD.

These findings suggest that the placement of the mixed-members systems of Germany and New Zealand should be somewhere between the score of −0.14 of the SSD plurality system and the 0.33 that results from averaging the two tiers, but *not* closer to the 0.8 of the list tier. Thus I shall assign these systems the score of 0.1 (the mean of 0.33 and −0.14). I shall assign the Japanese system the score of 0 (the mean of 0.2 from the list tier system of PR with nominating districts and the SSD score of −0.14). In Venezuela, on the other hand, Kulisheck and Crisp report that there has been little effort by members elected in SSDs to develop a personal vote, because the major parties continue to employ very centralized nominations. Thus, I assign the Venezuelan mixed-member system a score of 0.72.[30]

Two Dimensions of Efficiency and Reform

Figure 2.1 depicts twenty-three cases and where they fall on the two dimensions. The interparty dimension (concerning *cross*-party relations) is displayed on the horizontal access, running from the hyper-representative extreme on the left to the pluralitarian extreme on the right. The intraparty dimension is displayed on the vertical access, showing the most centralized (top-down) authority within parties at the top and the most decentralized authority on the bottom. The lines that intersect in the center (at the efficient midpoint) separate *majoritarian* from *representative* and *party-centered* from *candidate-centered* systems. The other lines separate these more moderate cases of deviation from efficiency from the more extreme cases. The precise location of these lines on the interparty dimension is somewhat arbitrary, but has a logical base to it, as follows. Both cases shown as being to the right of the line separating majoritarian from pluralitarian systems have had a majority government after virtually every election—as can be determined from the *MA* scores in Table 2.1, which are 0.99 for France and 1.00 for New Zealand—even though frequently the winning party or coalition has received less than 40% of the vote.[31] On the other hand, in the other three SSD cases it has been more common for the winning party to win over 50% of the votes or

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30   This score starts with the mean of Venezuela's list tier (1.00) and its nominal tier (−0.14), and then takes the mean of this result and 1.00. Thus, as Germany's score reflects the "personalization" of the list tier, Venezuela's reflects the "partisanization" of the nominal tier as a result of the nomination procedure's not having been changed.

31   Using first-round votes in France. If second-round votes were used from those districts that are not decided in the first round, the eventual government is frequently seen to have been endorsed by a majority of voters.

Figure 2.1 Electoral Efficiency in Two Dimensions, Established Democracies
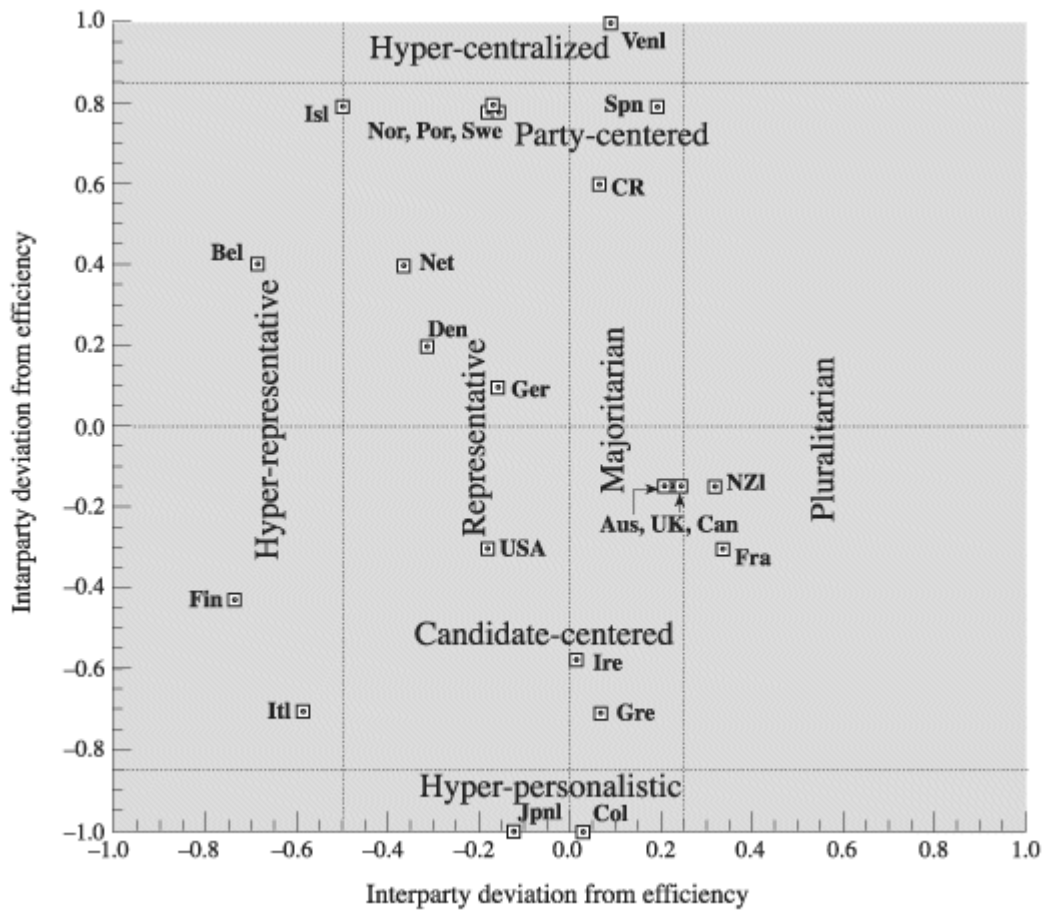
very close to it, and sometimes when it has fallen well below 45% a minority government has been the result. The line separating representative and hyper-representative cases is shown at $E_{inter} = -0.5$ simply because such a location places to its left the only three cases in which mean Identifiability does not even reach 0.25. These are the truly extreme cases. The location of these two lines is not symmetrical around the midpoint because, as noted above, the empirical range extends farther to the left than to the right. The practical effect of this asymmetrical definition of what is "extreme" on the interparty dimension is that a system of single-party majority governments becomes more problematic to the extent that its largest party is as small as around 40% of the votes, while a system based on post-election coalitions is less problematic to the extent that it contains a party that is that large.

Five Cases of Reform from Extreme to Mixed-Member System

While Figure 2.1 gives a "snapshot" of nearly two dozen established democracies, Figure 2.2 illustrates movement since electoral reform in our five cases that have adopted mixed-member systems in the 1990s. The figure shows that New Zealand has moved from a pluralitarian system to a highly efficient system on the interparty dimension without sacrificing the considerably high degree of intraparty efficiency that it already had. Italy has moved dramatically on both dimensions, from a hyper-representative to majoritarian system. It should also behave as a much more efficient system than before on the intraparty dimension. Japan has moved the farthest of any case on the intraparty dimension, and has also moved to the opposite side of the interparty scale, but with a distance from the midpoint of that dimension that is about the same as in the former system. Venezuela actually became less efficient on the interparty dimension at the same time that it made only a

Figure 2.2 Electoral Efficiency in Two Dimensions, Mixed-Member Reform Cases
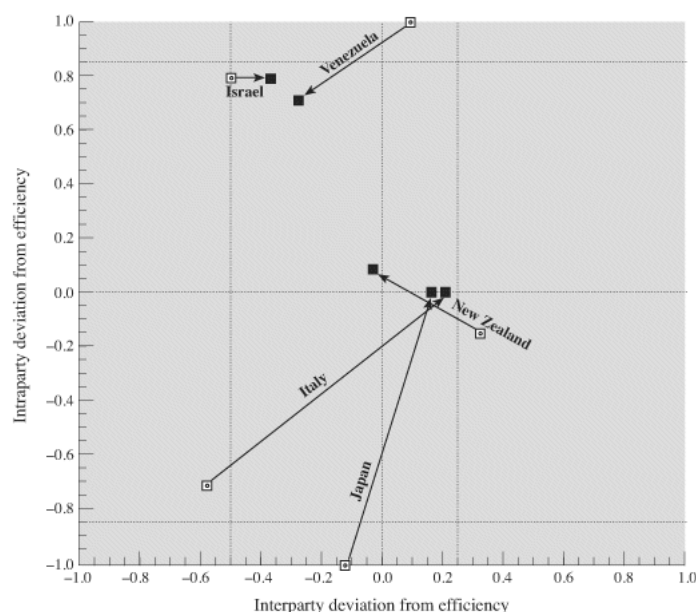
small move on the intraparty dimension. Finally, Israel has made the smallest move of all, because the nominal tier consists of only one seat—the prime minister—and hence the overall makeup of parliament continues to be governed by a highly representative and party-centered PR system.

It should be cautioned that the movement of these cases under their new electoral systems reflects only one or at most two elections in each case. Further moves may result on the interparty dimension as parties and voters adapt, though it is striking that a great deal of adjustment leading to a reasonably high degree of efficiency has happened very quickly in Italy, Japan, and especially New Zealand.

I now turn to sketches of each of the five key cases of reform. I do not attempt to offer a detailed account of the reform process in each. Rather, I attempt to give an outline of the perceived pathologies of the pre-existing system; then, for each case, I offer a brief consideration of the role that the mixed-member system has played in addressing the problems that led to reform in the first place.

Pluralitarian: The Case of New Zealand

New Zealand was a paradigmatic case of Westminster democracy (Lijphart 1984, 1987) and of pluralitarianism. [32]Especially since the late 1970s, new parties were able to win significant votes, but the SSD plurality system ensured continuing two-party dominance of parliament and single-party governments (see Chapter 4 below). The rise of third parties reflected growing disenchantment with an economic model that saw New Zealand slip from the world's third-highest income per head in 1953 to twenty-second place by 1978 (McMillan n.d.). The economic woes in New Zealand were partly the result of external factors, such as the oil shocks and changing British trade policies (Bollard 1994), but the serious crisis that ensued was largely self-inflicted, because of a political process that had become increasingly captured by "special interests", Each party, alternating in power, had put in place elaborate systems of bureaucratic controls to favor its core constituencies (McMillan n.d.). Parties made escalating promises of benefits at election time (see Chapter 4 below), seeking to impress their core constituents and to woo just enough voters in the relatively few competitive districts to emerge victorious nationally.

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[32] Only France scores higher on E_{inter}, and that country's score fails to capture the opportunity that the second round of voting in French elections gives parties to structure coalitions. If data on runoff votes were available for all elections, France, while probably still pluralitarian, would score somewhat lower.

The reform was motivated by a concern over the interparty dimension, i.e. the under-representation of smaller parties and the empowerment of governments that represented much less than a majority of the vote. (The intraparty dimension appears to have been almost irrelevant to the reform.) Looked at on those terms, the reform achieved its goal of moving the New Zealand system just over to the representative side of the midpoint, as can be seen in Figure 2.1. In New Zealand, then, a mixed-member proportional system was a means of transforming a pluralitarian system into a representative-toefficient one while still retaining something that at least "felt" like what New Zealanders already knew, i.e. a system in which (now just half) the members are elected from geographically defined constituencies. This was a major step, given that STV, rather than list PR, had long been the preferred model of PR for Anglo-Saxon countries (Lijphart 1984). However, STV—which was considered by the Royal Commission on the Electoral System—would have represented an injection of intraparty competition. The mixed-member system kept New Zealand from moving in a candidate-centered direction, without abandoning entirely the personal connection of legislators to single-seat districts or making a radical move toward an entirely closed-list PR system.

Hyper-Representative: The Cases of Italy and Israel

Hyper-representative systems, almost by their very definition, produce governments that are based on coalitions that have not been foreshadowed in election campaigns. They tend to feature what Sartori (1976) branded "polarized pluralism". Alternation in government is not feasible because the party system is not arrayed along a single dimension in such a way as to promote the centripetal competition that would allow parties to present competing government options. Instead of being responsive to voter choice at election time, government formation represents complex multidimensional bargaining among numerous sectoral parties. Both Italy and Israel exhibited these problems, and while the solutions adopted in the two countries differ markedly, both reformed systems entail the introduction of majoritarian features alongside the pre-existing proportional features.

Italy exhibited a fragmented party system, factionalized parties, extreme PR, and a large Communist party that was considered "untouchable" for purposes of national coalition formation, thus precluding real alternation in power. Instead, the Christian Democratic party was pivotal in every postwar coalition through 1993. This system was widely criticized for its inability to generate decisive governments. By the 1990s there was widespread recognition that the lack of alternation in government fostered ubiquitous corruption, and generated periodic economic crises. However, the "blocked" nature of the system prevented the implementation of reforms that would have undercut the constituent groups of any of the five major parties that shared governance. Critics of the Italian system decried the inability of the system to produce alternative majorities and accountability of governments (see Chapter 5). Thus, there was an effort on the part of reformers to create bipolar

competition out of the existing fragmented party system. To do so would require that any seats allocated by PR not be the dominant feature of the system.

Pre-reform Israel also featured a fragmented party system and an extreme PR system—with all 120 seats allocated in a single nationwide district with a very low threshold, it was about as extreme as it could be. In the early decades of independence, one party was sufficiently dominant that the perils of a hyper-representative system had not yet manifested themselves. However, by the 1980s the Israeli system was widely viewed as "dysfunctional and over-burdened", as Rahat notes in Chapter 6 below. The "unity" governments of 1984–90 laid bare many of the problems of a hyper-representative system, as the two main parties neutralized each other on the most pressing issues in Israeli politics, namely those concerning security and foreign policy. Also, as in Italy (and typical of a hyper-representative system), the absence of an effective opposition during the years of the unity governments bred fears of corruption, as there was no means for voters to throw out the incumbents (see Chapter 6).

The Italian solution was to adopt a mixed-member majoritarian system in which only one-fourth of the seats (in both chambers) are elected by PR; the proportional allocation mechanism only partially compensates for the disproportionality of SSD allocation. The new system indeed behaved as a majoritarian system in its first two elections (see its placement in Figure 2.2), and has produced both a consolidation of the fragmented party system into two major blocs and two alternations in government in as many elections. In that sense, the electoral reform "worked" (see Chapter 15). The PR portion of the system probably prevented it from being a pluralitarian system, for without the partial PR compensation the system would have scored far higher on the interparty dimension—assuming parties would have behaved about the same in an all-SSD system as they did in the SSDs of the mixed-member system. On the intraparty dimension the new system is quite efficient, because over three-quarters of the seats are elected by nominal voting with no intra-party competition.

In Israel the solution was quite different. Numerous attempts to find a consensus on reducing the proportionality of the electoral system had already failed, as Rahat details in Chapter 6. Besides, with the profound multiple cleavages of Israeli society, a fix based on a relatively majoritarian parliamentary electoral system was probably doomed to fail. What was adopted instead was direct election of the prime minister, a measure that introduces a strong dose of majoritarianism into what nonetheless remains essentially an extreme PR system. Direct election of the chief executive has had the desired effect of forcing parties into pre-election coalitions and thus generating both identifiability and alternation in government in each of the first two post-reform elections. Concomitantly, it has allowed the center of the Israeli

electorate to prevail on the dominant issue, that of pursuing a settlement with the Palestinians. However, it has also permitted smaller parties to polarize further on peripheral issues and has freed voters to vote for such parties, given that they could now express their executive preference separately.[33] These and other consequences are detailed in Chapter 16 below. Thus, both of our hyper-representative systems have incorporated majoritarian features into what had been hyper-representative systems, though the specific nature of the reforms is quite different in each case.

Hyper-Personalistic: The Case of Japan

Japan had experienced over forty years of uninterrupted rule by one party, the Liberal Democratic Party (LDP), which had maintained its majorities through an electoral system that encouraged legislators to develop personal support groups, known in Japanese as *koenkai*. Members of *koenkai* received a variety of personalized services, including casework as well as such non-political services as tea societies and sumo wrestling clubs, as a means of ensuring voter loyalty to the member (Baerwald 1986; Curtis 1971; Ramseyer and Rosenbluth 1993; Thayer 1969).

As Reed and Thies note in Chapter 7, much of the great expense of Japanese elections stemmed from the electoral needs of legislators to garner large sums of money from private sources to fund these activities. Additionally, the LDP carved up the policies it delivered so as to allow its members to cater to organized blocs of voters in their districts—such as farmers, small and often inefficient entrepreneurs, and construction firms involved in local pork-barrel projects—thereby further distorting the policy process (Ramseyer and Rosenbluth 1993). The result, as discussed by Reed and Thies, was a tendency to ignore the interests of consumers, generate incentives toward corrupt behavior, and foster an electoral process rife with pork-barrelling.

The Japanese reform was therefore motivated primarily by a critique of the intraparty dimension: a desire to "produce party-centered, policy-centered campaigns" (Chapter 7). The interparty dimension also played a role, in that another common critique of the system was the absence of a viable opposition to the long-dominant LDP. The new system is somewhat majoritarian, and hence may help with the latter goal. More striking is how far the Japanese electoral system has traveled along the intraparty dimension. The Japanese reform is the most radical of the four in this respect. However, it is worth noting that it is far less radical than a simple switch to closed-list PR would have been. Additionally, even the list tier permits the ranking of candidates according

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[33] The Israeli reform has no effect on the intraparty dimension that can be captured by the index used in this chapter, given that only one seat is elected nominally. However, that this one seat is the executive has clearly meant a great personalization of Israeli campaigns to a degree not imaginable in the old system. See Chapter 16 for a discussion.

to nominal votes, as parties may allocate seats among their candidates in the list tier to their "best losers" in the SSDs. That is, both tiers of Japan's mixed-member system enable some modicum of personal-reputation-seeking to continue in the SSDs. On the interparty dimension, the mixed-member majoritarian system may also prove more helpful in consolidating the opposition than a pure PR system would have been. Also, of course, any form of pure PR, even a small-magnitude one, would have been less desirable to the LDP, which still had sufficient legislative power to block any reform that it did not favor.

Hyper-Centralized: The Case of Venezuela

Venezuela is perhaps the classic case of a democratic hyper-centralized system.[34]Venezuela's democratic regime had come to be dominated by two parties, Democratic Action and the Christian Democrats, in the decades since its founding in 1958. Long viewed as one of the success stories for democracy in a region noted more for its *coups* and military regimes, Venezuela's regime had come under severe strains in the 1980s and by the end of the decade was in full-blown crisis (Chapter 8). The closed-list electoral system, coupled with high concentration of de facto nomination authority in the hands of a small clique of leaders in each of the two major parties, meant that there was no incentive for rank-and-file legislators to respond to voters' demands. It also meant that there were few channels for interest representation outside the traditional party framework, a situation that became especially acute as new interest associations, such as environmental groups and neighborhood movements, sprang up, yet lacked access to the very closed parties (Chapter 8; see also Martz 1998; Coppedge 1994; Crisp 1998). During the years of Venezuela's oil boom, the political system functioned adequately with its extremely centralized parties, but with an economic crisis brought on in part by the decline of oil prices, the extreme concentration of authority laid the seeds for a political crisis. The debilitating effects of these extremely closed party organizations and essentially unaccountable party leaderships were sufficiently well recognized as threats to Venezuela's cherished democratic stability for President Jaime Lusinchi to create, in 1984, a Presidential Commission on Reform of the State. Thus the reform in Venezuela, like that of Japan, was motivated by a critique of the intraparty dimension.

As Kulisheck and Crisp note in Chapter 18, the effects of the reform in Venezuela have been somewhat mixed. Some parties have adopted reforms to their nominations procedure that would facilitate personal-vote-seeking, while others—notably Democratic Action—have not. There is some evidence,

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[34] Mexico would be the paradigmatic case of a hyper-centralized system within in an authoritarian state. For an excellent comparison of the two party systems, see Coppedge (1993).

reported by Kulisheck and Crisp, that members from SSDs take seriously the interests of their locality, yet little evidence that the bottom line of the reformers—to bring representatives and voters closer—has been achieved, primarily because there were only timid reforms of the process by which parties nominate candidates. That the reform process took place in the throes of a far more profound crisis of the pre-existing system than in any of our other cases perhaps accounts for why the effects of the reform have been limited. In fact, the reform itself must ultimately be seen as a failure, even though it might have had many of the desired effects if given the chance (or if deepened by nomination reforms). Instead, however, the 1998 election brought to the presidency the leader of a 1992 coup attempt, who then proceeded to unleash an extra-constitutional process of radical institutional change.

Conclusion

The preceding capsule discussions highlight the direction of reform in each case and the role of the mixed-member feature in correcting perceived flaws in the old system, or tempering the possible extremity of a headlong leap into the opposite type of electoral system. Dissatisfaction with the pluralitarian extreme led to a PR solution in New Zealand; the mixed-member form of PR was able to retain the advantage of the former system on the intraparty dimension—geographic and personal accountability of members—while achieving the desired outcome on the interparty dimension. Dissatisfaction with hyper-representative democracy in Italy led to a majoritarian solution; the mixed-member system with an only partially compensatory PR tier allowed the system to be palatable to smaller parties that would be squeezed out by a purely majoritarian system.

Dissatisfaction with the hyper-personalistic system in Japan led to the adoption of a system with no intraparty competition; the mixed-member system benefited the LDP on both the interparty dimension (because SSDs and the noncompensatory nature of the PR tier favor large parties) and on the intraparty dimension (because personal-vote-seeking can still be a viable strategy in the SSDs, even without intraparty competition). Finally, dissatisfaction with the hyper-centralized system in Venezuela led to the adoption of SSDs as a way of establishing accountability of legislators to geographic constituencies; the timid nature of the reform—not changing the nomination process and leaving about half the members elected from strongly controlled closed lists—ensured that party leaders would be giving up little.

In each case, mixed-member systems offered a balance on the two dimensions and allowed the electoral system to retain crucial familiar features of the old system. Mixed-member systems clearly were not the only alternative considered.

For example, as noted, New Zealand's reform advocates seriously considered STV (which would have been highly candidate-centered as well as proportional). Italian reformers considered a two-round majority system, which would have been highly pluralitarian. Reformers in Japan might well have adopted closed lists within their existing small-to-medium-magnitude districts, and seriously discussed a pure SSD system. Venezuelan advocates of reform debated open lists within their existing PR districts as well as a pure SSD system.

Thus, there were alternatives to mixed-member systems that would have retained key familiar features of the old system while abolishing the features that were identified as problems. What is particularly attractive about mixed-member systems is that, on the interparty dimension, they combine a feature that promotes two-bloc competition as well a feature that facilitates multi-party representation. Furthermore, on the intraparty dimension, they combine a feature that promotes personalization of the vote alongside a feature that promotes strong parties. No other form of electoral system offers this promise. The actual ability of any given mixed-member system to deliver on that promise depends on the interaction of the specific mix of features (as discussed in Chapter 1) of a given system and on the political context in which it is adopted. These are issues that are best examined through the rich case studies that form the core of this book.

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Part II Origins of Mixed-Member Systems

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3 Germany: The Mixed-Member System as a Political Compromise

Susan E. Scarrow

In the past decade the German electoral law has enjoyed renewed scrutiny, transformed from an apparent anomaly into the senior member of a growing family of similar mixed-member electoral systems. Until this development, comparative discussions of electoral systems tended to treat the (West) German electoral rules as an interesting but idiosyncratic hybrid. The system was often portrayed as a singular reaction to Germany's troubled experiences with democracy, one that was difficult to accommodate in perspectives that drew sharp distinctions between single-seat-district majoritarian and list-based proportional systems (see e.g. Lakeman and Lambert 1950; Rae 1967; Harrop and Miller 1987). Although Germany was not the only country to employ MMP rules, usage elsewhere was rare enough that such arrangements could conveniently be described under the rubric of "the German system" (Farrell 1997: 87). This view began to change in the 1990s, after several established democracies began reconsidering the effectiveness of their systems, and when new democracies in Eastern Europe began searching for systems that could contribute to the stability of nascent regimes. At this point institutional designers showed a new interest in mixed-member systems, precisely because this "hybrid" seemed to some to combine desirable features of majoritarian and proportional systems (cf. Dummett 1997; Blais and Massicotte 1996).

This paper will describe how the German system arose, and will show how it developed both from interest-based bargaining and from more widely shared concerns about political stability. As will be seen, some of the features that are most characteristic of the current German arrangements—including giving citizens two ballots and the legal threshold set at 5% of the national vote—were absent in West Germany's first electoral law. These points were incorporated into the German law as the result of partisan struggles, contests whose outcomes were shaped by the shifting contours of West Germany's evolving party system. In other words, although the circumstances of total regime collapse and temporary occupation created rare opportunities to develop a political consensus for principled experimentation with new institutional

designs, the German "model" was as much an ad hoc creation as it was the product of theoretically inspired engineering.

Electoral Systems in the Federal Republic of Germany

The voting system currently used in Germany is a version of the country's third electoral law, which was originally adopted in 1956. This, in turn, evolved out of the first and second electoral laws, both of which were temporary measures, designed to be in force for only a single election. Because of the similarity of these first three electoral laws, this discussion of the advent of Germany's MMP system will consider the circumstances surrounding the adoption of all three laws.

The 1949 election for the newly created Bundestag marked the first occasion on which Germany used a mixed-member electoral system for a national election. Under the 1949 rules, 60% of the 400 legislators were elected by plurality contests in single-seat districts. The other 40% of representatives were elected from party lists in each of the German states (*Länder*). Unlike many later mixed-member variants, the original German system did not give citizens two votes. In 1949 Germans cast a single nominal vote for their SSD representative; the distribution of these nominal votes among party candidates formed the basis for calculating each state party's share of state list seats. Seats won in the nominal tier were subtracted from each party's share before list-tier seats were distributed. Excess legislative seats (*überhangmandate*) were created when a party won more seats from the nominal tier than it would have been entitled to under a purely proportional system. Parties could not pool their vote share remainders across state lines. Under this initial electoral system, the only parties legally eligible to participate in each state's distribution of list mandates were those winning at least 5% of the statewide vote, or at least one of the state's SSDs.

The 1953 electoral law created an MMP system that slightly modified the rules used in 1949. To begin with, it equalized the proportion of list and nominal seats, and increased the base number of seats to 484. More importantly, it introduced separate votes for the nominal tier ("first ballot") and the list tier ("second ballot"), though it maintained the link between these tiers for purposes of seat allocation. This new two-vote arrangement made it possible for voters to split their tickets. In addition, the second electoral law raised the legal threshold, stipulating that parties must win either one district seat or 5% of the *federal* vote in order to participate in the distribution of list seats in any state. Whereas smaller parties were the most likely beneficiaries of the introduction of separate ballots for the nominal and list tiers, these parties were most likely to be hurt by shifting the 5% legal threshold from the state to the

federal level, since this made it more difficult for parties with only regional strongholds to gain representation.

Like the 1949 law, the 1953 law was valid for one election only. West Germany did not adopt a permanent electoral law until 1956. The 1956 law, which established a system much like that used in 1953, is the basis of the law that is still in place today. Central to this MMP system is the equal number of list and nominal seats.[35] Although citizens cast votes for both the nominal and list tiers, seat allocation is linked across these levels, with the list vote determining the overall distribution of seats. One significant change between the 1953 and 1956 laws was another slight increase in the legal threshold. The rules of the revised law, in place ever since, stipulated that parties must win at least 5% of the national vote or *three* SSDs in order to qualify for list seats. The 1956 law also introduced the option that parties could link their lists across state boundaries, an arrangement that enables parties to pool their vote remainders at the national level. Because all parties took advantage of this option, the change effectively increased proportionality in terms of the nationwide vote, while still allowing state parties to retain control over candidate selection (Kitzinger 1960: 25). The 1956 law, like its 1949 and 1953 predecessors, used the d'Hondt method for allocating list seats.

The electoral system used in Germany today is largely identical to that introduced by the 1956 law, with the main amendment being the current use of Hare quotas[36] (a change adopted prior to the 1987 election). Thus, in order to understand the origins of the contemporary German MMP system, it is necessary to examine the decisions surrounding the adoption of all three of West Germany's first electoral laws.

The Origins of Germany's Mixed-Member System

MMP systems were first introduced in (West) Germany while the territory was under Allied control at the end of the Second World War. As was made clear above, the distinctive system now associated with Germany's federal elections did not emerge in a single stroke. Not only was it the product of a series of federal electoral reforms; it also was shaped by state-level experiments in electoral system construction. At both these levels, however, decisions were much more the product of elite bargaining than of popular pressure for or against specific electoral systems.

The electoral law for the first West German election was drafted by the constitutional assembly (Parliamentary Council) that convened in 1948 to

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[35] The base number of seats rose to 484 in 1953, then to 494 in 1957 with the accession of Saarland; it rose again to 496 in 1964, and remained at this level until 1990.

[36] Known as Hare-Niemeyer quotas in Germany.

construct a Basic Law for the western part of the newly divided country. This assembly was called at the behest of Germany's Western military governors, who by mid-1948 had determined to establish a constitutional democracy in the Western occupation zones. Each of the legislatures in the western states sent delegations to this constitutional convention. The partisan composition of each delegation roughly reflected the make-up of its state's elected state legislature. The Western powers laid down a few general guidelines for this system, and retained the right to alter and approve the constitutional documents that would form the foundation of the new polity, but they left to the Germans most of the decisions about the shape of the new institutions (Merkl 1963). Among these were decisions about what rules should be used for electing the new federal legislature. Because there were disagreements about which body should take responsibility for devising the electoral law, the rules for 1949 were drafted by the Parliamentary Council, subsequently amended by the state premiers, and then imposed by the occupying governors.

The Alternatives

Since an MMP system has now been in use for so long in Germany, it is easy to forget that this system was far from an obvious choice for the founders of the West German state. At that point Germany had a relatively brief and not entirely positive experience with proportional representation. Proportional representation had been used only minimally at any level in Germany prior to 1918. It was adopted at the national level at the close of the First World War, when the Social Democrats made its implementation one of their prime conditions for governmental participation. Introducing proportional representation had been on the party's official agenda since 1891, when it was included in the Social Democrats' Erfurt Program. Though it is no great surprise that the Social Democrats should have supported proportional representation at this point, when they were a relatively new electoral competitor, the party's continued insistence on proportional representation showed that it viewed the choice as a matter of principle, not just of tactics. The Social Democrats stood firm on this point even after the first decade of the twentieth century, by which time the party's support had grown to a point where it was likely to do at least as well under majoritarian as under proportional systems. After World War I the Social Democrats' position ensured that proportional representation was used to elect the constitutional assembly for the interwar regime that became known as the Weimar Republic. The new republic's constitution stipulated that all types of election should be held according to principles of proportionality.

During the Weimar years Germany used a very pure form of proportional representation to elect the lower house of its national parliament. Under this system parties received one legislative seat per 60,000 votes, plus an extra seat

for remainders of over 30,000 votes. Although these very open rules did not create Weimar's fragmented party system—Imperial Germany already had that—they certainly helped to sustain partisan divisions, since they offered almost no incentives for parties to cooperate or conglomerate in order to win elections. This fragmentation made it hard for parties to build and sustain governing coalitions. Contemporary as well as later observers concluded that this hyper-representative electoral system itself bore significant responsibility for undermining Weimar democracy. Among the most vocal of the system's accusers was F. A. Hermens, a German refugee who campaigned against proportional representation in both German and English-language publications (Hermens 1933, 1940, 1941, 1949).

If Germany might be said to have had a relatively short and tainted experience with proportional representation, it had enjoyed a much longer and generally more positive experience with majoritarian systems prior to the Weimar era. From the 1871 unification of Germany through to the last imperial election of 1914, the Reichstag was elected from single-seat districts under a system that required representatives to win an absolute majority of the district votes. If there was no such majority in the first round, a runoff was held between the top two candidates. The system was clearly imperfect. Perhaps its most obvious flaw was that it made no provisions for redrawing district lines; as a result, district populations began to vary widely as population shifted from rural to urban areas. The evident political effect of this disparity was that election outcomes were increasingly weighted against the Social Democrats. Additionally, those who disliked the multiple parties associated with proportional representation could note that Imperial Germany's runoff system sustained a multiplicity of parties, enabling parties of the center and right to compete with each other in the first round, with the understanding that their voters would unite against the Social Democratic candidate in the runoff. Yet neither of these features was problematic enough to permanently discredit the option of some type of majoritarian voting. Indeed, the fact that Germany had prior experience with majoritarian systems meant that such rules might have won broad support after 1945, since they could be portrayed as an authentic and usable part of Germany's political heritage.

There is a second reason why proportional representation was neither the only, nor even the obvious, choice for postwar Germany: neither Britain nor the United States had much experience with proportional representation systems, and both of these occupying powers had reason to regard their own majoritarian traditions as providing suitable models for stable democratic politics. Indeed, in the American and particularly the British zones the Occupation authorities did favor the adoption of majoritarian rules. (This was much less the case in the French zone, since France had itself switched in 1945 to using proportional representation for its national elections.) These biases were important because the Occupation authorities strongly influenced

the construction of electoral laws for local governments, state constitutional assemblies, and state legislatures; they also influenced the formulation of the first West German federal electoral law. Yet even though the occupying powers were clearly well placed to tip the balance of electoral system debates against proportional representation, the British and the Americans chose not to insist on majoritarian selection rules. One reason for their hesitancy was that they wanted systems that would win support from a wide spectrum of Germany's democratic forces (Lange 1975). It quickly became clear that only proportional systems could muster such broad support.

Thus, although it is easy to see how proportional representation might have been ruled out in West Germany, either by its association with a discredited past, or by British and American preferences for majoritarian rules, in fact the majority of postwar German politicians did not regard majoritarian voting arrangements as an essential tool for engineering a stable democracy. Almost no one advocated reinstating unaltered versions of the Weimar Republic's electoral rules. On the other hand, many participants in the postwar electoral law debates agreed that implementing some form of proportional representation would be the fairest, and the most politically desirable, solution. For them, the big question was how to devise a system that could avoid hyper-representativeness, and could combine personal links between voters and legislators while at the same time providing a broad representation of citizens' interests.

The 1949 Law

By the time the Parliamentary Council was charged with devising a political framework for the future West German state, Germans already had acquired much experience in institutional design at the state level. The fact that all the *Länder* (states) had adopted proportional representation for state assembly elections was a crucial part of the context of the Parliamentary Council's decisions about the future electoral law. In the first place, representatives from the state parties came to the constitutional assembly debates having already staked out positions in prior contests over state electoral rules. Second, experience with various rules adopted at the state level shaped views about how proposed systems might work in practice. Not only did they provide clues about the feasibility and perceived fairness of different devices; the outcomes of the first state elections also were the parties' best predictors of how much electoral support they might receive in future federal elections and, by extension, about which rules were likely to benefit or harm them. Finally, and perhaps most importantly, the outcomes of the first state elections determined the size of each party's delegation to the Parliamentary Council. Crucially,

the Social Democrats and the alliance of Christian Democrats and Christian Socialists wound up with an equal number of seats in this assembly. This parity among the biggest parties greatly enhanced the role of the Parliamentary Council's four smaller parties (the Free Democrats, the Center, the German Party, and the Communists). Small party influence was particularly evident in the wrangling over the electoral law. Thus, West Germany's initial electoral law was deeply shaped by prior political decisions in the country's newly formed states.

From 1945 to 1949 German political parties, like the *Land* governments and the Parliamentary Council, all existed on the sufferance of the military governors of the occupied territories. Faced with the problems of administering economically devastated regions, and increasingly concerned with East–West tensions, the Western authorities had pushed the relatively rapid re-establishment of self-government within their zones. Following the Soviet lead, the Americans and the British licensed political parties in their territories within a few months of the German surrender, and the French followed suit a little later. In order to be authorized, parties were required to demonstrate commitment to democracy. Initially the military authorities appointed representatives of these parties to advisory councils; later, the parties were allowed to compete in local government elections, and eventually in elections to the newly created state legislatures (*Landtage*). In all the zones the authorities unofficially limited the number of parties they would license, but in all the states they authorized at least four parties, and of these at least three—and in most cases more—won legislative seats (Rogers 1995: 119–38).

One of the tasks of the state constitutional assemblies and the *Landtage* was to write preliminary, and then permanent, electoral laws for their states. All of the states opted for some form of proportional representation to elect their state assemblies, but the Germans charged with devising state electoral systems showed a great deal of inventiveness. Although zonal authorities provided some guidelines that started the debates, even within each zone no two states wound up with identical systems. In devising rules, electoral system designers did not attempt to copy systems used in other states or other countries, or to recreate an earlier German system. Instead, they devised many variations on the proportional representation theme, most of which were designed to avoid perceived failings of the Weimar rules.

Most of the state's initial electoral systems used multi-level designs under which some representatives were chosen from a number of single or multi-seat districts below the state level, and the rest were elected from statewide party lists. A few states used MMP systems, subtracting nominal-tier seats before distributing seats to candidates on the state lists. Other states linked the distribution of state list seats to district results in other ways, for instance allocating state-level seats on the basis of vote shares acquired by parties' unsuccessful district candidates. Still others used MMM systems, distributing

list seats proportionally to parties' shares of votes in all the districts. In all cases, voters were given just a single vote for elections in the sub-state districts. Importantly, however, these district votes were not always nominal votes, since in several cases voters were asked to choose between fixed party lists rather than between candidates. (For a chronology of these events, see Table 3.1.)

For the first elections, Allied licensing policy provided insurance against the proliferation of small parties. Even so, the states in the American and British zones included legal thresholds in their electoral laws with the stated intent of blocking parties without much popular support from winning legislative seats (Lange 1975).

Table 3.1. The German Electoral Law of 1956 and Its Predecessors

Year	Event	General rules
1946	States in American zone develop rules for electing constitutional assemblies	Proportional systems based on multi-member districts below the state level, some with parallel state lists as well; 5% legal thresholds
1946–7	States in Western zones devise first state electoral laws	Variety of proportional systems, mostly MMM and MMP, with some use of SSD and nominal voting; various legal thresholds.
1949	Parliamentary Council drafts electoral law for first federal election; modified version adopted by states	MMP: 60% SSD, 40% state-level list seats. 1 vote for nominal tier; legal threshold: 5% of statewide vote, or at least one district
1953	Federal parliament (Bundestag) adopts second federal electoral law for 1953 election	MMP: 50% each SSD & state-level list seats; 1 vote each for nominal and list tiers; legal threshold: 5% of federal vote, or at least one district
1956	Federal Parliament adopts permanent federal election law	MMP: 50% each SSD and state-level list seats; 1 vote each for nominal and list tiers; legal threshold: 5% of federal vote, or at least three districts

Sources: Lange (1975).

Given the wide variation in the details of the electoral systems introduced in the German states between 1946 and 1948, it is not surprising that opinions were deeply divided when the Parliamentary Council took up the task of devising election rules for the new federal legislature. Yet here, as in the states, there was broad agreement that the preferred system should be designed around relatively small electoral districts. Most participants in the electoral system debates concurred that the Weimar Republic's large electoral districts and depersonalized voting had not done enough to foster links between citizens and their governors. As a result, the main proposals for proportional systems,

like the proposed majoritarian rules, were based on a large number of electoral districts (Jesse 1985: 93). German advocates of mixed-member rules argued that such rules would "personalize" voters' choices by letting them choose individual representatives from small districts—indeed, Germans still refer to their system as being an example of "personalized proportional representation," a label that is meant to distinguish it from proportional systems that lack a nominal tier. Proponents argued that it was the personalization of the single-seat districts that made a mixed member system a good compromise between Weimar-style proportional representation and British-style majoritarianism (Jesse 1985: 66, 93). Yet there was a good deal of disagreement about the details, even among those who favored mixed-member arrangements, with the main debates focusing on the proper relationship, and the desirable ratio, between list and nominal seats. As shown above, it was in precisely these areas that the law underwent the greatest changes between 1949 and 1956.

In the Parliamentary Council the electoral law debates pitted the Christian Democratic Union and Christian Social Union against the other parties. At the beginning of these discussions, both Christian Democratic parties made a unanimous declaration in favor of a "majoritarian" system. Delegates from these parties portrayed a system based entirely on single-seat districts, arguing that these would provide a buffer against the political instability of the Weimar period, because they would combat party-system fragmentation, and because district-based elections would help disillusioned voters develop stronger and more personal ties to the new political system (Lange 1975: 358). In contrast, even before the Parliamentary Council was summoned the Social Democratic leadership had reaffirmed their party's commitment to proportional representation, endorsing an MMP system that included election of part of the legislature from SSDs, a 5% legal threshold, and linking the distribution of nominal and list seats to produce proportionate outcomes (Lange 1975: 251).

In the Parliamentary Council debates, as in the debates over the two subsequent electoral laws, there were clear splits between the interests of the large and the small parties. As might be expected, most of the smaller parties represented in the Parliamentary Council (the Free Democrats, the Center Party, and the Communists) advocated proportional representation. Only the small German Party was committed to the pre-Weimar system of SSD with runoff contests, rules that let small parties do well as long as they formed electoral pacts with larger parties (Lange 1975: 297–302). Because the Social Democrats and the Christian Democrat–Christian Social Union block were of equal strength in the Parliamentary Council, the small parties crucially tipped the balance in favor of a proportional system, the system the Social Democrats preferred. The result was that the constitutional assembly endorsed a mixed-member system having single-seat districts and an equal

number of national list seats, which were to be distributed so as to produce an outcome that was proportionate to the national list vote. The system contained no legal threshold.

Details of the Parliamentary Council's proposal were revised under pressure from the state premiers ("minister presidents") and the Allied occupation authorities. The latter in any case insisted that the rules for the first, constituting, election would need to be formally enacted by the states, and should not come from the Parliamentary Council itself. The system that the state premiers finally accepted added a 5% legal threshold in each state, moved the distribution of list seats from the federal to the state level, and increased the ratio of district to list seats (to 60 : 40). When the Parliamentary Council threatened to balk at these revisions, the Allies ordered the states to implement the revised system (Lange 1975: 400).

The 1953 and 1956 Laws

Because the 1949 electoral law applied to the first election only, the shape of the electoral system was again open for debate as soon as the new federal legislature (Bundestag) convened. However, writing an electoral law was not the most pressing matter of business for the fledgling country. Moreover, it was an issue that seemed likely to divide the Christian Democratic Union and Christian Social Union—the two large members of the governing coalition—from their smaller partners. As a result, Chancellor Adenauer's new government postponed deliberation on the subject until the legislature ran out of time to debate a permanent solution. Instead, in 1953, only a few months ahead of the scheduled election, the Bundestag adopted yet another temporary electoral law. Given this schedule, the fact that the system used in 1953 differed only slightly from that employed in 1949 should not be taken as an indication of universal acceptance of these arrangements: rather, sticking with existing rules was a way of postponing what clearly would be a very controversial decision. These controversies came to the fore in the second legislative session, when work began on drafting a permanent electoral law.

In both 1953 and 1956, supporters lined up behind three main options. The first, and most radical, proposal was to scrap the 1949 system and implement majoritarian arrangements. Among the main proponents of this option were members of an extra-parliamentary pressure group, the Society of Germany Voters (Deutsche Wählergesellschaft). This group attempted to shape the public debates, and it succeeded in recruiting some parliamentarians (primarily Christian Democrats) to its cause. The other two main proposals called for more modest revisions of the 1949 provisional rules. One of them endorsed a so-called "ditch system," an MMM system that won this nickname because it retained the mixed-member format of the temporary laws but eliminated the linkage (inserted a "ditch") between the list and nominal-tier

allocations. This system, which would have helped the largest parties, was initially favored by most Christian Democrat and Christian Socialist representatives ahead of both the 1953 and 1956 laws. The other main option was to re-adopt some version of the MMP system used in 1949. This was the course endorsed by the Social Democrats, as well as by the smaller parties, which feared the effects of any other arrangement. In these debates the Social Democrats courted the support of the smaller parliamentary parties by advocating MMP systems with relatively low legal thresholds (3% or 5% on a state-by-state, instead of federal, basis).

In both 1953 and 1956 the pivotal Free Democrats succeeded in creating coalitions to support its preferred plans, which involved modifying the 1949 system to give citizens separate votes for each of the tiers (thus enabling voters to split their tickets between nominal and list levels), and which maintained the link between the distribution of list and nominal seats. As described above, both the 1953 and 1956 laws raised the legal threshold. Such increases were actively endorsed by the small Free Democratic Party, which hoped that slightly higher thresholds would leave it in the advantageous position of being the only small legislative party (and hence the only possible coalition partner for the bigger parties) (Lange 1975: 457–709; Scarrow 1998).

As the above account suggests, short-term calculations of party interest were very much in evidence in the parliamentary maneuvers and committee reports that surrounded negotiations to establish a permanent electoral law for the newly founded West German polity. Although those involved in the negotiations shared a fundamental commitment to establishing a political system that could withstand popular passions and economic uncertainty, they shared only a limited consensus about which electoral system could best achieve this end. Most accepted that the preferred system should use relatively small districts in order to strengthen links between voters and individual representatives, but beyond this there was little agreement.

The German Electoral System Since 1956

The rules adopted in 1956 have remained largely unchanged over the past four decades, though for a time in the 1960s it seemed as if Germany might abandon proportional representation. At this point the large parties flirted with the idea of introducing a single-seat district majoritarian system, a change that some backed precisely because it was supposed to eliminate the coalition bargaining power held by small parties. This effort foundered on the Social Democrat's long-standing principled commitment to proportional representation, and on their more instrumental concern to secure the support of the Free Democrats after the 1969 election. Though there has never again

been widespread support for any major revisions to the German electoral system, several more minor changes have been implemented.

The most important of these was the 1987 shift from d'Hondt divisors to Hare quotas for distributing list seats. Both the Social Democrats and Christian Democrats agreed to this change as a concession to the Free Democrats, the party that seemed most likely to gain a few seats under the new rules. If we follow Lijphart's counting rules, this shift has to be regarded as the inauguration of a new electoral system (Lijphart 1994: 13); however, while the revised allocation procedure clearly affected some outcomes, in terms of this book's discussion it is less important, as it did not fundamentally alter the system's character as a mixed-member arrangement.

German unification occasioned some other, less permanent, changes in the electoral system. The 1990 election was fought under a one-time electoral rule which instituted a separate threshold (5% or three SSDs) for the eastern and western states: parties had to cross the threshold in only one of these areas to be eligible for list seats from the entire country. In addition, in 1990 the basic size of the Bundestag (before the addition of surplus seats) grew by almost one-third (from 496 to 656) as an equal number of district and list seats were added to accommodate the new eastern German seats. However, while the magnitude of this change qualifies it as a new electoral system under Lijphart's 20% rule, this expansion is a rather special case: the additional electoral districts were added in rough proportion to the increase in the country's population. Some renewed comment on the electoral rules was occasioned by the 1994 success of the post-Communist Party of Democratic Socialism which became the first party to become eligible for list seats by winning three SSDs instead of by securing 5% of the national vote. In the event, however, proposals to eliminate or raise the district-based part of the legal threshold looked too much like blatant political manipulation to receive much support.

Conclusion: Accidentally Inventing a Model?

As the above account makes clear, Germany's mixed member system was not developed in a single stroke as an optimal solution to the problems of previous systems. Rather, the system that took hold grew out of many state and federal experiments at combining elements of proportional and majoritarian systems. For instance, most of those involved in Germany's electoral system debate were committed to the idea of letting citizens vote for individual representatives, instead of merely casting a party vote. However, it was the weight of the small parties that was crucial in deciding that such "personalization" would take the form of mixed-member proportional representation, rather than a more purely candidate-centered system based entirely on single-seat districts.

The height of the legal threshold developed out of a similar mixture of intentional design and deference to political constraints. During the course of the negotiations over the first three electoral laws, the big parties collaborated to raise this from no set limit (in the Parliamentary Council's draft of the 1949 legislation) to 5% of the national vote (in the 1956 law). The way in which this latter threshold was adopted provides another clear illustration of the way that politics, not principles, dominated in discussions about the electoral system's details: throughout the second reading of the 1956 bill, it looked as if a coalition of Social Democrats, Free Democrats, and several smaller parties would push through a mixed-member system with a state-by-state legal threshold of 3%. The situation changed after the Christian Democrats abandoned their commitment to a majoritarian system and accepted that some form of mixed-member system was inevitable. At this point the Social Democrats switched tactics, and instead of working with the small parties to enact an MMP system that lowered the legal threshold, worked with the Christian Democrats to adopt an MMP system that raised the electoral threshold to 5% nationwide. (The large parties were constrained from considering an even higher level by a prior Constitutional Court ruling that it was unfair to set legal thresholds higher than 5%.) In other words, the 5% limit was arrived at under the pressure of political bargaining and judicial constraint, and did not originate as an item of principled consensus.[37] Importantly, neither this nor other main elements of the German system were first or foremost components of a theoretically defended "model"—even if proponents were always prepared to provide theoretical justifications for them. Instead, the system's features evolved from political compromises arising out of the postwar constellation of partisan forces.

It is equally telling that after more than forty years Germany's federal electoral system has not become the unchallenged model even within the German borders. Although eight of the eleven former West German states do use some form of MMP rules, the details of these systems vary widely. One big difference is in ratios between SSDs and lists seats, which range from equal or nearly equal to heavily weighted in favor of SSDs (as in the large state of North Rhine Westfalia, where there are three times as many SSDs as list seats: see Table 3.2). Another difference is between systems that give voters separate nominal and list votes and those that give voters only a single (nominal) ballot. Three states (Saarland, Hamburg, and Bremen) avoid mixed systems altogether and use more party-centered forms of proportional representation, allowing voters only to choose between closed party lists.

As explained above, much of this state-level variation originated in the late 1940s and early 1950s, and thus predates the finalizing of the federal electoral system. Since the initial advent of the state systems there has been some

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[37]   For a contrasting interpretation, see Bawn (1993: 986).

Table 3.2. Contemporary German Electoral Systems

Legislature	Single-seat districts/list seats[a]	Number of votes	Legal threshold	Type of system
Federal (Bundestag)	328/328	2	5% nationally or 3 districts	MMP
Baden-Würrtemberg	70/50	1	5% per region[b]	MMP
Bavaria	104/100	2	5% statewide	MMP
Berlin	90/60	2	5% statewide or 1 district	MMP
Brandenburg	44/44	2	5% statewide or 3 districts	MMP
Bremen	0/100	1	5% Bremen or Bremerhaven	List PR
Hamburg	0/121	1	5% statewide	List PR
Hesse	55/55	2	5% statewide	MMP
Lower Saxony	100/55	2	5% statewide	MMP
Mecklenburg–W. Pomerania	36/35	2	5% statewide or 3 districts	MMP
N. Rhine Westfalia	151/50	1	5% statewide	MMP
Rhineland Palatinate	51/50	2	5% statewide	MMP
Saarland	0/513[c]	1	5% statewide	MMP
Saxony	60/60	2	5% statewide or 3 districts	MMP
Saxony Anhalt	49/50	2	5% statewide or 3 districts	MMP
Schleswig Holstein	45/30	1	5% statewide or 1 district	MMP
Thuringia	44/44	2	5% statewide or 3 districts	MMP

[a]   *Not counting possible surplus seats.*
[b]   4 regions.
[c]   41 seats from party lists in 3 districts, 10 from statewide list.
       Sources: Ritter and Nieuhuss (1991); information from state parliaments.

convergence toward the federal rules. At the beginning of the 1950s several states altered their initial laws to link the distribution of nominal and list seats (switching from MMM to MMP). Since the mid-1980s there has been some further convergence, with three of the original West German states bringing their rules more in line with those used at the federal level by introducing separate ballots for the nominal and list tiers, replacing systems of a single vote for a district-level party candidate (Hesse and Lower Saxony) or for a closed party list (Rhineland–Palatinate). More tellingly, the five new states in the former East Germany adopted rules for state-level elections that were almost identical to those used at the federal level. Each of the new eastern states established equal numbers of list and nominal seats, and set legal thresholds at 5% of the state vote or three SSDs (Ritter and Niehuss 1991: 151–7). Yet, even if these moves suggest that the trend is toward greater uniformity on state and federal levels, it also is obvious that states have not seen the federal system as the theoretically perfect solution to problems of electoral choice, nor have they felt great compulsion to offer voters identical electoral systems on the state and federal levels.

This variation in state electoral systems, and the history of the federal electoral system's development, make clear that the "German system" is a flexible

model, one justified at least as much on pragmatic grounds—it seems to have worked in Germany—as by any dogmatic commitment to particular details of the system. In short, while the political stability of postwar Germany may explain why its electoral system has been invoked as an inspiration for some recent experiments in electoral system design, the circumstances surrounding the development of the German electoral rules make it clear that they were at least as much a product of situationally specific compromises as of conscious electoral engineering.

4 Choosing MMP in New Zealand: Explaining the 1993 Electoral Reform

David Denemark[38]

On November 6, 1993, New Zealand's electorate, in a binding referendum, voted to replace the nation's 138 year old plurality electoral system with mixed-member proportional (MMP) representation. In so doing, voters played the deciding role in changing the country's electoral system. It was an electoral transformation made all the more notable for spelling the demise of what had been deemed both a classic example of Anglo-American majoritarianism (Taagepera and Shugart 1989) and the "purest example of the Westminster model of government" (Lijphart 1987: 97). New Zealand's erst-while system had concentrated parliamentary power in a single chamber, which operated freely in the milieu of "unconsolidated and largely unentrenched constitutional law"(Vowles 1995: 96; Jackson 1978). This essentially unchecked, single-party fusion of legislative with executive power, characterized by both cabinet-dominated caucuses and tight party discipline (Jackson 1992), can be seen as perhaps uniquely promoting, on the one hand, assertive, innovative and stable party government (McLeay 1997: 24), and on the other hand the potential for an unaccountable "elective dictatorship" (Mulgan 1992). Thus, while New Zealand's focused "pluralitarian" system (Nagel 1998) served to sustain dynamic government, its "extreme" qualities also meant it was inherently prone to reformist pressures, as argued by Shugart in Chapter 2.

Across the last half-century New Zealand has experienced the electoral consequences of both a generation of voters' partisan and parliamentary loyalty, trust, and involvement and, more recently, their deep-seated political cynicism borne of perceived governmental arrogance and unresponsiveness. Confronted with successive Labour and National governments relentlessly pursuing a profoundly unpopular agenda of economic reform which had not

been foreshadowed in campaign manifestos, many voters abandoned their usual reliance on election-day accountability (McRobie 1993a: 25) and instead blamed the plurality system itself for "manufacturing" dictatorial single-party governments with no viable alternative (Lamare and Vowles 1996: 337; Jackson and McRobie 1998: 15). Then, having been pointed toward MMP as a credible, fairer alternative by a Royal Commission, voters were given the opportunity at a referendum to seal the fate of the Westminster system and punish the major parties it had advantaged. They did just that, thereby affirming a long simmering populist desire to "regain control over government" (Nagel 1998: 252).

This chapter explores several of the factors that significantly affected the transition of New Zealand's political system from one famous for its tranquil efficacy to one renowned for its vengeful reformism. These factors include: (1) dealignment; (2) minor party under-representation; (3) the under-representation of minority groups in an era of increasing multiculturalism; (4) radical, unpopular economic reform by successive Labour and National party governments; and (5) the parliamentary "other side" of the calculus—the provision of both a Royal Commission, which highlighted representational failings of the Westminster system while legitimating MMP specifically as an alternative electoral system, and indicative and binding referendums, which gave New Zealand's voters the final say in determining the fate of the country's electoral system. The extent to which these issues were important in electors' 1993 referendum vote choices is also considered. A last section considers the overall explanations for New Zealand's turn to MMP. Table 4.1 shows a time line of electoral change in New Zealand since 1985, the period immediately preceding the reform of 1993.

From "Perfection" To Dealignment

New Zealand, until the first election under MMP in 1996, represented what Lijphart had termed "a virtually perfect example of the Westminster model of democracy" (1984: 16). Its plurality electoral system, centralized government, and unicameral fusion of single-party legislature with a dominant executive cabinet controlling a disciplined parliamentary caucus meant that New Zealand's parliament was the locus of unchecked power perhaps unique among Western democracies. In the absence of entrenched constitutional limits and a house of review (after the abolition of the appointed Legislative Council in 1950) or other institutional mechanisms to constrain power, parliament's actions were, in essence, checked only by voters at elections. On the one hand, New Zealand's voters had come to appreciate the Westminster system's ability to produce bold, programmatic government. Thus, argues

Table 4.1. Electoral Changes in New Zealand: A Time Line

Year	Change
1985	Royal Commission on the Electoral System is appointed by Labour's Minister of Justice, Geoffrey Palmer.
1986	Royal Commission on the Electoral System reports in December, and recommends a change to mixed-member proportional (MMP) representation.
1987	Prime Minister David Lange, promises, in a campaign leaders' TV debate, that government will hold a binding referendum on the electoral system by 1990. In September, following Labour's re-election, a select committee is established to consider the electoral and constitutional issues of electoral reform.
1989	Electoral Law Reform Bill is introduced, which provides for a referendum only on the issue of extending the parliamentary term to 4 years. The National Party attacks the Labour government for not honoring its 1987 promise of a referendum on electoral reform.
1990	Referendum that would have extended the parliamentary term from three years to four is rejected on October 27. The National Party includes in its campaign manifesto a promise to hold a binding referendum on electoral reform (and the restoration of an upper house) before the end of 1992.
1991	Electoral Referendum Act is passed, which makes possible an indicative referendum in 1992 on electoral change, and provides for a binding referendum to be held with the 1993 general election, if voters approved change in the first referendum.
1992	Public votes overwhelmingly in the indicative referendum on September 19 for changing the electoral system from the plurality system; MMP is overwhelmingly the preferred choice of the four non-plurality systems on the ballot.
1993	The Electoral Reform Act and an updated Electoral Act (which incorporates provisions for MMP and the creation of an Electoral Commission) is passed in Parliament, providing for a binding referendum in 1993 on electoral change. In the binding referendum on November 6 public votes narrowly to replace the plurality system with MMP.
1995	New electoral boundaries are created by the Representation Commission. Maori electoral option results in a fifth Maori seat being created.
1996	First election under MMP is held on October 12. A coalition government (National and New Zealand First) is formed on December 10.
1997	Maori electoral option on August 27 results in a sixth Maori seat being created. Additional general-electorate seat is created on North Island, providing for a 120-member Parliament, made up of 45 North Island general electorate nominal-tier seats, 16 South Island general electorate nominal-tier seats (fixed), 6 Maori seats and 53 list-tier seats (down two).

Sources: Hunt (1998d: 169–70); New Zealand Electoral Commission (1996: 60–3).

Mulgan, New Zealanders had "become accustomed to governments which have been able to act speedily," while they expected parliamentary leaders to be "strong and decisive" (1993: 62). On the other hand, however, they cherished parliament's electoral accountability, which was assisted by a long tradition of parties constructing their election campaigns around detailed manifestos and policy programs (Cleveland 1980: 186). This process was embraced by New Zealanders as a key component of their political culture—a populist accountability premised largely on judging the party in government on the basis of its formal election promises (Nagel 1994a: 527). More

specifically, argues Nagel, it was a "mandate norm, which bound otherwise unfettered leaders through an *ex ante* contract with the voters—in principle, the leaders of a government should enact a policy if and only if it was included in their party's pre-election manifesto" (1998: 251).

In short, New Zealand's Westminster system had promoted focused, programmatic party government which, without significant constraints during the term of office, remained accountable primarily to the electorate. This, as a consequence, oriented voters' political perceptions and attitudes primarily to the *partisan* government of the day and not to the larger electoral system or the governmental institutions themselves—making the replacement of the party in government by the major party opposition the appropriate expression of political dissatisfaction (Denemark 1996: 97). Thus, despite an inherent potential for parliamentary "elective dictatorship," for more than a generation New Zealand's majoritarianism sustained a variety of electoral behaviors and attitudes reflective of the country's focused but accountable parliamentary power: strong party loyalties (Lamare 1984; Vowles 1987; Levine and Roberts 1987); low inter-election volatility (Jackson and McRobie 1998: 11); distinct and stable bloc support from the social class structure (Vowles and Aimer 1988; Denemark 1992: 163; Vowles et al. 1995: 5); high voter turnout and party membership (Bean 1986; Nagel 1988; Vowles et al. 1995: 4; Jackson and McRobie 1998: 11); and a pervasive political efficacy, reflecting voters' high levels of trust in both politicians and parliament (Robinson 1967; Lamare 1984; Denemark 1990a).

However, if New Zealand's Westminster concentration of parliamentary power had helped to sustain a precarious political accountability, it seems clear that it was instrumental in fomenting significant dealignment and, ultimately, reformism. Three structural causes of dealignment can be directly attributable to the Westminster system's inability to accommodate changing electoral reality. First, cabinet-dominated governments were able to force through "unpalatable policies" in the face of public opposition (Vowles 1995, 97). This process obscured one of the presumed benefits of a plurality system—direct accountability between voters and their local legislator (Vowles 1995: 101). Once popular opposition to Labour's and National's radical program of economic reform had developed after 1984, the plurality system served to insulate zealous cabinets from both the will of the electorate and the serious reservations held by their own party's backbenchers.

Second, plurality systems in times of dealignment make it more difficult to defeat an unpopular government, with large nationwide swings necessary to topple the incumbents (Vowles 1995: 101). Labour in 1987, for example, won reelection despite an overall two-party swing against it, while National retained power in 1993 despite a huge 12.7% decline in its vote percentage, because nearly all of these deserting voters wasted their votes on minor parties with virtually no chance of securing seats in the new parliament (Vowles 1994a: 375).

Third, plurality systems promote convergent major parties which compete, in part, through escalating promises of the benefits they will provide. This was a process that discredited both major parties after the mid-1970s because economic crisis destroyed their ability to deliver on those promises, thus producing a "stark contrast between promises and performance" (Jackson and McRobie 1998: 11), and undermining New Zealanders' populist sense of electoral accountability.

Faced with the imperative of reforming the country's inefficient economic system, both parties pursued increasingly unpopular policies (Boston 1987a; Boston and Holland 1987; Boston and Dalziel 1992), leaving those who remained unconvinced about the need for austerity, or the unequal way it was to be borne across the community, with no effective voice. Then, minor party failures to win seats with their votes only confirmed voters' worst fears: that the system itself was profoundly biased in favor of major party alternatives, both of which were increasingly viewed as undesirable (Jackson 1993: 17).

The result, aided by increasingly unaccommodated minority group representation and the rise of "new issues" such as the environment and feminism, was a pervasive dealignment. More specifically, New Zealand experienced declines in party identification and strength of partisanship (Levine and Roberts 1994a: 151–2); reduced party membership (Jackson and McRobie 1998: 11); steady erosions in turnout (McRobie, 1991: 165; Vowles 1994b); declining levels of political efficacy (Lamare and Vowles 1996: 336); rises in the number of volatile and undecided voters (Vowles and Aimer 1993: 218; Jackson and McRobie 1998: 11); and increases in minor party voting (Vowles and Aimer 1993: 41–3; Vowles 1995), as well as evidence that a number of voters were voting strategically for the lesser of the two major party "evils" in order to avoid wasting their votes on minor parties with no realistic chance of winning (Vowles and Simpson 1994).

Finally, and of central importance to explaining the rise of popular support for electoral reform, New Zealand saw a significant decrease in the number of voters who had trust and confidence in their parliament and politicians (Jackson 1993; Vowles 1995: 102; McRobie 1997b: 329). This decline included the erosion of the perception, especially among minor party voters, that the existing plurality system was capable of accommodating their concerns (Levine and Roberts 1993a: 158; Levine and Roberts 1994a: 148). Once the process of dealignment had begun to gather pace, it put further pressure on New Zealand's plurality electoral system, because alternative parties and issues remained essentially unrepresented, while the major parties appeared to voters to be governing without a popular mandate—their electoral majority "manufactured" by the electoral system.

The next two sections follow up these arguments in detail and examine the role of minor party voting and minority group under-representation in New Zealand's plurality system in precipitating support for electoral reform. As

we will see, both patterns served to heighten voters' sense of grievance about what they increasingly saw as a deficient electoral system.

Minor Party Under-Representation

Minor party voting and its disproportionately low translation into parliamentary seats is not a new process in the New Zealand landscape. Rather, as we will see, increased under-representation during the recent era of dealignment served to sharpen voter resentment both at being unable to vote for viable partisan alternatives, and at the fact that eroding major party support seemed not to affect their ability to retain government. In a vicious circle, then, increasing minor party support had the consequence of diminishing the proportionality of New Zealand's election outcomes, thus highlighting the impotence of voters' disaffection.

McRobie notes that for more than sixty years New Zealand's electoral system produced single-party governments, many of which had "significantly inflated parliamentary majorities" (1997b: 331). Indeed, between 1935 and 1993 the victorious party won an average of 58.1% of the parliament's seats, with an average of 46.6% of the total vote. Across these same years, however, minor parties—whose recurrent existence in New Zealand was "facilitated" by the country's small size, thereby reducing the startup costs of building new party organizations (Vowles 1995: 99)—averaged 12% of the vote, but won only 0.1% of parliament's seats. This representational disadvantage reached its zenith in the 1993 election, when Labour and National won 69.8% of the total vote, but secured 96% of parliament's seats, while the remaining third of votes secured only four seats in the parliament. Thus, as Jackson and McRobie conclude, New Zealand for these sixty years "represented a classic 2-party system" in which one of the two major parties "had always won and maintained a clear majority of seats" (1998: 10–11). Since 1954, though New Zealand consistently saw minor parties contest elections, no minor party ever won more than two seats in any given election before 1996.

These trends and details are evident in Figure 4.1 and Table 4.2. While the pattern in Figure 4.1 is uneven, a steady downward trend can be seen in the proportion of the electorate voting for the major parties. The disproportional translation of votes into seats is brought into especially sharp relief from 1978 on, as partisan dealignment began to take hold. Table 4.2 records actual party vote and seats for all elections since 1969 and shows a consistent pattern of representational disadvantage for the minor parties through the years.

With the 1978 election, New Zealand's voters began to react to the system's disproportionality. National's election victory, secured with fewer votes than Labour, served to "undermine public confidence in the electoral system"

Figure 4.1 Vote and Seat Share of the Major Parties, New Zealand General Elections, 1935–93
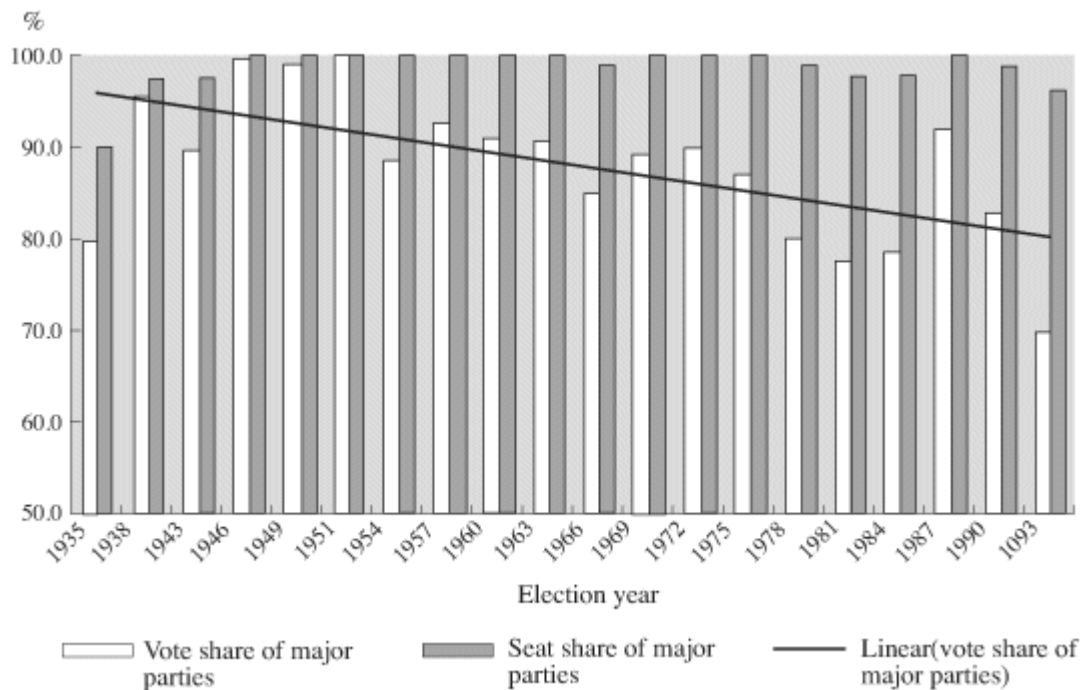
(Jackson and McRobie 1998: 12). Indeed, Vowles argues that 1978 was a "political watershed election for the cause of electoral reform" because the disadvantage so well known by Social Credit and Values Party supporters was finally felt by Labour Party activists as well. It was, he suggests, the first time "serious political consideration of alternative electoral systems" had been contemplated within major party ranks (Vowles 1995: 100). Then, as if to underscore the point, National won the 1981 election, again securing victory with fewer votes than Labour's tally, while Social Credit's 21% of the votes won them only two seats. These successive unrepresentative outcomes, argues Vowles, exceeded the tolerance of voters' patience in the plurality electoral system and "sowed the seeds of the electoral reform movement" (1995: 3, 100).

This nascent reformism received further reinforcement in 1984, when 12.3% of the electorate voted for the fledgling New Zealand Party, only to have its zero share of seats assure a "meteor-like passage . . . across the electoral landscape," thus adding to already eroding voter confidence (McRobie 1993b). This period also saw the first partisan politicization of the link between minor parties and electoral reform, with Social Credit, from 1972 on, promising in its election manifesto that it would introduce proportional representation, while the Values Party proposed a mixed-member majoritarian

Table 4.2. Party Seats and Votes in New Zealand General Elections, 1969–93

Party	1969	1972	1975	1978	1981	1984	1987	1990	1993
Labour									
Votes %	44.2	48.4	39.6	40.4	39.0	43.0	48.0	35.1	34.7
Seats (%)	39 (46.4)	55 (63.2)	32 (36.8)	40 (43.5)	43 (46.7)	57 (60.0)	57 (58.8)	28 (28.9)	45 (45.5)
National									
Votes %	45.2	41.5	47.6	39.8	38.8	35.9	44.0	48.2	35.0
Seats (%)	45 (53.6)	32 (36.8)	55 (63.2)	51 (55.4)	47 (51.1)	36 (37.9)	40 (41.2)	68 (70.1)	50 (50.5)
Social Credit									
Votes %	9.1	6.7	7.4	16.1	20.7	7.6	—	0.9	—
Seats (%)	0 (0.0)	0 (0.0)	0 (0.0)	1 (1.1)	2 (2.2)	2 (2.1)	—	0 (0.0)	—
Values									
Votes %	—	2.0	5.2	2.4	0.2	0.2	0.1	—	—
Seats (%)	—	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	0 (0.0)	—	—
New Zealand									
Votes %	—	—	—	—	—	12.3	0.3	0.0	—
Seats (%)	—	—	—	—	—	0 (0.0)	0 (0.0)	0 (0.0)	—
Alliance[a]									
Votes %	—	—	—	—	—	—	—	—	18.2
Seats (%)	—	—	—	—	—	—	—	—	2 (2.0)
New Zealand First									
Votes %	—	—	—	—	—	—	—	—	8.4
Seats (%)	—	—	—	—	—	—	—	—	2 (2.0)
Others									
Votes %	1.5	1.5	0.2	1.3	1.4	1.0	7.2	15.8	3.7
Seats	0	0	0	0	0	0	0	1[b]	0
Total seats	84	87	87	92	92	95	97	97	99

[a]   The Alliance consists of several minor parties, including Green, NewLabour, Democrat, and Mana Motuhake (a Maori-rights party).
[b]   One seat won by NewLabour Party, which obtained 5.2% of the vote.

Sources: Mackie and Rose (1992); Levine and Roberts (1994b: 247).

system (known as "supplementary member" in New Zealand). As such, they became the "first parties in fifty years to promote electoral reform" (Jackson and McRobie 1998: 162–3)—echoed more recently in calls by New Labour, the Christian Heritage, and the Alliance to implement proportional representation.

At this same time, New Zealand increasingly saw dramatic swings in the major parties' fortunes, punctuated by ephemeral "landslides". These temporary positions of strength, argues Vowles, helped to prompt parliamentary parties' sense of arrogance since, "deceived by their dominance of parliament, such landslides can overestimate their voting support" (Vowles 1995: 98). Even record defeats—as with Labour's change in fortunes from 1990 to 1993—could be erased and turned to near victory, without recapturing any voter support. From the 1970s on, suggest Jackson and McRobie, these sorts of major party reversals and minor party episodes were clear signs that "public confidence in both major parties was in decline." Lifetime habits of voting were "breaking down in what was to become a process of dealignment" (1998: 11).

In short, New Zealand's increasingly noteworthy levels of minor party voting, constrained as they were by a plurality straitjacket, had the potential to lull parliamentary parties into unaccountable actions, while fuelling voters' increasingly fervent distrust of a system that afforded no viable electoral outlet for their frustrations. If typical voters had not begun to associate their electoral frustrations with the cause of electoral reform per se, the Royal Commission in 1986, by highlighting this sort of disproportional representation as "unfair" and recommending proportional representation and multi-party government as a solution, provided a "direct link" between the two (Vowles 1995: 8). As we will see, this was vital in legitimating the cause of electoral change.

Minority Group Under-Representation

Plurality electoral systems have long been argued to under-represent ethnic minorities, women, and individuals from lower social class background (Bogdanor 1984). Where significant numbers of a minority exist, but are not concentrated in a geographical area, the plurality system may well fail to provide sufficient representation to avoid their political alienation. And, indeed, as one would expect, New Zealand's plurality system has been associated with the under-representation of, especially, Maori and women, while it has over-represented farmers, men, and professionals (Lamare and Vowles 1996: 324). Thus, its plurality system was premised, in an important sense, on the "long-held assumption that New Zealand is basically a homogeneous society"—an

assumption that, across the last quarter-century, has decreasingly reflected its socio-cultural reality (Jackson and McRobie 1998: 10). Beginning in the 1970s, New Zealand consciously distanced itself from Britain, experienced a resurgent, independent identity for the indigenous Maori community, and underwent "steadily increasing emphasis upon bi- and multi-culturalism", especially the "accommodation of the needs of the Maori population" (Jackson and McRobie 1998: 7; Roberts 1995: 9). Maori activists increasingly called for broader representation in the nation's political process, not based purely on numerical representation, but on greater participation in keeping with the principles of racial partnership—demands that stood to "conflict head-on with the principles of simple majoritarianism" (Jackson and McRobie 1998: 5).

New Zealand has had a highly visible, significant Maori minority—13% in 1874; dramatic declines in numbers across the next seventy-five years, but then rapid population growth (outstripping that of individuals of European origin), rising since the 1950s to 12.5% in 1990 (Jackson and McRobie 1998: 204–7). Historically, Maori interests have been accommodated in parliamentary representation through the provision of special electoral districts, with separate electoral rolls. This representational mechanism, introduced in 1867, remained in place until 1996. Under the current system there are six Maori seats, though the number depends on both fluctuations in the Maori population and whether or not Maori choose to register on the Maori roll or the general electorate roll.

From the 1970s on, however, because the number of districts for the general electorate rose while Maori seats remained fixed at four, Maori became "substantially unrepresented"—this despite their increasingly fervent desires for a stronger parliamentary voice (Jackson and McRobie 1998: 267). This was exacerbated, argues Boston, by the tendency of the separate Maori seats to discourage Maori from seeking a major party nomination in a general electorate seat, a pattern that has weakened somewhat in recent years with growing numbers contesting and wining general electorate seats (Boston 1987b: 107). It also reflected the Maori dependency on their association with Labour since the 1930s—an affinity that hurt their ability to have their concerns represented in parliament, given Labour's frequency in opposition since World War II (Boston 1987b: 107).

The Royal Commission closely considered the issue of Maori under-representation and the implications of alternative electoral systems. It concluded that, though New Zealand's plurality system provided guaranteed representation for Maori, it also disadvantaged them through separating their representation from that of the European population. Its recommendation was that the separate Maori seats should be abolished and, along with them, the separate Maori roll. Because Maori opinion was strongly opposed to losing their guaranteed seats (Boston 1987b: 107–8), their wishes were ultimately

accommodated under the new system. Quite clearly, though, the Royal Commission felt that MMP alone would force parties to accommodate Maori interests, despite their relatively small proportion of the electorate, through the prominent placement of Maori candidates in their party lists. The Royal Commission also proposed waiving the (now 5%) legal threshold for "parties representing primarily Maori interests", in order to boost the profile of Maori concerns in the parliament—a proposal rejected in the final formula (Jackson and McRobie 1998: 208–9). In the end, given the inherent importance of Maori under-representation, the emphasis of the Royal commission on minority representation, and the debate generated by alternative plans to resolve the deficiency, Maori under-representation assumed a prominent profile in the public consideration of electoral reform in 1993.

Women in New Zealand have also been historically under-represented by New Zealand's plurality system, with the parliament long "dominated by males" (McRobie 1997b: 332). While the first woman legislator was elected to parliament in 1933, it was not until the 1993 election that women represented 20% of the total legislators in parliament (McRobie 1997b: 333). This historic gender bias is also evident in the fact that "there had only ever been 36 women legislators until 1993—compared with almost 2000 men" (Donald 1998: 43). Furthermore, a majority of those women legislators elected were from one party; Labour. As McRobie notes, "only once in the last four plurality elections did Labour not have more than half of all women (legislators) in its ranks" (1997b: 333). In short, as with Maori and other ethnic groups, because it is focused on the creation of winning vote tallies, plurality in New Zealand has historically under-represented women and their concerns. MMP, argued the Royal Commission, stood to improve the representational fortunes of women, as it would those of Maori and Pacific Islanders, largely through the mechanism of party lists. Party entrepreneurs were assumed to pursue broad, balanced appeals to a variety of smaller groups and special interests in the electorate by assuring prominent placement in the party lists of candidates who were chosen precisely to appeal to voters on the basis of those interests (Boston et al. 1998a: 32).

All told, the Royal Commission's report in 1986 served to intensify the public consideration of the issue of minority group representation (Jackson and McRobie 1998: 15). Subsequently, the parties in the 1993 referendum campaigns emphasized the relative benefits of the plurality system and MMP in meeting the representational needs of minority groups. Thus, the more diffuse frustrations of minority voters regarding their lack of representation were focused by the Royal Commission and then by the parties' campaign appeals. At the same time, the party organizations began to design their party lists with the tactical maximization of these sorts of appeals in mind—keeping a "close eye to the profiles of their public support" (McLeay 1997: 24, 28).

All in all, though perhaps not as broadly evident an issue across the electorate as minor party disproportionality, minority underrepresentation came to constitute an important component in the consideration of electoral reform. Underscored by New Zealand's increasingly heterogeneous society and increasingly outspoken demands for broader representation—themes that were strongly emphasized by the Royal Commission—this issue was touted as an important reason for supporting electoral system change.

Economic Liberalization and "Elective Dictatorship"

New Zealand's Westminster system inherently contained the potential for unbridled executive power being wielded at odds with the will of the electorate. It was a potential that was increasingly realized in the 1970s. In the context of ongoing economic crisis, resulting from oil-cartel-induced recession and subsequent balance-of-payment shortfalls, New Zealand elected National to government in 1975. Thereafter, Robert Muldoon, the leader of the new conservative government, began to introduce a variety of controversial policies which were opposed by "many of the party's traditionally conservative and economically liberal supporters" (Vowles 1995: 100). Many of his "Think Big" strategies involved an ad hoc use of state intervention in ostensibly market processes—the idiosyncratic nature of which rang the first alarm bells in New Zealand about both the system's potential for unchecked executive power and the pursuit of programs never presented to the electorate for consideration. Then, as we have seen, although a plurality of voters supported Labour in the 1978 and 1981 elections, National was returned to government in both, thus frustrating the electorate's intentions to "throw the rascals out".

Ongoing economic problems and a rigid, regulated economy created the backdrop for Labour's election in 1984, led into office by a cabinet coterie of market-liberal reformers. They were dedicated, essentially ideologically, to the reversal of Labour's traditional state interventionism and, in its stead, to the maximization of free market incentives and self-provision (Denemark 1990b: 282). Thus, over the next three years, Labour abandoned outright more than a generation of social democratic commitment to full employment, welfarism, progressive taxation, mandatory unionism, state ownership of key industries, and a regulated economy, in what represented a "decisive break with the past" (Boston and Holland 1987: 2).

Instead, the Fourth Labour Government zealously pursued cuts in marginal income tax rates, imposed a goods and services tax, slashed the role of the public sector amidst a new "user pays" principle, privatized state-owned assets, and put an end to mandatory unionism, centralized wage-fixing, and

statutory incomes, while promoting a fundamentally deregulated economy. To a shell-shocked electorate, it was clear that Labour had pursued a top-down program of dramatic and unannounced economic reforms in what appeared to most voters as "the politics of surprise" (Vowles and Aimer 1993: 147). Indeed, Labour's cabinet-led policies were viewed by many voters, including Labour supporters, as fundamentally "inconsistent with its previous traditions" and were introduced without any prior warning or consultation (Vowles 1995: 100). Nonetheless, riding a tenuous wave of support caused, in part, by New Zealand's short-lived stock market boom, Labour won its appeal for "three more years" from a sceptical electorate largely through tapping residual partisan loyalties and assuring voters it would use its second term to return to the social policy agenda (Denemark 1994: 23–5).

Labour's cabinet reformers ignored its own campaign promises and marched on in its second term with further user pays policies, additional privatizations of government assets, and a new battery of welfare reforms (McRobie 1991: 159). This caused deep division within the ranks of its own parliamentary party, and between the parliamentarians and both the party rank and file and the party's base of support. As a consequence, in the lead-up to the 1990 election, Labour faced the prospect of its electoral destruction—something that most of Labour's own organizational leadership attributed to voters' rejection of Labour's radical economic reforms. Fearing retention of as few as ten seats, Labour waged the 1990 campaign, including an eleventh-hour leadership switch, purely to survive (Denemark 1994: 27–9). This it did (with twenty-nine seats), but perhaps only because voters equally distrusted National, which many felt seemed to offer only the same policies as Labour or worse (see Denemark 1999).

Thus, as the culmination of six years of rising voter disaffection, Labour was voted out of office in a resounding "act of vengeance" (Vowles and Aimer 1993: xi), suffering a 9.6% uniform swing against it and the largest loss of incumbents since 1935 (Vowles and Aimer 1993: 1, 25). At the same time, however, reflecting the voters' choice between two undesirable major party alternatives, the 1990 election pointed to deep-seated voter distrust, and not merely a vehement replacement of the incumbent by opposition. New Zealand saw the lowest election participation in fifty years and the second lowest turnout in recent elections, as well as record high levels of volatility, near-record levels of non-enrolment and huge increases in minor party voting (Vowles and Aimer 1993: 41–3). In one of the clearest political signals in New Zealand's electoral history, Labour had been driven from government for ignoring the will of the electorate.

And yet, wholly ignoring the lessons of the 1990 election, and breaking its own campaign slogan of "Creating a Decent Society," the new National government used its most decisive election victory as a springboard to implement a further battery of economic liberal policies which "directly violated" its pre-election

promises (Nagel 1998: 251). Indeed, National's reform policies constituted the most radical social policy agenda in New Zealand's history (Boston and Dalziel 1992): it revolved around further efforts to pare back the welfare state while promoting self-sufficiency, and included the retention of a surtax on government pensions, despite campaign promises to abolish it. The result, virtually immediately, was the plummeting of National's opinion poll popularity to an all-time low for any government (Vowles et al. 1995: 8).

But of greater consequence was the fact the voters' attitudes, shocked by the violation of their expectations of a new, more evenhanded government, increasingly reflected the sentiment that "unpopular government had been apparently maintained in power by the electoral system alone" (Vowles 1995, 101). Thus, the unrelenting pursuit of unpopular policies by both major parties, each violating their election promises, brought home the fact in the clearest way possible that voters had no viable electoral alternative. It was a political sentiment that can be seen as constituting a major, if not *the* major, influence on voter decisions to support electoral system change (Lamare and Vowles 1996: 4; also see McRobie 1997b: 329). As Vowles et al. summarize:

> Elite-driven agenda of change had inflicted "pain" on many people between 1984 and 1993, and the normal mechanism of elections had made no difference. If even changing the government, as in 1990, failed to stop or even slow the process, then changing the way governments were elected might. (Vowles et al. 1995: 8)

Thus, given the inability to use partisan alternatives to express the desire for political change, voters turned increasingly to reforming the electoral system itself, in an attempt to forge a new, more responsible and accountable, perhaps consensual, politics in New Zealand. Nagel concludes this "desire to regain control government was undoubtedly a major motive underlying the successful electoral referendum" (1998: 252). As we will see in the next section, voters were given the formal means for doing just that—ironically, by the major parties they so desperately sought to punish.

Electoral Change in New Zealand: Shugart's Model Applied

All told, the New Zealand experience may be seen as corroborating Shugart's contention that electoral systems marked by extreme electoral inefficiencies in the interparty and intraparty dimensions are prone to certain pathologies that sow the seeds for reformist movements to emerge (Chapter 2). Predominant in those pathologies are those that Shugart identifies at the pluralitarian end of the interparty dimension—minority-supported parties winning government—while minor party voters and minority group members remain virtually without parliamentary representation. Combined with successive

governments' vehement pursuit of radical, unpopular economic reforms, this pluralitarian form of parliamentary power increasingly appeared to voters to be buttressing governmental unaccountability through the manufacture of majorities for otherwise unpopular governments.

Once in office, New Zealand's single-chamber parliament and its tradition of cabinet-dominated, disciplined party government sustained what came to be seen widely as an executive-led arrogance, removed from voters' sentiments, and dismissive of backbench unease about the course of economic reform. Thus, despite the historical salience of personal votes for individual legislators within single-member districts, New Zealand's parties have always dominated both voter predispositions and, once in office, parliamentary power. Though less significant in explaining the rise of support for electoral reform in New Zealand, the tendency toward organizational cabinet domination, which was broadly dismissive of both the parliamentary backbench and the party organization and membership, nonetheless played an important role in promoting parliamentary party rupture, especially in the Labour government's second term (1987–90)—the public portrayal of which further fuelled voter disaffection (see Denemark 1994).

In short, while New Zealand's pluralitarian concentration of parliamentary power helped to sustain popular, efficacious programmatic government for more than a generation, its extreme qualities ultimately promoted a number of representative inefficiencies. Primarily within the interparty, but also within the intraparty dimensions, these pathologies, as Shugart's model predicts, were instrumental in generating popular support for electoral reform.

The 1986 Royal Commission on the Electoral System

New Zealand's voters were given the chance to transform the fate of the nation's electoral system through an ironic, vote-motivated set of maneuvers by the major parties, which were intent on creating the allusion of accommodating voters' concerns for electoral reform while, in fact, remaining fundamentally opposed to change. The strategic decisions to create a Royal Commission on the Electoral System, and to conduct an indicative referendum (September 1992) and then a binding referendum (November 1993) on electoral reform, reflected precisely the major party arrogance that voters ultimately were allowed to punish in the two referendums. This section examines the course of events leading to the Royal Commission and reviews its findings and recommendations. This is followed by a section that explores voters' reactions to the electoral alternatives highlighted by the Royal Commission.

The New Zealand Labour Party's support for the plurality system had been made imperative by party self-interest since it achieved major party status in

the 1930s. However, Labour's failure to secure government in 1978 and 1981, despite winning more votes than National, served to jolt Labour caucus complacency, as it was they and not merely minor parties who had been disadvantaged by the electoral system. Combined with the resultant erosions in popular support for the plurality system, argues Boston, "it was inevitable that there would be growing pressures for a review of existing electoral arrangements and an exploration of the alternatives" (1987b: 106–7).

At this time, Labour encountered in its midst an electoral reform zealot who was able to plant the seed of electoral reform. A "genuine and committed reformer," Geoffrey Palmer had quickly become Deputy Prime Minister and used his cabinet prominence both to promote the cause of electoral reform and to place in the 1981 and 1984 Labour Party election manifestos a proposal for a Royal Commission to inquire into alternative electoral arrangements (Jackson and McRobie 1998: 97). Thus, Labour came to power in 1984 publicly committed to reviewing the electoral system. Nonetheless, with "little support for PR in the Labour Caucus at the time," the decision to allow Palmer in 1985 to set up a Royal Commission on electoral reform was approved only because it was felt to pose no threat (Jackson and McRobie 1998: 41–6), while it was believed that its findings could always be shunted, if necessary, to obscurity in a parliamentary committee. In short, New Zealand was given a Royal Commission which was ultimately to have "far-reaching and politically disruptive consequences," despite having lacklustre support from the government initiating the review.

Palmer, as Deputy Prime Minister and Minister for Justice, was involved closely in the process of selecting the five-member Royal Commission: Mr Justice Wallace, Chair (a High Court Judge), John Darwin (a former government statistician), Professor Ken Keith (a constitutional lawyer), Professor Richard Mulgan (a political theorist), and Whetumarama Wereta (a research officer). While it has been argued that the Commissioners were "certainly not chosen because of their known support for PR" (Boston 1987b: 108), the Commission's findings nonetheless closely echoed those pro-PR reforms advocated by Palmer (see Palmer 1979).

Given wide-ranging terms of reference, the Commission considered a variety of issues dealing with representation, especially the extent to which the existing and alternative systems allow "fair" and "effective" representation of minority members of society and their interests. These concerns led the Commission to adopt ten criteria by which to test the relative merits of the existing plurality system and various alternatives:

1. fairness between political parties;
2. effective representation of minority and special interest groups;
3. effective Maori representation;
4. political integration;
5. effective representation of constituents;

6.   effective voter participation;
7.   effective government;
8.   effective Parliament;
9.   effective parties;
10.   egitimacy

(RCES 1986: 11–12)

The Royal Commission took two years to produce its report, having received hundreds of submissions, conducted public hearings, and visited five countries (including West Germany) to review the operation of different electoral systems (Boston 1987b: 108). In its December 1986 report, the existing plurality system was judged by the Commission not to deserve support as the best electoral system on any of the ten criteria (Jackson and McRobie 1998: 112). MMP, on the other hand, reflecting the Commission's emphasis on achieving fairness between political parties, was placed first among the alternative systems considered on seven of the criteria, including effective Maori representation, effective voter participation, effective Parliament, effective parties, and legitimacy. Of the ten, argues McRobie, the Commission's support of MMP "stands out" in three: (1) fairness between political parties, because of the Commission's concern to achieve a fairer reflection of party support in choosing a government; (2) effective representation for significant minority and special interest groups, given the Commission's concern that elected representatives reflect a broad set of interests and characteristics of the electorate; and (3) fair and effective Maori representation, given the Commission's criticism that New Zealand's indigenous people had been under-represented for more than forty years (McRobie 1997b: 330–1).

MMP: Advantages and Disadvantages

The following is a list of advantages and disadvantages of the MMP electoral system presented by the New Zealand Royal Commission's research officer.

Advantages

- High degree of proportionality
- Minor parties encouraged
- Encourages consensus decision-making
- High turn-outs
- Retains single-member constituencies
- Allows parties to appoint women, experts, or minorities
- Flexibility (possibility to endorse or oppose a candidate while still registering support for the party)
- Few "wasted" votes, even in "safe" constituencies
- Able candidates in marginal electorates can be retained, despite adverse swings, because of the list system

- Allows parties to have representation in areas where they cannot win single-seat districts
- Can be used to free-up cabinet member from electorate duties
- Coalition government is a more attractive option to moderates within each major party than to extreme factions
- The threshold provides near proportionality for strong parties but a plurality effect for weaker parties
- The limited number of parties (and hence coalition options) contributes to stability and encourages moderate policies

(cited in Jackson and McRobie 1998: 120)

Disadvantages

- A substantial increase in the number of seats required, or there would be a marked increase in the size of electorate seats (a particular problem in rural areas)
- Potential for manipulation, especially with coalition deals
- Successful minor parties would attain undue power
- Parties not voters would determine governments
- Party lists offer considerable influence to parties; e.g. candidates rejected by the electorates could be "elected" by the party list
- Complexity of the system with the confusion of the two ballots
- Two classes of MP may develop with list MPs treated as inferior
- The system is merely a means of disguising a party list system
- Government change may not take place at general elections
- No guarantee that the most popular party will gain even a share of government

(cited in Jackson and McRobie 1998: 121)

All things considered, the Royal Commission recommended the abandonment of the plurality system because, despite its effective representation of constituencies and its constructive role for parties in parliament, it viewed plurality's under-representation of minorities and small parties as "grossly unfair" (RCES 1986: 28)—a lack of justice that was felt to be "totally unacceptable and outweighed the positive feature of the system" (Boston 1987b: 111). It was especially this criticism, argues Boston, which led the Commission to turn to proportional representation as an alternative.

The Commission concluded:

> MMP is clearly superior. It is fairer to supporters of significant political parties and likely to provide more effective representation of Maori and other minority and special interest groups. It is likely to provide a more effective Parliament and also has advantages in terms of voter participation and legitimacy. (RCES 1986: 63)

Among the several systems explored by the Commission, MMP and single transferable vote (STV) were the two most strongly supported. In the end, the Commission's unanimous endorsement of MMP over STV reflected, especially, three of the Commissioners' concerns: high proportionality between a party's votes and the seats it secures with those votes, the ongoing use of

constituency legislators, and the likelihood of securing popular support, given MMP's retention of a constituency representation component (Boston 1987b: 111).

All told, the Royal Commission's report slammed the plurality system as "unfair" and "unrepresentative" while it strongly supported MMP as a way to maximize the representation of the diverse interests and opinions of the New Zealand electorate and to promote a long-frustrated desire among the voters for the renewal of popular accountability. In so doing, the Commission's criticisms of the existing system's failings provided a direct link" between the voters' diffuse sense of political disillusionment and the cause of electoral reform. Though receiving little support at first, the Commission succeeded in introducing what slowly became a "catchword for more democratic and accountable government: MMP" (Vowles et al. 1995: 8). The only problem, of course, was that both major parties were intent on consigning the issue of electoral change to oblivion, and voters had no formal means for forcing parliament to effect reform.

The 1992 and 1993 Referendums

Following the Royal Commission's report, the Labour cabinet and caucus's reactions "ranged from cool to hostile," given its open distrust of coalition government, and Members' fears of being affected personally by a system that would reduce the number of electoral districts. As such, "all indications were that the Report would be quietly left to moulder on library shelves" (Jackson and McRobie 1998: 46). It is ironic, then, that the survival of the electoral reform issue and the genesis of a plan for conducting referendums would come largely from the actions of Prime Minister David Lange, who " 'bequeathed' the country a new electoral system without meaning to" (Jackson and McRobie 1998: 46). During a 1987 election campaign leaders' TV debate, in an unscripted comment that contradicted his briefing notes and Labour Party policy, and which was likely intended merely to score debate points by surprising the National leader into a flat-footed response, Lange said he would refer the Royal Commission report to a parliamentary Select Committee and "a referendum thereafter will be held". Lange re-emphasized in his comments that the referendum result would bind the government (Jackson and McRobie 1998: 47). Thereafter, in the ensuing media tumult, Geoffrey Palmer was given the chance to fan the flames of electoral reform by stating and restating his support for Lange's proposal. Ironically, because of the depth of voter disillusionment at the time, Labour was not free to smother the statement, or rescind it, lest they suffer even further electoral damage for breaking yet another election promise. In short, in a "political paradox bor dering

on the bizarre, Lange had, in effect, single-handedly firmly placed back on the political agenda an issue to which he was personally opposed" (Jackson and McRobie 1998: 52).

What followed was three years of shunting the issue of electoral reform around within the parliament and Labour Caucus, while it slowly faded from the public's view, only to see it again brought to prominence, this time by the National Party. Equally opposed to electoral change, National too became a strategically motivated promoter of electoral reform. National felt that, because Labour was attempting to hide from its earlier gaffe, while proposing publicly only the loosest of support for an indicative referendum in its 1990 election manifesto, it could score points from a disillusioned electorate by endorsing a binding referendum (see Jackson 1993: 19; Vowles 1995: 103). Thus, attempting to manipulate voter disaffection for political advantage, National attempted to "outflank Labour" by upping the ante with a binding referendum, only to find, once elected and confronted with deep voter resentment at its broken economic policy promises, that it too could not back away from its referendum proposal. In the end, it was hoped that the two-referendum plan, the first indicative and the second binding, would give the public time to cool on the idea of change (Jackson and McRobie 1998: 81–6). Indeed, National remained cautiously confident that "any referendum on electoral reform would confirm the status quo" (Vowles 1995: 103).

The 1992 Indicative Referendum

The first, indicative, referendum was held on September 19, 1992. This asked voters to answer two questions. First, they had to choose between retaining the existing plurality system or changing it. Then in the second part they could indicate which of four alternative systems they preferred: Mixed Member Proportional, Supplementary Member, Single Transferable Vote, or Preferential Voting. On the day, turnout was only 53.5%. Of these, 84.7% chose to change the electoral system, while only 15.3% favoured retaining the plurality system. Of the four alternative systems, 70.5% chose MMP, 17.4% for Single Transferable Vote, 6.6% Preferential Voting, and 5.5% Supplementary Member (see Table 4.3). The lopsided support for MMP among the four alternative systems was the product, by and large, of the Royal Commission's endorsement of MMP as the "best voting system for New Zealand's present and future needs" (RCES 1986: 64) and MMP's likelihood of providing both multi-party government (Lamare and Vowles 1996: 327) and more responsive parties (Vowles et al. 1995: 186). The overwhelming support for electoral change effectively forced the National government to proceed with the plan to place the issue of plurality versus MMP on a binding referendum (Vowles et al. 1995: 175), to be held in tandem with the 1993 general election.

Table 4.3. Results of New Zealand's Indicative Referendum, September 1992 and Binding Referendum, November 1993

	Votes	
	No.	%
The 1992 Indicative Referendum		
Part A: Status Quo or Change		
Retain the plurality system	186,027	15.3
Change the electoral system	1,031,257	84.7
Total	1,217,284	
Part B: Preferred Alternative		
Mixed Member Proportional (MMP)	790,648	70.5
Single Transferable Vote (STV)	194,796	17.4
Preferential Voting (PV)	73,539	6.6
Supplementary Member (SM)	62,278	5.5
Total	1,121,261	
Turnout: 53.5%		
The 1993 Binding Referendum		
Retaining the plurality system	884,964	46.1
Mixed Member Proportional	1,032,919	53.9
Total	1,917,883	
Turnout: 82.6%		

Source: Jackson and McRobie (1998: 252, 255).

This result was a disaster from National and Labour's perspective, given their fervent hope that the referendum process would "contain and quell the growing clamor for reform". Instead, argue Vowles et al., it served to "highlight the dimensions of disillusion with existing electoral arrangements and reinforce the resolve of those campaigning for reform" (1995: 175). Indeed, the outcome reflected a "massive groundswell of support for change," the scale of which had been "unanticipated" by political analysts (Vowles 1995: 104). As Mike Moore, former Labour Prime Minister, stated on the day: "The people didn't speak on Saturday, they screamed!" (quoted in Levine and Roberts 1993b: 57). It seems clear this overwhelming victory for change was fuelled by voter dismay at the erosion of both major parties' accountability. In this sense, support for MMP was a display of "an unmistakable preference for the option generally seen as most damaging to the interests of the country's two major parties" (Levine and Roberts 1993b: 59).

The 1993 Binding Referendum

The buildup to the 1993 referendum on November 6 pitted a small, dedicated, grassroots pro-MMP lobby group, the Electoral Reform Coalition (ERC), against a much more extensive and better funded pro-plurality lobby, the Campaign for Better Government (CBG). While the former depended largely

on individual activists and had a budget of only $300,000 in 1993, the latter developed big business support. It is estimated that it spent over $1.5 million, much of it for counter-productive negative TV ads. For example, list legislators were portrayed as faceless parliamentarians with bags over their heads in an attempt to frighten voters who CBG research had shown were uneasy about the prospect of legislators being unaccountable to local voters (Vowles 1995: 111). Instead, however, these appeals appeared to many voters as ironic finger-pointing, given the widespread perception that parliamentarians under the old system were largely unaccountable (Jackson and McRobie 1998: 194). The CBG also played up the potential under MMP for a minor party holding the balance of power and dictating policy. This too rang hollow for most voters, many of whom were voting for MMP precisely because it would reduce the likelihood of single-party government and force multi-party consultation. But, given the depth of voter disaffection, the tactical approaches open to the pro-plurality campaign were limited—forcing the CBG, like the pro-MMP forces, to attempt to harness voter disillusion for best effect. Thus, as Vowles concludes, "in its broad strategy the CBG cleverly sought to mobilize New Zealanders' very distrust of and antipathy toward politicians against the cause of electoral law reform" (1995: 111).

The political parties, running their own campaigns at the same time for the 1993 general election, gave referendum voters a variety of cues. The Alliance strongly and publicly favoured MMP, while National vociferously opposed it. Labour was formally opposed to MMP but informally was split, with many members privately supporting electoral change. New Zealand First's leader, Winston Peters, privately favoured MMP, but the party took no formal stance. Whether through the provision of these cues, or by voters' differential perceptions of how the new system might effect their party, the 1993 party vote, as we will see, played an important role in predicting the 1993 referendum vote.

Parliament, for its part, selectively applied the Royal Commission's recommendations in formulating the legislation necessary to implement the referendum, thereby effectively disadvantaging the chances of success for electoral reform. First, it ignored the Commission's recommendation for increasing the number of legislators under either MMP or the plurality system, if it was retained. Instead, anticipating voters' disdain for politicians, the MMP parliament would have 120 legislators, while under a plurality system the House would continue to have 99 legislators (Levine and Roberts 1994b: 243). This allowed the anti-MMP campaign to run ads reminding New Zealand's disaffected voters that a victory for MMP would mean even *more* parliamentarians (see Denemark 1996: 103; also see Vowles 1995: 107). Similarly, it stipulated that the number of Maori seats under a plurality system would be fixed at four, while the number would float under MMP—anticipating voter suspicion of increased Maori representation (Levine and

Roberts 1994b: 243). It also forwarded the option of closed party lists, despite strongly negative opinions within parliament, because it would disadvantage MMP and enable opponents to attack it as a system of unaccountable party appointment power (Vowles 1995: 108). All told, it was widely felt that parliamentarians—most of whom supported plurality—had "deliberately tilted the playing field against proportional representation" (Levine and Roberts 1994b: 243).

In the end, however, the 1993 referendum remained a clear-cut opportunity for voters to punish a variety of perceived political shortcomings, especially the major parties' past unaccountability in their pursuit of economic reforms (Mackerras 1994: 36–8). While support for electoral change had clearly lost some of its steam since the 1992 indicative referendum, the dominant voting pattern between the two referendums was "continuity"—with 94% of plurality supporters in the 1992 referendum voting again in 1993 to retain the plurality system, while 71% of those who had voted for change in the 1992 referendum also voted for MMP in the 1993 binding referendum (Vowles et al. 1995: 176). Clearly, the reduction from four alternative systems in 1992 to MMP as the single alternative on the 1993 ballot had led to some loss of support for change, as did the scaremongering of the campaign in the lead-up to the 1993 vote. Nonetheless, as survey evidence suggests, the bulk of the gain in support for the plurality system came from the large ranks of nonvoters in the 1992 referendum, not from voter abandonment of MMP. Among the 1992 nonvoters, 41% moved to a plurality vote in the 1993 referendum, while only 26% moved to an MMP vote (Vowles et al. 1995: 176). Thus, fuelled by both widespread resentment at major party arrogance and the under-representation of minority groups in society, MMP—having been made a credible, desirable alternative by the Royal Commission—was turned to by voters desiring both to punish the incumbents and to establish a fairer electoral system (Boston et al. 1998b).

With an election day turnout of 82.6%, voters in the referendum were asked to choose between retaining the plurality system or switching to MMP. MMP carried the day by a narrow margin—winning 53.9% of the votes to 46.1% for plurality (with 0.8% casting informal votes). While the margin of victory was clearly narrower than in 1992, MMP received a clear majority and bound New Zealand to introduce MMP at the next general election, which was held on October 12, 1996.

This marked the culmination of more than a decade of voter resentment at a parliament that seemed to many to have become unresponsive to the will of the electorate. Certainly these concerns can be seen in survey analysis of the 1993 vote. Several significant factors emerge from Lamare and Vowles (1996) and Vowles et al.'s (1995) studies of individuals' 1993 referendum vote choice. These are detailed next.

Important Factors Influencing 1993 Referendum Vote Choice: Survey Evidence

Partisanship/Minor Parties

Reflecting the fact that parties issued reasonably clear cues about their anticipated benefits, while minor party supporters may well have had salient concerns about maximizing their minor party vote in a new system, 1993 Alliance voters strongly voted for MMP; National voters were strongly in favor of plurality, while Labour and New Zealand First voters were divided (and equally likely to support MMP). MMP's success, however, lay with the 8% of National voters who voted MMP, tipping the result.

Elective Dictatorship and Political Efficacy

Reflecting voters' disdain for the two main parties' abuse of trust in pursuing unannounced and unpopular economic reforms, those with low political efficacy and those who felt that economic reform had happened too quickly were significantly more likely to vote for MMP than for plurality. Also, those who strongly supported multi-party government were 41% more likely to vote for MMP than were those who strongly favored single-party government (Lamare and Vowles 1996: 334).

Minority Group Representation

Confirming, if weakly, expectations that Maori voters were frustrated with their representation under the plurality system, results showed they were (marginally) more likely to vote for MMP than individuals of European heritage (Vowles et al. 1995). In the Maori electorates, however, 65% voted for MMP against only 34.2% for plurality (Levine and Roberts 1994b: 246). Women, though, were no more likely than men to support electoral change (Vowles et al. 1995: 179). In short, only "moderate variance" for different social groups was found in support for MMP—despite the Royal Commission and Electoral Reform Coalition's campaign emphasizing the benefits to be realized under MMP.

Overall, then, while there is some evidence that voters may have been motivated more by the desire to punish the status quo and the government of the day than by the benefits of system change (Jackson and McRobie 1998: 16), Lamare and Vowles's (1996) findings parallel those discussed throughout this chapter. They emphasize the importance of voter distrust of unresponsive politicians in sustaining the drive for both electoral reform *and* a new accountability, and underscore in this process "the importance of perceptions of 'electoral dictatorship,' and its conflict with populist democratic expectation." Thus they conclude: "Low political efficacy combined with high populist expectations characterized the majority, and these sentiments

became focused most strongly in a rejection of an electoral system which manufactured "dictatorial" single-party governments, in favour of one in which multi-party governments would be able to flourish" (Lamare and Vowles 1996: 336–7).

Conclusion

New Zealand's vote to replace its 138-year-old plurality system with Mixed Member Proportional representation in 1993 marked the realization of the potential for reformism which was inherent in its focused pluralitarianism. For much of this century New Zealand's classic majoritarianism, premised on a single-chambered (after 1950) parliament dominated by executive-led, disciplined caucuses, had sustained both vibrant, programmatic government and the loyalty and trust of voters, who had come to appreciate decisive government. However, as Shugart has emphasized, such extreme forms of parliamentary systems have the potential to engender reformism, given the likelihood of non-majority voter support, under-representation of minority groups and issues, and the always-lurking possibility of executive arrogance, borne of its unchecked ability to implement policy against the will of the electorate. This is especially the case if both major parties converge on an unpopular course of action.

New Zealand experienced all of these factors—and its voters suffered their debilitating conflation from the mid-1980s, when successive Labour and National governments imposed harsh economic policies, having promised their attenuation. Amidst widespread, deep-seated voter disaffection, many voters turned to minor parties which were incapable of securing seats within the electoral logic of the plurality system. This, in turn, promoted a pervasive distrust of the electoral system itself, which was seen as manufacturing victories for major parties which were no longer deserving of their parliamentary hegemony. Then, instituted by the individual reformist zeal of Labour's Geoffrey Palmer, the Royal Commission provided legitimacy and focus for what had been diffuse criticisms of the plurality system, while it trumpeted MMP as "the best voting system for New Zealand". MMP then became the icon for a fairer alternative system, which was promised to reinstill a sense of voter accountability through the broadening of policy consultation, the securing of representation for minority interests, and the proportional translation of votes into seats.

New Zealand's voters were then, ironically, given the formal opportunity to determine the country's electoral system in two referendums—in part because the major parties had sought votes from a disillusioned electorate by promising reform mechanisms which they themselves opposed. Voters embraced proportional representation as a way both to punish the major

party incumbents and to affirm their populist desires for more accountable, responsive, consultative power in the parliamentary arena.

In short, as Shugart argues in Chapter 2, New Zealand's extreme concentration of focused parliamentary power ultimately unleashed a reformist genie it could not rebottle. Once voter distrust had broadly pervaded the ranks of the electorate, the major parties' efforts to side-step, and then manipulate, the electorate's jaded sensibilities only served to reconfirm their desire for change. Thus, the New Zealand case serves as a poignant reminder that, even in electoral systems where those major parties that exclusively benefit from plurality rules are the formal guardians of the mechanisms of system change, there is an inherent potential for mass resentment and an undeniable will for change.

Appendix: The MMP System in New Zealand: A Sketch

The Mixed-Member Proportional representation system that was approved at the November 6, 1993 referendum in New Zealand derives closely from the system utilized in Germany. Voters have two votes: one for a candidate to represent their local constituency (elected, as traditionally, using plurality rules) and one for a list of published, pre-selected and ranked candidates on party lists. Tallies of the list vote are used to determine each party's proportion in the 120-member unicameral parliament—of which 65 members are to be constituency legislators, and 55 elected from the party lists. Separate Maori seats are preserved—the exact number (and thus the share of other seats) to vary depending on population and the number of Maori opting to register on the Maori roll and not their geographical roll. (Originally allocated five seats, a 1997 Maori option resulted in the creation of a sixth Maori seat, resulting in 61 constituency seats, six Maori seats, and 53 list seats in the 120-member parliament following the 1999 election. See Table 4.1 for a chronology of electoral changes in New Zealand.)

If a party's list vote exceeds the 5% minimum legal threshold (approximately 100,000 votes) and its number of elected constituency legislators under-represents the proportionate level of support in the list votes, then list candidates, starting from the top-ranking candidate on that party's list, will be declared elected in order to bring the party's total number of MPs as close as possible to its proportion of the list vote. If a party fails to exceed the 5% list legal threshold, but wins at least one constituency seat outright, that party will be assigned its proportion of seats from the ranks of the list candidates. Votes for parties that fail to reach the 5% legal threshold or win a constituency are redistributed among the successful parties on the basis of their party list vote proportions. If a party wins more constituency seats than the total number of seats to which it is entitled overall ("overhang"), the party retains all its constituency seats, but does not share in the distribution of list seats. In the event of a constituency legislator vacancy arising from resignation or death during the parliamentary term, a byelection is held. If a vacancy occurs among the ranks of list legislators, it is simply filled by the next available person on that party's list from the previous election.

5 Reforming the Italian Electoral Law, 1993

Richard S. Katz

On April 18, 1993, the Italian electorate overwhelmingly (82.7% of those casting valid votes) approved a referendum that altered the electoral system for the national Senate. Unlike the 1993 referendum altering the electoral system in New Zealand, which came at the end of a lengthy process including an extensive study and report by a Royal Commission (Royal Commission on the Electoral System 1986), and which gave final popular approval to put the new electoral regime into effect, the Italian referendum was the catalyst that finally initiated change after long, but apparently futile, debate. And, rather than ratifying the selection of one system that had been deliberately chosen over others, the Italian referendum imposed, at least for the moment, the only reform possible, given that Italian referendums can only abrogate existing laws, but cannot impose new ones.

Background to the Referendum of 1993

Italian discussion of electoral reform did not begin in 1993. It had long been recognized that the Italian political system did not work well (e.g. Allum 1973; for a more positive evaluation, see La Palombara 1987). Much of the blame was laid by analysts at the doors of the parties and the party system, and of the electoral system, which was assumed to have been instrumental in creating and maintaining the conditions of fragmentation, factionalism, incapacity, instability, and irresponsibility that afflicted the Italian polity. There had been numerous proposals for electoral reform to cure these problems and, it was hoped, lead to the twin goals of moderate bipolarity and regular alternation in office (e.g. Pasquino 1982; Urbani 1984). Nonetheless, despite longstanding discussion within academic, journalistic, and political circles, the idea of electoral reform did not achieve prominence on the popular political agenda until 1991.

In 1991, Italians voted for the first time in a referendum concerning the electoral system. As it would be again in 1993, the question was whether only

a few words should be stricken from the electoral law. In this case, the subject was the electoral system for the Chamber of Deputies, and the proposal had the effect of reducing the number of individual preference votes (*voti di preferenza*) available to each elector from either three or four, depending on the size of his or her *collegio elettorale* (constituency), to one. The stated objective of the referendum's initiator, Mario Segni, was to reduce the corruption frequently assumed to be associated with preference voting, but the referendum was clearly understood by its supporters to be only the opening salvo in a campaign for more fundamental electoral reform (Bardi 1992: 454). Similarly, the overwhelming "yes" vote received by the proposal (95.6% of valid votes) was motivated less by the supposed virtues of this particular proposal than by a general dissatisfaction with the performance of the political system and a general desire for reform (McCarthy 1992: 11). Electoral reform—and institutional reform more generally—moved near to the top of the agenda.

The drive to collect signatures to put further reform to a referendum vote began in October 1991, and over 1,250,000 signatures were presented to the Court of Cassation in mid-January 1992. In January 1993 the Constitutional Court accepted a package of eight questions to be voted on in April (Corbetta and Parisi 1995: 78), including the questions of public finance of political parties and of reform of the electoral system for the Senate.

In addition to the long-standing problems of Italian governance, two developments between 1991 and 1993 were important in shaping the context and meaning of the referendum on senate electoral reform. The first was the rise of the Northern League (LN), and the second was the explosion of the *tangentopoli* investigations.

Various "Leagues" (Liga Veneta, Lega Lombarda) contested elections in the 1980s and early 1990s. In the 1987 election of the Chamber of Deputies, the Lega Lombarda won 186,220 votes (0.5%) and one seat, and the Liga Veneta won 298,743 votes (0.8%) but no seats (Mackie 1988); in the 1990 regional elections the various leagues had a bit over 5% of the vote, and by 1991 they held a few mayoral positions and almost 900 out of over 100,000 positions as local councillor. In 1992, however, the Northern League won 8.7% of the vote for the Chamber of Deputies and 55 seats, while the Autonomous Veneto League won an additional 0.4% of the vote and one seat. At the same time, the Christian Democrats (DC) lost 4.6% of the vote, the former Communists and reformed Communists (Partito Democratico della Sinistra (PDS) plus Rifondazione Comunista (RC)) lost 4.9%, and the Socialists (PSI) lost 0.7%, all compared with 1987. The new electoral situation was confirmed in local elections later in the year, with, for example, the Northern League winning 34% of the vote and the Alpine League a further 6.7% in September in Mantova, while the governing parties were able to muster only 23% among them.

The *tangentopoli* scandal began in early 1992 with the arrest of Mario Chiesa on charges of corruption. The resulting "clean hands" (*mani pulite*) investigation quickly spread to engulf the leaders of all of the government parties, and to implicate them not only in simple bribe and kickback taking, but with mafia criminality as well. By the time the 1993 referendum was held, both the personnel and the party organizations that had dominated Italian politics for the previous decade were thoroughly discredited.

In this context, and with the backing of all significant political parties except RC, the Italian Social Movement (MSI), the Greens (Verdi), and the Rete (Network), there was no real doubt that the referendum on the senate electoral law would be approved overwhelmingly, as indeed it was. The meaning of the result was, however, less clear. At the most general level, it might simply represent, along with the referendum abolishing state subsidy of the political parties, which was approved by an even wider margin, a vote against the current system—a nonspecific cry for reform. More substantively, it might be taken as popular endorsement of the principle that a more majoritarian electoral regime would solve at least some of the problems of corruption and incapacity afflicting Italian government. Finally, it could be taken as a popular imperative mandate for precisely the system left in place after the referendum was approved. Notwithstanding that it is clearly wrong from a juridical standpoint (according to the Constitutional Court, the only imperative imposed by an Italian referendum is that the abrogated law not simply be reinstated), this last interpretation received wide play in the parliamentary and popular debates that followed the referendum. Nonetheless, this interpretation, and indeed the second interpretation as well, must be tempered by recalling the constraints that referendums in general, and the Italian abrogative referendum in particular, place on voters. In general, they can only vote "yes" or "no" to the proposal put to them; thus, any "yes" vote can be taken only as a preference for the referendum proposal compared with the status quo, not as a preference in comparison to other alternatives that *might* have been proposed. And in the specific Italian case, the proposal made to the voters was dictated by the form of words of the existing law and the changes that could be made using only an eraser, rather than by any attempt to assess popular desires and to frame a referendum question that reflected them in advance. There was essentially only one proposal possible, and the voters had only the choice to take it or to stick with the status quo.

Immediate Impact of the Referendum

Italy has a bicameral parliament, with the government (Council of Ministers) equally responsible to both chambers. It is, therefore, essential to government

stability and effectiveness that the partisan complexion of the two chambers be compatible, if not identical. Prior to the referendum, this was basically guaranteed by the fact that both chambers were elected at the same time (although by slightly different constituencies) and both by reasonably proportional electoral systems. If the referendum result were left in place without some analogous change being made to the electoral system for the Chamber of Deputies, however, the two chambers would be elected by profoundly different systems, with every expectation that they would also have significantly different partisan compositions after the next election.

Under the old electoral regime, the Chamber of Deputies was elected by list proportional representation from 31 multi-seat constituencies (plus one single-seat constituency for the Valle d'Aosta) using the Imperiali quota and a national distribution of remainders. The order in which individual candidates were elected to fill their party's share of the seats in each constituency was determined by the individual preference votes cast by the party's voters in that constituency (Katz and Bardi 1980). In 1992, sixteen lists won seats in the Chamber, with an effective number of legislative parties (N) of 5.71 and a disproportionality index (D) of 5.08%.

The electoral system for the Senate looked quite different, but in reality was very similar in its effect. As dictated by the constitution, the twenty regions formed the primary districts (*circoscrizioni*). Each region was then divided into a number of subdistricts (*collegi*), which were similar to the nominating districts used in some list PR systems, such as Denmark. While the exact ratio between the number of subdistricts within a region and the number of senatorial seats assigned to the region varied, the overall number of subdistricts (238) was roughly three-fourths of the total number of directly elected senators (315).[39] When voting for the Senate, each elector would vote for an individual candidate within his or her own subdistrict. Within each subdistrict, the returning officer was to declare "elected the candidate who has won the largest number of valid votes cast in the constituency, *if that number does not represent less than 65 percent of the total votes*."[40] Regional totals by party group (*contrassegno*) of all the votes cast in subdistricts in which no candidate reached the 65% threshold were then computed, and the remaining senatorial seats were allocated among the parties on the basis of these totals, using the

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[39] In addition to the 315 directly elected senators, ex-presidents of the Republic are entitled to sit as *senatori a vita* (senators for life), and the President of the Republic is allowed to nominate an additional five individuals as *senatori a vita*.

[40] Article 17, section 2 of Law 29 of February 6, 1948, as amended by Law 33 of January 23, 1992. The 1992 amendment, although of no immediate substantive impact, was crucial to the possibility of the 1993 referendum. In the old text, "the president of the electoral office of the constituency, in conformity with the results obtained, declares elected the candidate who has obtained a number of valid votes no less than 65 per cent of the number voting." It would not have been possible to strike out the 65% requirement while still leaving an intelligible sentence.

d'Hondt method of proportional representation. In practice, only one or two candidates would ever reach the 65% threshold, and so this effectively was simply a PR system as well. (Within each regional party group, the seats were awarded to candidates of the group in order of their own vote proportions within their own subdistricts.[41]) In 1992, eighteen parties won seats in the Senate, with $N_s = 5.13$ and D 13.22%. With the exception of the PDS, for which the difference was 3.33%, the difference between the share of seats won in the Chamber and the share of seats won in the Senate was not more than 1.6% for any party.

The primary effect of the referendum was to strike out the words emphasized in the last paragraph, thereby guaranteeing that each of the former subdistricts would now be an ordinary single-seat district (SSD) employing

Table 5.1. Election Results and Hypothetical Outcome Under New Electoral Laws in Italy, 1992

| Political party | Actual 1992 Election Results | | | | | Senate results applying post-referendum law to 1992 votes |
| | Chamber of Deputies | | Senate | | | |
	Vote	Seats	Vote	Seats		
DC	29.7	206	27.3	107		185
PDS	16.1	107	17.1	64		62
RC	5.6	35	6.5	20		7
PSI	13.6	92	13.6	49		25
MSI–DN	5.4	34	6.5	16		7
PRI	4.4	27	4.7	10		3
PLI	2.9	17	2.8	4		
PSDI	2.7	16	2.6	3		
Fed. dei Verdi	2.8	16	3.1	4		1
Lega Lombarda	8.6	55	8.2	25		19
Lega Aut. Veneta	0.4	1	0.4	1		
Lega Alpina Lumbarda			0.4	1		
La Rete-Mov. Dem.	1.9	12	0.7	3		1
PPST	0.5	3	0.5	3		3
L. Valle d'Aosta	0.1	1	0.1	1		1
Lista per il Molise			0.1	1		
Per la Calabria			0.4	2		
Federalismo-Pen. Uv.	0.4	1	0.5	1		1
Lista Pannella	1.2	7				

Source: Katz (1995: 98).

[41] A second change introduced in 1992 was to change the denominator of the fraction determining the order in which individual candidates would be elected (the *cifra individuale*) from the number of registered voters in the *collegio* to the number of valid votes cast in the *collegia*

plurality rule. The result was a Senate in which 238 members would be elected by plurality in SSDs, while only seventy-seven members would be elected by PR. Some sense of the potential consequences of the reform could be gathered by applying the reformed system to the distribution of votes actually cast in the 1992 election. The result of this exercise is shown in Table 5.1, along with the actual results of the 1992 election. Comparison of the hypothetical and actual results reveals several differences. First, instead of winning roughly one-third of the seats in each chamber, the DC would have won an absolute majority of the seats in the Senate. Second, the number of parties represented in the Senate would have been cut by one-third, but this would not have come about simply by the elimination of the smallest parties: rather, both size and geographic distribution would have counted. While four parties with less than 1% of the national vote would have won representation, only one party would have won representation with less than 5% of the vote in a single region, and in a majority of the regions no party would have won representation with less than 10% of the regional vote. Third, if one conceives of the Italian political space as being composed of two blocs—the government bloc and the opposition bloc—then in each case the big losers would have been the smaller parties within the bloc (Katz 1995: 97–8).

The table also shows an aspect of the situation in the parliament elected in 1992 that would prove to be of central importance as the reform process proceeded. That is, barring an agreement between the two largest parties, the support of at least some of the smaller parties would be required to pass any reform. But since these were precisely the parties that feared being squeezed out by a fully majoritarian system, this imposed a severe limit on the degree to which majoritarianism could be pursued. Moreover, so long as the PDS and the DC each stuck doggedly to its own version of majoritarianism, the smaller parties were in a strong position to play them off against one another.

The calculations leading to the last column of the table are based on the assumption that the distribution of votes would have been the same under the reformed system as it had been under the old system. However, theory and experience dictate that both parties and voters would have behaved differently had this system been in effect in 1992, and this was widely recognized at the time. Among the possible changes were the strategic desertion of small parties by the voters, the pre-election disappearance of some small parties, and the formation of electoral alliances. Further, it was quickly recognized that the large disparities in population among SSDs, which were of no real consequence under the old system, would be intolerable under the new one, adding redistricting to the list of potentially important changes.[42] Attempts to take factors such as these into account in assessing prospects for the future

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[42] See the remarks of Senator Cesare Salvi (PDS), AS, April 22, 1993: 9 and of the President of the Chamber Commission for Constitutional Affairs, Adriano Ciaffi (DC), AC, May 13, 1993: 11.

could be highly speculative at best (Katz 1998). But there was another reason to doubt the relevance of straightforward projections from 1992, and that was the continuing drama of *mani pulite* coupled with the continuing collapse of electoral support for the DC. Having dropped below 30% in the 1992 parliamentary elections (itself an historic low), the DC won only about 20% of the vote in the local elections of June 1993, and then only about 11% in local elections in November and December of that year.

This, then, was the situation in May 1993. The old political class was thoroughly discredited, and when Giuliano Amato resigned as prime minister immediately after the referendum (as he had beforehand promised he would do), there was general agreement that his replacement should come from outside the class of professional politicians. Although Italy's economic situation was in some respects improving (the 1992 budget deficit was nearly 10% below that of 1991; GDP was up; inflation was down), both the accumulated public debt and the current budget deficit were far outside the limits established by the newly signed Maastricht Treaty for inclusion in EMU, adding weight to the idea that an important task of the new government would be to increase the confidence of the international financial community. The result was the installation of a government, almost half of whose members were without party ties, headed by the Governor of the Bank of Italy, Carlo Azeglio Ciampi (Pasquino and Vassallo 1995).

It was also agreed that, given popular rejection of the old political leaders, new parliamentary elections were necessary, but that the thoroughgoing electoral reform made necessary by the April referendum had to come first.[43] At the same time, there was great disagreement and uncertainty about both the desired and the expected consequences of any particular reform. A natural and, for the Italian parliament when dealing with fundamental questions, traditional consequence of the conjunction of uncertainty and conflicting interests was delay, which had stymied reform proposals for at least a decade. Both the moral force and the practical imperative imposed by the referendum, however, made delay a much less attractive or possible option, and importantly pressured the political class finally to take real action.

Ends and Means

In fact, the serious debate about electoral reform had begun, a range of bills had been introduced into the parliament, and in some respects both the goals and the institutional questions were already defined before the referendum

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[43]　See e.g. the interview with the Minister of the Interior Nicola Mancino reported in *Il Giornale,* April 21, 1993: 5; comments by PDS secretary Achille Occhetto on RAI, April 30, 1993; comments by President Scalfaro on RAI, May 1, 1993.

even took place. The consensus was greatest regarding objectives, although it was largely a rhetorical consensus. While the same phrases appeared again and again, they were only vaguely defined, and hence did not necessarily mean the same thing when coming from Arnaldo Forlani (DC) as they did when coming from Valerio Zanone (PLI) or Achille Occhetto (PDS). Moreover, in many respects the objectives enunciated, even by a single speaker, were mutually incompatible, again leaving plenty of room for dissensus about specifics under the consensus about generalities.

Perhaps the most widely cited objective was for governments with more secure parliamentary majorities, and hence greater stability and greater capacity to govern.[44] Coupled with this, either as means or consequences or coincidences, were a number of related objectives. One was a more direct and transparent connection between the votes cast and the selection and formation of a government.[45] Another was for a simplification ("aggregation") of the party system, at a minimum by encouraging the formation of stable governing coalitions, if not simply the merger of many parties into larger formations; ideally, the replacement of "polarized pluralism" (Sartori 1966) or an "imperfect two party system" (Galli 1966) with moderate and bipolar pluralism. As Mario Segni put it during the debate, "governability cannot be assured by any technique of constitutional engineering, unless there is also a 'simplification and homogenization of the political scene.' "[46] Shining over all this as the possible savior of Italian political life was the objective of alternation in government—not just rotation of individual ministers or minor adjustments of the governing formula, but periodic total replacement of one governing coalition with an alternative coalition.

A second set of objectives was to increase the direct accountability of individual members of parliament to their electors. There was a desire to free the electorate from the confines of party labels and ideologies, and to allow the electors to take into account the character, qualifications, and performance in office of individual candidates when casting their votes. That this was different from direct choice of governing coalitions was recognized,[47] but the

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[44] E.g. "to create the premises for the formation of authoritative and strong governments . . . able to administer firmly, based on a coherent and compact majority" (Oscar Mammì, PRI, AC, April 23, 1992: 2); "the greater stability of majorities and thus of the governments of which they are expressions" (Sergio Mattarella, DC, AC, March 3, 1993: 2).

[45] E.g. "to facilitate the formations of homogeneous and compact parliamentary majorities from the moment of the vote (Achille Occhetto, AC, April 23, 1992: 2); "to give to the electors the power to choose directly with the vote the government majority (popular investiture of the government of the country)" (Oscar Mammì, AC, April 23, 1992: 3); "to directly elect a government (an absolute majority bound to a prime minister should flow from the elections)" (Sergio Mattarella, December 1, 1992: 1).

[46] Quoted in *Il Sole 24 Ore,* July 16, 1993: 2.

[47] See e.g. the comments of Achille Occhetto, AC, April 23, 1992: 18, in which he specifically identifies two levels—"The first consists of the connection between the single deputy and the citizen/elector . . . . The second level is that of the choice of the government."

proposition that achievement of individual accountability might be detrimental to government stability was not generally advanced. Thus, while advocates of the plurality system often claimed that it would give Italians a direct choice between alternative majorities as in the UK *and* local choice and control over individual representatives as in the USA, they never countenanced the possibility that instead the result might be minimal personal accountability to local voters as in the UK coupled with minimal stability or coherence of majorities as in the USA.

Even less compatible with the objective of government/coalitional stability was the objective of reducing the power of the "party barons," and indeed of the party organizations altogether. At the extreme, Marco Pannella, the leader of the Radical Party, suggested that it was necessary to "close down the parties."[48] In less extreme form, however, even leaders of the major parties expressed concern about potentially "excessive power" exercised by the party secretaries.[49] It seems as if critics of the power of party leaders under the preexisting system never countenanced the possibility that a reformed system might make party leaders even more powerful (for instance by eliminating intraparty preference voting).

Also potentially incompatible with the goal of simplification and aggregation was the goal of maintaining the possibility for minority views to win representation in parliament. While this call came most consistently from the small parties themselves, even the Christian Democrats talked about the need to allow minor parties to participate in coalition formation and to take part in the division of parliamentary seats.[50] Accompanying a desire for pluralistic representation, in the sense of the continuing presence of the small parties, was a desire for national pluralism, that is for all the nationally significant parties to have a presence in all regions of the country—particularly in contrast to the looming possibility of a "three-stripe" Italy, in which the League would be hegemonic in the north, the PDS hegemonic in the center, and the DC hegemonic in the south. Additionally, some actors expressed concern about representation of women in the parliament, while others expressed concern about the representation of ethno-linguistic minorities.

Finally, there was a widespread, albeit somewhat vague, expectation that electoral reform should contribute to improving the general character of Italian politics (*moralizzare* was one of the words most frequently used). More specifically, this was taken to require an improvement in the system of selecting members of parliament, a restoration of the content and credibility

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[48]   Quoted in *La Repubblica,* May 20, 1993: 4.

[49]   E.g. Occhetto, AC, April 23, 1992: 18.

[50]   Arnaldo Forlani, AC, May 5, 1992: 39. Of course, the independent representation of minor parties, rather than their coalescence into a single group or disappearance altogether, was one of the conditions favoring DC hegemony.

of the relationship between people and parliament, and a reduction in the power exercised in back-room deals among party officials.

With regard to specific reforms, the only real agreement was that the hyper-proportionality of the old system could not be continued, and even here some of the smaller parties dissented. Although the PLI had proposed moving entirely to a single-seat, two-round majority system, most parties proposed some form of mixed system, in which a large number of single-seat districts would be supplemented by a smaller number of PR seats from a list tier. They disagreed about most of the details. First, assuming that the new system would include a significant number of single-seat seats, would they be filled using the English plurality system or the French two-round majority system? Second, assuming there would be a mixed system, what would be the ratio between single seats and list seats? Third, how would the list seats be allocated; in particular, would they would be allocated on the basis of the votes cast for candidates in the single-seat districts or on the basis of a separate list vote?

The DC, on the other hand, initially proposed that the Chamber of Deputies be elected entirely by PR, although primarily from districts electing between seven and fifteen deputies, in place of the old system in which the average magnitude of PR districts for the Chamber was over twenty. The major early proposals for the Chamber of Deputies are summarized in Table 5.2. Similar proposals were also introduced for the election of the Senate, but in addition there was a proposal (pdl 353) by Senator Compagna (PLI) and others to make the Senate less similar to the Chamber (and in their view less redundant) by having one-third of 315 senators elected by the regional councils using the same system as used to elect regional delegates for the election of the President of the Republic, one-third elected by plurality in SSDs, and one-third elected by national PR based on the votes obtained by the SSD candidates.

Although the questions ultimately were resolved somewhat differently in the two chambers, two questions that colored debate in both were: (1) to what extent will Parliament be bound by the details of the result of the referendum? and (2) to what extent is it necessary that the system adopted for the Chamber be identical to that adopted for the Senate [the so-called photocopy solution]?

Drafting the New Electoral System in the Chamber

On the basis of the various proposals put forward,[51]Sergio Mattarella (DC), rapporteur (*relatore*) of the Committee on Constitutional Affairs in the

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[51] pdl 60, pdl 102, pdl 104, pdl 535, pdl 868, pdl 869, pdl 889, pdl 960, pdl 962, pdl 1600, pdl 1957, pdl 2052, pdl 2331, pdl 2397, pdl 2496, pdl 2521, pdl 2604, pdl 2606, and pdl 2608.

Table 5.2. Early Reform Proposals for the Italian Chamber of Deputies

Party	Pdl	Formula in primary districts	Supplementary seats	Allocation of supplementary seats	Bonus seats
PDS	102	300 seats allocated by plurality	270 seats from among the losers in the primary districts; 60 from national party lists	If the SSD candidates of a single party win 50% of the national vote, allocated by PR on the basis of SSD votes. If the SSD candidates of a single party do not win a majority, a second ballot is held for which the contenders are only party groups, with the supplementary seat distribution based on the second-round votes	After the second-round allocation, if the party that won the most votes (provided it is at least 40% of the total) does not have a majority of the seats, it is given additional seats to bring its total to 325
PRI	104	430 seats by two-round majority system	200 seats from the single-seat districts	90 seats allocated by PR to the other parties that participated in the first round.	110 seats to the parties that singularly or in alliance win a relative majority on the second round in the single-seat districts
DC	535	555 seats allocated by PR in districts electing between 7 and 15 deputies	75 seats	Allocated nationally by PR	Unspecified, but called for
PLI	869	Two-round majority	None		None
Pop. Init.	889	475 seats allocated by plurality	155 seats	PR at the national level based on SSD votes minus the votes of SSD candidates elected (*scorporo totale*)	None
PSI	1600	PR from districts of no more than 9 members (with a possibility of up to 13)	Remainders allocated by region, and then in CUN		None
Pop. Init. (ACLI)	1957	420 seats, unspecified whether by plurality or two-round majority	210 seats in regional or interregional districts	PR based on list votes taking into account the single-seat seats won	None
PLI	2052	Single-seat districts. The voter indicates a first and second choice. A candidate with a majority of the first preferences is elected; otherwise the candidate with the most first and second preferences combined is elected.	None		None
DC	2331	3/5 of seats in regional or subregional constituencies each electing no more than 30 deputies by plurality	2/5 of seats to regional or sub-regional lists	PR at the national level based on simultaneously cast list votes, minus the number of votes won by the second place candidate (plus 1) in	None

				those SSDs won by the list's	
				candidates	
LN	2397	75% of seats by plurality	25% of seats	Allocated by PR in five regional	None
				circoscrizioni based on a separate	
				ballot for the *circoscrizione*	
PSI	2496	Regional or subregional districts,	None		None
		divided into no more than 15			
		SSDs. A candidate with 50% of			
		the vote, or 7% more than the			
		second place candidate is elected.			
		Remaining seats allocated by PR			
		at the district level based on votes			
		cast for non-elected candidates.			
PSI	2521	2/3 by two-round majority	1/3 at regional level	PR with 3% threshold based on list	None
				votes cast at first round	
MSI	2604	378 seats by plurality	252 seats	Allocated as PR compensation seats	None
				in the Chamber constituencies	
				existing in 1992, based on a separate	
				list vote and with a single intra-party	
				preference vote	
PSI	2606	Regional or subregional districts	National		None
		with no more than 30 members:	distribution of		
		60% of seats to the list with the	remainders		
		most votes (75% in the event of			
		liste collegate); 40% divided by PR			
		among the other lists.			
Segni	2608	475 seats allocated by plurality	155 seats	PR at the national level based on SSD	None
				votes minus the votes of SSD	
				candidates elected (*scorporo totale*)	

Chamber of Deputies, presented a unified draft (*testo unificato*) on May 28. This draft called for regional or subregional constituencies, each divided into a number of single-seat districts equal to 70% of its total representation, with the remaining 30% of the seats to be assigned nationally by PR. Each voter would have two votes, one for a single-seat district candidate and the other for a party list. Two alternative rules were presented for the construction of the party lists and allocation of seats to candidates on those lists. Under the first, the lists would be composed of candidates from the single-seat districts, and would be assigned to them in order of their individual voting strength; under the second, the lists could, but need not, include SSD candidates, with seats assigned in the order previously determined by the party (closed list).

The first question debated in the Committee was the use of the plurality formula for the single-seat districts. In the early discussions (June 1), representatives of the PDS (Vincenzo Recchia), PSI (Silvano Labriola), and PRI (Stefano Passigli—later in the day, Adolfo Battaglia indicated that the PRI, while favoring the two-round system, would not exclude a single-round system) all supported some version of the two-round majority system. The debate hinged on the relative capacities of the two systems to produce partisan aggregation and a popular choice of government in the absence of true bipolarity in the voters' preferences. Some commentators, looking to Britain or simply applying the conventional wisdom of Duverger's Law, argued that the plurality formula had the greatest likelihood of producing the desired moderate bipolarity; opponents of plurality argued that it would produce a feared "three-stripe" Italy. Advocates of the two-round French system[52] pointed to the *quadrille bipolaire* that had replaced the fragmentation of the Fourth Republic, while opponents pointed to the centrality of the French presidency (nothing similar to which was proposed for Italy) in producing this outcome, and claimed that the result in Italy would be a crazy-quilt of differing second-round coalitions, destroying the clarity of the result; moreover, they argued, it would result in a delegitimizing "market" in votes between the two rounds.

In addition to questions of principle, questions of practical advantage were also raised. On one side, for example, Stefano Passigli claimed that "it would be difficult to imagine a mechanism that would better favor the DC" than that of Mattarella, while on the other side Giuseppe Tatarella argued that "the two-round system, in the current situation, would only favor the center–left." The administrative elections of June 6 confirmed the fear of regionalized party systems. Perhaps more significantly, because mayors of towns with

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[52] It should be noted that there was wide disagreement among advocates of the two-round majority system regarding the requirement for admission to the second round. At one extreme, Recchia (PDS) advocated restricting the second round to the two top candidates in the first round, while at the other, Labriola (PSI) would allow any candidate with 5% of the vote in the first round to continue.

more than 15,000 inhabitants were elected under a two-round majority system (with 60% of the council seats reserved for supporters of the victorious candidate), they also demonstrated the cost to the DC of its failure or inability to form electoral alliances, and contributed to the DC's fear that the French system applied in parliamentary elections would lead to second-round alliances of "everyone against the DC".

The second question concerned the proportion of seats to be allocated by PR. As indicated in Table 5.2, the DC's original position was that 40% of the seats should be allocated in this way. Notwithstanding Nicola Mancino's statement reported on April 21 that the overwhelming referendum vote "cannot but bind the Parliament to a mixed system, English single-seat constituency for 75% of the seats and proportional for the remaining 25,"[53] the official DC proposal at the end of May (the draft of Mattarella) was for 30%. This was reduced to 25% in mid-June, at least in part reflecting the idea, expressed for example by Elio Vito of the Euro-federalist group, that the quota of 25% of the seats to be distributed by PR was "a maximum limit, from the perspective of the referendum result" (Atti della Camera (AC), June 2, 1993). Indeed, it was only on June 16 that Marco Pannella's proposal that the entire Chamber be elected by plurality was defeated in the plenary session. Although his own proposal (pdl 2608) had been for 25%, by the middle of June Mario Segni was calling for the proportional quota to be reduced to 10%.[54] Aside from questions of the relevance of the specifics of the referendum result and questions of partisan advantage, it was particularly in debating this point that the idea of having a mixed system at all was questioned. Opponents frequently pointed out that the logic of single-seat districts and the logic of PR were different, from the perspectives of both voters and parties, and questioned the wisdom of combining the two systems.

A third question was whether the voters would cast a single vote for a candidate, or vote for a candidate and, with a separate list vote, vote for a party. Although advocates of the double vote system pointed to Germany as an example, they immediately distanced themselves from the German case by separating the allocation of list seats from the previously determined distribution of single-seat seats: this, they argued, would give maximum freedom to the parties in their strategies and alliances at the local level (e.g. Mattarella, AC, March 3, 1993: 2). Opponents, on the other hand, argued that the two-vote system would favor not alliances, but rather disaggregation (e.g. Guido Bodrato, AC, June 1, 1993: 8).

A large number of amendments were proposed, offering differing allocations of seats between SSDs (ranging between 60% and 100%), differing decision rules for the SSDs (plurality, majority, or supplementary vote, plus a variety of thresholds for continuation to the second round in the case of

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[53] *Il Giornale,* April 21, 1993: 5.

[54] *Il Sole 24 Ore,* June 16, 1993: 2.

majority proposals), and differing numbers of votes (one or two), in most conceivable combinations. In voting on these amendments, the plurality principle was supported by the DC, MSI–DN, PSDI, RC, and Lista Pannella, and opposed by the PDS, PLI, PRI, and Verdi. A majority of PSI deputies as well as a few Republicans also supported the plurality system.[55]

The fourth major set of questions revolved around the allocation of PR compensation seats. The four specific questions concerned, first, the level at which the seats would be allocated (nationally or regionally); second, which PR formula would be used (particularly whether Hare largest remainder or d'Hondt highest average); third, what level of threshold (ranging between 50,000 valid votes and 5% of the national total valid vote), if any, should be required for admission to the distribution of list seats; and fourth, how/whether to make allowance for votes received by candidates who won single-seat seats in figuring their party's vote for the allocation of the list seats. (The primary means of adjustment considered was to make a deduction from the party vote totals in those SSDs in which the party's candidate was elected. This adjustment is called in Italian the *scorporo.*)

After extensive debate on these amendments, plus a large number of other amendments dealing with the definition of electoral districts and a number of technical details, the amended proposal was passed by the full Chamber on June 30 and sent to the Senate.

Drafting the New Electoral System in the Senate

A number of proposals for electoral reform, analogous to those introduced for the Chamber of Deputies, were similarly on the table in the Senate at the time of the referendum. The Committee on Constitutional Affairs met once in April, once in May, and once at the beginning of June to discuss the question of reform, first with the rapporteur, Cesare Salvi (PDS), laying out the issues and then with the various parties, which announced their initial positions, particularly with respect to the formula to be used for awarding single-seat districts. At this point, senators from the DC, MSI–DN, Verdi, RC, and PSI all declared themselves to favor the plurality system, while senators of the PDS and PLI favored the two-round majority system. Two constraints also were raised: first, that imposed by the referendum (taken most seriously by the Verdi, but attributed to others by Luigi Compagna of the PLI), and second the need to adopt a law compatible with the law for the Chamber.

On June 15, Salvi presented a unified draft text, the relevant points of which are summarized in the first row of Table 5.3. The rest of the table summarizes

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[55] *La Repubblica,* June 17, 1993: 2–3; *Il Giornale,* June 17, 1993: 3.

the amendments on these points offered in the Committee. (There were also a large number of amendments concerning other points, such as the provisions for replacing senators from single-seat districts who died or resigned.) None of the amendments shown in the table was adopted, and the Committee's proposal was forwarded for action by the full Senate on June 23.

As in the Chamber, a full range of amendments were offered in the Senate. The RC and MSI both aimed to increase the proportionality of the system, by proposing to increase the number of PR seats and allocating them at the national rather than the regional level. The PDS proposed that single-seat district candidates be required to have a minimum percentage of the vote (50%, 35%, or 30% in various amendments) in order to be elected, and that failing this a second round be held. None of these proposals was adopted. On the other hand, a cross-party group of female senators was successful in having language favoring parity of representation between men and women introduced into the bill (*disegno di legge*) (albeit watered down from their original proposal, and without the further amendment that would have given it real effect).

Another proposal made in the Senate was for term limits. Introduced by a PDS senator, and supported by the LN, this *piazza pulita* amendment would have barred from candidacy anyone who had served in three legislatures (whether or not consecutive) or more than a total of fifteen years. This amendment, although opposed by the leaders of all the major parties (whose parliamentary careers it would have ended) as unconstitutional, was adopted in the Senate, but later rejected in the Chamber.

The Senate adopted the draft as amended on July 1, and sent it to the Chamber of Deputies. Although a wide range of options was proposed for the Senate, and although a number of leading senators emphasized the very limited degree to which the referendum result legally constrained the parliament, the strong impression from reading both the parliamentary debates and the contemporaneous press accounts is that the framers of the new law for the Senate in fact felt themselves much more tightly bound by the details of the referendum's result than did the framers of the law for the Chamber. And this difference in constraint continued to hold as the drafts shuttled back and forth between the chambers.

The New Electoral System

There was an apparently endless supply of amendments in both chambers, most of which either were trivial or obviously had no chance of acceptance. The resulting log jam was finally broken at the end of June, when the president of the Chamber, Giorgio Napolitano, defined completion of the new

Table 5.3. Proposals for the Italian Senate in Committee Debate

Amend. no.	Party	Allocation of seats	Nominal tier (SSDs)	List tier	Other
Testo	PDS	3/4 SSDs	Plurality	Allocated regionally by d'Hondt highest	
unificato		1/4 PR		average based on totals of SMP votes	
				with *scorporo totale*. Distributed within	
				party to "best losers"	
1.14	RC			Allocated in 7 super-regional *circo-*	
				scrizioni by d'Hondt highest average based	
				on totals of SMP votes with *scorporo*	
				totale. Distributed within party to "best	
				losers"	
1.15	RC	2/3 SSDs			
		1/3 PR			
1.11	MSI	2/3 SSDs			
		1/3 PR			
1.12	DC	3/4 SSDs			Adds 10 senators for Italians
	MSI	1/4 PR			living abroad
1.6	PRI				Would require all candidates
					to be part of groups with at
					least 3 candidates
2.5	PDS		2-round majority, with second round		
			limited to candidates with at least 12.5%		
			(10% in first appli-cation) of the votes in		
\			the first round		
2.8	PDS		Plurality with a 35% minimum; if no		
			candidate achieves this, a second round		
			limited to candidates with at least 10%		
			of the first round vote		
2.8/1		PRI	2-round majority, with second round		

2.8/2			limited to candidates with at least 10%		
			of the votes in the first round		
2.3	RC		Plurality with a 40% minimum. If no		
			candidate reaches 40%, the seat is added		
			to the pool of list seats		
2.0.1	RC				Would give priority to a
					candidate associated with a
					minority linguistic group
3.2	RC			National allocation using Hare largest	
				remainder formula	
3.3	PDS			Allocated regionally by d'Hondt highest	
				average based on totals of first round	
				SMP votes with *scorporo totale*.	
				Distributed within party to "best losers"	
3.1	PDS			Allocated regionally by d'Hondt highest	
				average based on totals of first round	
				SMP votes with *scorporo totale*.	
				Distributed within party to "best losers"	

electoral laws by August 5 to be a "solemn commitment", and threatened immediate dissolution of parliament and elections under the untenable combination of old law for the Chamber and new law for the Senate if that deadline were not met.[56]Moreover, especially after the collapse of support for the DC and PSI in the administrative elections of June 1993, it was clear that failure to enact substantial reforms would be not only morally questionable, but politically suicidal as well. Nonetheless, the drafts of the two electoral laws still were forced to shuttle back and forth between the two chambers, as each chamber added amendments to the work already completed by the other.[57]Both the new law for the Senate (n. 276/93) and the new law for the Chamber (n. 277/93) received final approval and were promulgated on August 4. Table 5.4 shows the votes on final passage in each chamber.

In the end, the basic parameters set by the April referendum were incorporated into the electoral systems for both chambers of parliament. In particular, both chambers are elected through mixed systems, in which three-quarters of the seats are filled in single-seat districts, while the remaining

Table 5.4. Votes on Final Passage of the New Electoral Laws for Italy

Party group	Votes in the Chamber of Deputies						Vote in the Senate					
	Law for the Chamber (28/7)			Law for the Senate (4/8)			Law for the Chamber (3/8)			Law for the Senate (28/7)		
	Yes	No	Abstain	Yes	No	Abstain	Yes	No	Abstain	Yes	No	Abstain
DC	168	0	9	182	0	7	85	1	2	84	1	2
PDS	0	1	89	0	2	88	0	7	39	0	0	52
PSI	30	13	19	51	2	13	23	1	5	29	0	1
LN	47	1	1	47	1	0	17	0	0	17	0	0
RC	0	2	21	0	27	0	1	0	10	0	10	0
MSI	0	24	0	0	26	0	0	7	0	0	5	0
PRI	0	2	17	0	0	22	1	0	3	0	0	1
PLI	0	9	0	0	9	2	0	1	0	0	1	0
VER-DI	0	0	9	0	0	12	0	4	0	0	0	3
PSDI	2	2	3	3	0	5				1	0	0
RETE	0	5	0	0	10	1	0	3	0	0	2	0
GFE	0	6	0	0	0	3						
MIS-TO	1	4	0	4	1	0	1	5	0	3	0	2
Total	248	69	168	287	78	153	128	29	59	134	19	61

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[56] Reported in *La Repubblica,* June 23, 1993: 11.

[57] E.g. among other changes, the Chamber added provisions for voting by Italians living abroad and for a deposit to be paid by candidates, as well as modifying the way in which fractions were to be rounded in determining the number of single-seat districts in each region. The Senate then modified the provisions for Italians abroad, removed the requirement for a deposit, and returned the rounding procedure to that originally adopted. The Chamber ultimately accepted this version of the law.

one-quarter are filled by PR with the vote totals used for the proportional allocation adjusted on the basis of the outcome of the single-seat races. In both cases, the single-seat races are decided by the first-past-the-post, plurality, system. In greater detail, however, the two systems adopted differ substantially.

The system adopted for the Senate is essentially that left in place by the April referendum. Seats are allocated to the regions, which then are divided into a number of SSDs (*collegi*) equal to roughly three-quarters of the region's total number of seats. The principal change from the referendum result is merely that the number of *collegi* has been reduced from 238 to 232. Each elector casts a single ballot, for a candidate in his or her SSD. After the SSD winners have been determined by the plurality system, the list seats are allocated among parties using the d'Hondt method based on the total votes cast for each party in the region, minus the votes received by those candidates elected in the SSDs (*scorporo totale*). Each party's share of the list seats in a region goes to its so-far-unelected SSD candidates in the order of their individual vote percentages in their own SSD. This means that for many of the SSDs more than one candidate will be elected, one as the SSD plurality winner, and one or more on the basis of the distribution of seats from the PR tier.

The regions also serve as the primary constituencies for the Chamber of Deputies, except that the six largest regions (Piemonte, Lombardia, Veneto, Lazio, Campania, and Sicilia) are each divided into two constituencies. Again, each regional constituency is divided into SSDs that elect roughly three-quarters of the deputies. In contrast to the Senate, however, the elector has two ballots, one for an individual candidate in his or her SSD, and a separate ballot for a constituency-wide party list. Every candidate must be affiliated with at least one of the lists, but a candidate can be affiliated with more than one list (i.e. can be endorsed by, and carry the symbol of, more than one party); unlike in Senate elections, there can be no independent candidates. While a party need not have a list in every constituency, and while the patterns of joint endorsement may vary across constituencies, where a candidate is affiliated with more than one list it is required that every other candidate in the same constituency who is affiliated with one of those lists must be affiliated with all the others as well.

List seats for the Chamber are allocated nationally. The first step is to compute the effective vote (*cifra elettorale circoscrizionale)* for each list in each constituency. This is the total vote cast for the list in the constituency, reduced on the basis of the votes cast for candidates affiliated with the list who were elected in the SSDs. If an elected candidate is affiliated with only one list, the reduction in that list's vote (the *scorporo*) is equal to one more than the number of votes received by the candidate who placed second in the same SSD (i.e. the number of votes actually required for victory), subject to the limitation that the deduction cannot be less than 25% of the valid vote cast in the SSD

unless this would make the deduction larger than the number of votes actually received by the winning candidate, in which case the winning candidate's total vote is subtracted. If the winning candidate is affiliated with more than one list, then the *scorporo* is divided among the lists in proportion to their unadjusted list totals. The *cifre elettorali* are then totaled nationally, and seats are allocated among parties that clear a national 4% threshold using the Hare method, and within the party they are allocated back to the individual constituencies. At the constituency level, list seats go first to the candidates on the party list itself, in the order established by the party (i.e. individual preference voting has been abolished). If there are not enough available candidates on the party list, then the remaining seats go to the party's SSD candidates in the same way as used for the Senate.[58]

Although both chambers thus are elected under mixed systems with a ratio of 3 : 1 between nominal and list seats, there are two potentially substantial differences between the two systems. One concerns the treatment of small parties in the allocation of list seats. While it could be argued (and has been—see below) that the system for the Chamber is more favorable to small parties, both because the Hare formula is more favorable and because the national allocation of list seats means that there is a higher "effective district magnitude" (Gallagher 1993; Taagapera and Shugart 1989), there are at least three reasons why the opposite might be the case. First, the allocation of list seats for the Chamber is limited to parties with more than 4% of the national vote, whereas there is no statutory threshold for the Senate.[59] Second, the calculation of the *scorporo* is more favorable for small parties in the Senate (the total vote of the winning candidate is subtracted) than in the Chamber (the vote of the runner-up is subtracted); in fact, the operation of any *scorporo* makes the usual calculation of the effective threshold for the Senate suspect. Third, whatever the effective threshold for PR for the Senate, the fact that it applies at the regional level is likely to benefit small parties. No party's strength is uniform throughout the country, and it may be much easier for the party to win 10% of the vote in a single region than to win as much as 1% nationally; indeed, in 1992 the Rete did win nearly 10% of the vote in Sicily but it won less than 1% nationally. Looking ahead to the results of the 1994 election, in

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[58]   There are three reasons why there might not be enough available candidates on a party's list. First, the maximum allowable length of each list is equal to only one-third of the number of PR seats allocated to the constituency (rounded up). Second, an individual may be a candidate both on a party list and as an individual in a *collegio.* Third, although each individual can be a candidate in only one *collegio,* an individual may appear on his or her party's lists in up to three constituencies.

[59]   It was argued in the parliamentary debates that the relatively low number of PR seats per region for the Senate would produce the effect of a threshold without the need to introduce one explicitly. Indeed, by the normal method of calculation, the effective threshold in Lombardia, the region with the most PR seats (12) would be about 6%, whereas in the other regions, with 7 PR seats or fewer, it would be at least 10%.

fact two lists that were excluded from sharing in the PR allocation for the Chamber won list seats in the Senate.

The other difference is between the use of one ballot and two. Under the single-ballot Senate system, the only way in which a party can accumulate votes to be applied in the allocation of list seats is by nominating its own candidates in the SSDs. While the plurality allocation of three-quarters of the Senate seats clearly creates an incentive for parties to form broad alliances rather than fragment the vote, both the desire to maintain an independent identity and the difficulty of negotiating an allocation of SSD candidatures that will determine the distribution not only of plurality seats but of list seats as well militates against this, even for the parties that are in alliances. Unallied parties, even if they have no hope of winning a nominal-tier seat, and indeed even if they know that by nominating a candidate they may cost the alliance with which they are in greater sympathy the seat, still have a strong incentive to nominate a candidate in the SSD.

One reason for having two ballots for the Chamber was to reduce this incentive for small parties to have their own candidates in the SSDs; a party can have its own list, and thus its own identity and share of the list seats, without undermining the hoped-for bipolar clarity of the SSD contests.[60] And, indeed, in 1994 (and again in 1996) there were significantly more candidates per SSD for the Senate than for the Chamber (6.4 vs. 4.5 in 1994; 6.9 vs. 3.3 in 1996). On the other hand, the separation of nominal and list ballots creates a potential conflict of interest within each party. Put simply, each list candidate has a better chance of election if his or her party's SSD candidates do not win. Indeed, as I apocryphally suggested elsewhere (Katz 1995: 104), the rational strategy for any party (or alliance) that expected to win at least one SSD and was able effectively to instruct its voters would be to have *two* lists: one that endorsed its SSD candidates, but *the other* for which its supporters were instructed to cast their list votes. In this way, the *scorporo* would be applied against the (presumably negligible) votes of the dummy list, while the votes cast for the party's "real" list would go unreduced into the national allocation of list seats.

An additional difference between the two laws concerns gender diversity. Although the Senate law specifically mentions "favoring the balance of representation between women and men," it makes no specific provision to achieve this end. The law for the Chamber, on the other hand, required that the party lists alternate between men and women.

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[60]   See e.g. the interview with Massimo D'Alema reported in *La Repubblica,* June 15, 1993: 10.

Expectations and Predictions

In the final speeches in Parliament, just before the two laws were approved, two sentiments were often expressed. The first was the realization that the product of the reform process was in many ways a compromise between incompatible principles; as Deputy Luciano Caveri put it, the mixed system was a compromise "*un po' all'italiana*. In the other democratic countries, in fact, the two systems are considered as alternatives; in Italy we have tried . . . to put together two apparently incompatible elements." (AC, August 4, 1993: 5). The other was that these laws were only a stop-gap solution, and that the new parliament would have to revisit the issue; indeed, these laws left Italians with the prospect of going to the polls three times over the course of just a few months in 1994 under three radically different electoral systems—two-round majority for the election of mayors; two versions of plurality coupled with PR compensation seats for the two chambers of Parliament; and straight PR for the election of the European Parliament. Nonetheless, both supporters and opponents of the new legislation, as well as journalists and academic commentators, expressed more specific predictions of what the consequences of the reforms just enacted would be, some reflecting the mixed and possibly transitory nature of the reforms, but others somewhat more hyperbolic.

Perhaps the most inflated set of expectations were reflected in the idea that 1993–4 represented the end of the "First Republic" and the beginning of the "Second Republic" (Pasquino 1994).[61] The implication was that the entire logic of the political system was up for grabs. As Mershon and Pasquino (1995: 42) put it, "The three aspects of change . . . —involving which parties compete, which parties govern, and which institutions regulate parties' competition and modes of governance—contribute to a fourth: a redefinition of the *sociopolitical system,* that is, a change in the nature of the relationships between civil society, on the one hand, and political forces and institutions, on the other."

Not everyone thought that the changes wrought by the electoral reform (alternatively, the changes that both stimulated and accompanied the electoral reform) would be either so far-reaching or necessarily permanent. Nor was there complete agreement about what the specific changes would be. Naturally, those who supported the reform expressed positive expectations

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[61] E.g. in the press the headline "Seconda Repubblica, si parte" (The Second Republic Is under Way) in *L'Unità,* August 5, 1993, the day after the new laws were promulgated.

regarding its effects.[62]From their perspective, and that of many journalists, the new system would achieve the objectives articulated in the referendum campaign and then in the parliamentary debates—a simplification of the party system with a clear choice between alternative governments, replacement of the old political class and *partitocrazia,* and perhaps enhanced representation of women.

Many speakers, particularly from the smaller parties, predicted a considerable reduction in the number of parties—at their own expense. They predicted that this squeezing out of minority interests would occur particularly in the Senate, and particularly as a result of the way the list seats were to be allocated. According to Valerio Zanone of the PLI, the idea that a quota of 25% list seats would give minorities access to Parliament "is in reality an illusion . . . . One does not have to be a great mathematician . . . to make the calculation; it is enough to consider the regional allocation and the number of seats to realize, perhaps with the sole exception of Lombardy, where the necessary percentage will be 8 or 9 percent, that in every region it will be necessary to win more than 10% of the vote to win a single seat" (AC, August 4, 1993: 16) while Mario Brunetti (RC) expressed a preference for the balance sought in the Chamber over that for the Senate because "above all the regional allocation of compensation seats, which creates a drastic threshold, will in fact eliminate minority forces of opposition like ours" (AC, August 4, 1993: 20). Looking at both chambers, Stefano Passigli (PRI) asserted that "The parliament will surely have fewer organized political groups, therefore there will certainly be a reduction in the number of parties" (AC, August 4, 1993).

Many academic predictions were more measured, but in a similar vein. D'Alimonte and Chiaramonte (1993: 545) suggested that "the new electoral system may apply the brakes to the *increase* of fragmentation, but that it does not give a decisive incentive for politically coherent party aggregation of a national character and for the formation of a bipolar alignment." A few months later, D'Alimonte (1994) writing alone, indicated that "fragmentation will diminish. There will be fewer parties . . . . How many fewer parties? It is difficult to say. One might be led to say many fewer. But that is not a given. At least in the short run. The danger of this system is to produce 'spurious' aggregation . . . . A kind of 'proportionalization' of the majoritarian system." And this fear echoed fears raised in the parliament by those cited above, that, while minority parties would be squeezed out, this would not produce either aggregation or governability. Indeed, Zanone predicted that the result would be the death of the "long cultivated illusion" that "a majoritarian electoral system is sufficient to assure a parliamentary majority and government stability."[63]

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[62] As with points raised during the process of drafting the reform legislation, it is impossible to tell sincere beliefs from points raised strategically for their value in influencing the future course of events. And, since a large part of the Italian political science profession was actively involved as partisan participants (and, indeed, as current or soon-to-be members of Parliament), this ambiguity clearly extends to the academic and quasi-academic literature as well.

[63] AC, August 4, 1993: 17. See also the prediction of Egidio Sterpa (PLI) "that the next Parliament, fruit of this electoral law, will be much more confused and that it will be much more difficult to put together a majority in it . . . " (AC, August 4, 1993: 8).

Doubts were also raised about the ability of the reforms to break the power of the party secretaries, and to further the goal of individual responsibility of representatives to their electors. Here the particular concern was the party lists for the Chamber of Deputies. Rino Piscitello of the Rete "put it plainly, for 150 deputies one will no longer need the consent of the electorate, but rather of the national secretary of the party" (AC, August 3, 1993: 12).

Beyond such general assessments of the consequences of the electoral reforms, there were also specific projections of how the forthcoming elections would come out. Naturally, these depended heavily on assumptions about patterns of alliance. One analysis of the likely outcome for the single-seat districts for the Chamber contrasted a scenario in which the PDS and Alleanza Democratica were allied with one in which the PDS instead allied with RC and the Rete; the projection for the first case was 251 seats for the PDS/AD, 90 seats for the LN, and 77 seats for the DC; for the second case the projection was 143 seats for the PDS/RC/Rete, 139 seats for the LN, and 162 seats for the DC. A different analysis projected that a center–left alliance of PDS and part of Alleanza Democratica—the *laici,* the Socialists, and the Greens—would win 196 seats against 216 for an alliance of DC, Popolari, and the rest of the *laici* and Socialists and 165 for the LN alone, or alternatively that a left alliance of PDS, RC, Rete, Greens, and some Socialists would win 196 seats against a center–left alliance of DC, Popolari, and most of the *laici* and Socialists (228 seats) and the LN (175 seats).[64]

With the benefit of hindsight, all of these projections are notable for their (understandable) failure to anticipate the advent of Silvio Berlusconi's Forza Italia, and their (perhaps less understandable) failure to anticipate the rise to respectability of the MSI under its new name of Alleanza Nazionale as well as the virtually complete collapse of the DC. Regardless of the specifics regarding alliances and particular parties, however, the projections all tended to reinforce the expectation of a "three-stripe" Italy, rather than a single national pattern of competition.

Finally, there was a general belief that the reform process was not over. At the least, many critics of the reforms pointed to the complexity and "messiness" of the system adopted for the Chamber of Deputies. Gianfranco Pasquino described it as "worse than the Irish and the Greek laws, and I have mentioned the two most complicated laws that I am familiar with," while DC Deputy Giovanni Altiero referred to "that ugly mess from Piazza Montecitorio."[65]More specifically, Marco Pannella threatened to organize a further referendum against the maintenance of any list seats and against the requirement that chamber candidates be connected to parties, while Mario Segni pushed for direct election of the prime minister. On the other side, the

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[64]   The first two projections were made by the *ufficio elettorale* of the PDS, while the second two are from "Forum elettorale per la riforma," *La Repubblica,* October 8, 1993: 7.

[65]   *Panorama,* August 15, 1993: 9.

South Tyrolean People's Party (SVP) challenged the constitutionality of the 4% threshold for list seats.[66]Indeed, a further referendum was held in April 1999 on the question of abolishing the proportional part of the electoral system for the Chamber of Deputies (filling the 25% of the seats currently allocated by PR with the "best losers" from the plurality districts). While the referendum question was approved by over 90% of those voting, turnout fell just short of the required 50%, and so the change did not go into effect.

Beyond the questions of whether and what further reforms would be enacted after a new parliament was elected, one can list a series of questions about the effects of the 1993 reforms that could (can) only be answered after a series of elections have taken place. These can be grouped under three main headings.

First, with regard to parliamentary representation,

1. Would the number of parties represented in parliament and the degree of fractionalization of parliamentary representation be reduced?
2. Would a national pattern of party competition be established?
3. Would the surviving parties align themselves into a pattern of moderate, bipolar, alliances?
4. What would happen to the representation of women and ethno-linguistic minorities?

Second, with regard to the problem of *partitocrazia,*

5. Would there be substantial replacement of the personnel of the "old regime?"
6. Would the social and organizational character of the parties change?
7. Would the power of the party organizations to dictate who would be elected be reduced to the benefit of the voters?

Third, with regard to governments,

8. Would governments show greater coherence?
9. Would governments have greater effectiveness?
10. Would governments have longer lives?

As Roberto D'Alimonte shows in Chapter 15 below, the preliminary answers to these questions paint a mixed picture. Certainly, the new electoral system facilitated the first real turnover of government and the installation of the first government of the left in the postwar period, although only after the definition of "left" had been changed substantially by both domestic and international events. Electoral dynamics have changed substantially. On the other hand, some of the changes that accompanied the new system, for example an *increase* in the party fragmentation of parliament, were precisely the

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[66] *Die Presse,* September 9, 1993: 4.

opposite of those desired, and the dynamics of politics within parliament appears to have changed relatively little. Only time will tell whether these changes accurately mirror a new equilibrium, or whether they are just the early stages of a process whose ultimate results we cannot yet know.

6 The Politics of Reform in Israel: How the Israeli Mixed System Came to Be

Gideon Rahat[67]

The Twelfth Israeli Knesset (1988–92) replaced the old Basic Law, "The Government (1968)" with a new Basic Law, popularly known as the "Direct Election of the Prime Minister Law".[68]This law determines that from the general elections for the Fourteenth Knesset onward, the Israeli parliamentary governance system will be replaced by a mixed system of governance. The new system combines a presidential element—direct election of the head of the executive branch—with a parliamentary element—a new government must survive a vote of investiture. The Knesset (the Israeli legislature) can, in a no-confidence vote with an absolute majority of its members (61), oust the prime minister (PM) and his government (Hazan 1996b). The PM can also disband the Knesset. In either case a new election must be held for both.[69]This system creates a mutual dependency between the two branches, in that the political post of each is dependent upon the other.

The separate election of the prime minister is not merely a technical procedure, after which the PM functions as the head of the executive in a parliamentary regime. Indeed, it creates an independent channel of legitimacy for the PM. This reform of the governance system can also be analyzed from the electoral studies perspective. First, the loss of majority confidence by the Netanyahu government (1996–9) teaches us that the parliamentary element—under the law, the prime minister is dependent on legislative confidence—remains significant. The nature of this dependency was affected by the results of an election that took place at the same time. According to the new Basic

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[68]   Here I will refer only to the "Direct Election of the PM Law" as the new Basic Law, The Government (1992) contains many other features that are outside of the scope of this discussion.

[69]   Legally, the legislature has the upper hand. If a special majority (80 legislatures out of 120) ousts the PM, new elections are held only for the PM. However, it is very unlikely that such a majority would be created to oust a chief executive who has the legitimacy of being directly elected by the people.

Law "The Government (1992)," elections of the prime minister will take place whenever there are elections for the Knesset.[70]Thus, the new system can be considered a unique case of the MM electoral system. This is a parallel system, in which the PM—who must also be elected to the Knesset—is elected according to the majoritarian principle at the nominal tier, while all other Knesset members are elected at the list tier according to the proportionality rule. Second, as we shall see later, direct elections for the prime minister were seen as the only possible and effective way to introduce majoritarian features into a hyper-representative system. Direct election of the PM was a substitute intended to achieve the goals that Italy, with its hyper-representative system, tried to achieve through the adoption of the MMM system.

This chapter analyzes the factors and the processes that led to the adoption of a mixed system in Israel. The first part analyzes the characteristics of the Israeli pre-reform electoral system according to the two dimensions suggested by Shugart in Chapter 2. It also presents a brief discussion of reform initiatives, intended to provide solutions to some of the electoral system pathologies, and explains their failure. The second part discusses the developments in the intraparty dimension—the parties' tendencies from the 1970s on to adopt more and more inclusive selectorates for candidate selection. Finally, the politics of reform—the factors and the processes that led to the adoption of direct election of the PM—are analyzed. This analysis includes five elements: long-term developments that served as background factors; events that served as catalysts during the struggle for and against reform; a description of the political actors who took part in this struggle; the characteristics of the mixed system that make it more fit for promotion and its use by the reformers to overcome the primary advantage of the institutional status quo; and, finally, the four stages of the reform process.

The Israeli Extreme Electoral System and Its Survival

In both the interparty and intraparty dimensions suggested by Shugart in Chapter 2, the electoral system by which Israeli legislators are elected is an extreme electoral system. The PR system uses a single nationwide district of 120 seats. The legal threshold is low—1% from 1951 to 1988 and 1.5% from the 1992 elections on. The operation of such a system in a multi-cleavage society creates results that put the electoral system relatively close to the hyper-representative

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[70] According to the new Basic Law, "The Government (1992)," "special elections"—elections of only the PM—will be held if the Knesset has more than a year to finish its regular term and under certain circumstances: if the PM resigns from his post or from the Knesset, dies or suffers an illness that disables him, or is impeached; or if there is a Knesset vote of no confidence by a two-thirds majority (80 legislators).

representative pole in the interparty dimension: for the 1969–88 period, $E_{inter} = -0.49$. Large district magnitude, together with the use of a closed list system, makes for a highly party-centered system on the intraparty dimension of $E_{intra} = 0.60$.

The ills that were associated with the extremist features of the electoral system were related to both dimensions. Extreme proportionality was blamed for creating unstable governments; ineffective and incoherent policy-making; a lack of responsibility and accountability on the part of the government; and exaggerated responsiveness to small parties' demands arising from coalition requirements. The control of party leadership over the composition of the candidate lists through oligarchic candidate selection methods, the lack of citizens' impact on the candidate list composition due to the closed list system, and the high district magnitude were all blamed for the lack of legislators' responsiveness to the electorate demands (Diskin and Diskin 1988).

Many initiatives seeking to decrease proportionality were presented as cures for the illnesses related to the interparty dimension. Among these were initiatives for lowering the size of the assembly, increasing the legal threshold (even as high as 10%), increasing the inclusion threshold by translating votes into seats in multi-member districts rather than at the national level, and adopting different electoral systems, such as multiple-tier variants, majoritarianism, and plurality. Different initiatives for lowering district magnitude, together with initiatives for open-list systems, were intended to cure problems in the intraparty dimension.[71]

In the first two decades of Israeli statehood, the most prominent electoral reform initiative was the adoption of a plurality electoral system. This initiative was led by Ben Gurion, the prime minister and the head of the dominant party, Mapai. Among the other, much smaller, parties, and even among Mapai representatives, there were those who proposed less extreme electoral reforms, such as the adoption of a PR multi-member district system with a national tier. But the focus on the plurality initiative made all parties, except Mapai, unite against electoral reform, out of fear of Mapai's takeover of most of the Knesset seats.

More moderate reform initiatives became dominant at the end of the 1960s. Labor initiatives balanced the party's interest in a majoritarian system with its interest in cooperation with the smaller parties. This seemed to fit the interests of the right-wing alignment (Gahal/Likud) as well. Thus, the polarized struggle between pluralitarianism and proportionalism relaxed. This development seemed to enhance the possibility for interparty compromise that would lead to electoral reform. Initiatives for the adoption of a PR multiple-tier system, which would include smaller magnitude multi-seat districts and a

[71] For a more comprehensive description of electoral reform initiatives, see Diskin and Diskin (1988); Brichta (1988).

national tier,[72]passed preliminary readings in 1972 and 1974, but were buried" in the Constitution, Law and Justice Committee.

Between 1986 and 1988, an electoral reform initiative passed, for the first time, three legislative hurdles: a preliminary reading, a round of committee deliberations, and a first reading. At that time, two versions of electoral reform competed with each other. One called for the adoption of a PR multiple tier system, in which 80 legislators would be elected in 20 four-seat districts and 40 from a national pool. The second initiative called for the adoption of an MMP system, in which 60 members would be elected in 60 SSDs and 60 from a compensatory national pool (Diskin and Diskin 1988). As these reforms maintained proportionality, they were expected mainly to create change in the intraparty dimension. A significant change in the interparty dimension was expected to be achieved only through an increase in the legal threshold.

After the re-formation of the unity government in 1988, the continuity of the legislation process was announced, but the bill was frozen until the newly formed bipartisan committee—composed of members of Labor and Likud—would complete deliberations. In May 1989 the bipartisan committee recommended adopting a compensatory multiple-tier PR system in which 60 members would be elected in 20 three-seat districts and 60 from a national pool. While Labor confirmed this decision, Likud refrained from doing so. After the Labor Party left the unity government coalition and ousted the government (March 1990), this bipartisan agreement lost its significance. Those forces that tried to promote electoral reform, within and without the Knesset, abandoned this initiative and focused on the promotion of the direct election of the PM bill, which passed, at that time, its first legislative hurdles.

This change of focus stemmed from two reasons. First, after many failed attempts to reform the Knesset's electoral system, the chances of the new direct election bill were considered to be better. This resulted from the seemingly lower projected impact of direct elections of the prime minister on the Knesset election results and the fact that, unlike Knesset electoral reform, a simple majority was needed in this case. Second, the initiators of the bill believed that it would be a better device for solving what seemed to be the major problem of the Israeli polity: the power of small pivotal parties. As the Knesset's electoral reform would mean that a PR system would still be in place, in the bipolar party system this problem would not be solved. Direct elections appeared to be a solution to this problem, as it passed the decision concerning the prime ministership from the Knesset to a majority in the electorate.

From a comparative perspective, the failures of the electoral reform initiatives in Israel are not surprising. Except for the case of France, stability has

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[72]   The bills did not clarify whether the two tiers would be parallel or compensatory.

been witnessed in most of the consolidated democracies regime structures—including their electoral systems—from the postwar era up to the 1990s.[73]

A few factors explain this stability. First, institutional procedures give primacy to the institutional *status quo*. Since 1958 an absolute majority has been required to reform the Israeli electoral system. This is a comparatively low procedural requirement, but institutional procedures still give primacy to the institutional status quo. The legislation process requires the mobilization of majorities in the Knesset for each reading that takes place at different times. In addition, there are other strategies for blocking legislation, such as postponement by use of procedural maneuvers. Initiatives for electoral reform in Israel were either rejected by the plenum or, after passing a reading, buried in the Constitution, Law and Justice Committee.

Second, institutional arrangements have roots in the cultural, social and political traditions of the nation. Most electoral systems in consolidated democracies, as well as other conventions for dividing power between and within government institutions, were set up at times of fundamental political and social change (Carstairs 1980; Lijphart 1994; Nohlen 1984b). In a situation of relative stability, which is characteristic of democracies, it is hard to mobilize support for abandoning any institutional tradition linked to the local political culture and seen to have proven itself. The Israeli regime structure reflects an inclusive political culture. Its origins can be found in the pre-independence era, in the Zionist and Yishuv institutions (Horowitz and Lissak 1986; Sager 1971). This tradition provides justification for conserving the political system with its pre-independence origins, especially as many of the same social cleavages that justified its adoption are still in place.

Third, the dominant political forces, which hold the key for change, prefer to conserve the conventions that enable them to hold such a position. These forces might have been the designers of the institutional conventions for the division of power, or they might have started out as opponents of these conventions but adopted themselves to them in time (Nohlen 1984b; Taagepera and Shugart 1989). In rational choice terms, they will prefer a mini-max strategy, defending what they already have and avoiding risks—the uncertain political consequences of reform. This universal explanation applies also to the Israeli case. It is an important (although not exclusive) part of the explanation for the failure of Mapai's reform initiatives in the 1950s. The smaller parties, which together held a majority in the Knesset, had an interest in preserving the system that gave them representation and blocked Mapai from winning a Knesset majority.

There is a more complex explanation for the failure of initiatives that were raised in the 1970s and 1980s, which is related to the short-term interests

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[73] There were few exceptional incidents when substantial reforms in the regime structure took place. Regarding abolition of second chambers, see Longley and Olson (1991); regarding other reforms, see Banting and Simeon (1985).

created in the context of coalition politics. Coalition politics make reform difficult, in that any crucial member of the coalition holds veto power against reform. In such situations, even a small minority can block a reform alternative that has the support of a majority in the Knesset. In Israel electoral reform was blocked many times by small parties—particularly the religious parties, who are usually a small but crucial element in the governing coalition. Since 1965 a party system with two large parties—Alignment/Labor and Gahal/Likud—has been consolidated. It would seem that both parties should have been interested in a reform directed toward a more majoritarian electoral system. They even cooperated in 1973, to replace the formula for allocating remaining seats, the Largest Remainder, to the Hagenbach–Bischoff system which is more favorable to large parties. But they were unable to cooperate further. This phenomenon can be analyzed in terms of a prisoners' dilemma:

> While both parties did have such a common interest [in electoral reform] and could have benefited from electoral reform in the long run, it seemed that, in the short run, each would have gained the support of the small pivotal parties by refraining from any agreement on the issue. (Diskin and Diskin 1995).

Finally, mobilizing majorities to support reform, and coordinating their activities, requires the creation of an agreement regarding the substance of the reform. In a situation where there is a majority that supports change but there is no agreement on substance, the status quo—supported by a minority—will have the upper hand. At different points in time, electoral reform has had majority support in the Israeli Knesset, but the lack of agreement regarding its content prevented change. This happened when the reforms were rejected in separate votes by majorities that were composed partially of proponents of an alternative reform. At other times, this lack of agreement led to the burial of electoral reform bills in the legislative committee.

The Intraparty Dimension: Reform Outside of the Constitutional and Legislative Framework

On the intraparty dimension, the system became less "partyarchic" from the 1970s than it was in the 1949–77 period. While the party-centered features of the electoral system—the high-magnitude closed list system—remained unchanged, an evolutionary process developed, in which the parties started to use more and more inclusive selectorates to choose their candidate list for the Knesset. These developments took place outside of the constitutional and legislative framework. Even in the Party Law, adopted in 1992, there is no rule concerning the way in which candidate lists should be selected.[74]

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[74] The Party Law 1992 contains financial and administrative rules that apply only if a party conducts an intraparty candidate selection process.

In the 1950s the common pattern of candidate selection was an oligarchic one—through nominating committees. These committees were usually small groups composed of party leaders and, sometimes, party bosses, representatives of large branches and social groups. However, the leaders (and sometimes the bosses) were dominant. These committees were nominated by small party executive agencies, such as the secretariat or management. Sometimes their composition was ratified by a larger party agency (such as the central committee), but this was usually a formal and symbolic procedure. In a few cases, other party agencies (such as branches and/or the central committee) took part in candidate selection, but the power to decide who would be in a safe spot on the list and who would not remained in the hands of the members of these nominating committees (Brichta 1977).

From the 1950s on, initiatives were proposed for making the selectorate a more inclusive one. Some called for transferring candidate selection to larger, selected party agencies, such as central committees and conventions. Others called for adopting party primaries, in which all party members would select the chairman and the candidate list for the Knesset (Brichta 1977). The initiators and proponents of these reforms argued that they would enhance party democracy in a number of ways: participation would be widened and deepened; responsiveness to party members would be enhanced when the party delegates in the Knesset were dependent upon the votes of the members (in case of party primaries) or their representatives (in case of central committee selection); and competitiveness would be enhanced when oligarchic control was loosened.

Up until the 1970s, candidate selection remained in the hands of the nominating committees. In the 1970s a change began, wherein candidate selection began to be transferred from these committees to the central committees. The opening up of the selectorates happened in different parties at different rates. When the 1988 election took place, most parties had already transferred candidate selection to their central committees, which at the time included hundreds and sometimes thousands of delegates (Doron and Goldberg 1990). In the 1990s the process of opening up the selectorate went even further, with Labor adopting party primaries in 1992, and Likud and Meretz in 1996.

The reform of candidate selection methods in the individual parties at various times can be explained by referring to the interests of different leaders and factions, and their estimation that they would gain more power under a new selection method.[75] But in order to understand the dynamics of this whole process, we must look beyond these circumstantial and specific factors.

Doron and Goldberg (1990) explained the adoption of the central committees as selectorates as a process of a "diffusion of innovation." This explanation applies also to the adoption of party primaries in 1996 by Likud and

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[75]   Such an analysis was supplied in regard to Labor's adoption of party primaries in 1992 (Doron and Kay 1995;   Goldberg 1994).

Meretz. These imitations can be seen as an attempt to copy what looked like an important part of a prescription for party success in the general elections (Bar 1996; Goldberg 1994). The opening up of the candidate selection process was related, in the Israeli political tradition, to success in the general elections: Herut's (the largest faction in Likud) adoption of central committee candidate selection was connected to its first electoral victory ever in the 1977 elections; Labor's first victory after nineteen years, in 1992, was connected to the adoption of party primaries (Avnon 1996). In addition, the reason why party primaries were not adopted before 1992 can be explained by the failure of the party that had adopted it in 1977, the Democratic Movement for Change (DMC).

Up until 1999, there was no "turning back" to the adoption of less inclusive selectorates; in most cases party selectorates were either conserved or widened. In 1999, however, for the first time, a pattern of adopting more exclusive selectorates took place. Likud returned candidate selection to its central committee, in order to try to give Netanyahu more control over the legislators' behavior. The Meretz alliance canceled party primaries and gave its newly formed joint convention the task of candidate selection. Labor continued to use party primaries, but spots on its list were reserved in advance for its former leader, Shimon Peres, and for other parties that negotiated with Labor on the forming of a joint list. It seems that the 1996 election results shattered the myth regarding the connection between opening up the candidate selection method and the rate of party success in the general elections. Parties whose members participated in the candidate selection process lost seats in the 1996 elections, while parties that selected their candidates by party institutions or through appointments gained (Rahat and Sher-Hadar 1999a).

The Interparty Dimension: Patching a Majoritarian Feature Onto a Proportional System

Adopting a reform in the regime structure is not part of everyday politics. A reform initiative has to pass all of the obstacles mentioned above in order to be adopted. Extremist features of an electoral system may make it more prone to reformist pressures, but only in special circumstances will an electoral reform be adopted.

The framework for the analysis of the politics of reform in Israel uses elements identified by scholars of regime structures' reforms in consolidated democracies (Banting and Simeon 1985; Longley 1988; Longley and Olson 1991; Norris 1995). Here, these elements will be tied together using the approach suggested by Kingdon (1995) in his analysis of decision-making in the American government.

This analysis of the politics of reform in Israel contains five elements: (1) long-term developments—background factors—that make the ground fertile for the adoption of reform; (2) events that function as catalysts for the promotion of reform; (3) political actors whose interests, perceptions and actions determine the patterns of the development of the process; (4) the special characteristics of the mixed system that make it more fit for promotion; and (5) the four stages of the reform process, which are distinguished by the changes in the weights of the different interests and pressures on the legislators.

As Kingdon (1995) claims, someone must act to connect three independent streams—problems, policy programs, and political events—in order to place an alternative on the decision-making agenda. According to his approach, when explaining the decision-making process—and in our case decision-making means the adoption of an electoral reform—we should focus on the way these three streams integrate.

Political action plays a crucial part in our understanding of the process. The reformers connected the problems—e.g. the ills of the extreme electoral system as they are revealed in long-term developments and their appearance in different catalyzing events—with the solution: the mixed system. At times the actors supplied only a slight push toward a quite understandable relationship between the long-term developments, political events, the electoral system pathologies and their initiative for curing them. On other occasions this relationship was mainly of their own creation. The actions, perceptions, and skills of the political actors are crucial in establishing these connections, diagnosing and magnifying problems, and making use of the characteristics of the mixed system in order to establish majority coalitions at each legislative stage.

Long-Term Developments: Background Factors

As can be seen in Table 6.1, in the 1969–88 period there was one "deviant" election in terms of the measurement for interparty efficiency: the election of 1981. It seemed that after Likud's surprising victory in 1977, and the demise of the party that presented itself as a third alternative, the DMC, there was a real possibility that the elections would finally become a competition between two clear alternatives. The 1981 election results signified a further move in this direction. Pre-election identifiability increased when electoral competition focused on the two large parties, Alignment and Likud. Together, these two won the highest number of votes (73.7%) and seats (79.2%) ever won by the two largest parties. But the 1984 and 1988 elections indicated that the system was moving in a different direction. The large parties lost seats and votes, while small parties strengthened their hold over the pivotal position and were more willing to exploit it. Pre-election identifiability decreased when, instead of two clear governing coalitions, there were three possible post-election

Table 6.1. The Interparty Dimension: Israel, 1969–88[a]

Election year	ID	MA	L	P	E_{inter}
1969	0.00	0.93	0.47	0.01	−0.52
1973	0.00	0.85	0.43	0.05	−0.52
1977	0.00	0.72	0.36	0.06	−0.59
1981	0.75	0.80	0.77	0.06	−0.17
1984	0.25	0.73	0.49	0.03	−0.47
1988	0.00	0.67	0.33	0.03	−0.64
Average	0.17	0.78	0.48	0.04	−0.49

[a]   ID = identifiability; MA = majority approximation; L = electoral linkage; P = proportionality; E_{inter} = interparty efficiency.

scenarios: a coalition headed by (1) Labor or (2) Likud, dependent on the pivotal parties; or (3) a unity government, which was the actual result for the 1984–90 period.

The focus on the interparty dimension on the part of the proponents of the direct election for the PM law seems to be a reasonable reaction to the disappointing developments in this dimension from the 1984 elections on. Direct elections proponents also claimed that its adoption would have an impact on the intraparty dimension. A directly elected PM, they claimed, would be responsive to the electorate and not only to the party that selected him or her as its candidate.

Party System Change

Israel has a multiparty system, in which ten to fifteen parties are represented in the Knesset. From 1969 to 1988, the effective number of parties in the Knesset stood between 3.1 and 4.4. Until the 1970s, the Israeli party system was characterized as a dominant party system. The largest party, Mapai/Alignment, held the pivotal position and thus dominated coalition building and government formation. After the 1977 elections, the party system became a bipolar system in which the pivotal position was occupied by small parties. As has already been described, the system failed to develop two clear coalition alternatives. Rather, the pivotal parties' power increased, giving them the power to decide which of the two large parties, Alignment or Likud, would form the government. In this situation these parties, particularly the religious ones, had won bargaining power larger than their proportional share of seats and votes. The ultra-orthodox parties' position as pivotal parties resulted from their different priorities. Their major concerns were issues of state and religion, and interests related to their own closed communities rather than to the major issues of security and foreign affairs that determined the other parties' coalition potential. Up until 1988 this situation frustrated many but was relatively tolerable, for various reasons—the existence

of an alternative liberal coalition partner (1977–81); the dominance of the more moderate forces in the religious camp (1977–84); and the formation of a unity government, based on a grand coalition in which the religious parties were only a small part (1984–90). Following the 1988 elections and the collapse of the unity government in 1990, these restraints were gone. The religious camp maintained an exclusive hold on the pivotal position. Dominated by the ultra-orthodox parties, its demands were high and more prominent than before. Direct election of the PM, which was intended to take power away from these parties and give it to the people, seemed to be an initiative that would solve the problem (Brichta 1997; Doron 1996).

Overburdened and Dysfunctional Polity

Toward the end of the 1980s, Israel was described by Horowitz and Lissak (1990) as an overburdened polity, in which mechanisms for conflict regulation that had worked well in the past had lost their capacities. Galnoor (1996) has noted that the Israeli polity was in crisis from the end of the 1960s, as its steering capacity was weakened in comparison with the first two decades of independence. Barzilai (1990) argued that the polity had become fragmented and contained many internal contradictions as a result of the occupation of the territories after 1967, the growth in socio-economic inequalities, the backlash between tradition and modernity, and problems of law and justice in the face of the occupation of the West Bank.

The functioning of the unity governments (1984–90) contributed to the feeling that the system was dysfunctional. In its first two years (1984–6), the two most urgent problems—hyperinflation and the occupation of large parts of Lebanon—were solved. Afterward, this government appeared indecisive and ineffective, as the large parties mainly neutralized each other, particularly on issues of security and foreign affairs. At the same time, the polity was corrupted due to the demands of holding together a grand coalition and the lack of an effective opposition (Doron 1996; Korn 1994). With this background in mind, it can easily be understood why the public at large, as well as many politicians, were ready to consider a reform that was introduced as one that would enhance governability and accountability by creating clear governing alternatives and decisive results in regard to prime-ministership.

Institutional Developments

In terms of the development of the balance of power between the PM and his cabinet, direct elections for the PM can be seen as a step in an ongoing process. From this point of view, the reform can be seen as a formalization of the increasing power of the PM (Amir 1997).

The legislative ground was also fertile for adopting the reform initiative. Since independence, the number of private bills initiated and adopted usually grew from one Knesset term to the next. This signified the evolution of a

degree of autonomy on the part of the legislators *vis à vis* coalition and party discipline. In the Twelfth Knesset there was a dramatic change, and the number of private bills initiated and adopted doubled(Table 6.2).

This change in legislators' behavior represented an attempt to be more responsive to pressures sprouting from civil society. These pressures grew as a result of the weakening of the parties as mediators between state and society (Galnoor 1996) and as a result of the changes in the citizens' perceptions of the polity, which will be explained in the next section. These pressures became more and more effective as intraparty candidate selection methods became increasingly open.

Table 6.2. The Number of Bills Initiated and Adopted in the First to Twelfth Knessets According to Their Origin[a]

Origin/ action	Knesset and election year											
	1949	1951	1955	1959	1961	1965	1969	1973	1977	1981	1984	1988
	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th
Government												
Initiated	202	300	302	128	272	251	302	327	345	201	289	243
Adopted	200	274	264	111	244	234	279	288	304	155	219	208
Private												
Initiated	5	8	25	66	203	149	214	305	231	414	770	1491
Adopted	4	5	21	13	34	25	40	72	81	30	71	143

[a]   Data from the Knesset Computerized Archive, Oct. 15, 1998.

Changes in Citizens' Perceptions of the Polity

Peres and Yuchtman-Yaar (1992: 39) identified a significant decline in the citizens' level of trust in political institutions from 1987 to 1990. The share of citizens who expressed trust in the Knesset declined from 60% to 49%, trust in government from 60% to 48%, and trust in political parties from 35% to 14%. We do not have similar data to indicate that this trend was a long-term one. However, Barzilai (1992) described the development of the citizens' perceptions of the polity regarding the major issue of security as one that was transformed from consensus to conflict. This happened, he claimed, as a result of the shock from the unanticipated Yom Kippur War (1973) and the controversial Lebanon War (1982). The public, recognizing the dysfunctioning of the polity, seemed ready to support and press for electoral reform.

Accumulative Experience

Until the 1988–92 period, the Israeli polity experienced three governmental alternatives: Mapai/Alignment coalition governments (1949–77), Likud coalition governments (1977–84), and unity governments (1984–90). This

experience allowed dissatisfaction to be channeled more easily toward the dysfunctioning of the polity rather than against any governing alternative.

In addition, reform at the municipal level in the 1970s—in the form of direct elections of mayors—appeared to be a successful precedent that might be adopted at the national level. Until 1978, local council members were elected by a PR system in which the entire municipality served as one electoral district. The mayor was elected by the local council and depended on its confidence. Many municipalities were suffering from ongoing coalition crises and hardly functioned. After the reform, municipalities seemed to work better. Many unpopular mayors, nominated by their parties, were replaced by more popular figures. While split voting was growing from one election under the new system to the next, the phenomenon was not perceived to be as dramatic as it turned out to be in the 1996 general elections, under the new Direct Election of the PM Law (the new Basic Law: the Government (1992)). In addition, while large parties lost seats in the city council, they still enjoyed most mayoral positions, so the price did not appear to be too high.

Hyper-representation is an element that relates to most of the developments that were discussed above: party system change and its results, a dys-functional and overburdened polity, and citizens' perceptions of the polity. It seems that temporal changes (such as the 1981 elections) and solutions (such as the 1984–90 unity government) helped to overcome pressing problems related to electoral inefficiency. The pressure for reform was strong enough only after the temporary solutions were exhausted.

Events: Catalysts

Two types of event served as catalysts for reform: planned (such as elections) and unplanned (such as coalition crises). The latter were usually symptoms of long term developments.

Coalition Bargaining (November–December 1988)

After the 1988 elections, the representation of the religious bloc grew significantly. Thirteen out of the religious camp's eighteen seats were captured by three ultra-orthodox parties. These factors, together with the development of a dynamic of intra-religious competition, served to significantly raise the demands of these parties—for funding, ministry positions, and religious legislation. Protests and pressures against responding to these demands led to the formation of a unity government, headed by Likud (Freedman 1989). Many protesters saw electoral reform as something that would control the growing power of these parties.

Coalition Crisis (March–June 1990)

The coalition crisis began after Labor left the unity government and succeeded in ousting the government with the help of the ultra-orthodox parties.

This was followed by three months of coalition negotiations, in which a window of opportunity for reform was wide open. Both large parties tried to build their own coalition, with the prices being set by the ultra-orthodox parties rising in the face of the growth in demand. The way the ultra-orthodox parties utilized their pivotal position created strong reactions, leading many to describe the situation as "minority rule". In addition, a few legislators deserted their parties, ready to cross the lines in return for funds and ministerial posts. This led to a second wave of protest, more radical and widespread than in 1988, with the public and many politicians becoming more willing than before to support reform. In addition, during this period coalition obligations, based on garnering the small coalition partners' agreement prior to the introduction and promotion of reform bills, lost their validity. The crisis ended when Itzhak Shamir (Likud) presented his new government (June 1990). Even after the storm was over, these three months were well remembered as the "Stinky Trick" period.

General Elections (June 1992)

The pressure on legislators and parties to respond to extra-parliamentary demands for reform increased as the date of the general elections drew near. These pressures came mainly from the public, mediated through pressure groups, and from the members of the party selectorates (for and against reform) who could determine whether a legislator would have a viable spot on the party candidate list in the next elections.

The impact of these events was crucial to the reformers' struggle with the problem of the minority veto they faced. The timing of the plenary votes on the new Basic Law: The Government—when the coalition crisis (March–June 1990) took place and when the date for new elections was negotiated (January 1992) and set (March 1992)—weakened coalition considerations, especially as the attempt to address public concerns became more immediate.

Other Catalysts

State budget politics, the publication of the State Comptroller's yearly and special reports, religious leaders' controversial statements toward the non-religious public, and initiatives for religious legislation all became catalysts in the politics of reform. These, used as proof of political corruption and/or the blackmail power of the religious parties, helped to keep reform on the agenda and to mobilize pressure on the parties and legislators to support it.

The Actors

All actors who had any stake in the regime structure took part in the struggle for and against reform. But only a small, hard-core group, led the process. Most actors were not as decisive, and had to be recruited and mobilized again

and again in order to create enough pressure for reform and to build a majority coalition at each stage of the legislation process.

Parliamentary Actors

An important (and often neglected) part of the analysis should focus on the behavior of the legislators. In the end, it was the legislators, with their different perceptions and interests, and under contradicting pressures, who finally determined the fate of the reform initiative.

The Knesset was central in the legislation of the reform. The government, which usually controlled the behavior of coalition members, did not take an active part in the issue of reform, due to the different positions of the different coalition partners. It was not only the legislators' votes on the several readings of the reform bill that mattered, but also other actions, such as the reform opponents' attempts to postpone legislation, and the reactions of the supporters. The composition of the reform and anti-reform coalitions changed during the process. The dynamics of coalition building are evident when we look at the legislators' votes: 71 legislators voted against reform and 82 supported it in at least one of the three readings. Building coalitions for and against reform is an ongoing process. Only 34 legislators supported reform and 12 opposed it in all three readings. Most legislators were torn between conflicting perceptions, interests, and pressures, and only a minority belonged to the hard core of either supporters or opponents.

In the face of huge public support for reform, its opponents preferred to refrain as much as possible from attempting to block the law in the plenary, where public pressure was more likely to be influential. The major strategy used to block the initiative was to try to postpone the legislative process. However, some opponents offered an alternative reform. "Prime ministerial government" was an idea that originated from two political scientists, Emanuel Gutmann and Avraham Diskin. It was introduced first as a separate private bill and then as amendments to the Direct Election bill. The goals of this alternative reform were to conserve the framework of the existing parliamentary system, to enhance the powers of the prime minister, to stabilize the government by determining that it can be removed only by a constructive vote of no confidence, and to strengthen the large parties by determining that the head of the largest party would be nominated automatically after the elections in order to form a government (Peri 1989). This initiative suffered from the same problem that affected electoral reform, the "prisoners' dilemma": i.e. it required cooperation between the two large parties against their small allies. Such a reform was expected to harm the small parties due to pressure on the voter to select a large party in order to make its leader prime minister.

Extra-Parliamentary Actors

Political parties, by making decisions about their stance on the direct election bill and by refraining from it, took part in the politics of reform. Some parties' institutions made binding decisions for their representatives in the Knesset, while others allowed them to vote freely. Decisions were postponed and "non-decisions" were made many times in the hope that the bill would be buried so that the party would not have to face the consequences of objection in the face of public support. This, together with giving the representatives the freedom to decide, enabled the parties to use the reform as a weapon in making additional demands on the other parties.

Two pressure groups were the most prominent forces outside the Knesset. The first, "A Constitution for Israel," was established in 1986 as a working group composed mainly of Tel Aviv University law professors. Its proposal to adopt a complete constitution via referendum was introduced in a campaign at the end of 1987. Since then, the group has worked to promote various constitutional reforms, one of which was direct elections for the PM. The second group, "The Movement for Governance Reform in Israel," was a protest group, established at the time of the "Stinky Trick" in reaction to the politicians' behavior at the time. Both groups enjoyed generous donations from American Jews (mostly Conservative and Reform) who were frustrated by the Orthodox demand to entrench, through legislation, their monopoly on the question of "Who is a Jew?" They were convinced that direct elections would decrease the bargaining power of the religious parties. These non-partisan players presented themselves as, and actually appeared to be, idealists standing against what they saw as a dysfunctional and corrupted polity.

The political action of the pressure groups was important in determining the immediate rewards and costs of legislators' support and rejection of the reform, with no regard to its future impact on the division of power. In addition, successful marketing of the reform, *vis à vis* some qualitative opposition, made the political consequences of its implementation unclear for the legislators. This uncertainty enhanced the tendency to respond to the popularity of reform in the general public.

Extra-parliamentary opposition to the reform was usually sporadic. Aside from some academic and public meetings, lobbying activity, and newspaper ads by the Israel Democracy Institute, opposition was expressed mainly by individuals—publicists and academics (particularly political scientists). The reformers overcame this opposition quite easily, by using their huge resources and marketing techniques to mobilize and maintain public support.

The Israeli president, a symbolic and "apolitical" (i.e. non-partisan) figure, also expressed his support for the reform, thus providing legitimacy to the claim regarding the nonpartisan nature of the reform initiative. The public too was mobilized in favor of reform. Tens of thousands of people participated

in two mass demonstrations that took place during the coalition bargaining process in 1988 and the coalition crisis of 1990; 600,000 citizens signed a petition supporting the reform. Public pressure was also applied via opinion polls. The pressure groups ensured that wide publicity was given to the massive public support for the reform and the fact that the electoral price parties might pay if they did not support it (*Ha'aretz,* March 6, 1992; *Jerusalem Post,* July 3 and 7, 1991). These indicators of "public opinion" gave the pressure groups the legitimacy to represent" the public, while a few hundred zealous activists helped to keep the issue on the agenda and to pressure the legislators when necessary.

The Appeal of the Mixed Alternative and the Politics of Reform

According to Shugart's approach, outlined in Chapter 2, reforms are designed to repair pathologies that stem from certain "extreme" institutional features of the electoral system that make it electorally inefficient.[76] As has already been shown, this approach correctly points to the ills that the reform intends to correct. It also indicates the direction that the reform will take. The reformers of the Israeli system, attempting to amend the ills related to hyper-representation, intended to move it away from the hyper-representative pole.

In addition to this approach, we must explain the dynamics of the politics of reform. After all, there is a gap between the solution that a political scientist would offer—for example, after diagnosing the pathologies of the system on the basis of Shugart's approach—and the actual reform adopted.[77] Reform can be explained as the result of looking not only for the optimal midpoint in the functional meaning, but also for a midpoint in the sense of the dynamics of the politics of reform itself. As Norris (1995) claims, the electoral reforms in Japan, New Zealand, Italy, and Israel should each be seen as a product of compromises, not as a fulfillment of a complete reform plan. This dynamic is evident in the Israeli case. The ambitious plan for adopting a constitution via a referendum was abandoned early on, but serious efforts were still made to promote three of its major elements: a bill of rights, electoral reform, and reform of the system of governance. At the end of the process, only direct elections were adopted—with what seem to be important changes from the original bills—plus two basic laws that covered parts of the issues that were on the original draft of the bill of rights. Even among the principal

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[76] Other scholars that have used different classifications of electoral systems (Dunleavy and Margetts 1995) and regime structures (Bogdanor 1988) have used a similar approach. In their view, reforms are designed to fix pathologies that stem from certain "extreme" institutional features: imbalance between governability and representation, or an extreme consensus or majoritarian regime.

[77] This gap is evident in Lijphart's (1993) analysis of the Israeli regime. Using his models of consensus and majoritarian democracies, he distinguished between the reforms that Israel should adopt and the reform that was finally adopted, i.e. direct elections of the PM.

initiators and promoters of direct elections—the "Constitution for Israel" law professors—the initiative started out as a compromise between the supporters of presidential and of parliamentary systems (Bechor 1996).

In the initial stages of the promotion of the reform, the reformers' solution for the need to create majority support was the formation of a coalition for "change." But when one alternative had to be promoted, toward the second and third readings, the coalition had to be rebuilt, this time around an agreement about a single alternative. At this stage, the *mix* helped to overcome this problem, as its characteristics made it fit for promotion.

The *mix* has multifaceted characteristics: an integration of the old (PR parliamentary system) with the new (direct majoritarian election of the PM); and different aspects that can be presented as attractive to individuals, groups, and parties with different (and sometimes contradicting) interests and perceptions. In addition, uncertainty about the political consequences of reform enhanced the appeal of the immediate electoral reward that was supposed to be gained from public support of the reform.

As already explained, institutional rules are related to cultural, social, and political traditions. It is easier to persuade citizens and politicians to change such rules when a reform can be introduced as one that preserves traditional aspects, regarded as crucial. Thus, the *mix* allowed supporters to claim that the traditional aspect of inclusiveness—via proportionality in the Knesset elections—would be preserved, while governability, a traditional problem, would be enhanced. "Tradition," as such, was even used by the reformers to contradict the claim that such a governing system was never implemented in other democracies. They argued that the special *mix* was specifically designed to fit the Israeli political tradition (Constitution for Israel 1991).

For the legislators, the adoption of a mixed system was portrayed as an exchange deal, in which most of them would only gain. In return for relinquishing the power to determine who will be the prime minister, they would receive greater power to legislate and scrutinize the executive (MKs Rubinstein, Lynn, 12th Knesset Records, Session 366, January 2, 1992). Therefore, for most legislators who did not hold a pivotal position, there was not much to lose. The final version of the bill even seemed to preserve much of the government's dependency upon Knesset confidence. Thus, it seemed that a solution that responded to public grievances was found, one that did not harm the power of the legislators, while seemingly enhancing it.

Preserving the electoral system used for the Knesset, and adopting direct election for the prime minister in addition, helped to support the claim that party representation—and therefore the personal political fate of the legislators in the closed-list system in Israel—would not change. The reform was introduced as concerning only the chief executive (Doron 1996). Moreover, the pressure for electoral reform, which surely would have hurt some parties, would weaken due to the solution supplied by direct elections. (MK Ramon,

12th Knesset Records, Session 176, May 15, 1990). However, there were claims that voting with two separate ballots would affect voting behavior, and thus would affect the representation of the parties in the Knesset. Some, especially the opponents of the reform, claimed that direct elections would enhance the power of the small parties while harming the large ones. They claimed that after the voters determined the character of the government they preferred, by choosing the PM, they would tend to vote for a small party that presents a clearer program, one that they can identify with (MK Tzaban, 12th Knesset Records, Session 176, May 15, 1990; MK Begin, 12th Knesset Records, Session 367, January 6, 1992; Diskin and Diskin 1991). Constitution for Israel (1991) claimed that the opposite effect was to be expected. The voters, they claimed, would prefer to empower the candidate they chose for prime minister (who would naturally come from a large party) and thus would vote for his or her party.

The legislators faced a plethora of contradicting claims concerning the impact of the separate vote on their own and their parties' futures. Uncertainty about the political consequences of the reform only grew when it was determined that the new system would be enacted after the next elections. At the same time, Likud's fear of Rabin's (Labor) forecasted victory under the new system diminished. Because of these uncertainties, it was easier to choose to respond to public pressure, to collect electoral dividends, and even to be convinced that the public interest demanded that the reform be adopted.

The *mix* contained a real element of compromise, but was also elastic enough to enable shrewd and aggressive reform agents to sell illusions that might be adopted under popular pressures. The *mix* also made rejection hard to explain. For example, reform opponents claimed that direct elections would lead to the rise of a dictator, but they also warned against factionalism and increasing coalition pressures. These two claims were presented by the reformers as contradictory—one claimed that power would be concentrated in the hands of one person, the other that it would be dispersed. Explaining that a dispersal of power would lead, as it did in many Latin American cases, to pressures for a concentration of power and the rise of a dictatorship is possible in a classroom; marketing such a dialectical explanation is another thing completely, especially when one faces a mixed system that promises something for everyone.

Most of the reformers were liberals, and took care to point out again and again that the Knesset would be empowered in order to balance the power of the directly elected prime minister. However, the element of personal leadership probably appealed to large segments of society and helped to mobilize their support. In one poll, 42% of the public expressed the desire for a strong leader who would not be dependent on the result of the Knesset elections (Peres and Yuchtman-Yaar 1992: 12). The multifaceted mixed system appealed to both anti-liberal sensibilities, and liberals, who saw it as fitting the concept of "division of powers."

Dunleavy and Margetts (1995) see globalization, the exposure of people to other countries' regime structures, and political functioning, together with the growing information that people have, as part of the explanation for the convergence of electoral systems toward the mixed midway. The Israeli case shows that this influence is indirect and passes through parochial and interest-driven filters. The idea of a mixed governance system, in the Israeli version, was substantially different from any regime of a consolidated democracy, as the reformers admitted themselves. However, in pro-reform legislators' speeches, newspaper articles and propaganda, the examples of US democracy and the Fifth French Republic were used quite deliberately. The debate usually used the polemics that political scientists had used until the 1970s (Taagepera and Shugart 1989). In this framework, the regime of Israel—a small and multi-cleavaged society—was usually compared to the American, British, and French systems. The collapses of the Weimar Republic[78]and of the French Third and Fourth Republics were used as proof of the instability of the pure PR parliamentary model. The tendency of contemporary political scientists to claim that in most cases PR parliamentary regimes function better played almost no part in the debate. Political scientists who tried to contribute such knowledge faced the popular appeal of direct elections, and the resources and marketing techniques of the reformers. Knowledge, when available, was used as a weapon in the politics of reform.

Can the pressures for reform toward electoral efficiency intersect with the results of the behavior of groups and individuals with different interests and conceptions? This meeting is supposed to take place. The two compromises—i.e. the compromise between political forces with different interests and perceptions that enables the reform, and the compromise between systemic pressures—work in the same direction, toward a mixed system. However, it may be the case that never the twain shall meet, especially when the reform produces different results than expected.

The Reform Process

Initiative and Recognition (1987–March 1990)

At this stage, the reform initiative entered the public agenda and then penetrated the decision-makers' agenda. Direct election of the prime minister was

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[78]   Rubinstein (1990), one of the most prominent reform proponents, argued, in response to the claim that direct elections would lead to a regime quite similar to that of Weimar (Zimmerman 1990), that the Weimar regime was parliamentarian, as the president was a head of state who had only emergency powers. Shugart and Carey (1992) define the Weimar regime as presidential parliamentarianism. These conceptual differences seem to stem from the different conceptions that political scientists and law scholars like Rubinstein hold regarding the way a regime structure should be analyzed. The differences between these points of view were most pronounced when the majority of political scientists opposed direct elections, while the hard core of the reformers contained mainly law professors.

only one of three elements that "Constitution for Israel" decided to promote at the beginning of 1988. At that stage, many of the initiators of the direct election of the PM law declared that their support was dependent upon constitutional guarantees for human rights, in order to balance the power of a directly elected chief executive. This initiative was promoted as a separate issue only after failed attempts to promote the other two targeted issues: Knesset electoral reform (1988–9) and a bill of rights (1989). However, this exposure of an almost completely new initiative—one that might have looked strange and out of context—made it appear as a serious and respectable alternative.

The next step was to penetrate the decision-makers' agenda. In the Knesset, five private bills for direct election of the prime minister were submitted following the 1988 elections, between December 1988 and February 1989. At the beginning of 1989, a Likud–Labor bipartisan committee began deliberations, first on the issue of Knesset electoral reform and then on direct election of the prime minister. At this stage, the legislative process was willingly frozen, due to the agreement between the two large parties to wait a year for the conclusions of the committee deliberations.

Initial Approval (March–June 1990)

The window of opportunity that was created as a result of the 1990 coalition crisis was fully exploited by the initiators of four of the Direct Election bills. They did so by deciding to postpone the framing of one compromise bill. As a result, during those three months they succeeded in passing the bills over three hurdles: preliminary reading, committee deliberation and first reading.

Four private bills passed the preliminary reading and the first round of deliberation in the committee without drawing much attention. Most legislators in both the plenary and in the Constitution, Law and Justice Committee were absent, seeming to testify that they did not see much significance in the fate of the bills at that stage.

The first reading received more public attention, and most legislators participated in the deliberation and vote. Public pressure for reform increased and a new radical protest movement was established, "The Movement for Governance Reform in Israel." This movement protested against the corrupt and self-interested behavior of "the politicians" and the ultra-orthodox parties discussed above.

The coalition of supporters that was created in the first reading may be labeled a "coalition for change"; it was based on an agreement on the need for reform but not on its substance. In addition to the four versions of the Direct Election bill, there was an agreement with some Direct Election opponents, who supported "Prime Ministerial Government", for mutual support. Most legislators were free at this stage from party discipline, so they could express responsiveness to the public pressures and try to rehabilitate their negative

image after weeks of harsh criticism. Some legislators had supported the bill, expecting that, like other reform initiatives, it would be buried in the Constitution, Law and Justice Committee. Many of the legislators who supported the bills declared that their future support would be dependent upon the adoption of other reforms, such as electoral reform and a bill of rights (Twelfth Knesset Records, Sessions 176, May 15, 1990; 179, May 22, 1990; 181, May 28, 1990). At times, these conditions later disappeared and were replaced with unconditional support; other legislators kept their criticism but decided to follow party decisions and/or decide on their vote according to other considerations.

The bill's majority support was made up of most of the legislators from the large parties, from the two small "reform" parties, Crossroads (Tsomet) and Change (Shinui), and from the National Religious Party (NRP). Most of the opponents came from parties to the right of Likud and to the left of Labor, and from the ultra-orthodox parties.[79] These voting patterns can be explained as a response of the core of the party system—moderate forces in terms of the issues of foreign relations, security, and religion—to the public pressure for change (not necessarily for direct elections), and as an almost automatic defensive response of the extremes, affected by their suspicion of the core support.

Struggle for Survival (June 1990–December 1991)

At this stage of legislation the reformers had to ensure that the reform would not suffer the fate of many of its predecessors—burial in committee. The struggle for survival had two faces: (1) maintaining the issue on the public agenda, and (2) with the help of the former, keeping the bill on the Knesset agenda.

Maintaining the issue on the public agenda required activity that was based on a hard core of a few hundred activists. The public did not respond as before to the pressure groups' calls for demonstrations and protests (Hermann 1995). Under these circumstances, the activities were forced to become more coordinated and organized.

By the end of 1990, the Labor Central Committee had decided to support the Direct Election bill, rejecting the alternative initiative for "Prime Ministerial Government." In this way, Labor sought to improve its image following its failed attempt to replace the unity government with a Labor–ultra-orthodox coalition. From then on, Labor was committed to the reform, using it to attack Likud, who remained undecided for an additional year.

The first action on the part of the four initiators of Direct Election was to draw up a compromise version of the bill. This was done outside the Knesset,

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[79] This description regards voting behavior on David Libai's (Labor) bill. Voting patterns were significantly different for only one of the bills, which offered the adoption of a semi-presidential regime in the French style, and received the least support.

with the assistance of some academics. Following this action, the Constitution, Law, and Justice Committee began deliberations. Likud was interested in retaining the bill in the committee, because it had given contradicting promises to its coalition partners regarding its behavior when the bill would be introduced for the second reading. This slowed down the legislation, but also ensured that the bill would survive, as its burial or rejection in the plenary would contradict some of Likud's promises to its coalition partners. The chairman of the Constitution, Law, and Justice Committee—a Likud representative and one of the bill's initiators—was torn between his strong commitment to the bill and the pressures from his party. He kept the bill in committee for longer than seemed to be necessary, but at the same time made sure it remained alive.[80]

Most parties, torn between contradicting pressures and different evaluations of the impact of direct election on their future power, delayed their final decision regarding the bill. The balance of power between the supporters of the bill and its opponents was equal, as indicated by the Knesset rejection of two contradicting motions: one for speeding up the legislative process and introducing the bill for a second reading, initiated by Labor; and the second calling for further deliberations in committee, initiated by Likud (Twelfth Knesset Records, Session 307, June 11, 1991). When the bill finally was passed to the Speaker, a Likud representative, it was delayed again, first by the Chairman of the House Committee, who claimed that the legislative process was improper and that the bill should be introduced again in a first reading; and later by the Speaker, after the House Committee struck down this claim. Only after the bill's supporters petitioned the High Court of Justice did the Speaker finally promise to introduce the bill.

Reform Adoption (January–March 1992)

At this stage the task of the reformers was more difficult. They had to mobilize a majority for a specific alternative, not for generic "change". When the bill was finally introduced for a second reading, in the beginning of January 1992, Likud had finally decided on its partisan position toward the Direct Election bill. The Likud Central Committee decided to adopt the positions of the party chairman, PM Shamir, and his allies, and rejected the bill.

Voting patterns roughly fit coalition and opposition affiliation. Most opposition members voted for the bill, and only two of them voted against it.

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[80]   The Direct Election bill was on the agenda of the Constitution, Law, and Justice Committee in 33 out of the 157 meetings (21%) that took place between the first and second readings; and in 30 of them the entire meeting or a major part was devoted to it. The intensive rhythm of the deliberations is even more impressive, if viewed following the time out the Committee took to let the initiators put forth a single bill. The Direct Election bill was discussed in 30 out of 103 meetings (29.1%) from the first time the single bill was discussed until it was returned to the plenary.

Most coalition members voted against the bill, but seven of them decided to support it. The bill was amended at the second reading, but its essence—the direct election of the prime minister—survived, passed by a 57–56 vote. As this was the closest vote, it is worth analyzing voting patterns.

The right–religious coalition. The pressure on Likud legislators to obey their Central Committee's decision was especially strong at the time, because this body was the one that selected its candidate list in the forthcoming elections. Even under these pressures, two Likud legislators maintained their support: Yigael Horowitz, who was at the end of his political career, and who represented a faction that traditionally supported regime reform; and Binyamin Netanyahu, a young politician who seemed to believe that this reform suited his personal popularity and communication skills, and would serve his career. It seemed at the time that the primary motive of Likud and its right-wing allies for opposing the bill was that the opinion polls indicated that in a direct election Itzhak Rabin—who was running for chairman of the Labor Party—would beat Prime-Minister Shamir and any other candidate that Likud might present. Moreover, they feared the future impact of the Arab vote through direct election of the prime minister. Until then, about half of the Arab vote was given to non-Zionist parties, who could not be members of a governing coalition according to common political conventions. The behavior of the ultra-orthodox legislators was dictated by their religious leaders, who tended to be conservative in such matters. The fact that they were one of the main targets for criticism by the reform supporters pushed them to oppose the reform, although some of the religious parties' politicians predicted that the reform might actually enhance their power.

Members of two other coalition parties also supported reform: the Faction for the Promotion of the Zionist Idea (FPZI)—three Likud legislators who had deserted at the time of the "Stinky Trick" —and two of the five NRP representatives. The FPZI, having failed in its attempt to ensure its members safe spots on Likud's candidate list for the next elections, used its support as a means for defining its own identity *vis à vis* Likud and to remove from itself the labels of "deserters" and "blackmailers" that it had received during the "Stinky Trick". NRP legislators, who had supported the bill on the first reading, became divided on the issue. This division indicates that the NRP legislators were torn between the fear of Rabin's forecasted victory and what they saw as their traditional position as a responsible force that tries to respond to the "people" and not only to the National Religious sector.

Center–left opposition. All Labor legislators obeyed party discipline. Facing party primaries, in which tens of thousands of registered party members would decide their political fate, they could not put themselves at risk by opposing a bill so popular among the public.

The tendency of the Left to support the bill can be explained from its common interests with Labor, the head of the center–left camp. Even the Democratic Front for Peace and Equality (Hadash), which opposed direct elections in principal, agreed to abstain or refrain from voting when its vote could have blocked the bill. The common interest of the Labor–left camp was in the short-term prospect that Rabin might win in a direct election. Together with the Arab parties, they were also interested in the law because it made the Arab votes more effective and useful to the center–left camp.

After voting on most of the articles, the plenary decided to send the bill back to committee. This was obviously an attempt to delay legislation, in the hope it would not reappear before the coming elections. However, the majority for this decision was recruited only under the condition that the bill would return to the plenary in a few weeks' time, following additional deliberations in committee.

The bill's proponents used the time to make all of the necessary corrections that would ensure majority support in the plenum. Among these were two amendments that seemed to enhance the powers of the Knesset *vis à vis* the executive: the requirement that a new government would have to stand a vote of investiture; and the determination that an absolute majority (61 legislators) as opposed to a special majority (70)—as appeared in the draft presented in January—could oust the PM and send him, together with the Knesset, to new elections. Especially important, in the face of the forthcoming elections, was the agreement to delay the implementation of direct elections until after the next elections. This soothed Likud's fear of Rabin's forecasted victory under such a system and opened the way for coalition members to support it, out of the belief in its qualities or out of electoral considerations, or even in the hope of canceling the law prior to its implementation.

The opponents of reform focused on the attempt to block the bill from being raised again for its second and third readings. After the date of the forthcoming elections was finally decided, it became clear that a vote in the plenum would put the parties in a situation where they would have to consider the electoral price of opposing the bill. Postponement seemed to be a better, and maybe the only, strategy for dealing with this situation. An attempt to divide the bill in a way that would leave direct election to the decision of the next Knesset was rejected. The most prominent attempt to delay legislation occurred on the morning of the last day of the Knesset sessions, March 18, 1992, the day the bill was to be introduced for second and third readings. Some members of the Constitution, Law, and Justice Committee initiated a proposition to leave the bill in the committee. This attempt was blocked in a close vote, 11 voting against with 9 supporting. The voting patterns were quite similar to the vote in the plenum, ten weeks earlier. All of the opposition representatives, including some of the bill's opponents, voted against the proposition, and were joined by one coalition member, the

chairman (Constitution, Law, and Justice Committee, Protocol 363, March 18, 1992).

As expected, when the bill finally reached the plenary, few dared to oppose it. Only two amendments were proposed, in comparison to 114 in January. Most of the supporters from January voted for the bill, with a few Likud legislators joining them. Many of the bill's opponents preferred to be absent. The results of the vote at the third reading, 55 for and 32 against, when compared with the vote ratio that morning in the Constitution, Law, and Justice Committee, demonstrated the impact of the forthcoming elections. In an open arena, i.e. the plenum, behavior was different from that in the relatively discrete one, i.e. the committee.

Summary and Conclusions

Measuring the Israeli electoral system according to the efficiency index proves that the system was extreme. As we have seen, in the intraparty dimension, this system was partially reformed in an extra-parliamentary, evolutionary process. However, this development does not supply a satisfactory solution, because of the problems that arose when party primaries were activated. It seems that only the adoption of an electoral system with electoral districts and an open-list system would really have served to create efficiency (Rahat and Sher-Hadar 1999a, b).

The analysis of the causes and processes of electoral reform contained five key elements: (1) long-term developments that made the ground fertile for reform initiatives; (2) events that worked as catalysts, creating windows of opportunity and enabling the reform to remain on the public and legislative agenda; (3) the interests, perceptions, and actions of the reform agents and the status quo guardians; (4) the characteristics of the mixed system—particularly its multifaceted nature—that explain why this kind of alternative was promoted in the first place, and particularly the special characteristics that made its adoption more probable; and (5) the four-stage process analysis, which, together with the first four elements allow us to understand how the reformers succeeded in overcoming the inherent cultural, political and procedural advantages of the institutional status quo.

When these five elements are related to the obstacles that the reform faced—the initial advantages of the status quo—we got the following picture. First, the reformers overcame the procedural advantage of the existing order by maintaining pressure for a long period, utilizing long-term developments and events to mobilize and channel pressure. In this way the bill could not be buried, and the legislators voted under huge popular pressures. Second, utilizing the multifaceted characteristics of the mixed system for marketing the

reform worked against the tendency to defend the existing order due to tradition and vested interests. Third, the reformers overcame the need to create a wide agreement concerning the alternative to the existing order, by two means. In the first stages the decision regarding the alternative was postponed, and a "coalition for change" was regarded as enough at the time. Following this, uncertainty about the political consequences of reform helped to market it to individuals and groups with different perceptions and interests, and to increase the prominence of the value of support itself as a response to public demand. Finally, such events as coalition crisis and impending elections were used to overcome the veto power of coalition partners. They were used deliberately in the first stages of legislation. Later, the postponement maneuvers on the part of Likud made timing unintentionally suited for the promotion of the reform (forthcoming elections); but, still, only compromises ensured that the bill would reach the final vote at the plenary.

The adoption of a mixed system seems to fit a universal pattern that may be explained by both the efficiency this version promises and the characteristics that make it easier to promote. The peculiarity of the Israeli version stems from reform through bypasses, rather then through reforming the Knesset electoral system. In both dimensions, reform in Israel can be characterized more as sewing on patches than as really "repairing" institutional devices: direct elections were patched on to a hyper-representative system, and the candidate selection process was opened up outside the constitutional and legislative framework. While it might have been a political necessity to sew on these patches, the particular mix between the extreme features inside the inter-party dimension seems to have created many more problems, rather than offering any real solutions (see Chapter 16 below).

Appendix: Major Events and Dates

November 1987–January 1988 Campaign of the "Committee for a Constitution for Israel" calls for the adoption of the constitution draft made by a group of Tel Aviv University law professors. Toward this end, the campaign focused on Knesset electoral reform, direct election of the PM, and a bill of rights.
June 1988 Knesset's electoral reform bill passes the first reading.
November 1988 Elections for the Twelfth Knesset. Shamir (Likud) tries to establish a governing coalition. The President calls for the establishment of a unity government for a limited time period, the task of which would be to reform the Knesset electoral system. Mass demonstration supports a unity government without the ultra-orthodox parties.
December 1988 A unity government is established and gets the Knesset vote of investiture. According to Likud–Labor coalition agreement, a bipartisan committee will

check initiatives for Knesset electoral reform and direct election of the PM, and in a year will frame an agreed upon version of reform.

December 1988–February 1989 Five private bills for direct election of the PM are submitted in the Knesset.

February 1989 The Constitution, Law and Justice Committee informs the Knesset of the continuity of the legislation of the Knesset electoral reform bill that passed the first reading in the Eleventh Knesset.

Spring–Summer 1989 The bipartisan committee submits a recommendation for Knesset electoral reform and starts deliberation on direct election of the PM. Labor supports this recommendation but Likud delays its response.

March 1990 The Shamir government is ousted in a no-confidence vote. Four private bills for direct election of the PM pass the preliminary reading. The committee decides to speed up the legislation process and submit these bills without amendments to the plenary.

April 1990 "The Movement for Governance Reform in Israel" is established. Public protest against the characteristics of coalition negotiations and in support of "changing the system" reaches its peak in a mass demonstration of hundreds of thousands of people. More than half a million citizens sign petitions for reform, which are collected and submitted to the President. The Constitution, Law. and Justice Committee decides to focus its efforts on the direct election of the PM initiative and to neglect the Knesset electoral reform bill.

May 1990 The counterproposal for reform, "Prime-Ministerial Government," passes in a preliminary reading. The four private bills for Direct Election of the PM pass the first reading.

June 1990 Shamir's rightist–religious coalition government is introduced in the Knesset and passes the vote of investiture. The different coalition agreements between Likud and its partners contain potentially conflicting promises in regard to the Direct Election of the PM bill.

November 1990 The Constitution, Law, and Justice Committee begins deliberations on a platform that was framed by an extra-parliamentary group of legislators and experts.

December 1990 Labor's Central Committee decides to support the Direct Election of the PM bill.

June 1991 The plenary rejects the motion raised by a Labor legislator to submit the law for a second reading, and Likud's motion calling for continuing the deliberation on the Constitution, Law and Justice Committee. "The Movement for Governance Reform in Israel" renews its activity.

July 1991 Labor opens a public campaign for the adoption of the Direct Election of the PM bill.

October 1991 The Direct Election of the PM bill goes to the plenary for a second and third reading.

November–December 1991 Some appeals are introduced to the High Court of Justice against the Knesset Speaker, claiming that he is deliberately refraining from presenting

the Direct Election of the PM bill for second and third readings. The appeals are revoked after the Speaker promises to present the bill in two weeks.

December 1991 Likud's Central Committee decides to reject the Direct Election of the PM bill. In response, the Minister of Agriculture resigns and his party (Tsomet) joins the opposition.

January 1992 After most of the articles of the new Basic Law: The Government (1992), including the articles that determine the direct election of the PM, pass the second reading, the plenary decide to return the bill to committee. This majority vote is reached in return for an obligation to return the bill to the plenary in six weeks. As a result of a coalition crisis that relates to the extreme right parties' rejection to the Madrid Peace Conference, the Knesset agree to early elections, set for June 1992.

February 1992 Rabin is elected in party primaries as Labor chairman and its candidate for PM. Shamir is elected in Likud's Central Committee as its chairman and candidate for PM.

March 1992 Attempts to freeze the legislative process of the Direct Election of the PM bill in the Constitution, Law, and Justice Committee fail. Few articles are amended, the most important of which are the determination that the law would be activated only after the next elections, that the PM will need a Knesset vote of investiture after forming his government, and that the majority needed in a no-confidence vote will decrease from a special majority (70) to an absolute one (61). The bill passes in second and third readings.

7 The Causes of Electoral Reform in Japan

Steven R. Reed and Michael F. Thies

On January 29, 1994, the Japanese Diet passed two laws that restructured the electoral system for the Lower House, as well as the rules governing campaign finance.[81] The reform replaced the single nontransferable vote (SNTV) system, in use since 1947 (and originally adopted in 1925), with a mixed-member majoritarian (MMM) system, which combines single-member districts and proportional representation. Simultaneously, the reformers introduced public financing for political parties, and tightened up the routes of private financing by closing several loopholes in existing restrictions on contributions.

The reforms came six months after the end of the Liberal Democratic Party's thirty-eight-year reign as a sole ruling party, which demise was set in course by the fact that two successive LDP administrations had promised political reform but failed to fulfill those promises. The eventual passage of the bills was thus much anticipated and much ballyhooed. But that does not mean it was inevitable, and it does not explain either the timing or the details of the reform. Each of the political reform proposals enacted in 1994 had been on and off the political front burner for forty years, but each of the previous attempts had failed.

We must ask, therefore, not only why these particular reforms were passed, but also why reform was passed in 1994 but not previously. Why did Japanese politicians change their own electoral system in 1994 after decades of false starts? What were the perceived flaws in the old SNTV electoral system? How did the forces of change gain the upper hand, and why did they choose the particular configuration of MMM they did? These are the questions that we will address in this chapter.

Any electoral reform enacted by incumbent politicians poses a puzzle: the rules they abandon are, after all, the rules they mastered in order to gain their current positions. What reason could incumbents have for changing the path

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[81] Actually, the bills passed in January were passed under the condition that further changes would be made. The modified bills passed both chambers in March of the same year.

to power? Political reform, especially reform that alters the electoral system, is rare, but it does happen occasionally. We can distinguish two different rational explanations for such seemingly irrational behavior: either incumbents expect that the new system will serve them better than the old, or they feel obliged to support electoral reform due to pressures from voters, despite their misgivings about the long-term benefits of the new rules. The first motivation can be called *outcome-contingent*: enough incumbent politicians believe that they will be better off under the new rules—which is to say that they believe they will be re-elected more easily, more often, and/or at lower cost—for the reform to pass. Another outcome-contingent possibility is that political reform is expected to bring other, non-electoral, benefits that outweigh the expected electoral costs. Most rational choice analyses focus on outcome-contingent rationality.

The second motivation may be labeled *act-contingent*: voting for reform may be in the politician's best interest even if he does not prefer the new system to the status quo. The simplest form of act-contingent rationality is the situation in which many incumbents believe that they will lose the upcoming election (or pay higher costs to win) were they to be seen opposing reform. Maximizing the probability of (re)election often *requires* giving priority to short-term over long-term rationality. A politician who loses the current election is not allowed to participate in policy-making that affects her chances of winning the next election; she has less influence over the nomination process leading up to the next election; and she will not have the advantage of running as an incumbent in the next election. Indeed, the loss of a single election often ends a political career. A politician who thinks in terms of her re-election chances on the average, over the long run, other things equal, is unlikely to survive in politics long enough to see how things work out in the long run. A politician might thus support reform in order to win votes in the upcoming election rather than because she sincerely prefers the new system to the current one.

Classifying motivations as either outcome-contingent or act-contingent can serve as a useful rubric for analyzing specific cases of electoral reform. First, it focuses attention on the tradeoffs between short-term and long-term interests, which can produce the political dynamics necessary to break the inertia holding the system in its current state of equilibrium. Focusing solely on outcome-contingent (long-run) rationality often misses important short-run dynamics. Second, the balance of outcome- and act-contingent motivations that were involved in enacting reform should prove an important factor for predicting the future success or failure of any particular reform.

Of course, short and long-term motivations are not mutually exclusive. We expect politicians to be influenced by varying combinations of outcome- and act-contingent motivations. It is likely that the votes needed to pass the reform legislation will come from a heterogeneous coalition of supporters,

each with his or her own balance of short-and long-term motivations for supporting change. In fact, it seems unlikely that political reform could be passed on the basis of long-run, outcome-contingent rationality alone. As debates over electoral systems clearly reveal, it is extremely difficult to design an electoral system that satisfies the electoral considerations of more than one party or more than a few candidates. Politicians are notoriously risk-averse, and some electoral pressure appears to be necessary to overcome the uncertainty about how a new system might affect their electoral prospects.

Though we expect parties and politicians to have good reasons for doing what they do, we do not expect them to be clairvoyant. Even the most rational of calculations can be upset by mistaken projections. Things never work out precisely as planned. Reform always produces some unintended consequences, and both parties and politicians make errors in predicting the future. That people make errors does not indicate that they are "irrational," only that there are limits on the information available for rational calculation. We therefore expect reform to be enacted through some combination of long-term rationality, short-term rationality, and strategic errors. We further expect the balance among these three factors to vary among the groups who support reform.

In the case of Japan in 1994, we will argue that short-term, act-contingent motivations played a necessary role in passing political reform. By January 1994, when the bills finally passed into law, no politician could publicly oppose political reform, even if some felt freer to grumble about the details than did others (Christensen 1994: 597). Even the group within the LDP that most clearly opposed reform called themselves the "Society for the Promotion of True Reform. We will also argue that one major participant in the reform process, the Clean Government Party (Komeito), made a strategic error which also played an important role in getting reform passed. Political reform was not passed solely on the basis of the long-term, outcome-contingent rationality of any particular group. Reform represented a series of compromises hammered out by a heterogeneous coalition across a myriad of dimensions. The final outcome did not match the long-term interests of anyone. All of this compromising and bargaining left Japanese politicians and voters with a system guaranteed to leave everyone dissatisfied to some degree in one way or another.

The Pathologies of SNTV: Who Hated What?

In order to identify the problems associated with SNTV, we must begin by describing how that rather unusual electoral system worked. Under SNTV, each voter cast one ballot for an individual candidate. If the voter's first

choice did not need the vote, because he was either a sure winner or a sure loser, the vote was wasted—it could not be transferred to the voter's second choice. Because the average district magnitude was four, a majority-seeking party was obliged to nominate at least two candidates per district, and any large party would do so in at least some districts.[82]Because votes were not transferable, copartisan candidates competed directly for support. These internecine battles were often harder fought than interparty battles, earning the appellation, "blood feuds" (Thayer 1969).

Thus, the primary "pathology" of SNTV was the intraparty competition it generated for the large parties, particularly the long-ruling LDP. Intraparty competition, it has been argued, led to a personalistic brand of politics, in which copartisan candidates attempted to differentiate themselves from each other by plying voters with gifts, favors, and pork.[83]Reed (1994: 288) has characterized the modal pattern of competition under SNTV as a game of musical chairs. All of the incumbents (or their direct successors) run against each other and a single challenger. Often the challenger had been an incumbent but was defeated in the previous election. There are enough seats for all but one of the major candidates and they all compete fiercely not to be the one left standing when the music (campaign) stops. The competition is fierce but primarily about pork barrel projects and constituency service, not about policy. Intraparty competition thus created an expensive, inefficient brand of electoral politics, in which enormous amounts of money flowed from corporate contributors to candidates, to fuel each candidate's personal support machine.

SNTV has also been "blamed" for the persistence of factions within the LDP. Factions provided their members with the wherewithal to contest elections, and with important government and party posts. Factions also organized party decision-making over leadership positions. The president of the LDP was routinely elected prime minister. and the factions that backed the eventual winner were rewarded with a disproportionate share of the perquisites of office (Fukui 1978; Sato and Matsuzaki 1986; Cox and Rosenbluth 1996; McCubbins and Thies 1997).

Some observers have cited the money-based, personalistic politics of SNTV as the root cause of policy failures in Japan as well (Rosenbluth 1989; Rosenbluth and Thies forthcoming). Politicians' vote-grubbing via the pork

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[82]   The size of the Lower House increased over time, but in the last election held under SNTV 511 members were elected from 129 districts. All districts sent between 2 and 6 members to the Diet, with the mean, median, and modal magnitude all at 4 seats.

[83]   Why didn't these blood feuds tear the party apart? The opposition fragmented into several parties over the course of the postwar period, in part due to the competitive pressures of SNTV. Reed and Bolland 1999   argue that the LDP could use its majority party status to grease the wheels of electoral competition with pork-barrel projects and patronage, while the opposition did not have access to such resources. Thus, the LDP hung together in part because they were lucky enough to start out with a majority.

barrel, and their support of a profit-padding regulatory structure to favor their patrons in the business world, stifled economic competition, left markets closed to foreign firms, and generally ignored consumer interests. Moreover, the malapportionment that resulted from urbanization outpacing redistricting gave a disproportionate voice to a dwindling farming sector, at the expense of urban interests. High consumer prices, limited choice in the marketplace, and stifling regulation were said to be the policy costs of SNTV.

The highest profile failure of the old electoral system involved corruption. The LDP regime was plagued by periodic scandals, and the series that began with the Recruit Scandal of 1989 and led up to the 1993 election was unprecedented both in the number of politicians implicated and in the pace at which new revelations followed one after the other. The continuing drumbeat of new revelations gave the impression of a completely corrupt system and denied people the luxury of believing that things could be righted simply by getting rid of a few bad apples.[84] In particular, the 1993 election marked the first time in postwar history that two consecutive elections had been dominated by major corruption scandals.

Opinion polls throughout the 1990s consistently named "money politics" or "corruption" as the primary complaints that voters had with electoral politics. And even if voters did not necessarily trace those problems all the way back to the SNTV electoral rule itself, politicians and commentators certainly did. As illustrated in Table 7.1, the number of Diet members who believed it necessary to change the electoral system grew steadily in the 1980s and 1990s.

Because the electoral system was blamed, rightly or wrongly, for many different political ills, calls for political reform covered a broad range of proposals. Various critics prescribed various remedies, depending upon the particular problem they considered most pressing. Thus, some called for reapportionment, to correct the under-representation of urban voters and reduce the possibility that the LDP could "manufacture" a legislative majority with considerably less than a majority of votes. Others called for a tightening

Table 7.1. Diet Members' Attitudes Toward Electoral Systems in Japan

	Keep SNTV (%)	Change to MMM (%)
April 1984	50.8	19.9
March 1987	43.2	27.6
March 1988	40.7	24.1
March 1989	22.6	29.9
April 1993	12.2	55.2

Sources: *Yomiuri Shimbun,* March 18, 1989; April 24, 1993.

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[84]   See Sherman (1989)   on the phenomenon he calls "the mobilization of scandal".

of the various loopholes that allowed politicians and contributors to circumvent rules ostensibly intended to limit the amount of money involved in politics. Still others focused on the LDP's seemingly permanent hold on power, calling for an electoral system reform that would transform the party system into the Westminster ideal of two large, programmatic parties, alternating in government. Finally, some called for a system of proportional representation to better reflect the diversity of political opinion in the electorate.

By January 1994, politicians of all stripes were determined to change *something*. No one wanted to face voters in the next election having opposed "reform". A 1993 survey found that 81% of Dietmen agreed that a new electoral system was needed and, though only 55% thought that a mixed-member system was the most desirable alternative, 78% thought it the most feasible (*Yomiuri Shimbun,* April 24, 1993). A large majority believed that something had to be done about the electoral system and that the only proposal that could be enacted was some form of MM system. These two facts distinguished the 1993–4 effort from earlier flirtations with electoral reform and require some explanation. In the next section, we recount a history of earlier electoral reform efforts, and of the events leading up to the 1994 bills. We will show how the agenda was set and how MMM became the leading alternative to SNTV.

A Brief History of Failed Electoral Reform Efforts

Electoral reform had been discussed on and off since before the formation of the LDP in 1955, but went as far as the preparation of draft legislation only three times prior to 1993–4. The first such episode occurred in 1955–6, simultaneous with the merger of the Liberals and the Democrats; the second aborted effort occurred in 1973, and the third took place in 1991. This section will recount these failed efforts, in order to provide a basis for answering the question, "Why did reform succeed in 1994, after having failed so many times before?" The most interesting result of this historical research turns out to be that the MMM system adopted in 1994 had been foremost on the electoral reform agenda for over thirty years! Nothing discussed or enacted in 1994 was new to the agenda; only the players, their preferences, and the electoral pressures on them had changed over time.

The 1956 "Hatomander" Plan

The first big push toward electoral reform was led by Ichiro Hatoyama, the first LDP president. Hatoyama wished to replace SNTV with a pure plurality system, converting the Lower House's multi-seat districts into mostly single-seat

districts (SSDs).[85] At the time, Japanese politics was dominated by only two parties: the LDP, with 299 of the 467 Lower House seats, and the Japan Socialist Party (JSP), with 156 seats. The tiny Communist Party had only 2 seats, and assorted independents rounded out the chamber's membership. SSD was sold based on the Duvergerian notion that plurality would lead to a stable two-party system. Plurality elections were expected to be less expensive, to lead to closer ties between representatives and their constituents, and to eliminate intraparty factions (Kusunoki 1997: 55, 57).[86] The supposed model was Great Britain, and the opposition JSP had little trouble imagining itself in the role of the British Labour Party. Although the long-term outcome of SSDs seemed to be in the interests of both major parties, the JSP objected to the plan because of its short-term expectations.

Two factors moved the JSP from a position of supporting SSD to all-out opposition. First, it saw the proposed boundaries drawn up by the LDP. Districting clearly favored conservative incumbents, and the JSP began calling the plan the "Hatomander" (from Hatoyama–gerrymander). The JSP might have preferred SSD to SNTV, but it objected to these particular SSDs. The second factor was the merger of the Liberals and Democrats into the LDP. When SSD had been proposed, the JSP faced two warring conservative parties. When SSD came to a vote, the JSP faced a unified LDP. Simulations run using voting data from the 1955 election, summing the Liberal and Democratic vote, suggested that the immediate result of a switch to SSD would be an even larger majority for the LDP. The LDP appeared likely to gain more than the two-thirds of the seats necessary to revise the constitution. The JSP feared that the LDP would use their extraordinary, if temporary, majority to delete the "Peace Clause" in which Japan renounces its right to wage war or maintain a military capability and return Japan to a prewar militarist regime (Kusunoki 1997: 58).[87]

The opposition parties launched an all-out offensive to defeat the Hatoyama plan, engaging in obstructionist tactics within the Diet and warning that the plan would lead Japan down the path to re-militarization.[88] This

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[85]   The plan included 457 SSDs and 20 two-seat districts. The latter were added to overcome objections from LDP incumbents who feared being put out of their traditional baili-wicks (*Asahi Nenkan,* 1957: 279).

[86]   These claims were not uncontroversial, of course. Kusunoki also quotes a Left Socialist as arguing (1) that the relationship between a two-party system and SSD is not direct, (2) that it is not true that SSD elections do not require money, and (3) that the quality of representatives goes down in SSD. Others noted that SSD elections could still be candidate-centered affairs (Kusunoki 1997: 55).

[87]   The Hatoyama plan would not have enhanced the LDP's presence in the Upper House, which also must pass any proposed constitutional amendment by a two-thirds majority, so it is not clear how even total LDP domination of the Lower House would have led to constitutional revision. But it *is* clear that the Socialists were worried about it.

[88]   The Socialists also presented their own plan on April 28, 1956, which retained SNTV, and included 72 three-seat districts, 133 two-seat districts and no single-seat districts (*Asahi Nenkan* 1957: 280).

campaign succeeded, as public opinion and newspaper editorial pages weighed in heavily against the reform plan. The LDP was not unified behind the plan, and even the business world, while supporting plurality elections in principle, allowed that the current plan needed some rethinking (*Asahi Nenkan,* 1957: 280).

The LDP was pressed for time if it wanted to pass reform in the current Diet session. After passing the Lower House, any reform bills would also have to pass through the Upper House, which was set to adjourn in early June to prepare for an election on July 8. To facilitate matters, the LDP decided, over the JSP's loud objections, to pass only the electoral rule change, and to postpone debate on a concrete districting scheme and on tightening up restrictions on campaign practices. In the end, the LDP shoved the plan through the Lower House on May 16, 1956, only to have it die in the Upper House, which failed to take it up before adjourning on June 2. The Speaker of the Upper House gave the LDP the choice between the electoral reform bill and an education bill that was high on its agenda, claiming that there was no time to deal with both issues; the LDP chose the education bill, so the electoral reform plan was killed (Kusunoki 1997; *Asahi Nenkan,* 1957: 280).

Electoral Reform Debates, 1956–70

The LDP's failure to institute a plurality electoral system in 1956 did not take Lower House electoral reform off the agenda.[89] By the time of the 1958 Lower House election, however, they had managed to implement only a few changes to campaign regulations, shortening the length of the official campaign period from twenty-five to twenty days, and increasing the allowed number of handbills and posters that candidates could use.

After the November 1960 Lower House election was marred by more revelations of corruption, and by more complaints about the ever-growing malapportionment, the Diet established the First Electoral Reform Advisory Council, consisting of thirty "regular members" drawn from academia and business, and twelve "special members" who were Diet members. The First Advisory Council presented its findings on December 26, 1961. They were general in the extreme, reporting on the extent of malapportionment, and

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[89]   Indeed, if anything, the agenda expanded to include Upper House electoral reform, as well as a more wide-ranging debate on campaign regulations and campaign finance restrictions. After a poor showing in the July 1956 Upper House election, particularly in the national-district tier, many in the LDP began pushing for an elimination of that tier, and for the election of the entire Upper House membership from prefectural districts. The reasoning was that in the national tier (a 50-seat SNTV election), candidates nominated by interest groups such as labor unions enjoyed a large organizational advantage, and that voting amounted to a national popularity contest, and not a political choice. Naturally, the Socialists, with their strong ties to labor unions, and the Communists, with their strong, nationwide grassroots organization, opposed any such reform.

calling for party-centered elections, a loosening of campaign regulations, and stricter limits on campaign spending. The Diet took no action as a result of this report, other than to create the Second Electoral Reform Advisory Council, replacing only nine members from its predecessor.

During the deliberations of the Second Advisory Council, the LDP renewed its call for a move to a pure-plurality electoral system. The Socialists suggested proportional representation, with the forty-six prefectures[90] serving as electoral districts. The new Democratic Socialist Party, which had formed from a splintering in the Socialist camp, split the difference and called for some (unspecified) combination of plurality and PR. Thus, the first mention of an MM-type system occurred as far back as 1962, more than thirty years before the eventual passage of MMM in 1994. Amid this polarized debate over the structure of a new electoral system, the only recommendations of the Second Advisory Council to be enacted into law included a strengthening of penalties for election law violations, and a slight reduction of malapportionment via the addition of nineteen new seats in urban districts.[91]

The Third Advisory Council was established in September, 1964. Its chair was a strong advocate of the SSD-plurality option. Prime Minister Eisaku Sato also made sure that most of the Third Council's thirty "regular" and eleven "special" members were critics of SNTV. By the end of 1964, several plans had emerged from the Council's deliberations. One was, again, for pure plurality. A second was for MMM, with 250 seats in each tier, and with plurality for the nominal tier. A third plan called for MMP, with 340 SSDs and 170 national-tier seats.[92] A fourth plan, put forward by a Socialist Council member, advocated switching from SNTV to "2NTV", in which voters would be allowed to vote for their two favorite candidates, with all other aspects of SNTV remaining unchanged. The Council was not able to settle on any of these proposals, but reported them all to the prime minister, and passed the job off to the Fourth Electoral System Advisory Council, which was formed in September, 1965.

Over the next six years, the Fourth, Fifth, and Sixth Advisory Councils debated various incarnations of plurality, MMM, MMP, and PR systems, but never produced any draft legislation, except for minor redistricting and minor modifications to electioneering and campaign finance regulations. The

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[90]   There are now 47 prefectures in Japan, with the return of Okinawa by the USA in 1970.

[91]   Five new districts were created as part of this adjustment. In order to keep most district magnitudes between 3 and 5, any additions of seats that pushed a district over 5 seats led to the division of the district.

[92]   The MMP plan went so far as to allow for dual candidacy in an SSD and on a party list, and to allow parties to clump dual candidates in the same list spot, to be re-ranked according to their performance in the SSDs—what we refer to below as "loss-ratio"-based re-ranking.

Fifth Council reported that most of its members were in favor of an electoral system containing a large number of SSDs, whether it be pure plurality or some sort of MM system, but no consensus was ever reached. Throughout, the Socialists, Communists, and the new Clean Government Party (Komeito) loudly and forcefully expressed their opposition to electoral system change, demanding instead that the government leave SNTV alone, but pass real campaign finance reform, and undertake a thoroughgoing reapportionment. The LDP consistently responded that SNTV was inherently expensive, and that the reforms that the opposition favored should be taken only in conjunction with systemic change (*Asahi Nenkan,* 1965–70).

The 1972–3 Introduction of MMM

After passing off electoral reform to a series of powerless advisory councils, the government finally provided some direction in the early 1970s. The Seventh Electoral Reform Advisory Council was established on December 24, 1970. This time, Prime Minister Sato charged the Council with recommending a system that would eliminate intraparty competition, and produce party-centered, policy-centered campaigns. He specifically suggested that they concentrate on a "SSD system seasoned by proportional representation" (*hirei-daihyou-sei wo kamishita shosenkyoku-sei*) (*Asahi Shimbun,* May 31, 1971). The ostensible idea was to get the best of both worlds by reducing the number of "wasted votes", inducing low-cost, party-based campaigns, and ensuring proportionality, even while maintaining a close representative–voter relationship and producing two large parties that would alternate in power. In reality, the Prime Minister's call for a mixed-member system reflected the political reality that the LDP could not push through an SSD-only system, something it knew from sixteen years of trying (*Asahi Shimbun,* October 20, 1971).

The Seventh Advisory Council produced its final report in December 1972, including both an MMP and a two-vote MMM option. The latter proposed that 60% of the seats should come from SSDs and 40% from PR, and was essentially the same system that was finally enacted in 1994. There was no public demand for political reform at the time, and no consensus within the LDP. However, Prime Minister Kakuei Tanaka unexpectedly decided to press the issue. Since Tanaka had appeared uninterested in political reform prior to the 1972 election, his primary goal appeared to be strategic. In that election, the LDP's Lower House strength continued to decline, while the JCP's seats jumped from fourteen to forty. Tanaka ignored the advice of his secretary-general and other party strategists, determined to be an active prime minister after eight years of the "do-nothing Sato administration.

Tanaka unified the opposition with two decisions, one to reopen the debate between one vote or two, and the other to entrust redistricting to a

commission appointed by the prime minister (*Asahi Shimbun,* April 28, 1973). The LDP plan was MMM with 310 SSDs and roughly 200 PR seats, but with only one voter per elector. The logic of proposing a single vote was to hinder cooperation among the opposition parties. If there were two votes, those parties would have an incentive to work together in the SSDs, knowing that each could still run separately in the PR tier. The single-vote system would benefit only the party of the SSD nominee, so each party would have an incentive to go it alone in the SSDs in order to maximize its PR vote. The opposition had experimented with electoral cooperation in the 1972 election, with significant success. The LDP thus sought to hinder these experiments. The LDP also decided not to assign the task of drawing district lines to an independent commission, as had been recommended by the Advisory Council. LDP backbenchers conveniently claimed that such a move would violate the principle of Diet sovereignty.

Both of these changes strongly suggest that the LDP's real goal was to increase its seat strength in the face of a declining vote. The newspapers ran simulations that suggested that the system could give the LDP up to 80% of the seats, given their 1972 vote share (*Asahi Shimbun,* April 30, 1973). The opposition parties called foul, calling the plan the "Kakumander" (after *Kaku*ei Tanaka).

The battle lines had been drawn, and it was quite clear that the LDP had two choices. It could ram the bills through the Diet, over even intraparty objections that the districting scheme should first be made clear, or it could capitulate and drop the proposal. Compromise with the opposition parties, especially within the short time before the end of the current Diet session, was impossible. To back up their rhetoric, the opposition parties boycotted Diet operations, and took to the streets. Working together, they organized mass rallies against the reform plan all over the country, amassing greater participation than they had managed in the famous Anti-Security Treaty protests of 1960 (*Asahi Shimbun,* May 16–18, 1973). They made their point. After weeks of publicly scrutinized indecision, the Tanaka administration surrendered, in what the press called "a political retreat." It decided to withdraw the bills, and to continue studying the issue for the time being.

Electoral Reform Debates, 1973–91

With the demise of the 1973 MMM plan, the momentum for electoral system reform waned even while the perpetual concerns about corruption and malapportionment increased. By 1974, Tanaka had resigned the premiership in a bribe-taking scandal. His successor, Takeo Miki, was a dedicated reformer, intent on tightening up restrictions on campaign contributions and spending, and on reducing the power of factions within the LDP. However, Miki was chosen to succeed Tanaka for two reasons: because of his image as

a "clean-hands" politician, and because he enjoyed very little support of his own within the party. Miki advocated fundamental reform, but he did not have the support to push it through his own party, let alone the Diet.

With the public up in arms about the Lockheed scandal, and with a Lower House election looming, the LDP did agree to some minor reapportionment (adding twenty seats to urban districts) and some campaign finance reforms. The latter were riddled with loopholes, and actually resulted in an increase in campaign spending, along with a decentralization of contributions. Instead of sending money to party and faction leaders, corporate contributors sent it to individual politicians, or their "political organizations" directly (Curtis 1988).[93]

The Kaifu Plan of 1991

With the exception of the uncontroversial change of the Upper House national tier from a fifty-seat SNTV to a closed-list PR, and another court-ordered minor reapportionment of the Lower House in 1985, electoral reform stayed on the back burner throughout most of the 1980s. This may have been a result of a period of electoral prosperity for the LDP, which won its largest majorities in decades in the elections of 1980 and 1986. The opposition parties remained on the defensive, and even the fledgling New Liberal Club[94] dissolved, with most of its members rejoining the LDP. It was a period of relative quiescence, as no major corruption scandals broke between 1976 and 1987.

But it turned out to be the calm before the storm. Beginning in 1988, the Recruit scandal[95] rocked the LDP, and by the end of the decade the LDP had lost two prime ministers and its Upper House majority as a result of voter wrath. Political reform was thrust back onto the front burner, as the opposition saw an opportunity to topple the LDP, and as the LDP sought a preemptive solution that would allow it to stay on top.

Before resigning due to his own involvement in the Recruit scandal, Prime Minister Noboru Takeshita established the Eighth Electoral System Advisory Council. This Council, which did not include any Diet members, issued its report on April 26, 1990, to Prime Minister Toshiki Kaifu (*Asahi*

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[93] The most notorious loophole was a "restriction" on the amount that a contributor could give to a given political organization, but there was no limit on the number of political organizations that could raise money for a particular candidate (see Hrebenar 1986; Iwai 1990 for thorough accounts).

[94] The NLC had formed as a defection from the LDP in 1976, in part as a protest against money politics.

[95] Recruit Cosmos, a personnel services company, provided dozens of politicians, and even some bureaucrats, with company stock just before the firm went public. When it did go public, the stock multiplied in value, allowing the recipients to reap windfall profits. Most senior LDP leaders were implicated.

Nenkan, 1991: 73–4).[96]The report called for an MMM system, with 301 SSDs and 200 PR seats elected from eleven regional blocs (Shiratori 1995: 85–6). The report also recommended closing the loopholes left over from the 1975 campaign finance reform, limiting each candidate to two fund-raising organizations (*Asahi Nenkan,* 1991: 73).

On November 10, 1991, the LDP's Electoral Reform Committee, chaired by Tsutomu Hata, submitted a modified version of this plan, which came to known as the "Kaifu plan". The number of seats was changed to 300 SSD and 171 PR, and the number of PR districts from 11 to 1.[97]Perhaps more importantly, the Kaifu plan again proposed that each voter cast only a single vote, instead of one each in the SSD and PR tiers. It also added the restriction that businesses and unions could contribute only to political parties, and not directly to individuals, and a provision for some public funding of campaigns (*Asahi Shimbun,* November 11, 1990).

The opposition parties uniformly denounced the plurality element of the proposed system, calling it an LDP plot for eternal domination, but they could not agree among themselves on an alternative. Some preferred pure PR and others no change at all, but all agreed that SSDs were a bad idea. Instead, they demanded that the LDP worry first about reapportionment under SNTV and campaign finance reform, and turn to bigger reforms later (*Asahi Shimbun,* November 13, 1990). It was a familiar refrain, the same position taken by the opposition parties since the 1950s. But this time the LDP had little choice but to listen, because in 1990, the combined opposition controlled the Upper House.

The Kaifu plan did not enjoy unanimous support within the LDP, either. Some members simply objected to the heavy-handed tactics of party leaders, notably Ichiro Ozawa (*Asahi Shimbun,* November 17 and 23, 1990). Others interpreted the results of the February 1990 Lower House election, in which the LDP maintained its majority only seven months after its crushing Upper House defeat, as a sign that voter anger had waned (*Asahi Shimbun,* November 14, 1990). Released from short-term electoral pressures, they supported the status quo. Still others, mostly younger members, expressed concern about how the party would choose its nominees for the SSDs under the new plan, worried that they would lose out to their more senior colleagues (*Asahi Shimbun,* November 8, 1990).

In anticipation of discussions with the opposition parties, and to respond to concerns from within the LDP itself, the Hata committee revised its plan as follows. The PR tier was changed from one national district to forty-seven prefectural districts. The plurality–PR seat ratio was changed to 283–188 to

[96]   Kaifu, like Miki before him, had been appointed for his clean image. Also like Miki, he had a weak support base within the LDP.

[97]   This was revised to 47 prefecture-level districts six days later (*Asahi Shimbun,* November 16, 1990).

retain the total of 471 seats, but with the 6040 ratio proposed by the Eighth Advisory Council. Next, the two-vote system was restored. Finally, a mandatory retirement age of 75 was applied to both tiers. These modifications were not enough to mollify the opposition parties or the LDP dissenters, however (*Asahi Shimbun,* November 18, 1990), and by the time the LDP finally submitted a proposal to the Diet on July 10, 1991, the 300–171 ratio had reappeared, as had the national PR district.

Several top-level meetings between Kaifu and the leaders of the opposition parties failed to produce any sort of compromise, and dissatisfaction with the LDP remained strong. Prime Minister Kaifu occasionally threatened to dissolve the Diet and take the electoral reform issue to the people (Wolfe 1992: 774), but the threat was not credible. Three NHK polls taken between August 1991 and March 1992 revealed that, while 27%–29% of respondents approved of the Kaifu electoral reform plan, 71%–73% either disapproved, were indifferent, or professed ignorance (NHK Broadcasting Culture Research Institute 1993). Clearly, there was no public mandate available to Kaifu on electoral reform, despite his personal popularity.

Finally, on September 30, the bills were shelved. Kaifu, still under fire from the leaders of the party's other factions, decided a few days later not to seek re-election as party president. On October 27 one of Kaifu's critics, Kiichi Miyazawa, was elected party president, and hence prime minister.

The Fall and Rise of the LDP: Electoral Reform in 1993–4

Miyazawa probably preferred to leave electoral reform off the legislative agenda altogether. In his first few months in office, he concentrated on US–Japan relations, and on securing opposition party approval of a bill that would allow Japanese Self Defense Force troops to participate in UN peace-keeping operations. Efforts on electoral reform were limited to dealing with the relatively uncontroversial issue of malapportionment. Several plans were proposed to reduce the disparity between the most over-represented and most under-represented districts.[98]

Miyazawa's luck ran out in August 1992 when another scandal hit the papers. This one involved senior politicians who had accepted illegally large amounts of money from a Tokyo trucking company called Sagawa Kyubin, which also (apparently) had ties with underworld figures. The most important and sensational revelations involved former LDP vice president Shin Kanemaru, in whose office prosecutors found stacks of gold bars and over ¥500 million ($4 million) in cash. The last straw for many voters was the

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[98]   Eventually, district magnitude was increased by one in 9 districts and reduced by one in 10 others.

punishment meted out to Kanemaru. He was found guilty of accepting illegally large contributions, and failing to disclose this income. His punishment was a fine of ¥200,000 (about $1,600) (*Asahi Nenkan,* 1993: 77–8). Clearly, corruption was still rampant and the penalties were too light. Minor reapportionment could not address this problem, and merely increasing the penalties for corruption was akin to closing the barn door after the horse had escaped. Like it or not, Miyazawa was obliged to take up the subject of electoral reform once again.

For a while, the 1992–3 version of the electoral reform debate followed the well traveled path laid out in years past. The opposition parties, buoyed by opinion polls, called for stricter regulation of campaign finances, an end to corporate contributions, and better disclosure. The LDP responded that corruption was a symptom and SNTV was the cause, and proposed a plurality system as a panacea that would end intraparty competition, promote stable, two-party competition with alternation in government, and kill off factions once and for all. On March 31, 1993, the Miyazawa cabinet submitted a 500-SSD bill to the Diet, presumably aware that it had no chance of passage.

Then, nine days later, something unprecedented happened. The opposition parties, led by the Socialists and Komeito, did not follow decades of tradition and demand that SNTV simply be cleaned up, but not replaced. This time, on April 8, they jointly submitted a plan to replace SNTV with a German-style MMP system. They proposed that 200 SSDs be combined with 300 PR seats, elected from twelve regional districts.

The Miyazawa cabinet pushed the LDP's pure-plurality bill to a vote in the Diet, over objections from Hata, Ozawa, and Kaifu, among others, and with the full knowledge that no opposition party would agree to it. Hata and Ozawa threatened to leave the party in protest. On June 17 they led their supporters in voting against the LDP bill in the Lower House, causing it to fail. The next day, when the Socialist Party tabled a vote of no confidence in the Miyazawa government, Hata and Ozawa and their followers supported the motion, and brought down the LDP government. In the confusion that followed, Masayoshi Takemura led one group of reformers out of the LDP to form the New Party Harbinger. The Hata–Ozawa faction followed, forming the Renewal Party. Together with the Japan New Party,[99]these groups enjoyed a "new party boom" in the ensuing election.

In that election, held on July 18, 1993, the LDP's base of support (or perhaps, more accurately, the cumulative support bases of individual LDP candidates) was not seriously shaken. Left with 222 seats immediately after the Hata–Ozawa–Takemura defections, the LDP actually gained a seat overall, and LDP candidates lost only around 5,000 votes on average (Reed 1994b).

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[99]   The Japan New Party had formed in 1992, winning some seats in that year's Upper House election. The 1993 election was the first time the party nominated candidates for the Lower House.

Voters interested in change, however, flocked to the new parties. LDP defectors gained over 30,000 votes on average, with the increment coming primarily from independents and voters who had supported the JSP in 1990. In both the 1989 Upper House election and the 1990 Lower House election, the JSP had been seen as the best bet to unseat the LDP, and it therefore received the lion's share of support from those fed up with the ruling party. By 1993, however, the new parties had taken over that role. The new parties were the biggest winners in 1993 and the JSP was the biggest loser (see Table 7.2).

Table 7.2. Lower House Election Results, Japan, 1990 and 1993

Party	Party strength		
	1990 election	After LDP split	1993 election
LDP	275	222	223
Renewal Party[a]	—	36	55
New Party Harbinger (Sakigake)[a]	—	10	13
Japan New Party[b]	—	—	35
Clean Government Party (Komeito)	45	45	51
Socialists	136	134	70
Democratic Socialists	14	13	15
Communists	16	16	15
Social Democratic League	4	4	4
Other minor parties	1	2	0
Independents	21	15	30[c]
Total	512	497[d]	511

[a]   The Renewal Party and Sakigake were composed of LDP defectors.
[b]   The Japan New Party contested the 1992 Upper House election, and its leader, Morihiro Hosokawa, was a former LDP prefectural governor, but 1993 marked its Lower House debut.
[c]   Ten Independents were conservatives, likely to join the LDP after the election, while 20 were anti-LDP.
[d]   15 vacant.

Although the LDP had lost its majority, the opposition was still fragmented and ideologically diverse. At least three parties considered forming a coalition with the LDP: the New Party Harbinger, the JNP, and the DSP. However, the opportunity to exclude the LDP from power proved too tempting to pass up. If this historic opportunity were missed, when would the next opportunity occur? Moreover, how would those voters who flocked to the new parties hoping for a change respond to a new party that allowed the LDP to retain power? Though negotiations were difficult, a broad coalition was formed excluding only the LDP and the JCP. The new government was led by Morihiro Hosokawa of the JNP.

Hosokawa immediately and publicly dedicated his cabinet to the passage of electoral reform, with the implication that he would resign should he fail to see it through. On September 17, 1993, he submitted a plan for a 500-seat Lower House elected under MMM, with one nationwide PR district, 250

(later adjusted to 274) single-seat districts, and two votes per voter (one in each tier). The LDP responded with its own proposal, also MMM, but with only a single, all-purpose vote, and with 300 SSDs and 171 PR-tier seats elected from forty-seven prefectural districts. The coalition bill would have banned contributions to individuals and tightened disclosure laws. It also proposed to legalize door-to-door canvassing, which had always been banned under SNTV. The LDP bill, not surprisingly, was less draconian on financing but more so on electioneering. Corporate contributions to individuals would be limited but not outlawed, and canvassing would still be disallowed. Both plans provided for some measure of public funding for campaigns.

The coalition bill passed the Lower House on November 18, 1993, despite the Socialist Party's unhappiness with Hosokawa's late change to increase the number of single-seat districts from 250 to 274. But after the holiday recess the Upper House rejected the bill, due to seventeen defections from the JSP with only five countervailing defectors from the LDP. Hosokawa needed to pass reform to save his government; he chose to negotiate with the LDP. LDP President Kono also needed to pass reform, first to prevent defections, and second to avoid running in the next election as the party that killed political reform for the third time. The Kaifu and Miyazawa administrations had promised reform and failed to deliver. Neither Hosokawa nor Kono wanted to be responsible for a third failure in as many years. Political reform might well have passed without official LDP support because between 80 and 100 LDP reformers were expected to vote for reform under any circumstances, with only 70 needed for passage (*Yomiuri Shimbun,* November 28, 1994).

Kono demanded and received what amounted to a return to the Kaifu plan of 1991. The final bills called for MMM with 300 SSDs and 200 PR seats. They "split the difference" between the coalition plan's single national PR district and the LDP plan's prefectural PR by establishing eleven regional PR districts. The bills retained the coalition's plan for two votes per voter, but leaned closer to the LDP plan for campaigns, retaining the ban on canvassing and allowing for continued (albeit more carefully restricted) corporate contributions to individuals for five years. The districting scheme for the 300 SSDs and eleven PR districts was postponed, to be determined by a neutral, blue-ribbon panel appointed by the prime minister.

Analysis: The Causes of Electoral Reform

At the end of this long history of electoral reform efforts, one is left with two very strong impressions. The first is that the reform was a long time coming. The pathologies of SNTV were well understood and the reform agenda had crystallized by the mid-1950s. Most importantly, the political realization that

neither pure PR nor pure plurality had any chance of passing led all serious reformers to focus on mixed-member systems early on. Each episode began with a scandal, followed similar patterns of deliberation with parties taking the same positions they had always taken, and ended without sufficient political energy and will to enact any serious changes. It was as if the same drama were being periodically re-enacted with only minor revisions in the script. Why, then, did the 1993–4 script have a "happy ending" after such a long series of tragedies?

The second strong impression is that a great deal about the "successful" 1993–4 experience was unique, so much so that the success seems almost over-determined. Though the drama followed the familiar script, there was a long list of "first time" changes. A concrete reform proposal emanated from the opposition camp for the first time; the LDP suffered a major split and lost its majority for the first time in its history; perhaps most importantly, the electoral pressure to do something never abated, affecting two successive Lower House elections for the first time. From 1989 through 1993, a steady cadence of corruption scandals elicited promises of reform from two successive LDP administrations, promises that were broken, only to be followed by further revelations of corruption. The LDP repeated its standard act of promising reform but failing to reach a consensus, but they were never afforded sufficient respite from electoral pressure to allow reform to slip off the political agenda. Electoral pressure was particularly important in the final stages as reluctant members of the Hosokawa coalition government and reluctant members of the LDP were forced to vote for a political reform they did not favor in order to avoid the wrath of the electorate in the next election.

Again we must stress that there was no public demand to change the electoral system. Table 7.3 reproduces the results from two polls conducted by *Asahi Shimbun,* the first taken in April 1993, before the LDP split, and the second in September, a month after Hosokawa took office at the head of the seven-party anti-LDP coalition. Money politics was on the electorate's mind, but there was no mandate to abandon SNTV. The electoral pressure was to do something, not specifically to change the electoral system.

Electoral pressures formed the all-important backdrop to all the political maneuvering, but parties were the actors making their strategic calculations against this backdrop. A key difference between this and past reform efforts was the plan presented by the Socialists and Komeito in April 1993. A review of press reports around that time indicates that both parties were deep in negotiations with the Hata–Ozawa group long before the no-confidence vote that felled Miyazawa and split the LDP on June 18. They met frequently to discuss electoral reform, and to discuss the possibility of the Hata group leaving the LDP to form a "reform coalition" with the Socialists and Komeito. Ozawa, the other leader of the Hata group, was well known for his close ties to two right-wing socialists, Makoto Tanabe and Sadao Yamahana. These

Table 7.3. Public Opinion Concerning Electoral Reform in Japan

	%
"To what aspect of political reform should the most effort be devoted?"[a]	
Preventing corruption	49
Strengthening the limits on political money	23
Changing the electoral system	16
Other/no answer	12
"To what aspect of political reform are you paying closest attention?"[b]	
Disclosure of the flow of political money	42
Abolition of corporate and group contributions	18
Change of the electoral system	18
Strengthening penalties for campaign violations	12
Public funding of political parties	4
Other/no answer	6

[a]   Dates of survey: April 25–26, 1993; published: *Asahi Shimbun,* May 3, 1993; people contacted: 3,000; response rate: 77%.
[b]   Dates of survey: September 5–6, 1993; published: *Asahi Shimbun,* September 9, 1993; people contacted: 3,000; response rate: 78%.

two Socialist leaders, with the support of the newly formed labor federation, the Alliance (Rengo) planned to found a new, more realistic socialist party—essentially, the Japanese version of Britain's New Labour. Ozawa also had close ties to Yuichi Ichikawa, the leader of Komeito.

The reformers concluded from the LDP's plurality plan that Miyazawa was not sincerely interested in electoral reform (*"Yaru ki ga nai"*: *Asahi Shimbun,* April 1 and 2, 1993). Hata in particular seems to have given up on the LDP. Frustrated with their inability to promote reform from within the LDP, their links to the opposition parties made defection a more realistic and attractive option than it had ever been before. We therefore need to consider the motivations of these two traditional opposition parties.

The Komeito was a small party with a disciplined base of support provided by its parent organization, the Soka Gakkai (a lay organization of the Nichiren Shoshu Buddhist sect). The link with this controversial religious group also produced the party's biggest problem: negative valuations among the general public. When asked to name a party that one would never consider voting for, the Komeito ranked with the JCP as a pariah among significant segments of the public. The Komeito's original position on political reform reflected its status as a small urban party: it wanted to clean up money politics and reverse pro-rural malapportionment, but to change little else. In early 1993 the Komeito changed its position, coming out in favor of MMP, a mixed-member version of PR that favors small parties. Later that year, however, the Komeito began favoring not only MMM, but also the single-ballot option preferred by larger parties.

This second change of policy was prompted by a change of strategy. The Komeito planned to join Ichiro Ozawa's new party (which later became the New Frontier Party, NFP) in what appeared at the time to be a brilliant strategic move. The Komeito vote had peaked in the 1980s and the party's prospects for participation in government looked bleak. However, if it could merge into a large, popular, reform-oriented party, the negatives might disappear, and it could become a major force within a large party, with good prospects of holding power in the future. Though the new strategy did indeed appear brilliant at the time, it did not work out in the long run. The NFP failed, and the Komeito is now doing everything it can to dump MMM and return to SNTV (see Chapter 17 below).

The Socialist Party presents a more complex story. Socialists generally agreed that MMM would be a form of political suicide. However, Tanabe and Yamahana (the JSP leaders with the closest ties to Ozawa) and the Alliance labor federation (which provided the core of JSP electoral support) all thought suicide would be a good thing, the first step toward forming a revitalized Socialist Party (Shinkawa 1999: 195; Christensen 1994: 596). The JSP had used every means at its disposal to prevent MMM when it was proposed by the Kaifu administration, but then voted for it in the Hosokawa administration.

Two factors explain this dramatic shift. First, there had been a change in the leadership of the JSP, with the reformers now in charge. Second, the party faced strong electoral pressures. Had it had opposed MMM as a member of the Hosokawa coalition, it would have entered the next election as "the party that killed reform". The JSP was unable to enforce party discipline on reform votes, especially in the Upper House, but managed to hold together long enough to pass reform. The reformers of the Tanabe and Yamahana groups now form a major block within the Democratic Party of Japan, currently Japan's largest opposition party. Many of those on the left who opposed reform have now retired from politics. As many expected, MMM did prove to be suicide for the left-wing socialists, but it also produced a new center–left party that resembles the dreams of the socialist reformers.

Conclusion

Rational, outcome-contingent calculations played a large role in producing political reform in Japan. First, many of the reformers sincerely believed that political reform and MMM would be good for the country. It is easy to overlook the enthusiasm of the young reformers amidst all the machiavellian maneuvering, but it was a real and probably a necessary condition of reform. Second, parties and candidates did make calculations concerning how reform

would affect their long-run electoral prospects, and these calculations did affect behavior.

Reform could not have been enacted, however, on the basis of outcome-contingent calculations alone. Act-contingent calculations and strategic errors gave the drama its "happy" ending. The constant electoral pressure kept reform on the agenda, and no party or candidate wanted to enter the next election as the "party that killed reform once again". The public was not particularly interested in changing the electoral system, but they would be predictably upset at yet another broken promise, yet another failure to do something about political corruption. Defectors from the LDP expected and received a "boom" in the 1993 election. In 1993 publicly supporting reform produced an immediate, if temporary, increase in votes for both parties and candidates (Reed 1997). Many voted for reform to increase their chances of winning the next election, whether they supported MMM or not.

The clearest examples of act-contingent rationality are to be found in the negotiations between Hosokawa and Kono over the final form of the reform bill. Both needed to pass reform. Neither could afford to hold out for an ideal system. Compromise on long-term goals was necessary to protect short-term survival. Hosokawa could not hold his coalition together, and Kono could not hold his party together, without passing political reform.

Finally, strategic errors also played a necessary role in this process. Many effects of electoral systems are well understood and easy to predict. Political scientists and politicians generally agree on which aspects of electoral systems favor larger and which favor smaller parties. During periods of flux in the party system, however, it proves much harder to predict whether you and your party will be part of a large party or of a small party. This uncertainty can produce rapid strategic shifts and strategic errors. The group that formed the New Party Harbinger, for example, favored MMM while they were still part of the LDP, but found PR more attractive when they found themselves in a small party (Otake 1996: 275).[100]

Our clearest example, however, is the Komeito. This party changed its preferences from PR to MMM when it expected to become part of a large party. After the demise of that large-party experiment, the "New" Komeito advocates a return to SNTV in three-member districts, because it now sees itself as the third party sitting ideologically between two larger parties (the LDP and the Democrats). Each of these shifts in preferences was perfectly rational at the time, and the dynamic caused by the various parties' shifting expectations and strategic errors appears to have been a necessary condition for the passage of electoral reform.

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[100] In Italy, the "Network" seems to have followed a similar path (Katz 1997: 302).

8 The Sources of Electoral Reform in Venezuela

Brian F. Crisp and Juan Carlos Rey

Recent electoral reform in Venezuela, including the adoption of a mixed-member proportional (MMP) system, has occurred in the context of crisis. By the late 1980s and early 1990s, both the political system and the economy were in disarray. For example, the country's gross domestic product per capita had grown steadily until 1977, but by 1983 it was below 1967 levels. It fluctuated thereafter but hit a more than twenty-year low in 1989. Political crises followed shortly on the heels of economic decline. Voters had sustained very high levels of participation in national elections through 1973. In 1988 abstention rose almost 6% to just over 18%; a high rate for a country where voting was mandatory and abstention was punishable by law (though the punishments were never levied). In 1993, the first year that failing to vote was not a crime, abstention jumped dramatically to almost 40%.

As in the economic sphere, indicators of gradual political decay were punctuated by dramatic signs of crisis. In February 1989 decades of democratic peace were shattered by bloody urban riots in which hundreds lost their lives. Shortages and hoarding had already been on the rise when the Pérez administration adopted a "shock" strategy of neoliberal economic reform. The heavy-handed military response by troops unaccustomed to such duties resulted in hundreds of deaths. Increasing economic hardship and the unpopular neoliberal policies also led to two coup attempts in 1992, the first attempted coups since the early 1960s. The elections of December 1992, two weeks after the second coup attempt, were characterized by significant irregularities and charges of fraud. The elections for governor in two states had to be reheld. In 1993 the Senate authorized the trial of the president on charges of embezzlement and removed him from office. Former president Jaime Lusinchi was indicted on similar charges shortly thereafter. Political turmoil was also reflected in the conduct and outcome of the 1993 national elections, the first year a mixed-member proportional (MMP) system was used. Not only did most eligible voters abstain from participating, but those that did vote elected for the first time a presidential candidate not nominated by Democratic Action (Acción Democrática/ AD) or the Christian Democrats

(Comité de Organización Política Electoral Independiente/COPEI) and the second most factionalized legislature to that point in democratic history.

All actors in favor of reform clearly associated *partidocracia*—the closed internal workings of parties, their penetration of other groups in civil society, and the disciplined, partisan (but non-ideological or programmatic) nature of public discourse—with political corruption and economic decline. Reform was motivated by a desire to move away from a set of behaviors and policies, not by a strategy to arrive at a clearly envisioned new set of behaviors and policy outcomes. The party-centered process of the past was prone to capture by rentier influences. Big business, as represented by FEDECAMARAS, and organized labor, as represented by the CTV, were incorporated into government decision-making processes and were able to extract a variety of subsidies from the state (Crisp 1998, 2000). The party-dominated congress acquiesced to executive initiatives with little pressure from voters. Congressional candidates knew that their prospects for re-election were more or less determined by their placement on closed lists. Pressures from voters and groups in civil society were muted by the lack of intraparty competition. Reformers reacted against the old system without having a clear vision of the connection between proposed new systems and economic policy outcomes.

A mixed-member proportional system (MMP) was adopted for the 1993 election of the Chamber of Deputies in an effort to stabilize the democratic regime. The connection between the electoral system and the failed policies of the past explains the desire for reform, but it does not explain the content of reform. Many electoral systems would have encouraged "different" forms of behavior, so why did Venezuelans choose a mixed-member proportional system?

The MMP system adopted was the result of compromise. As we will detail below, the features supported varied across the different groups pushing for reform, but MMP emerged as the system that Democratic Action (AD) and the Christian Democrats (COPEI), the traditional parties that still dominated congress, were willing to accept. They supported it because it looked the most like the system under which they had prospered. Intraparty competition would not be mandated and seats would still be allocated on the basis of a vote for closed lists. In addition, they stymied all legislation designed to mandate internal reforms of the political parties themselves, including nomination processes. Leaders of the traditional parties adopted reforms that seemed as if they might appease demands for "personalization" without forfeiting the power the parties received from a closed-list, proportional representation system where they controlled candidate selection. The adoption of MMP was an incremental rather than a radical change.

In the next section we describe the Venezuelan electoral system and how it has evolved, emphasizing issues of "electoral efficiency" as defined in Chapter 2. We then analyze the reform process and the role of various actors in the

move to an MMP system. With these historical data in hand, we conclude by putting the system for electing congress in the context of wider systemic, institutional issues.

The Evolution of Electoral Rules in Venezuela

Between 1958 and 1993 Venezuela scored relatively high on interparty efficiency, with congressional majorities or near majorities for a single party, but it was extremely inefficient in intraparty terms, privileging party labels and leaders to the detriment of more responsive individual candidates (see Figure 2.1 above). In this section we briefly summarize the electoral rules and how they have evolved.

Since 1946, when Venezuela celebrated its first democratic election of the twentieth century, a system of proportional representation with seats allocated by the d'Hondt formula has been used. (See Rey 1986b for a more detailed discussion of the features summarized below.) A fundamental principle of legislative bodies in Venezuela since 1958 has been to assure that no party, even when receiving a majority of the votes, can monopolize political representation of the diverse interests in society. This feature is embodied in the Constitution itself, which calls for "proportional representation of minorities," which, until the adoption of Constitutional Amendment no. 2 in 1983, was obligatory in all legislative elections at all levels (national, state, and local). In Venezuela "proportional representation of minorities" means not only that seats in multi-member districts should be divided proportionally, but also that parties should receive additional seats based on national vote totals, especially in the Senate with its district magnitude of two (Article 148).[101] Additional senate seats are given out through a national quota that divides the total number of votes cast nationwide by the fixed number of senators (two times the number of states and federal district). This number is divided into the number of votes received by each party nationally. The difference between this result and the number of seats won is the number of additional senators awarded each party, with a limit to the total number of additional seats any given party can receive. (Since 1980 any party has been

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[101] One criticism of the Venezuelan system is that the low district magnitude for Senate races violates the principle of proportional representation, tending to a two-party system much as single-member district plurality races would. It may be more appropriate to refer to the Venezuelan Senate system as an "improved plurality system." It encourages a division of seats among two parties, as such avoiding the dangers of gerrymandering, because a candidate with more than one-third of the vote wins the second seat. (To win both seats within a state, a party must get double the vote of its nearest competitor.) Should dissatisfaction grow with the major parties, this system makes it easier for third parties to gain seats than a plurality system would.

prohibited from receiving more than three additional senators.) In other words, for the Senate proportional representation from party slates (because only such a system allows for the awarding of additional seats) is embedded in the Constitution itself. The Constitution does not require additional seats based on national vote totals for the lower house, the Chamber of Deputies, but subsequent legislation has provided for it reasoning that the d'Hondt formula used for seat allocation favored the major parties and an adjustment based on national totals would fulfill the spirit of the Constitution.

Seats for the Chamber of Deputies were allocated to each state on the basis of its population. Since 1970 a number of citizens equal to 0.55% of the population is entitled to a deputy, but since 1993 no state can have fewer than three deputies. A quota for additional seats in the Chamber of Deputies is calculated by dividing the total number of votes cast by the number of deputies determined by the size of the population. The number of votes received by each party nationally for deputies is divided by this result, and the difference between the seats already won and this final result is the number of additional seats awarded to the party. As in the Senate, there has always been a limit to the total number of additional seats any given party can receive. (Since 1980 no party has been allowed more than five additional seats in the Chamber of Deputies.)

Between 1958 and 1998 the country has had thirteen electoral laws, an average of a new electoral law every 2.3 years in a country where for much of the democratic era elections were held only every five years. But from 1958 to 1988, for legislative elections at all levels, a closed list proportional representation system was maintained. From an institutional perspective, the Venezuelan electoral system during this period was characterized by its simplicity and stability, at the cost of simplifying and limiting the actions of the voter. Voters used a single color-coded card (to facilitate voting by illiterates) to select from among closed lists prepared by the parties themselves with seats allocated proportionally among the parties based on their district-wide totals. Every five years, the president, National Congress (Senate and Chamber of Deputies), state legislative assemblies, and municipal councils were chosen. Voters received a set of large cards and a set of small cards with the colors and symbols of each party participating in the elections. The large card was used to elect the presidential candidate nominated by the respective party; the small card was used to select a single party list for the Senate, Chamber of Deputies, state legislative assemblies, and municipal councils. The voter, with just one vote, simultaneously chose four lists from a single party.[102]

For an extended period, electoral campaigns were popular festivities, abstention was low, and charges of fraud were minimal. For most of the

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[102] Voters in the federal district were selecting only three lists because the district had no state legislative assembly. Voters in federal territories were also choosing three lists because they were not represented in the Senate.

period Democratic Action (AD), a center–left party, dominated, with the Christian Democrats (COPEI) providing the primary opposition (see Table 8.1). Nonetheless, dissatisfaction grew and electoral reform was pursued. The traditional proportional representation system with closed lists prepared by party leaders remains only for the Senate.

Electoral reform has been accompanied by high levels of abstention and, since 1992, increased charges of fraud. In the 1993 national elections, where a mixed-member proportional (MMP) system was used for the first time, the Radical Cause (La Causa R/LCR) denounced the system throughout the campaign and prepared its militants for a massive fraud it thought would

Table 8.1. Electoral Results for Major Parties in Venezuela

President	Popular vote in the Presidential race (%)	Seats in the Chamber of Deputies (%)	Seats in the Senate (%)	Effective no. of parties in Congressional Elections[b]
Betancourt	AD = 49	AD = 55	AD = 63	2.9
(AD),	COPEI = 15	COPEI = 14	COPEI = 12	
1959–64				
Leoni	AD = 33	AD = 37	AD = 47	4.8
(AD),	COPEI = 20	COPEI = 21	COPEI = 17	
1964–9				
Caldera	COPEI = 29	AD = 31	AD = 37	6.0
(COPEI),	AD = 27	COPEI = 28	COPEI = 31	
1969–74				
Pérez	AD = 49	AD = 51	AD = 60	3.4
(AD),	COPEI = 35	COPEI = 32	COPEI = 28	
1974–9				
Herrera	AD = 43	AD = 44	AD = 48	3.1
(COPEI),	COPEI = 45	COPEI = 42	COPEI = 48	
1979–84				
Lusinchi	AD = 55	AD = 56	AD = 64	2.9
(AD),	COPEI = 33	COPEI = 30	COPEI = 32	
1984–9				
Pérez	AD = 53	AD = 48	AD = 48	3.3
(AD),	COPEI = 40	COPEI = 33	COPEI = 43	
1989–93[a]				
Caldera	AD = 23	AD = 27	AD = 32	5.6
(Conv/MAS),	COPEI = 22	COPEI = 26	COPEI = 28	
1994–9				
Chavez	AD = 9[c]	AD = 37	AD = 35	7.4
(MVR/MAS), 1999	COPEI = 2[c]	COPEI = 14	COPEI = 15	

[a] Pérez's second term was shortened by impeachment proceedings.
[b] Effective number of parties is $N = \Sigma v_i^2$ where v_i is the fractional share of votes for the ith party.
[c] Both AD and COPEI pulled their support for their nominees in the final weeks of the campaign and backed a third candidate in hopes of defeating Chavez. This candidate, Henrique Salas Romer, received 39.5% of the vote with the backing of four parties.

Source: Rey (1994) and our own calculations based on Consejo Supremo Electoral figures.

result from the new, more complex procedures. The party claimed that its candidate had actually won the elections rather than having finished fourth, as was officially reported.

The Motivations of Electoral Reformers in Venezuela

Electoral reforms were intended to solve two problems. First, they sought to make the election of diverse offices independent of one another by allowing voters to cast distinct ballots for each. Second, they intended to open up the possibility that electoral formulas could vary from level to level and over time within levels—unlike the universal use of the closed lists in effect since 1958.

A closer look at subnational levels of government will illustrate the motivation for reform. In a system where all elections are held simultaneously and the ballots for many offices are fused, like those instituted in Venezuela in 1958, the fact that voters' attention is captured by the presidential races, and to a lesser extent by national legislative campaigns, means that no independent decision regarding other offices is possible. The fused ballot for all legislative assemblies, at the national, state, and local levels, diminished voters' choices. In 1979 for the first time municipal elections were carried out through a distinct ballot on a date separate from that for all other offices. The national Chamber of Deputies, national Senate, and state legislative assemblies would not get distinct ballots until 1993, and even then they were elected concurrently.

The increasing use of mass media (television, radio, and print media) at the national level, where sufficient campaign funds were available, only intensified the focus on national races. What is more, party leaders in the nation's capital had control over nominations, limiting the potential for autonomy of local officials. Even though the militants of the parties in the states and municipalities had shared in the responsibility for an electoral triumph, the voters' attention was focused on the national themes and problems. Nonetheless, citizens could not have been indifferent concerning the local or state authorities, with whom they were likely to be in more regular contact and who provided basic government services. This is particularly true of the urban populations, especially those with the least economic means. A large part of the demands from popular barrios were directed at state governors who controlled administrative services in immediate contact with the population. However, until 1992, governors were not elected by the constituents they governed but were instead appointed and removed entirely at the discretion of the president. Municipal councils were elected, on the other hand, and city officials played a key role in the government's relationship to barrio residents.

When municipal councils were elected with the same ballot used to elect national and state legislators, it was impossible to punish or reward officials at any one level. When popular demands went unmet, public demonstrations, sit-ins, and traffic interruptions were the primary means of communicating with authorities of the central government. While barrio groups (*juntas de barrio*) have been among the promoters of electoral reform, the populist system of rewards controlled by the parties at the national level hindered greater expression of demands for change.

Urban middle classes were in a better position to promote change. Toward the end of the 1960s, neighborhood associations began to make their presence felt. Their members were relatively well educated, knew how to use modern systems of mass communication to their advantage, and were aware of their political rights. They were capable of direct participation in solving local problems and of proposing institutional reforms. (On the political thinking of these groups, see Santana 1983 and Zambrano 1986.) These neighborhood associations originated from local issues, but they soon united. In 1971 various groups came together to form the Federation of Urban Community Associations (Federación de Asociaciones de Comunidades Urbanas/ FACUR). The federation effectively used the mass media to draw government attention to the problems associated with urban life. It also recognized shared interests with environmental groups, including the Venezuelan Federation of Environmental Organizations (Federación de Organizaciones y Juntas del Ambiente de Venezuela/FORJA). It is important to note that these groups originated and developed outside the sphere of political parties and challenged the traditional system of clientelistic service delivery. These groups developed their own leadership, participated in the municipal elections with their own candidates, or supported those parties whose programs earned their approval. Neighborhood associations achieved many of their demands with the passage of the Organic Law of Municipal Governments (Ley Orgánica de Régimen Municipal/ LORM) in August 1978, which explicitly recognized the right of neighborhood associations to participate in local matters.

The pressure of these groups was very important in the decision to separate the municipal elections from the national and state ones, but this reform was possible only because it did not generate opposition from the traditional political parties. Minority parties were obviously disposed to support the law, reasoning that they could more effectively compete with Democratic Action and the Christian Democrats in local elections. The 1973 and 1978 national election results indicated an increasing tendency toward a two-party system. (Combined AD and COPEI had won 83.9% and 88.6% of the presidential vote and 74.7% and 79.5% of the legislative vote.) All the parties, including AD and COPEI, were committed to the idea that the restrictions intentionally placed on voters' choices in 1958 were no longer justifiable, especially

given increasing urban unrest. (However, the same logic was not extended to state assembly and national legislative races.)

The municipal elections of 1979 did not generate the results that reformers intended. First, they were characterized by a level of abstention hitherto unseen in Venezuela of 27.1% (compared with 12.4% in national elections the previous year). This level of abstention is not surprising in a comparative context, but, for reformers who were motivated by a sense of civic duty and anti-party sentiments, it was a blow. In addition, municipal elections were characterized by a strong showing for the traditional parties. Combined AD and COPEI won 79.2% of the municipal vote and 89.4% of the seats on city councils. This is not to say that the separation of municipal elections was considered a failure. Instead, many reformers argued that the same logic should be extended to national and state legislative races. The 1979 reforms opened the possibilities to further changes.

The fruit of this effort was the Constitutional Amendment no. 2, approved in 1983, which opened the possibility that municipal council and state assembly elections could use an electoral system without the closed-list, proportional representation still mandated in national elections. Though subject to interpretation, the amendment not only allowed for distinct systems at the state and local level, but laid the groundwork for future changes to national races. The process that led to the approval of the amendment would never have been possible without the endorsement of the parties, especially Democratic Action and the Christian Democrats. They perceived the public discontent with the manner in which government affairs had been managed and the extremely dominant—and some would say asphyxiating—role that parties had played. Critics charged that the functions of civil society had been monopolized by political parties and that parties had penetrated all aspects of public life. They claimed that the system had degenerated into a *partidocracia* or "partyocracy" (Brewer 1985: 57; 1998).

Perhaps the single most important factor persuading the traditional parties to engage in reform was the rising rate of abstention (see Figure 8.1). In the 1984 municipal elections (where AD and COPEI combined won 74.4% of the vote and 90% of the council seats), abstention reached 40.7%. Abstention is a cause for concern in all democracies, but it is of particular importance to Venezuelans. The constitution made voting mandatory, stipulating severe penalties for failure to register and/or vote (though the punishments were never levied). What is more, voter turnout was initially interpreted as support for the democratic regime, not merely an instrumental act of choosing a representative. Voter turnout in the first decade of democracy was interpreted as a plebiscite won by the regime as opposed to guerrillas on the left and coup plotters on the right. The Pact of Punto Fijo, signed by the parties during the transition to democratic rule, stated explicitly that "[a]ll votes for democratic candidates will be considered as one vote, the sum of votes cast for the different

Figure 8.1 Abstention in Venezuela, 1958–98
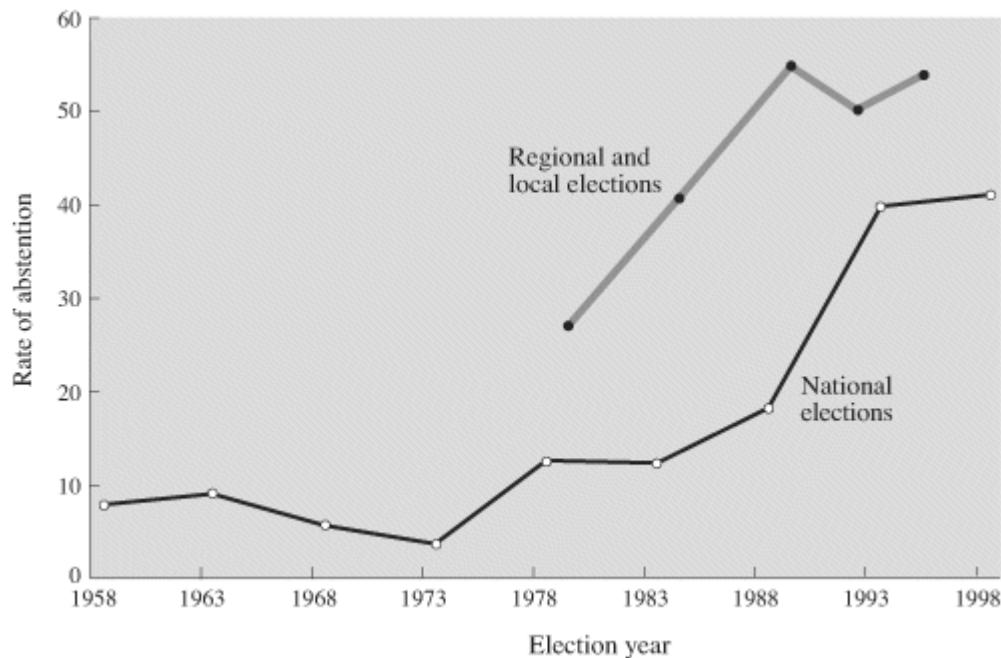
party banners will be an affirmation of the constitutional regime and the rule of law" (Congreso Nacional 1958: 7). In 1963 the Communist Party (PCV) and the Revolutionary Left Movement (MIR) tried to organize abstention by their militants and to interrupt the voting process with armed violence; in both races, the incredibly high turnout rates could justifiably be interpreted as "a sweep" for the forces of democracy. Thus, abstention was regarded not only as a breach of civic duty, but also as a vote against democracy.

After the disappointing turnout in 1984, the Supreme Electoral Council, the bureaucratic agency charged with administering elections, began to discuss possible reforms. Despite being politicized (parties were represented proportionally on the governing board of the Council), the members of the Council did not appear to enter their discussions with a preferred outcome predetermined, and national and international experts were widely consulted.[103]The Presidential Commission for the Reform of the State (COPRE)

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[103] See Consejo Supremo Electoral (1984) with a general presentation by Dieter Nohlen and additional contributions by Arístides Torres (regarding the Venezuelan case), William Kimberling and Arend Lijphart on the United States, George Lavau on France, David Butler on Greast Britain, Dieter Nohlen on Germany, Gianfranco Pasquino on Italy, Joseph Valles on Spain, Nils Stejrnquist on Sweden, Luis Quirós Valera on Chile, and Luciano Parjo Alfonso on Spanish local government. The same publication includes transcripts from a conference with presentations by the the leaders of Venezuelan parties—Manuel Fernández, AD; Eduardo Fernández, COPEI; Pompeyo Márquez, MAS; Jesús Ángel Paz Galarraga, MEP; and Carlos Flores Conde, MIR. See also Molina (1986: 171–92) for an analysis of each of the proposals presented.

picked up the theme of electoral reform and placed it more firmly on the public agenda. This advisory commission was created in 1984 by President Lusinchi (AD) to devise an ambitious plan for integrated state reform. Rising rates of abstention and economic decline (in 1983 the *bolívar* had been devalued dramatically for the first time, on "black Friday," and a differential exchange rate regime had been established) motivated Lusinchi to consider dramatic changes. According to the executive decree that created the commission, its objective was to "establish a modern state, essentially democratic and efficient, where the rights guaranteed by the Constitution would be in complete force and citizen participation would be an effective element in the decision making of public powers."

Members of the Commission assumed that their goal was full application of the 1961 Constitution and remedies for some of the deviations and distortions that had resulted from it (see Rey 1986a; 1988: 19–47). Given this set of assumptions, COPRE limited itself to proposals that did not require significant constitutional reform. There existed a consensus, among the members of the Commission and in the society as a whole, that the 1961 Constitution had resulted in democracy for a period longer than ever before witnessed in Venezuela and that simple amendments would be sufficient to extend its usefulness.

One of COPRE's most important tasks was to push forward public discussion of electoral reforms. It conducted a series of public symposia and seminars with participation by the Supreme Electoral Council, university faculty, political and cultural personalities, and representatives of the political parties. Notably, there was a pronounced opportunity for participation by nongovernmental organizations, including neighborhood associations (Torres 1986: 97–117; Rey 1986b: 119–58; Gúzman 1986). The mass media not only covered the discussion in great detail, they pushed it along through their own initiative.

In general, the discussions were very critical of the existing system. Noted academics, including Arturo Uslar Pietri and Allan R. Brewer Carias, declared themselves to be in favor of a single-member district plurality system. Other less passionate participants advocated a variety of positions. Some advocated single-member district plurality, others supported reforms that would preserve a list component but make them open lists, and still others argued that the existing system was not as bad, comparatively speaking, as many made it out to be (Rausseo 1984: 11–28; Torres 1984: 49–67; Gúzman 1986; Molina 1986; Rey 1987: 13–50). After much public debate, in May 1986 the COPRE published *Proposals for Immediate Political Reform*, outlining important institutional changes including direct popular election of governors, reforms to the Organic Law of Municipal Governments, increased democratization of internal party procedures, and regulation of public and private financing of political parties (COPRE 1986). Regarding electoral

rules, the COPRE outlined the principal virtues of the existing system, despite growing criticism, and adopted a conservative position against dramatic reform. It stressed the importance of proportional representation as a general principle and simplicity as a primary feature of any system to be used in Venezuela (COPRE 1986: 11). Despite public pressure for dramatic change, the Commission advocated experimenting with minimal reforms at the municipal levels, maintaining the principle of proportional representation, and replicating those experiments at other levels if they proved successful. It advocated continued discussion of single-member district plurality races for municipal councils, adoption of some "nominal" characteristics for state and national legislative elections, midterm legislative elections, and distinct ballots for the two national chambers.

But if the COPRE was conservative in its electoral reform proposals, it was much more progressive in the political party reforms it proposed. Many of its members believed that the best means of attacking a large part of the country's electoral vices was to internally democratize the nomination procedures of the parties (Rey 1986b: 149–58). The COPRE proposed a series of measures including limits to the number of party offices that could be lifetime appointments, requirements for the regular renewal of party officials through internal elections, provisions for consulting with rank-and-file members through referenda or elections, and limits to *ex officio* or unelected delegates to party decision-making bodies. The most revolutionary proposal was for primary elections for all candidates to offices at all levels of government, with the requirement that these primaries gradually evolve from closed to open (COPRE 1986: 7–9). Unfortunately, these suggestions were not only rejected by the parties themselves, but failed to catch the interest of extra-party actors who were increasingly becoming anti-party.

The conservative, gradualist position of the Presidential Commission concerning electoral rules did not satisfy public opinion, and the new electoral law approved in 1988 did not contain major modifications to the electoral system—though from 1989 onward political parties began to support more dramatic changes. The major changes proposed since 1989 and the parties that supported each are summarized in Table 8.2. Before 1989 (1958–88 inclusive), senators and deputies at the national level, assembly members at the state level, and members of municipal councils were elected in a closed-list, proportional representation system. This system now remains only for the election of senators at the national level, and in this case, with a district magnitude of two, additional seats have to be awarded to increase proportionality (see fn. 1).

In 1988, as Table 8.2 illustrates, the political parties started to make clear their positions on the issue of electoral reform. In the case of deputies, the most conservative position, very similar to the position of the COPRE, was that of Democratic Action. This was the governing party at the time, and it

Table 8.2. Major Changes in the Venezuelan Electoral System and Each Party's Preferred Systems 1988–95

	1988	1989	1992	1993	1995
System adopted					
Deputies	Closed-list PR	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)
State assemblies	Closed-list PR	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)
Municipal councils	Closed-list PR	Open-list PR	MMP (±67%/ ±33%)	Plurality	MMP (±67%/ ±33%)
AD's position					
Deputies	(1) Closed-list PR	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)
	(2) Open-list PR				
State assemblies	(1) Closed-list PR	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)
	(2) Open-List PR				
Municipal councils	(1) Closed-list PR	Plurality	(1) Plurality	(1) Plurality	(1) Plurality
	(2) Open-list PR		(2) MMP (±67%/ ±33%)	(2) MMP (±67%/ ±33%)	(2) MMP (±67%/ ±33%)
COPEI's Position					
Deputies	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)
State assemblies	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)	MMP (±50%/ ±50%)
Municipal councils	Plurality	MMP (±50%/ ±50%)	(1) MMP (±50%/ ±50%)	(1) MMP (±50%/ ±50%)	(1) MMP (±50%/ ±50%)
			(2) MMP (±67%/ ±33%)	(2) MMP (±67%/ ±33%)	(2) MMP (±67%/ ±33%)
MAS's position					
Deputies	Open-list PR	Open-list PR	Open-list PR	Open-list PR	Open-list PR
State assemblies	Open-list PR	Open-list PR	Open-list PR	Open-list PR	Open-list PR
Municipal councils	Open-list PR	Open-list PR	(1) Open-list PR	(1) Open-list PR	(1) Open-list PR
			(2) MMP (±50%/ ±50%)	(2) MMP (±50%/ ±50%)	(2) MMP (±50%/ ±50%)
Small leftist parties:	*(MEP, PCV, LCR, etc.)*				
Deputies	Open-list PR	Open-list PR	Open-list PR	Open-list PR	Open-list PR
State assemblies	Open-list PR	Open-list PR	Open-list PR	Open-list PR	Open-list PR
Municipal councils	Open-list PR	Open-list PR	Open-list PR	Open-list PR	Open-list PR
Small rightist parties:	*(NGD, AP, F1, etc.)*				
Deputies	Plurality	Plurality	Plurality	Plurality	Plurality
State assemblies	Plurality	Plurality	Plurality	Plurality	Plurality
Municipal councils	Plurality	Plurality	Plurality	Plurality	Plurality

had won the most national elections. It was the only party that advocated maintaining the existing system of closed lists for the national congress, state assemblies, and municipal councils. However, the party did appear willing to discuss movement to an open-list system that would allow voters to reorder party prepared lists.

The Christian Democrats (COPEI), the second largest party and the only party other than Democratic Action to win a presidential race, advocated the adoption of a mixed-member proportional (MMP) system for the Chamber of Deputies and state legislative assemblies (Aguilar 1986: 43–50; Vagnoni 1986: 51–66). Proportional representation was still constitutionally mandated for the Senate and Chamber of Deputies (but not for state assemblies and municipal councils), and an MMP system seemed like the best means possible for some "personalization" of voting without abandoning proportional representation or closed lists.[104] A single transferable vote system was discussed but not seriously considered, given its theoretical and practical difficulties (Black 1971: 80–4; Doron and Kronick 1977: 403–13; Riker 1982a: 45–51; Brams and Fishburn 1984: 147–51). The long relationship between the Venezuelan Christian Democratic Party and the German Christian Democratic Party also helps explain COPEI's position. The Christian Democrats, along with many small rightist parties, several groups in civil society, and prestigious intellectuals, were proponents of a single-member district plurality system for municipal councils.

Movement toward Socialism (MAS) and several small parties on the left, including the People's Electoral Movement (MEP), the Radical Cause (LCR), and the Venezuelan Communist Party (PCV), advocated the adoption of an open-list system for elections at all levels. As minority parties, they were not willing to do away with proportional representation, which move could lead to their disappearance, and at the same time they opposed the single-seat district component of an MMP system. MAS in particular has been willing to support more open procedures, as evidenced by its relatively participatory nomination rules, because of its origins as a splinter reacting against the extremely centralized Venezuelan Communist Party (PCV). Given that MMP existed only in Germany at the time, where leftist parties similar to MAS had never done well, they were additionally predisposed to oppose the Christian Democratic proposal.

The lack of consensus among the major parties meant that no additional electoral reform was accomplished during the Lusinchi administration, but state reform remained on the agenda. In 1988 presidential candidates were compelled to take positions on the general issue. The Democratic Action candidate, Carlos Andrés Pérez, in a speech commemorating the thirty-year

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[104] The preference of some small rightist parties for a plurality system for the Chamber of Deputies was purely rhetorical as long as the Constitution mandated proportion representation.

anniversary of the Pact of Punto Fijo, which had marked the transition to democratic rule, outlined a new agreement, the Pact of State Reform, in an effort to get interparty consensus on several changes. Among the proposed reforms was a vague reference to a new electoral system that would increase the "representativeness" of all legislative bodies. The AD candidate, conscious that the majority of the population wanted important institutional changes, took advantage of the occasion to become its principal promoter, making an offer to the other candidates that they could neither ignore nor refuse. The image of the Punto Fijo Pact continued to maintain its legitimacy and conjured up the possibility of party consensus on fundamental changes.

On January 26, 1988, seven presidential candidates (including Carlos Andrés Pérez of AD, Eduardo Fernandez of COPEI, and Teodoro Petkoff of MAS) signed a document recognizing the necessity of "a national agreement" enacting political, administrative, social, and economic changes before the end of the year. By February representatives of the candidates had reached consensus on the need for separate ballots for the Senate and Chamber of Deputies, independent electoral timing of state and local races relative to national ones, more candidates to be selected on the basis of a party's national vote total, automated electoral procedures, shorter electoral campaigns, and a system for cleaning up the electoral roles. However, no agreement could be reached on a new electoral formula. The campaign platforms of the major candidates contained only vague references to the need for a new electoral system, with the exception of COPEI candidate Eduardo Fernandez, who openly supported an MMP system based on the German model.

In 1989 the new congress took up the issue of electoral reforms. Changes to the municipal system were the most urgent given that elections were scheduled for later that year. Intellectuals, groups such as the neighborhood associations, the mass media, and notable private businessmen had declared themselves in support of a plurality system. Given this broad based popular support, the president, Carlos Andrés Pérez, and Democratic Action (with the opposition of some of its leaders) changed their position from support for maintaining the old system to support for a plurality system. Given that Pérez had restaffed the Presidential Commission for the Reform of the State, making its director a cabinet member, the COPRE too changed its position, regarding municipal rules accordingly.

The change in the official position of AD reveals a great deal about the relationship between a president and his party. The change was designed to take advantage of the popular support for single-seat districts among extra-party sectors. What is more, as the most popular party of the era, AD did not have to fear a move to a plurality system. Its traditional opposition to abandoning proportional representation resulted not from a fear of losing seats, but from a fear that smaller parties would go unrepresented and be alienated from the democratic system—a lesson AD had learned from the *trienio* of democratic

rule from 1945 to 1948. In addition, even under a plurality system, the party leadership would retain the right to select the party's candidates, given that no changes in the centralized nominations procedures were contemplated as part of the electoral reform.

Somewhat surprisingly, the Christian Democrats who had originally supported plurality elections for local races revised their position to advocate MMP (so were now advocating MMP at all levels). Only Movement toward Socialism maintained its original position, supporting an open-list system for municipal races. With the support of two minor parties, Democratic Action succeeded in getting a reform package through the Chamber of Deputies that would lead to plurality elections for municipal councils, but it could not get a majority in the Senate, where there were fewer small coalition partners available. Given the proximity of the municipal elections, the head of the Supreme Electoral Council and the President intervened in search of a compromise. An open-list system, the position advocated continuously by Movement toward Socialism, was settled on for municipal elections because it would increase voters' connections with individual candidates, as would AD's proposal for a plurality system, but would not do away with proportional representation, part of COPEI's proposal. However, the change did nothing to appease the "antiparty" sentiments in civil society who opposed any list system, and it did not halt rising abstention.

The 1989 reform of the Electoral Law also incorporated important modifications in the electoral system for the Chamber of Deputies and the State Legislative Assemblies. Under Pérez, the Democratic Action party and the Presidential Commission for the Reform of the State had become supporters of a mixed-member proportional system for Chamber of Deputies (while supporting a single-seat, plurality system for municipal councils). It had become a widely accepted axiom that single-seat district plurality races not only enhanced the connection between voter and representative but somehow limited party penetration of local life. The Christian Democrats had long advocated an MMP system as the means to get the best of both plurality and proportional representation features. With Democratic Action's change of position, the Christian Democrats and Democratic Action used their overwhelming forces in the legislature to push through the reform. They were opposed by MAS and parties of the left, who supported an open-list system, and parties of the right, who favored a plurality system. The parties supported the same system for electing state assemblies that they supported for the Chamber of Deputies, and none supported plurality elections for municipal councils, despite the fact that Constitutional Amendment no. 2 allowed for the abandonment of proportional representation in lower-level elections.

After the adoption of an MMP system for the Chamber of Deputies at the national level in 1989, the most important innovations to the electoral system were adopted at the municipal level. For the municipal elections of 1992,

Democratic Action and the Christian Democrats, having learned from their failure to cooperate with one another in 1989, compromised on their first choices (plurality in the case of AD and MMP in the case of COPEI) to support a mixed system where approximately 67% of the council members would come from single-member districts and approximately 33% would come from a closed-list, PR tier. In 1993, with President Pérez removed from office and ex-president Lusinchi under indictment, Democratic Action, in an effort to regain its popularity, pushed through a reform that would adopt a plurality system for the municipal elections of 1995. It relied on an alliance with two small rightist parties to overcome congressional opposition from all other parties. However, the reforms were never implemented, as congress voted in 1995 to revert to the MMP system of 1992.

The Mixed-Member Proportional System, 1993–8

The mixed-member proportional system was used to elect the Chamber of Deputies for the first time in 1993. Each state and the federal district continued to be assigned the number of seats that results from multiplying its total population by 0.55%. The minimum number of deputies to be elected from each state was three, regardless of population (resulting in over-representation of sparsely populated areas). In states assigned three or more seats, the number of seats was divided in half, with one half of the legislators chosen in single-seat districts (SSDs) and the other half from the traditional closed party lists. In states with an odd number of seats, the number of seats chosen in single-member districts was the larger whole number nearest to one-half. Voters cast two ballots, one for an individual and one for a statewide party slate. (A third ballot for a closed party list was cast for the Senate.) Additional seats continued to be assigned on the basis of the party's national vote total, but the maximum number of additional seats a party could receive was raised from four to five.

To determine the winning candidates, first the number of seats allotted to each party is determined from the vote for lists using the d'Hondt formula. Once the number of seats to be held from a given state by each party is determined, the plurality vote-getters in each nominal race are summed by party and these nominal representatives are subtracted from the party's total. If this number is less than its total, the total is completed from the party's statewide list in order of appearance. When a party elects a number of candidates in the nominal tier greater than its list tier total would justify, all the nominal candidates are elected. If a candidate is elected in a single-seat district and his or her party is not allotted any seats via the proportional tier, the candidate is elected but is subtracted from any additional seats the party might receive on the basis of its nationwide total. No candidate can run in more than one SSD, but nominal-tier candidates can be included in the party's statewide list. No

person can be nominated for the Congress, Chamber of Deputies or Senate in more than two states (or one state and the federal district).

There are two basic differences between the Venezuelan system and the German system after which it was patterned. First, in Germany the calculation of the partisan distribution of seats is done at the national level—given that parties pool the votes for their various state-level lists at the national level, as Scarrow discusses in Chapter 3 above—while in Venezuela proportional allocation is determined only state by state. Second, in Germany a party must win 5% of the vote nationwide or at least three SSDs, but in Venezuela there is no minimum required.[105]Proportional representation is also somewhat subverted because there is a wide range of populations across SSDs. (The law allows for as much as 5% variation across districts, and an exemption for 1993 permitted as much as a 15% difference.)

In 1995 the electoral law was modified yet again, but before it could be used it was modified still further in 1997. The 1997 reform did little to change the mixed-member aspects of the system.[106]It did change the way in which nominal-tier districts were created. It prevented the division of municipalities into distinct electoral districts. The state's population was to be divided by the number of nominal tier seats to be elected, and electoral districts were to be formed by grouping contiguous municipalities to equal that population fraction or some multiple of it. In other words, multi-seat districts were now possible in the nominal tier. Since 1989 states had been free to define municipalities, which now vary enormously in size across the country. In the case of multi-seat nominal-tier districts, parties were to nominate candidates for the number of seats available and voters cast as many votes as there were seats. Unlike previous versions, the 1997 law did not establish the precise amount of variation that would be tolerated.

As the result of a deal between Democratic Action (AD) and the Christian Democrats (COPEI), traditionally the two largest parties, the 1997 reform included a new allocation relationship between tiers. In 1993, when a party received more nominal-tier seats in a given state than its list vote would justify, it kept those seats, but the total number of seats allotted in the state was

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[105] Given these differences, theoretically some manipulation of proportional representation is possible if a party's membership was disciplined enough to divide its votes between sympathetic nominal tier candidates not using the party's label and the party's list candidates. A party could create a puppet party to nominate candidates in single-member districts. The original party could instruct its voters to use their nominal tier votes for the puppet party candidates and their list tier votes for the original party. The original party's list candidates would receive a proportion of seats relative to its list winnings without having the single-member district candidates subtracted from its total (Rey 1986b: 134).

[106] The number of seats a party was entitled to according to its list vote total in each state was again divided by two, but the number to come from the nominal tier was now the whole number or the lesser of the two whole numbers if the party was entitled to an odd number of seats. Previously the larger whole number was used for nominal tier candidates.

increased in order to preserve proportional representation based on the list vote ("topping-up" the totals of other parties). In 1998, when a party received more nominal-tier seats in a given state than its list vote justified, it kept those seats, but the state did not receive additional representation. In essence, the list-tier seats that would have gone to the parties with the smallest vote totals were converted into nominal-tier seats. Not surprisingly, Radical Cause (LCR) and Movement toward Socialism (MAS), until 1998 the major challengers to AD and COPEI, protested the change, but they were unable to prevent the reform in congress.

A final reform was approved in 1998 with the congressional support of Democratic Action, the Christian Democrats, and Convergence (Convergencia) but in opposition to the preferences of all other parties. The reform primarily modified the timing of elections. Originally, elections for the national executive, the national congress (both chambers, including MMP for the lower), state governors, unicameral state legislative assemblies, municipal executives, and municipal councils would have been held simultaneously in December 1998. The parties backing a revision of the timing argued that the sheer number of elections and the complexity of the MMP system could lead to a logistic catastrophe. They moved the election of mayors and municipal councils to mid-1999 and the election of the national congress, state governors, and state assemblies to November 1998; presidential elections remained scheduled for early December 1998. Other parties opposed the reform, claiming that the elections in November would be used by the traditional parties (like the first round of a presidential race in a majority run-off system) to gauge their strength and to determine whether to coalesce behind a single candidate prior to the presidential elections in December, which former coup-plotter Hugo Chavez was expected to win. The traditional parties did in fact coalesce after the November elections but not without much infighting and behind the least distasteful independent. In addition, the parties opposing reform feared that the long-standing organizational structures of the traditional parties would give them an advantage in the congressional and state elections over the more recently formed vehicles of anti-party candidates, such as those supporting Chavez and Salas Romer. The legislative candidates associated with these vehicles would not receive the pull effect of simultaneous presidential elections. The anti-traditional party forces feared that any momentum gained by Democratic Action and the Christian Democrats in November would carry over to the December presidential elections. In the end, Hugo Chavez won the presidency with the largest vote total and by the largest margin in Venezuelan history, and his party, the Fifth Republic Movement (Movimiento V República/MVR), became the second largest party in the legislature behind Democratic Action.

In sum, at the national level the Venezuelan electoral system between 1958 and 1993 scored relatively high marks on interparty efficiency but very low

marks on intraparty efficiency. The party label was more important than the appeal of specific candidates in the voter's calculus, and legislators had no incentive to find out what voters wanted, but rather sought to please party leaders. By putting immense power in the hands of a small party elite, nomination procedures and the electoral system assured high levels of party discipline. Party discipline led to an institutionally underdeveloped congress, interest group interaction exclusively with the executive branch, and presidential dominance of the legislative agenda.

Summary of Motivations for Reform

The motivation for reform varied across actors. Groups in civil society, especially neighborhood associations, were originally motivated by a desire for local autonomy through more choices. They sought to create distinct ballots for municipal councils and to create the post of mayor, also to be directly elected. They argued that elected officials would be more responsive to their demands if they could be rewarded and punished with votes—something made difficult by the original fused ballots. The rationale behind these reforms was picked up by others for higher levels of government. Governors were directly elected rather than appointed by the president, and state legislative assemblies, the national Senate, and the national Chamber of Deputies would eventually get distinct ballots.

The prospects for reform were enhanced by extended public discussion. The government itself played a critical role in this regard. The Supreme Electoral Council and the Presidential Commission for the Reform of the State (COPRE) provided options and organized ongoing public debates. They brought together academic experts, groups in civil society, and representatives of the parties to evaluate possible scenarios. Originally, Democratic Action resisted significant changes, not only because it had fared so well under the existing system, but also because its leaders felt that proportional representation and a strong party system were pillars of the democratic system. Minor parties, given their size, sought to maintain proportional representation while increasing voters' choices by allowing for intraparty competition through open lists. The Christian Democrats staked out what came to be seen as a middle ground—the mixed-member proportional system.

As the process of electoral reform advanced, an anti-party sentiment became more prominent. The original system of closed lists and internally undemocratic parties prevented intraparty competition. Voters were allowed only to choose among parties. The strong role for party elites in selecting candidates (deciding who went on the party list) and electing representatives (setting the order of legislative candidates) became a target for the opponents of Venezuela's "partyocracy". It became accepted wisdom that single-member districts would break the hold of party elites over individual representatives

and make the legislators more responsive to their voting constituents. Reformers counted on the more limited size of the districts and the appearance of individual names on the ballot to provide these incentives. Both of these characteristics make a legislator's individual activities and personal reputation more important as campaign tools. Venezuelans referred to this as "personalization" of the vote. However, neither of these changes resulted in intraparty competition or loosened the control of party leaders over the nomination process. The effect of these changes on legislator behavior is discussed in Chapter 18 below.

Continued economic decline and political crises kept reform on the agenda. Democratic Action moved into a position of supporting some form of change. The MMP proposal of the Christian Democrats had the advantage of being similar to the existing system. It assured that party delegation size would still be determined primarily by a proportional representation vote aggregated at the state level, and it did nothing to introduce intraparty competition.[107]When Democratic Action accepted it as the proposal that would satisfy the demands of reformers without endangering the party's historically dominant position, the two traditional parties were in a position to impose their wills.

Systemic Crisis

Electoral reform was motivated by a desire to break with the unresponsive system of the past. The closed-list proportional representation system utilized until 1993 led to an extremely party-centered system. Electoral rules were inefficient in intraparty terms. Unresponsiveness allowed sectoral interests, big business, and organized labor to extract high levels of protection and subsidy from the state long after their economic rationality had expired. Economic decline was accompanied by political unrest. Growing abstention, riots, repression, impeachment, and fragmentation of the party system all characterized the late 1980s and early 1990s. Electoral reform in 1993 did not halt the decline of the traditional parties, fragmentation of the party system, or the appeal of "anti-system" independents. In 1993 Caldera ran on a decidedly populist platform, and he defeated the candidates of the two traditional parties—a first in Venezuelan history. Legislators elected in 1993 did little to

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[107] Interestingly, intraparty competition would be introduced before the 1998 elections, but it was not motivated by a desire to diminish party discipline. The creation of single-member districts in 1993 had divided municipalities in order to balance the population across districts. Local advocates argued that these "naturally" occurring divisions should be reflected in the electoral districts. The electoral law was amended to prevent the division of municipalities, and multi-member districts were created to maintain the ratio between citizens and representatives.

pursue a set of sound, coherent economic policies. They were content to criticize the administration but failed to offer much of an alternative. In 1998 voters again chose the presidential candidate with the most populist and nationalist rhetoric—former coup-plotter Hugo Chavez. They also elected a highly divided congress, with AD and COPEI receiving their lowest combined seat total in Venezuelan history.

The adoption of an MMP system did not entail intraparty competition. Legislators running in single-member districts were still hand-picked by party elites in most instances, and voters cast a vote choosing among parties only, not among candidates from the same party. As a result, the system continued to exhibit characteristics of hyper-centralized systems (as defined in Chapter 2). The Kulisheck–Crisp contribution (Chapter 18 below) documents the effects of electoral reform on legislator behavior. The behavioral differences between congress members elected before the adoption of an MMP system and those elected under it, and between those elected in single-seat districts and those elected from closed lists under MMP, are not systematic or always in the direction predicted. Where differences in behavior do emerge, the party's internal process for nominating candidates often seems more relevant than the nature of the electoral system itself. The failure to behave differently probably contributed to escalating voter frustration, the election of Hugo Chavez, and the further decline of the two parties most closely associated with the old system, AD and COPEI.

Reforms instituted did not have the steadying effect that reformers had hoped. Instead, the elections of 1998 yielded a highly divided congress and an ex-military man president, Hugo Chavez, who had tried overthrow the democracy in 1992. His campaign rhetoric was populist on the economic front, calling for a slowdown of privatization efforts and other reforms with an increase in redistributive spending. On the political front, he promised to squelch the traditional parties, especially AD, and party-affiliated organized labor. He also called a constituent assembly, marginalized the congress, and wrote a new constitution. The extremes of *partidocracia* led voters to opt for personalistic appeals from their presidential candidates, despite new institutional incentives for moderation.

Rather than de-institutionalization, it seems that what is called for is time for voters and politicians to adapt to new institutional incentives and perhaps further political reform with efficiency in mind. One such reform that is likely to have an impact would be internal democratization of the parties themselves, through a more participatory nomination process, or perhaps a hybrid electoral system that introduced a modicum of intraparty competition through an open-list tier. Further reform seems likely, but its direction remains unclear. Some actors seem to have drawn the conclusion that the remedy for perverse institutions is the absence of rules and procedures rather than their reform.

9 Electoral Reform in Bolivia: Origins of the Mixed-Member Proportional System

René Antonio Mayorga[108]

In 1994 Bolivia undertook a major constitutional and electoral reform, in which a closed-list proportional representation system for the lower house of the Congress was replaced by a mixed-member proportional (MMP) system. Article 60 of the reformed Constitution establishes that henceforth 68 deputies out of a constitutionally fixed number of 130 will be chosen by plurality rule in single-seat districts, while the remaining 62 will be chosen by party-list voting according to proportional representation in nine regional multi-seat districts. This new electoral system establishes seats linkage between the two tiers such that the overall allocation of seats is determined proportionally according to list votes at the level of each multi-seat district. In analyzing the underlying causes of the electoral reform in 1994, I will first deal with the widely perceived fundamental problems and flaws of the traditional PR system; second, I will address the main causes leading to the adoption of a MMP system, focusing on the context in which the politics of electoral reform was carried out.

The Pre-Existing System

The electoral system that was in place before the 1994 reform differed little from the proportional representation (PR) system used in most Latin American countries, although, as we shall see, the formula and threshold have been changed in Bolivia numerous times since the return to democracy in the early 1980s. The discussion of the pre-existing system is broken down into three components. First, I discuss the electoral system features that affect the interparty dimension. Second, I discuss the unique feature of Bolivia's

governance system—what I term "parliamentarized presidentialism"—whereby coalition-building is facilitated by the role of Congress in selecting the president. Third, I consider the intraparty dimension.

The Electoral System on the Interparty Dimension

The 130-seat Chamber of Deputies is divided into nine multi-seat districts, one for each administrative division of the country (known as departments). The district magnitudes vary greatly, currently ranging from thirty-one seats in La Paz to five in Pando, with the average just over fourteen. The application of legal thresholds has varied over time, as we shall see. The twenty-seven members of the Senate were and are still elected from three-seat districts by a closed-list formula in which the largest party in each department wins two seats while the runner-up wins one. Because the Senate electoral system has not been changed, the discussion in this chapter will focus primarily on the Chamber of Deputies.

After the transition to democracy between 1979 and 1982, various electoral reforms took place to modify the proportional representation system for the lower house. The reforms had limited and even contradictory aims, focusing primarily on the change of the electoral formula. Different electoral formulas were applied in the elections of 1979, 1980, 1985, 1989, 1993, and 1997. From 1979 through 1989 the electoral system was what Bolivians call the "double quota" (*doble cociente*). This system allocates seats by simple quota and largest remainders, but has a threshold, known as the participation quota, equivalent to one simple quota of the valid votes. To further complicate matters, all the electoral laws in use from 1979 through 1985 contained a provision that permitted parties that failed to meet the participation quota to nonetheless obtain a seat, provided that their vote total was not less than the lowest remainder that earned a seat in the district. In 1986 this provision was changed through the introduction of what was known as the exception clause, giving the National Electoral Court (NEC) the discretion to permit or not permit small parties to earn a seat despite falling below the participation quota. A major controversy arose in the 1989 election when the largest parties, which dominated the National Electoral Court, did indeed deny representation to several small parties. This decision precipitated a legitimacy crisis that was one of the catalysts for electoral reform. Yet another reform in 1991 established the Ste.-Laguë divisors formula with no legal threshold for the elections of 1993, with the aim of again fostering the representation of small parties.

The results of the elections of 1985, 1989, and 1993 are shown in Table 9.1. The changes in the electoral formula and threshold and the action of the NEC in 1989 were largely responsible for a substantial increase in the deviation from proportionality, from 8.2% in 1985 to 12.8% in 1989. In 1993, under the

Table 9.1. Party Votes and Seats in Bolivia, 1985–93

Party[a]	July 14, 1985			May 7, 1989			June 6, 1993		
	% votes	Seats	% seats	% votes	Seats	% seats	% votes	Seats	% seats
ADN	32.8	41	31.5	25.2	38	29.2	—	—	—
MNR[b]	30.4	43	33.1	25.6	40	30.8	36.2	52	40.0
MIR	10.2	15	11.5	21.8	33	25.4	—	—	—
AP	—	—	—	—	—	—	21.5	35	26.9
CONDE-PA	—	—	—	12.3	10	7.7	14.6	13	10.0
UCS	—	—	—	—	—	—	14.0	20	15.4
IU	0.7	—	—	8.0	9	6.9	—	—	—
PS-1	2.6	5	3.8	2.8	—	—	—	—	—
MRTKL[c]	2.1	2	1.5	1.6	—	—	—	—	—
MNRI	5.5	8	6.2	—	—	—	—	—	—
MNRV	4.8	6	4.6	—	—	—	—	—	—
FPU	2.5	4	3.1	—	—	—	—	—	—
PDC	1.6	3	2.3	—	—	—	—	—	—
FSB	1.3	3	2.3	0.7	—	—	1.3	—	—
MBL	—	—	—	—	—	—	5.5	7	5.4
ARBOL	—	—	—	—	—	—	1.9	1	0.8
VR-9	—	—	—	—	—	—	1.3	—	—
Others	5.5	—	—	1.9	—	—	(3.7)	(2)	(1.5)
Total	100.0	130	99.9	99.9	130		100.0	130	100.0

[a]

ADN	Acción Democrática Nacionalista
MNR	Movimiento Nacionalista Revolucionario MIR Movimiento de Izquierda Revolucionario
AP	Acuerdo Patriótico
CONDEPA	Conciencia de Patria
UCS	Unión Cívica Solidaridad
IU	zquierda Unida
PS-1	Partido Socialista 1
MRTKI	Movimiento Revolucionario Tupac Katari MNRI Movimiento Nacionalista Revolucionario de Izquierda MNRC Movimiento Nacionalista Revolucionario Vanguardia de Abril FPU Frente del Pueblo Unido
PDC	Partido Demócrata Cristiano
FSB	Falange Socialista Boliviana
MBL	Movimiento Bolivia Libre
ARBOL	Alianza Revolucionaria Boliviana
VR-9	Vanguardia Revolucionaria 9 de Abril

[b]   MNR–MRTKL in 1993.
[c]   Formed joint lists with MNR in 1993.

Ste.-Laguë divisor formula, deviation decreased a bit, but still remained above 10%. Note the effects on the representation of very small parties. In 1989 no party with less than 8% of the vote won a seat, while in 1985 and again in 1993 some parties with less than 2% won representation. In part, the 1989 result can be attributed to the manipulation of the process by the larger parties in the NEC, as noted, and not to the formal rules of the system.

Another main flaw of the proportional representation system was that high magnitude of some districts encouraged the emergence of new parties based on personalist and factious interests, the continuous access of minoritarian parties to the parliament, and the dispersal of party representation. For example, in the presidential and parliamentary elections of 1985, the Christian Democratic Party obtained three seats in the Chamber of Deputies with only 1.3% of the votes; in the elections of 1993, Revolutionary Vanguard, a populist splinter party, obtained one seat with 1.3% of the votes (see Table 9.1).

Additionally, weaknesses of the organization of the NEC and the procedures applied in the electoral processes raised serious questions about the legitimacy of the electoral system. The NEC's organization was under strict control of the main parties, thereby making the electoral system prone to vote manipulation. This occurred in an outrageous manner in the elections of 1989, when the NEC, dominated by Acción Democrática Nacionalista (ADN) and the Movimiento de Izquierda Revolucionaria (MIR), annulled by fraudulent means the votes of other parties in order to favor their own candidates. The electoral law was very permissive, given that the NEC could manage fraudulent operations, putting forward alleged violations of electoral procedures and claiming its legal right to do so (Mayorga 1994a). As a consequence, political parties usually accused each other of fraud, and electoral results were hardly accepted as legitimate.

These problems put the legitimacy of the democratic system under stress. Thus, the political parties became aware of the need to carry out a substantial electoral reform to bolster the democratic rules of the game, the legitimacy of government changes by democratic means, and above all the patterns of interparty competition. Nevertheless, the major reform at the outset did not involve changing the prevailing proportional representation system. Rather, the major changes were linked with the institutional strengthening of the NEC in order to ensure the legitimacy of electoral procedures. This became possible by means of the establishment of a party-independent, autonomous NEC comprised of major non-partisan figures and elected by a two-thirds vote of Congress, the adoption of on-site vote validation at polling places, and the abolition of mechanisms that made possible the distortion of electoral results by regional electoral courts.

In the MMP reform, as we will see in more detail below, the departmental multi-seat districts were retained, and PR continues to be applied at the level of each department, but slightly more than half the seats in each department are now elected from single-seat districts.

Parliamentarized Presidentialism

The proportional representation system as such guaranteed a broad representation of parties in Congress, but it did not encourage coalition-building.

Rather, the building of coalitions was facilitated by the unusual provision of Bolivia's constitution, contained in Article 90, which reads:

> If none of the candidates for the presidency . . . obtains the absolute majority of votes, the Congress will make an election by absolute majority of the votes among the two candidates having obtained the largest number of votes.[109]

Thus, Bolivia's system requires coalition-building *after elections* in order to select the president (Mayorga 1994a, b). The vote for president and party list is fused (i.e. the voter casts a single ballot under the pre-existing system) and each party's list is headed by its presidential candidate. In the event that no list obtains a majority of the votes, the newly elected Congress in joint session selects the president. Before the 1994 constitutional reform Congress voted from among the top three presidential candidates; since 1994 it is restricted to the top two. The Bolivian system may thus be conceived of as *parliamentarized presidentialism,* because of the role of Congress in selecting presidents. This system has been able to cope with the problems of coalition-building in presidential systems precisely because it has fostered cooperation between parties.

Many other Latin American presidential systems, by contrast, have posed acute difficulties in producing legislative majorities because direct and separate election of the presidency coexists with a multiparty system. The "difficult equation" of presidentialism, fragmented multiparty systems, and proportional representation has been an ongoing source of political conflicts in several countries, affecting democratic stability and institutionalization (Mainwaring 1990: 4; Linz 1994). In contrast, Bolivia's presidential system met in various ways the challenge of crafting majority governments, by providing an institutional arrangement that facilitates coalition-building (Mayorga 1997a).

As a turning point of Bolivian politics after a dramatic and conflict-ridden transition, this parliamentarized presidential system was the outcome both of political reforms and of the unforeseen changes the system engendered and influenced. A change toward more consensual politics resulted from a learning process among political elites operating under the institutional procedure outlined in Article 90. Although confrontations between governing and opposition parties have continued to take place, there has nevertheless been a tendency toward consensual democracy evident in coalition-building and in political reforms that require two-thirds votes in Congress.

In a parallel process, Bolivia was able to develop a moderate multiparty system for the first time in its history, overcoming the polarized and weak

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[109]   Before the reform of 1994, the three candidates with the largest number of votes could participate in this congressional election. Also with this reform, the terms of the president, vice-president, members of Congress, and local mayors were lengthened from four years to five.

party system that predominated in the transition to democracy (Gamarra 1997; Mayorga 1991). Throughout most of the twentieth century Bolivia had experienced an exclusionary and oligarchic multiparty system with very low representativeness. The revolution of 1952 gave rise to the dominance of a hegemonic party, the Movimiento Nacionalista Revolucionario (MNR). Only in the context of democratization beginning in 1979, and particularly after key economic transformations from 1985 on, did the main features of a multiparty system based on five major parties emerge. The party system since democratization has continually proven unable to produce a single predominant party or to engender absolute majorities for the election of presidents. Therefore, Article 90 of the Constitution has provided the normal method for choosing the president.[110]

Thus, Bolivia's democratic experience turned out to be significant in the Latin American context in terms of possible mechanisms to solve some fundamental problems of presidential regimes such as stalemate between the executive and legislative branches, immobilism, and minority governments. The basic institutional shift that accounts for the stability of democratic governments in Bolivia was the shift from presidentialism with minority governments to parliamentarized presidentialism based on majority governments. This system is a "*mestizo* child", with both parliamentary and presidential features. It is presidential because the president serves a fixed term and, even though chosen by Congress, does not depend on the continuing confidence of Congress. Yet this presidential regime is "parliamentarized" regarding its origin and even its functioning logic, because the president is chosen by the legislature on the basis of post-electoral interparty agreements ensuring both majority legislative support and the compatibility of executive and legislative powers.

As had never before been the case in the political history of the country, the crafting of governments based on absolute majorities through coalition formation became the bottom line of democratic politics. In this relevant aspect, Bolivian democratic governments since 1985 have come close to the logic of parliamentary multiparty governments in West Europe (Laver and Schofield 1991: 1–14). As Juan Linz has stressed regarding the Bolivian case, "the pure model of presidentialism in practice has been modified in ways that are more congruent with parliamentarism" (Linz 1994: 37). In fact, it was Linz who introduced the term "parliamentarized presidentialism" in order to define the main thrust of a constitutional reform proposal aimed at strengthening even

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[110] Siles Zuazo won a 38% plurality of the popular vote in 1980. Paz Estenssoro in 1985, Paz Zamora in 1989, and Sánchez de Lozada in 1993 were chosen presidents on the basis of political agreements leading to parliamentary and governmental coalitions, and—most important—to majority governments.

further the parliamentary features of the Bolivian government system.[111]Linz also proposed the adoption of a constructive vote of no confidence. In spite of the rejection of his ideas by the Bolivian parties, I nonetheless use the term "parliamentarized presidentialism" to highlight the predominant working features of the Bolivian presidential system: interparty coalitions and congressional election of presidents (Mayorga 1997a).

The mainspring of this system is a dynamic that is common in parliamentary regimes: the politics of coalition (Laver and Schofield 1991: 1–14). This can be understood as a nested game,[112]with a double logic of electoral competition (Tsebelis 1990: 5–11). Bolivian parties strive to maximize their respective vote shares, but they do so in the expectation that the popular balloting is not the last stage of arbitration, but rather sets the scene for the post-electoral bargaining among party leaders that will determine who actually winds up in power. Clearly, the predominant pattern has been that of congressional and government coalitions enhancing both the stability of the executive authority and the support of the executive by its legislative majority.

In the constitutional reforms of 1994, when MMP was adopted, the fundamental institution of parliamentarized presidentialism was not changed. As noted already, the number of candidates from which congress selects the president has been reduced from the top three candidates in the popular vote to the top two. Additionally, while there is still a fused ballot linking the presidential choice to the party list (both lower house and senate), there is now a separate vote in the nominal tier of the lower house system. This latter change, i.e. the adoption of a tier of nominal voting, brings us to the question of the intraparty dimension in the pre-existing system, and how it has been reformed.

The Intraparty Dimension

The pre-existing electoral system in Bolivia had some serious shortcomings concerning the intraparty dimension, which bears on the relationship between party leaders and rank-and-file legislators and candidates. Closed party lists, and voter dissatisfaction with the performance of the parties as well as with strong economic structural adjustment policies, provoked an increasing divorce between parties, members of parliament, and voters. The

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[111] The project, sponsored by the Fundación Milenio, was dubbed as "parliamentarized presidentialism" by Linz on the grounds that its basic purpose was "to reduce the risks of minority governments and costs of 'minority' presidencies" while also attempting "to deal with the 'rigidity' of the presidential mandate and the risk of ungovernability by making possible a constructive vote of no confidence in the case of minority presidents . . ." (Linz 1994:   86).

[112] On the concept of nested game see George Tsebelis (1990).

discontent with the parties became evident in the relatively high electoral volatility, which reached 36.1% between 1979 and 1993 (Mainwaring and Scully 1995: 8). Members of parliament were mostly unknown in their constituencies, except for some deputies near the top of the main parties' lists. The closed party lists weakened the representativeness and legitimacy of parties, resulting in the development of a hyper-centralized system (as defined in Chapter 2) in which party leaderships dominated over rank-and-file legislators and voters.

Many surveys and opinion polls carried out during the 1990s uncovered severe criticisms of these inhibiting links and revealed the very low credibility of political parties. In a survey conducted in 1992, 53% of interviewed persons thought that politicians were not concerned with the people's problems (ILDIS 1992). A 1996 survey found that 74% felt that the key problem of parties was that they did not keep the promises they made (Latinobarómetro 1996). In 1998, a survey that focused on political support for democratic institutions found out that, on a scale of 0 to 100, political parties obtained the lowest mean rating, even below the police (Seligson 1998). Many leading articles of the country's influential newspapers relentlessly pointed to the danger that such a lack of confidence in parties entailed to democratic stability. Nonetheless, the low credibility of political parties did not have a serious impact on electoral participation and turnout until recently, nor did it affect the coalition-building capacity of the major parties. The general elections of 1993 and 1997 have demonstrated that the phenomenon of disappointment with parties, which in the long run could entail a threat to the viability of the existing party system, has not led to a breakdown of the party-political system and democracy itself, as in Peru in 1990–2, or to a serious political defeat of major parties and the election of a radical outsider, as in Venezuela (see Chapter 8 above).

Thus, the adoption of MMP, with its single-seats district providing for personalized representation, was partly an attempt to address the low esteem in which parties were held by the public. It was hoped that the SSDs would help bring representatives closer to voters and thereby recover some of the lost legitimacy of the democratic system. I now turn to a more detailed consideration of the features of the MMP system that was adopted in 1994.

The Shift to a Mixed-Member Proportional System

In this process of electoral system change, the constitutional reform of August 1994 brought in a mixed-member proportional system based on the German model. During debates over reform, parties called this system a "double-vote system" or the "separate list vote," as it would allow voters to

cast one list vote, which remained fused with the presidential vote, and one vote for a candidate in a single-seat district.[113]

Article 60 of the reformed Constitution established that henceforth 68 deputies out of a constitutionally fixed number of 130 will be chosen by first-past-the post voting in single-seat districts, while the remainder (62) will be chosen by party-list voting according to proportional representation in nine regional multi-seat districts.[114]Most importantly, it stipulated that the overall allocation of seats must be determined by the list vote obtained by each party. The new law provided that priority would be given to candidates winning SSDs, in the sense that they would hold their seats even if their party failed to clear the threshold required to participate in list allocation. As we shall see, there are conditions in which the law's provision for proportionality could be in conflict with the priority given to SSD winners—specifically, in the event that there are locally based parties that win seats in just a single constituency, or if a party wins a number of SSDs that is greater than its total proportional entitlement of seats would be (Mayorga 1996, 1997a).

Article 60 of the Constitution did not establish a provision similar to the German *überhangmandate* (overhang seats), which adds extra seats to the parliament in the event that a party wins more SSDs than the proportional share it is entitled to on the basis of list votes. No such provision was made because there was fierce opposition from poor regions that were losing representation due to a reapportionment taking place at the same time. More populated and developed regions like Santa Cruz and La Paz were to increase their number of seats in the Chamber, while poor ones like Potosí and Pando, were losing seats, and representatives from these regions feared that overhang seats would be more likely to result in extra seats for the most populous regions. In fact, Article 60 envisaged no mechanism for coping with the situation in which a party might have won more seats through the nominal tier alone than its list vote would entitle it to. The Article does not say whether there would be a reduction of the number of list-tier seats available to other parties in order to maintain the fixed number of deputies for each multi-seat district. This serious flaw illustrates that the reform did not neatly define a coherent mechanism for the distribution of seats. Clearly, it would have been difficult to apply proportional representation as the key allocation mechanism while at the same time giving priority to candidates winning in single-seat districts and keeping the fixed number of deputies.

Thus, in August 1996 Congress had to pass a so-called Law of Application of Article 60 of the Constitution in order to remove these obvious defects. The law maintained the key compensatory feature of the mixed-member system and the allocation of list seats in nine regional multi-seat districts. The law

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[113] "MNR propuso doble voto para elegir a diputados provinciales y políticos", *La Razón,* June 10, 1992; *Presencia,* July 7, 1992, March 3, 1993.

[114] The district magnitudes were changed according to the population census of 1992.

also established the d'Hondt PR formula and created a 3% threshold for multi-seat districts in the Chamber of Deputies. The threshold is applied such that a party obtains no list seats if it has less than 3% of the nationwide vote, even if its votes are sufficiently concentrated in one or more departments where it could have won a seat by PR. The overall distribution of seats in each regional multi-seat district is defined in a "top-up" mode by applying the principle of proportionality: if a party is entitled to ten seats in a given district according to the d'Hondt formula and has won pluralities in five single-seat districts, it tops up its representation by taking five candidates off its list. There is no provision like that in Germany whereby parties may link their regional lists so as to ensure nationwide proportionality. Absent overhang seats, the law also provided that, when a party in a regional district has obtained more nominal-tier seats than its list vote would entitle it to, the number of seats to be allocated to party lists in the district is reduced. Specifically, the law provides that the party or parties receiving the lowest share of seats shall be deprived of seats.

The Primary Causes of the Electoral Reform

The major shift to the mixed-member system took place in a context of discontent with vote manipulation in the aftermath of the general election in 1989. The parties that formed a post-electoral governing coalition (ADN and MIR) had artificially crafted a parliamentary majority by vote manipulation in the NEC. These parties increased their vote in two regions of the country in order to get more senators and deputies elected, and thereby reduced the parliamentary representation of the Movimiento Nacionalista Revolucionario (MNR) and two minor parties.

In fact, the specific driving causes behind the reforms were linked not with any economic or social crisis but with relatively serious representativeness and legitimacy problems of Congress and the party system. These underlying causes were mainly twofold: first, a relative delegitimation of party representation resulting from closed party lists weakening the linkages between government parties, members of parliament, and voters, and second, the growing disenchantment of citizens, particularly poor people, with the lack of political responsiveness and government accountability, especially during the ADN–MIR coalition government. This became evident with the emergence of neopopulist movements which challenged the established parties and elites with an anti-institutional discourse condemning their market-oriented politics and the corruption of politicians (Mayorga 1995), and also with increasing criticisms revealed in many surveys during the 1990s (ILDIS 1992; Latinobarómetro 1996, Seligson 1998).

Hanging over the political system since the transition to democracy, these structural problems of the electoral system jeopardized the legitimacy of democracy itself. However, the immediate factor triggering the electoral system change was discontent with the vote manipulation in 1989, which immediately unleashed an impressive wave of criticisms and pressures from organizations like the business association, the labor movement, the media, and even the Catholic Church. Although they did not have any concrete ideas or proposals, they all demanded a thorough reform of the electoral system and in particular an autonomous National Electoral Court in order to ensure the transparency and legitimacy of electoral processes.

Under such social pressure, the parties could hardly avoid major electoral system change as the most feasible way to overcome the problems and shortcomings of the prevailing proportional representation system and its negative effects on the political system. Thus, a multi-party debate began in 1990 which culminated in a far-reaching agreement in July 1992 regarding the modernization of the state and the political system. Major and minor parties stressed the significance of the electoral reform as a key element of this agreement and considered it fundamental for strengthening the representativeness and legitimacy of Congress and the party system (Mayorga 1994a).

On the basis of a proposal made by the MNR in June 1992, the main parties driving the reform reached a consensus on the mixed-member proportional system in order to foster a more legitimate and representative democracy. The MNR put forward this electoral system as an alternative to a proposal submitted by ADN and MIR to establish so-called "separate lists" (*Presencia,* June 10, 1992). This proposal would have eliminated the fused vote and entailed a radical switch from proportional representation to plurality for the election of legislators. It also would have eliminated the congressional selection of presidents, even in cases in which no candidate received a majority of the votes. Had this reform been accepted, Bolivia would have been the only country in the world moving away from a fragmented proportional representation system to an entirely plurality system (IDEA 1997: 17–27). The MNR firmly rejected this proposal, rightly assuming that, given the existence of small parties with regional strongholds and the emergence of local *caudillos,* it would have had destabilizing consequences for the political system, such as further fragmentation of parties and fractionalization of party representation, making coalition-building and governability more perilous.

The key argument of the multi-party committee on behalf of a mixed-member system posited that this could be a useful device for developing a representative and effective parliament with a great degree of autonomy *vis-à-vis* the executive power and responsive to the interests and demands of citizens (Konrad Adenauer Stiftung 1995). Wrapped in this basic argument, the multi-party committee put forward three fundamental reasons for choosing

the mixed-member system. First, by abolishing the closed party lists for more than a half of the Chamber of Deputies, the mixed-member proportional system would help create direct linkages between parties, constituencies, and legislators. The explicit goal was thus to achieve a strong personalization of politics.[115]The reformers, then, agreed to the demand of voters that deputies should be known and acknowledged representatives of their constituencies and not anonymous representatives of party leaders. Direct connections between deputies and voters would therefore enhance the legitimacy and representativeness of the parliament, making possible the responsiveness and accountability of deputies to their constituencies. Second, by creating 68 single-seat districts, the reformers thought the mixed-member proportional system could lead to a stronger geographic representation via the SSDs, thereby supporting the ensuing process of regional decentralization and the development of local governments. Third, the possibility of vote-splitting by giving two votes to voters was considered as an adequate mechanism to enhance the choices of voters in democratic elections (Konrad Adenauer Stiftung 1995: 18).

Although the interparty debate took into account alternatives other than the mixed-member system, such as the plurality system and proportional representation with a runoff provision for the presidential contest, the decision to establish the mixed-member system clearly stemmed from a deliberate attempt to emulate the German system for the above mentioned reasons.

The Politics of Electoral Reform and the Expected Winners and Losers

The striking phenomenon in the Bolivian experience of electoral reform has been interparty bargaining and the use of constitutional procedures and mechanisms. Unlike other reform experiences, such as in Italy and New Zealand, the shift to the mixed-member proportional system was the result of interparty debate and not of a referendum, which is not allowed by the Bolivian Constitution. In fact, the electoral reform was discussed and debated in multiparty committees. Multiparty bargaining was the condition *sine qua non* before congressional debate and approval. Two crucial political agreements—the agreement of February 1991 on the need of electoral reform, and particularly the agreement of July 1992 on the modernization of the state and the strengthening of democracy—provided the fundamental framework for electoral reform.

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[115] The personalization of politics is a key element of German electoral law; indeed, in Germany it is called "personalized proportional representation" (see Ch. 13   below).

The first electoral reforms in 1986 and 1991 were characterized by institutional tinkering, short-term calculations, and contingent reactions to political and social pressures, and not by political engineering aimed at creating a specific party system or model of democracy. Political parties were at odds with some features of the electoral system for different reasons, notably with the proportional representation formula, but from the outset they could not envisage a clear alternative. While major parties proposed a fundamental reduction of the number of parties, minor parties were concerned about maintaining their representation in Congress. Thus, the debate over electoral rules revolved around interparty dimension questions such as legal thresholds and the magnitude of the list tier, which were of utmost concern for major parties. (ADN had years earlier called for a 5% threshold.) On the intraparty dimension, personalized representation was an important issue for both major and minor parties, as they aimed at strengthening their connections with constituencies.[116]

However, party leaderships lacked the necessary experience in institutional reforms to develop a coherent and long-term reform strategy; also they were very cautious about introducing far-reaching reforms, preferring instead to scramble for advantages provided by different proportional representation formulas.[117]These factors account for the continuous changes of proportional representation formulas applied in the elections of 1985, 1989, and 1993. From 1989 through 1992, however, interparty discussion focused on two key proposals which were not directly connected with electoral system change as such but with the mechanism of the election of presidents the main parties disagreed with. First, ADN and MIR put forward plurality as the main device for choosing the president; Congress, then, would have only ratified the candidate winning the plurality of votes. Second, the MNR proposed the French-style runoff system. Both proposals started from the assumption that the congressional election of presidents via party bargaining did not respect the people's will but instead resulted from deals struck behind the people's backs; their main contention was that under the prevalent electoral system people voted but did not choose the president. However, no consensus could be reached on these matters. Thus, in the constitutional reform of 1994, the parliamentary election of presidents was maintained 'by default' (though reducing the scope of Congress's choice from the top three to the top two candidates), while the mixed-member proportional system, proposed by the MNR, became the framework of the electoral reform.

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[116] Open lists or primaries for the selection of candidates were not issues of debate at this stage.

[117] For example, in trying to foster the parliamentary presence of small parties, the parties participating in the first crucial interparty agreement for the electoral reform of February 1991 confused in the text of the agreement the d'Hondt formula with the Ste.-Laguë formula (*Presencia,* February 6, 1991).

The electoral reform was crafted by a multiparty committee in which delegates from all parties represented in Congress participated. As a result of a multiparty agreement, the electoral reform was thought to give incentives both to major parties and to minor parties capable of entering pre-electoral alliances with major parties. In fact, the proposal of introducing a legal threshold for PR representation was aimed mainly at barring the very small parties from having seats in Congress. Therefore, the winners were clearly expected to be the four largest existing parties.

Nevertheless, the mixed-member system was also directly intended to benefit minor parties that could not have been represented in the previous all-list system but had locally concentrated support. If a party obtains one seat in a single-seat district and no seats at all through the list tier, because it had less than 3% of the votes in the whole regional MSD, it is still entitled to its nominal-tier seat. This means that only a party that does not win in any single-seat district and does not pass the 3% threshold in multi-seat districts is a complete loser, whose legal registration as a party in the NEC must then be canceled.

Did this mean that the reformers had a clear-cut desired model of a party system in mind? I think that, by establishing a mixed-member proportional system linked with the d'Hondt formula and a legal threshold, they sought mainly to reinforce three major tendencies of the party system: (1) a representative, regionally more entrenched party system, which could be responsive to their constituencies; (2) deputies who would be more responsive to the demands of voters; and (3) a more moderate party system based on fewer parties.[118]Of course, as noted above, the presence of *caudillo*-based parties with local strongholds might actually fail to deliver on that third goal.

In fact, despite the ease with which small parties have been able to gain representation since the transition to democracy, the pre-reform party system was already showing strong moderating tendencies. The PR system as such did not have a decisive impact on lessening the number of parties and reducing the polarization of the system that prevailed until 1985. Instead, the parliamentary mechanism of selection of presidents had the foremost impact on the moderate trends in the party system.

Nevertheless, in the context of government and state centralism, the party system was curbed by strong centralizing features. Alongside recent state reforms leading to decentralization and popular participation in municipal governments, the electoral reform of 1994 entailed encouraging the development of a decentralized party system and entrenching local and regional strongholds of parties, although this was not an explicit objective.

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[118] See e.g. the points of view of political leaders like Sánchez de Lozada (MNR), Toro (ADN), and Carvajal (MIR) in *La Razón* (July 24, 1997), and Ferrufino (MBL) in *La Razón* (July 24, 1996).

Conclusion

The shift to the mixed-member system was the most important electoral reform in the Bolivian democracy. After various unsatisfactory attempts with different PR electoral formulas, this switch emerged in a context of discontent with vote manipulation in the aftermath of the general elections in 1989, and of the ensuing demands of social organizations to change the electoral system. The flaws of the previous electoral system and the lack of confidence in the political parties brought about representativeness and legitimacy problems for Congress and the party system, which placed democracy itself in jeopardy. Thus, weak linkages between government parties, legislators, and voters, as well as the growing disenchantment of citizens with the lack of political responsiveness and accountability, turned out to be the main factors leading to electoral change. Electoral volatility, the low credibility of parties, and the emergence of neopopulist movements with an anti-institutional discourse made the problems of the electoral system more evident.

The reformers assessed the mixed-member proportional system as an adequate mechanism for developing a more representative and effective parliament which would be responsive to the interests and demands of citizens, thereby fostering the modernization of the state. They stressed as the main advantages of this system the personalization of politics by establishing direct linkages between parties, candidates, constituencies, and legislators, the responsiveness and accountability of district deputies, and a geographically stronger representation. The electoral reform also came about as the result of an agreement on the need to strengthen the moderate party system based on five major parties without limiting the parliamentary representation of minor parties. It was thus an effort to balance benefits and payoffs in the party system.

A significant aspect of the switch to the mixed-member system was the result of a protracted interparty debate within the framework of a crucial agreement of July 1992 on the modernization of the state and the strengthening of democracy. Its condition *sine qua non* was multiparty bargaining and consensus which have become key patterns of political action in crafting governments based on absolute majorities through coalition formation since 1985.

As it has been applied only once, in the presidential and parliamentary elections of June 1997, this electoral system has yet to prove its advantages under the concrete conditions of the Bolivian party political system. Whether the expectations for it can be met depends on its effects on the party system as well as on the government system.

10 Reforming Electoral Systems in Mexico

Juan Molinar Horcasitas and Jeffrey A. Weldon

Mexican electoral reform has developed along two major axes: the degree of proportionality, and the composition of the electoral authority. The parties have often traded openness on one axis for closure on the other. Sometimes tradeoffs in reform negotiations followed a third dimension—the registration requirements for new parties. In this chapter we will describe the evolution of the Mexican electoral formulae from 1963 to today, explaining the rationale of each phase of reform either as a majority party decision or as a tradeoff between government and opposition. Then we will focus on the last round of electoral reforms, which consisted of the reintroduction of a mixed-member majoritarian (MMM) system, after a brief interlude of systems that combined MMM with mixed-member proportional (MMP) arrangements, with the dominant principle depending on the vote distribution.

The Long Journey of Electoral Reform in Mexico

Electoral reform has been a constant, rather than an exception, in the Mexican political landscape for the last four decades. Since 1961 Mexico has held thirteen congressional elections, applying eight different electoral formulas. Instability of rules has been especially acute between 1985 and 1997, when all five of the congressional elections that took place in that period used a different electoral system and were conducted by a different electoral authority.

Molinar Horcasitas (1996: 137) has argued elsewhere that the great originality of Mexican politics is that "[It] has been dominated by one party politics and non competitive elections since 1929, but the Mexican system has never been strictly a single-party system. . . . [The] endurance of Mexico's hegemonic party system results from a constant process of electoral reform that has steered a delicate course between the Scylla of internal factionalism and the Charybdis of the depletion of political opposition."

The official party was founded in 1929, ending more than a decade of post-revolutionary factionalism and divided government. Broadly speaking, internal factionalism in the ruling party was the worst danger during the first thirty or thirty-five years, and the regime leaders took every measure they could to prevent or, if needed, suppress schisms of the hegemonic party. Most features of the electoral "reforms" of 1933, 1946, 1949, and 1951, which were passed in Congress with support only from the hegemonic party, aimed at that goal by centralizing the electoral process in the federal executive branch (Molinar Horcasitas 1991b). Those changes in the electoral law consolidated the dominant position of Partido Revolucionario Institucional (PRI), but threatened the system with the opposite problem: the PRI grew so strong that the most prominent opposition organizations considered quitting their role as opposition within the system. In fact, in 1958 opposition parties won only 8 seats (out of 161) in the Chamber of Deputies, and the leadership of the largest opposition party—Partido Acción Nacional (PAN)—decided that its six winning candidates should not take their seats. In 1961 the PRI won 172 of the 178 seats, and the PAN again considered retiring from the electoral arena.

Thus, depletion of loyal opposition became the main problem that the regime leaders had to confront if they wanted to preserve the minimum democratic formalities—regularly held elections between two or more parties. Beginning in 1963, regime and opposition leaders negotiated a series of electoral reforms. The government offered political liberalization in exchange for continuing participation of opposition parties in the electoral arena. Between 1963 and 1997, the Mexican electoral system has experienced three phases of reform encompassing seven different electoral formulas.

The Party Deputy System (1963–76)[119]

The reform of 1963, known as the party-deputy system (*diputados de partido*), marked the departure from the long established system of plurality elections in single-seat districts. The party deputy system was a restricted mixed-member majoritarian system—"restricted" in the sense that, while all parties could contest seats in the nominal tier, the list tier was reserved only for small parties. This system was proposed after a particularly disputed presidential election (1958), in which the PAN declared fraud and refused to seat their few deputies who had in fact been elected. This tactic by the main opposition party had brought into question the legitimacy of the electoral process and of the regime itself. It was also clear that the PAN was usually more under represented

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[119] The dates provided for the laws are the election years in which the laws were applied, not the years that the laws were in effect. For example, the 1988 law, below, was approved in 1986 and reformed in 1990.

than smaller parties, because the PRI had given away districts to some very marginal political groups. Some form of compensation was considered necessary to keep the main opposition in the electoral game (Lujambio and Marván Laborde 1997).

The party deputy system was a two-tier system, with linkage between the tiers to limit the number of seats that a party could win from the list tier. Voters cast one vote in single-seat district races. The nominal tier included 178 seats in SSDs, chosen by plurality, in which any party could compete. The list tier was reserved for minority parties, defined as parties with 2.5% or more of the national vote, but which had won fewer than twenty SSDs. From the list tier, parties were entitled to five seats if they reach the legal threshold of 2.5% of the national vote; then they received one seat for each 0.5% of the national vote, up to a maximum of twenty seats, including those won in the nominal tier. The list seats would go to the losing candidates of the party with the greatest number of votes; thus, there was also a vote linkage. The intra-party competition was minimal because the candidates of each party were running in separate races. If a candidate did better than his colleagues he might be elected, but this was mostly a function of district size or partisan makeup. These rules were used in the federal elections of 1964, 1967, and 1970.

The system was modified in 1973, allowing for even greater participation by the minority parties. The number of SSD seats was increased from 178 seats to 194, the legal threshold to qualify for party deputy seats was lowered from 2.5% to 1.5% of the national vote, and the maximum number of seats that a minority party could win from both tiers was increased from twenty to twenty-five. This version of the party deputy system was used in the 1973 and 1976 federal elections, albeit inconsistently, because the electoral authority bent the rules on each occasion, giving too many seats to certain small parties (Lujambio 1987; Lujambio and Marván Laborde 1997: 75).

This formula aimed at two apparently inconsistent goals. First, the list tier allowed opposition parties to win some seats in the Chamber, giving them incentives to stay in the system. Before the reform, the PRI had to sacrifice some of its candidates in SSDs to allow for some minimal representation for the opposition (Lujambio and Marván Laborde 1997). Second, the nominal tier, aided by electoral fraud and absolute control of the electoral authorities by the PRI, allowed the official party to win almost all of the SSD seats, reinforcing the internal discipline of its members.[120] The PRI in fact won about 98.5% of the SSDs in the five elections covered in this period, but just under 83% of the total seats (Molinar Horcasitas 1991b: 82). Geographic monopoly was very important for the PRI's political machine. On the other hand, the party deputy seats did not interfere with the ruling party's two-thirds majority

[120] In fact, the PRI won all of the SSD seats in 1970.

in the Chamber, necessary for constitutional reform. In a way, the PRI had found a way to have its cake and eat it too.

Another relevant characteristic of the segmented systems enforced in Mexico between 1963 and 1988 was the peculiar proportionality profile that they produced. Leonardo Valdés (1991, 1995, 1998) has shown that the Mexican formulas generally over represented both the largest and the smallest parties, under-representing medium-size parties, especially the runner-up. Clearly, the system rewarded the weakest parties and punished the strongest opposition.

The Minority Representation System (1979–85)

The next round of electoral reforms was designed to attract the old Communist Party and other disenfranchised parties to the electoral arena. The student massacre of 1968 and the guerrilla movements of the 1970s created the need to integrate the left into the political system. In addition, the PRI leadership tried to curb the political importance of the PAN, which by 1973 was the only credible opposition party. In 1976, to its embarrassment, the PRI ran the only candidate for the presidency (cross-endorsed by two small parties). Partly for internal reasons and partly in protest, the PAN had refused to run a presidential candidate. So the hegemonic party found itself again in a dilemma: the PRI did not want the PAN to become strong enough to create a two-party system, and the PAN was refusing to play the game. The legitimacy of the electoral system again was in doubt.

In 1977 the electoral law established a new restricted MMM system. It consisted of a segmented formula providing 300 SSDs by plurality, open to competition by all parties. Only small parties—those with fewer than sixty SSD wins—competed for up to 100 seats in multi-seat districts (MSDs), divided into four or five MSDs of magnitude 20. These seats were allocated in two steps. First, in each MSD parties got up to two seats allocated by half the Hare quota. Then, the remaining seats were distributed using the full Hare quota, with largest remainders used to assign the last seats. The MSD lists were closed, as has been the case with all party lists. This system was in force in the federal elections of 1979, 1982, and 1985.

Furthermore, party registration was liberalized.[121] The Mexican Communist Party was promoted from out of the shadows of Mexican politics to status as a legally registered party. Along with the electoral reform, an amnesty law was promulgated for political prisoners. The regime hoped to move the dissidents

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[121] Because parties now were central to the new electoral system, the organization of Congress was restructured along partisan lines in 1979, strongly strengthening the party caucuses and party leadership.

out of the jails, bring them back from exile, and integrate them into the electoral process. A regional conservative party was also granted registration after decades at the fringe. The Electoral Commission granted registration to fifteen parties between 1978 and 1987, and denied participation to nineteen groups (Molinar Horcasitas 1991b: 103–6).[122] Seven parties ran in the 1979 election, and nine each in 1982 and 1985. The mean number of candidates in the nominal tier increased from an average of 3.6 during the party deputy era to 6.6 candidates in 1979, 7.8 in 1982, and 9.0 in 1985 (Molinar Horcasitas 1991b: 72, 101). A party had to maintain 1.5% of the vote in three consecutive elections in order to maintain its registration.

Together, the opposition won at least a quarter of the seats in the Chamber between 1979 and 1985. The PRI lost only four of the 300 SSDs in 1979, one in 1982, and 11 in 1985. The intended goal of the ruling party was realized through the incorporation of new parties on the far left and right, while at the same time the PRI maintained nearly three-quarters of the deputies and lost very few SSDs. In the eyes of the PRI there was enough pluralism, but not too much.

Valdés (1998) shows that the over-representation of the largest and the smallest parties to the detriment of the runner-up was especially strong between 1979 and 1985. Yet, the effective number of parties remained low, rising to 2.2 in 1985, according to the Laakso–Taagepera (1979) index, and to 1.2 according to Molinar's (1991a) index.[123]

This electoral law increased marginally the proportionality of the lower Chamber, and certainly increased the number of parties that participated in elections. Along the other axis of electoral reform, the Federal Electoral Commission received a number of responsibilities that previously had been held by the executive branch through the Gobernación (Interior) Ministry.[124] The Electoral Commission now included representatives of all registered parties, but the PRI and the executive maintained a majority on the body, especially with the cooperation of some of the small satellite parties.

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[122] Most of the 15 successful parties fused with other registered parties before they ran in elections.

[123] The Laakso–Taagepera index weights each party by its own share of the votes or seats. The Molinar index builds upon the same principle, but is standardized around the largest party. Thus, the Molinar index is always less than 2.0 when the largest party has over 50%, but the Laakso–Taagepera index can be greater than 2.0, even when the largest party has a majority, if the opposition is quite fragmented. The Molinar index is therefore well suited to party systems like Mexico's, where the key issue historically has been the degree of fragmentation of the opposition to a hegemonic party.

[124] Gobernación is akin to the Home or Interior Ministry. It is responsible for maintaining political order and coordinates relations between the executive and other branches of government. It was responsible for overseeing elections before the 1996 political reform. It also has internal security and immigration functions, and monitors church–state relations.

The 1988 Law: The Governability Clause

In spite of the clever design of these reforms opposition support grew, and by the 1980s voters were questioning the hegemony of the PRI. Indeed, PRI leaders began to worry about the prospects of winning the 1988 election, but "only" by a plurality. Given the long record of absolute dominance of the PRI over both branches of government, the ruling party feared the possibility of winning the presidency but losing the majority of the Chamber of Deputies.

Previous debates between party leaders over reforms were crossed by two main cleavages: the issue of democratization, and the preference of political party leaders for consensual or majoritarian institutions. "Some reforms moved in the direction of political liberalization, whereas others increased authoritarian control; some introduced consensual features in the design of the political system, and others reinforced majoritarian features" (Molinar Horcasitas 1996: 137–8). The not very optimistic expectations of the PRI leadership moved it to pursue an electoral reform that pushed for a majoritarian formula and reversed the movement toward liberalization of the electoral arena. The PRI leaders decided to establish a majority-assuring electoral system, which would guarantee unified government, and they created an electoral authority that would insure absolute control over the electoral process in the hands of the government and the PRI.

The new electoral law, to be applied in the 1988 election, was the first of the two mixed-member systems that switched between MMP and MMM, depending on the level of vote of the winning party. It also established a majority assuring electoral system. This consisted, again, of a two-tier formula: the first tier consisted of 300 SSDs by plurality; the second tier was formed by 200 list seats divided into five multi-seat districts of magnitude 40, allocated by LR–Hare. This law pursued a double goal: to over-represent both the largest and the smallest parties, and to under-represent the medium-sized parties, especially the runner-up. To achieve this goal, the law had to establish two sets of rules: one to be applied to the winning party, the other to the rest.[125]

The allocation rules for the winning party included three special provisions:

- First, if the winning party (the party that wins the most pluralities in the SSDs) won less than 51% of the vote, it would receive a total of 251 seats—an absolute majority of the Chamber. It would receive as many list seats as needed to complement the number of SSDs won by the party.[126]

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[125] This was a constant feature of the Mexican electoral rules of 1963, 1970, 1979, 1988, and 1991.

[126] Readers may have noticed that the law actually says 51% of the vote instead of 50% plus 1 vote (absolute majority). This was a five-seat gaffe, which the law-makers corrected in subsequent reforms. Some state laws have preserved the error.

- Second, if the winning party got between 51% and 70% of the national vote, its total number of seats would be proportional to its percentage of the national vote. It would receive as many list seats as needed to complement the number of SSDs won.
- Third, if the winning party obtained more than 70% of the national vote, it would get a maximum of 350 seats, or 70% of the Chamber.

One rule and two exceptions could describe the allocation of seats for the winning party. The rule was a MMP system (although, the allocation of seats to the other parties strictly followed parallel MMM procedures). The first exception could be phrased as "always enough," and refers to a majority assuring clause (called "governability clause"). The second exception, which was supposed to "compensate" the governability clause, could be phrased as "never too much", and refers to the 70% ceiling (see Figure 10.1). Note, however, that the winning party could not reach the magic two-thirds majority without winning at least two-thirds of the vote. The majoritarian advocates won the debate over the consensus advocates, though the latter could claim victory in winning greater influence over constitutional reforms.

In practice, the rule would actually kick in only when the vote for the first party ranged between 60% and 70% of the vote, or if it was well below 50%. If a party won between 50% and 60% of the vote, its share of the SSDs would

Figure 10.1 Electoral Formula for the Mexican Chamber of Deputies: Votes–Seats Conversion for the Winning Party, 1988
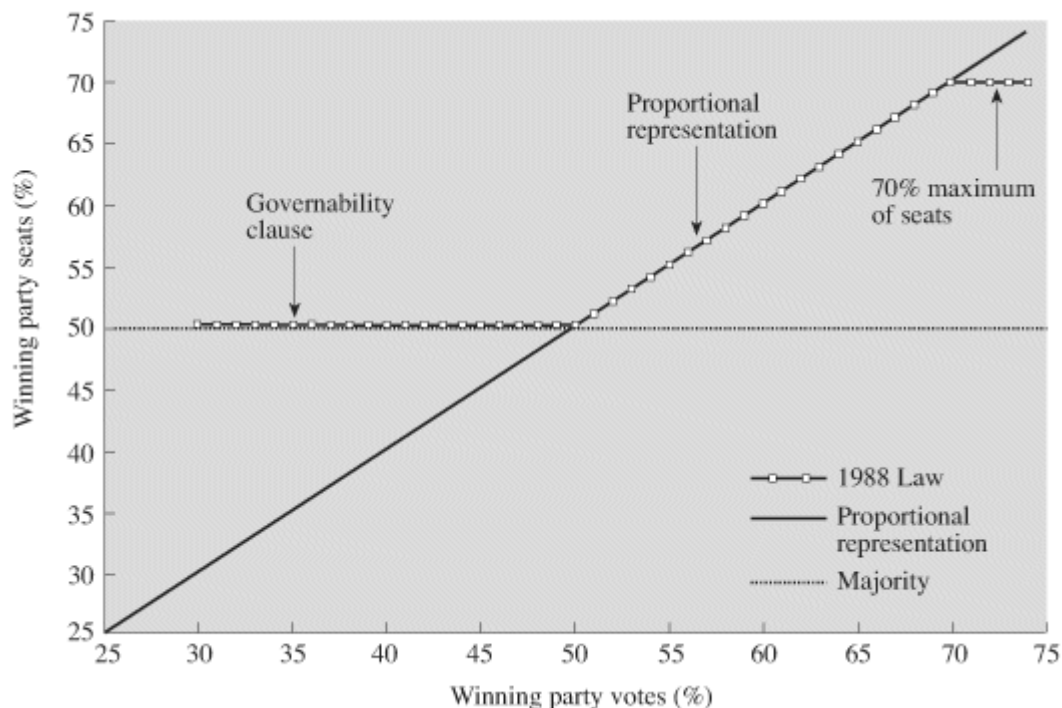
over-represent the party unless the runner-up was very close behind. This is the natural consequence of plurality rules. With a divided opposition—encouraged by the proportional representation rules—the winning party would rarely have to invoke the governability clause, or to win many list seats to complement its SSD victories.

The list seats for minority parties were allocated in two tiers. First, in each of the five MSDs, parties were entitled to two seats if their regional share of vote was at least half the Hare quota. Unless the winning party required many MSD seats to reach its total, a party with only 1.5% of the national vote could get a minimum of ten seats. Second, the remaining seats in the MSD were allocated by LR–Hare, without compensation from SSD victories. Therefore, the system for assigning list seats to minority parties was always parallel MMM.

Regarding the administration of the election, the PRI reformed the law in order to establish a principle of proportionality in the governing body of the electoral agency. Thus, the PRI had a majority (16 of 31 seats) in the General Council of the Electoral Commission. This decision was taken harshly by all opposition parties, and in fact introduced strong incentives to form a multi-party coalition of opposition parties against electoral fraud.

The critical juncture that the PRI leaders had feared in 1986 had moved them to establish the "governability clause". Shortly afterwards, the hegemonic party faced a triple electoral and political threat in the 1988 election. First, the Partido Acción Nacional (PAN), the main external opposition to the PRI since 1949, nominated a charismatic candidate and continued its constant electoral growth. Second, an internal schism of the PRI, led by Cuauhtémoc Cárdenas and other notable PRI leaders, managed to form a coalition of minor parties—including the same tiny parties that the PRI had been fomenting for so many years. After the election this coalition evolved into a second strong opposition party, the Partido de la Revolución Democrática (PRD). Third, the anti-system incentives introduced by the partisan control of the electoral agencies surged, and all opposition parties teamed up against the PRI in denouncing electoral fraud.

This anti-PRI front assumed various forms. On election day the three presidential candidates of the opposition marched together in protest against electoral fraud and demanded an emergency meeting with the Secretary of Gobernación . Then, the last session of the Federal Electoral Commission met without the participation of the opposition representatives, who had decided instead to watch the meeting from the gallery. This opposition front set the conditions for the coordination of all opposition parties in the next round of electoral reform.

The 1988 election was plagued by incidents of violence, opposition protests, and popular mobilizations. In the end the PRI won the election, but serious allegations of fraud could not be dispelled. Opposition leaders did not

recognize the PRI's presidential candidate, Carlos Salinas, as the legitimate winner. Yet, after the mobilizations wore down, they finally decided to take their seats in Congress, accepting the presidency of Salinas, and demanding from his government a serious electoral reform.

The effect of the hotly controversial election of 1988 was crucial in at least two aspects that marked the evolution of politics in Mexico for the next decade. First, in the institutional dimension, for the first time in its long history, the PRI lost the two-thirds majority required to make constitutional amendments. Since constitutional reform is an essential element of governing and policy-making in Mexico, this was a big setback for the PRI. Indeed, it amounted to a systemic transformation, marking a transition from a one-party system to a one-and-a-half-party system. The effective numbers of parties jumped considerably in 1988: the Laakso–Taagepera index climbed to 3.3 (counting parties individually), and to 2.8 (considering coalitions), while Molinar's index jumped to 1.6 (counting parties individually) and 1.9 (considering coalitions).

The second relevant effect of the 1988 elections was ideological, and tilted the electoral reform debate decisively toward political liberalization. Thus, government and opposition were able to agree on a series of reforms that satisfied opposition demands for impartial electoral authorities and encouraged the competitiveness of the Mexican electoral arena. The debate, then, focused on the majoritarian–consensual dimension. In this dimension, the PAN, the only opposition party that voted with the PRI for the reforms, agreed to modify the electoral formula in an even stronger majoritarian direction.

The 1991 Law: Governability Clause With the "Moving Escalator"

The case for a more proportional formula was pushed by the newly created PRD, which was a conglomerate of the former independent socialist parties and the former PRI leaders. The PRD not only proposed a strictly proportional representation system, an MMP system much like Germany's, but also proposed to move from a presidential to a parliamentary style government.

On the other side, both the PRI and the PAN advocated the continuance of the governability clause. The preference of PRI leaders was obvious, given their electoral expectations, since they still thought that their party would be able to retain a plurality of votes in the near future.[127] The election of 1988 had given the PRI "only" 260 of 500 seats in the lower chamber. This was enough to assure a majority, but not enough to eliminate threats of blackmail from

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[127] Salinas had begun a new spending program—the National Solidarity Program—that was expected to yield greater electoral returns (Molinar and Weldon 1994).

dissident PRI deputies. "Governability" came to be understood as not only unified government, but also a majority large enough to maintain control in Congress despite absentees and dissidents.[128]

The PAN's preferences were less obvious, since they probably agreed that the PRI's optimistic electoral expectations were likely to be realized in the 1991 election. They knew, of course, that the share of over-representation of the winning party would be a net loss for them, but they had a stronger preference for stability over short-term party gains. This "gradualist" approach of PAN leaders has been identified by most analysts as a part of the PAN mentality (Loaeza 1999). Thus, the PAN supported the governability clause and pressed for a complete overhaul of the electoral authority and the electoral code.

The electoral reform of 1991 reinforced its majoritarian traits, giving a premium to the winning party above the threshold of 35% of the national vote. If the 1988 formula was majority-assuring, the 1991 version was "supermajority-assuring." Essentially, the PRI agreed to relax the "always enough" clause in return for a premium to a winning party that had received over 35% of the national vote. In the previous law, the winning party would get a majority with any level of the vote. The 35% clause put a floor on the governability clause. The 1991 version maintained the mixed-member system, consisting of 300 plurality SSDs and 200 list seats divided in five MSDs of magnitude 40. The law however included not three, but five special provisions:

- First, if the winning party (the party that won the most pluralities in the SSDs) got less than 35% of the vote, its total number of seats would be proportional to its percentage of the national vote. It would receive as many list seats as needed to complement the number of SSD seats won. The allocation of seats to the other parties would also be proportional and would compensate for SSD victories. Therefore, when no party reached 35% of the vote, the entire system would be pure MMP.
- Second, if the winning party won 35% of the vote, it would receive a total of 251 seats, receiving as many list seats as needed to complement the number of SSD seats won by that party. This was the 1991 version of the majority-assuring governability clause.
- Third, if the winning party won more than 35% but no more than 60% of the vote, it would receive 251 seats for reaching the 35% threshold, plus a premium of two additional seats for each percentage point above 35%. These additional seats would be allocated from the MSDs, complementing SSD seats already won. This special clause was known as the "moving escalator" [see Figure 10.2].

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[128] Nonetheless, the executive branch was able to get about 99% of its bills approved by this marginal majority (Nava et al. forthcoming).

- Fourth, if the winning party won more than 60% but no more than 70% of the national vote, its total number of seats would be proportional to its percentage of the national vote. It would receive as many list seats as needed to complement the number of SSD seats won.
- Fifth, if the winning party obtained 70% or more of the national vote, it would receive a maximum of 350 seats, or 70% of the Chamber.

If the winning party won at least 35% of the vote, the minority parties would receive the remaining list seats according to the rules in effect for the 1988 election. This included the half-Hare quotas in each of the five MSDs. Thus, the 1991 law still had the double bias of the former law, favoring the largest party and the smallest party, but it also augmented the supermajoritarian premium to the winning party.

The PRI had remembered the near fiasco of the 1988 election, so the new electoral law also made coalitions prohibitively difficult. Cross-endorsements were banned altogether. And prerogatives to the parties, including financing and media access, were reduced to the level of that of the largest party. The coalition had to be confirmed by party conventions, not only by party leadership, and they also had to accept a common platform, all of which reduced the likelihood that coalitions could form in time for an election. Later, coalitions for presidential races required that the coalitions include all federal congressional races.

It is obvious that the deal on the electoral formula was not good for the PAN. Indeed, a comparison of Figures 10.1 and 10.2, which portrays the votes–seats distribution function of the winning party in 1988 and 1991, shows that when the winning party won between 35% and 60% of the vote it was always better off under the 1991 rules than under the 1988 rules.

The PAN did not entertain winning expectations in 1991. So why did they vote for the reform? The new Federal Electoral Institute (IFE) was the quid pro quo of this deal. The new electoral agency had a governing body that included between one and four representatives of each of the parties (allocated proportionally), two representatives from each of the two Chambers in Congress, the Secretary of Gobernación (who presided), and six nonpartisan citizen commissioners who were elected by consensus by the Chamber of Deputies. There would be a major reform of the electoral rolls. Furthermore—and especially important for the PAN—a new federal Electoral Court was established to resolve electoral disputes.

Thereafter, the reform of the IFE, as the institutional mechanism to ensure clean elections, became a part of the electoral reform agenda. The creation of the IFE did not come at a low price, because it was clear that the PRI would get the lion's share of the seats with the electoral formula. The PAN's decision can be understood only under the premise that they gave much more salience to the issue of clean elections than to considerations of the electoral formula.

Figure 10.2 Electoral Formula for the Mexican Chamber of Deputies: Votes–Seats Conversion for the Winning Party, 1991
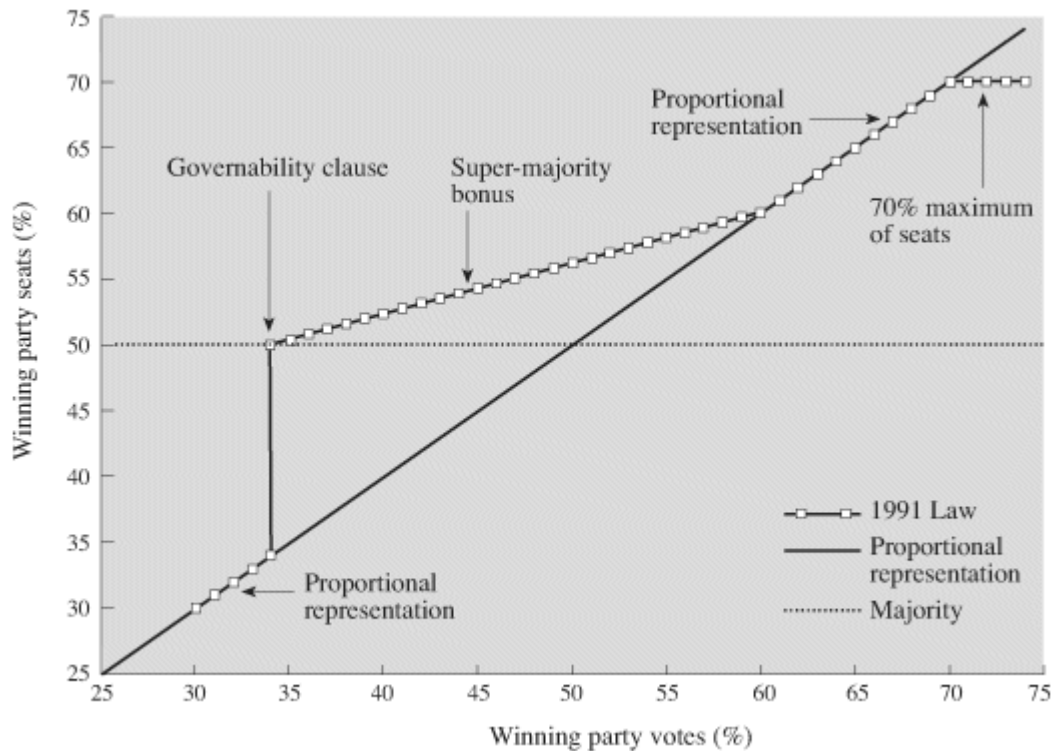
The 1994 Law: Abandoning the Governability Clause

The electoral formula of 1991 lasted just one round, as had the 1988 formula. After the 1991 elections, opposition parties were pressing the government in favor of a more proportional formula, and even the PAN was reconsidering its original support for the governability clause. The PRI lost only 11 of the 300 SSDs in the 1991 election. The election returns looked more like 1985 than 1988. These results consolidated a strong proportional mood in the country, and that persuasion was decisively reinforced by the political emergencies of 1994.

The 1994 formula (approved in September 1993, before the crises of 1994) replaced the governability clause with a two-tier system with seat linkage between tiers, limiting the number of seats a party could win from the list. This system did not assure a majority, but would produce one in most cases (see Figure 10.3). The system comprised 300 SSDs and 200 list seats in five MSDs. This formula did not discriminate between the "winning" party and the minority parties.

Figure 10.3 Electoral Formula for the Mexican Chamber of Deputies: Votes–Seats Conversion for the Winning Party, 1994
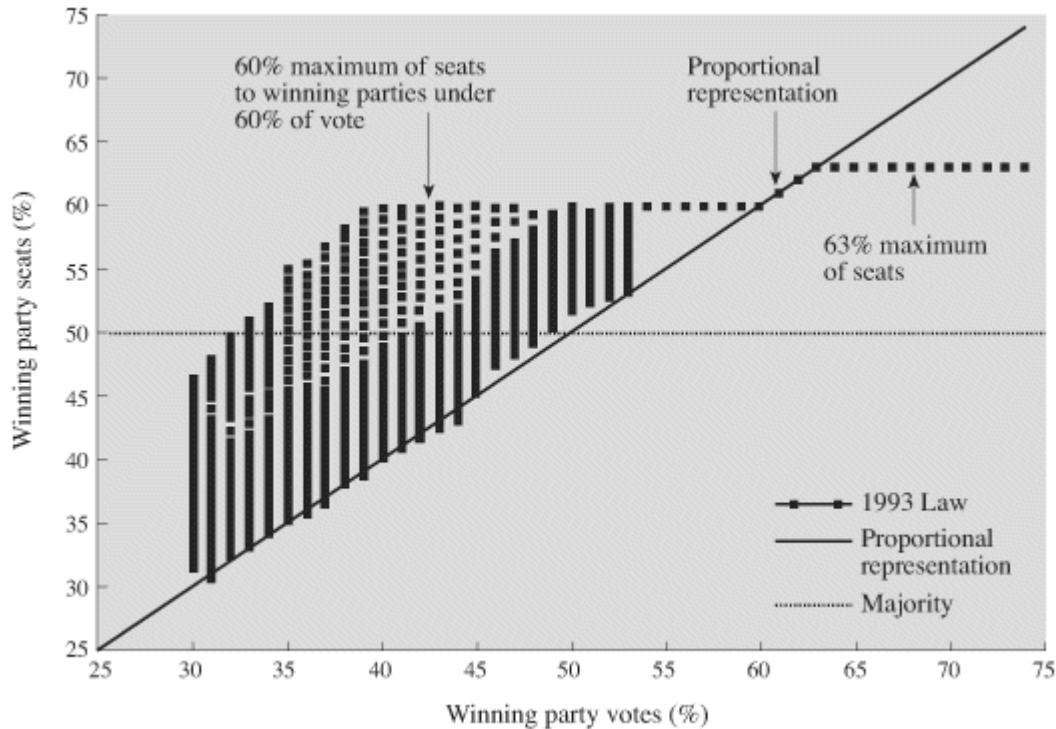
Every party would receive its proportional share of the list seats by LR–Hare, additionally and independently of the seats won in SSDs. The Hare quota was based on 200 seats; there were not five distinct MSD quotas based on $M = 40$ as in the earlier laws. The parties would be assigned a number of seats based on the Hare quota of $M = 200$, and then the seats would be distributed to the parties among the five MSDs.

This is pure parallel MMM, in which there is no seat linkage, barring the cases when one of the exceptions restricts the number of seats that a party can win. There were three exceptions to the parallel MMM rule.

- First, if a party won less than 60% of the vote, it could not win more than a total of 300 seats (60% of the Chamber). The allocation of MSD seats would stop at this point.
- Second, if a party won between 60% and 63% of the vote, it would win its proportional share of the vote, winning list seats to complement the SSD seats won. In this very small zone, the system became MMP for the winning party (but remained MMM for the minority parties).
- Third, no party could win more than 315 seats (63% of the Chamber).

If a party were restricted by the above rules, the remaining list seats would be distributed by a new quota that would exclude the vote of the restricted

party. The Hare quota would be based on the national vote divided by 200 minus the list seats taken by the restricted party (again, not five regional quotas in the MSDs).

This new formula was applied to the 1994 congressional election, which was held on the same day as the presidential election. Instability and crisis marked that year, beginning with the uprising of the Zapatista Army of National Liberation (EZLN), a guerrilla movement in the southern state of Chiapas claiming to defend the rights of the Mexican Indian population, which has been discriminated against for centuries. The zapatistas soon widened their goals to include greater democracy and clean elections. The military response of the government to this political and military organization was severely constrained by opposition parties, NGOs, and the national and international mass media, which demanded a peaceful solution to the crisis. By January 11, President Salinas had adjusted his cabinet, designated a personal negotiator to the guerrilla leaders, and was trying to garner national support for his emergency policies. He also named a less partisan secretary of Gobernación, who would oversee the electoral process along with the IFE, over which he presided.

On January 27, eight of the nine political parties signed the "Pact for Peace, Justice, and Democracy", which included a specific mandate to negotiate an electoral reform. Eight electoral issues were set in the agenda. All of them deal with the goals of clean elections and fair play. Although the electoral formula was not included in the first laundry list, it was soon clear that it too had to be reformed (González and González Graf 1995). To make things worse, Luis Donaldo Colosio, the presidential candidate of the PRI, was assassinated on March 23. The new electoral law was negotiated in just two months. By May 1994, three months before election day, Congress passed the new rules, including a new integration of the governing body of the electoral agency, but no new formula.

Although the new rules did not guarantee a majority in the Chamber of Deputies, under the most probable range of vote shares the PRI would have ended up with more deputies than with the moving escalator of the 1991 law—especially if the PRI won between about 45% and 60% of the vote, and maintained a reasonable lead ahead of the runner-up. This is because the parallel system without restrictions highly favors the party that wins the most SSDs. In fact, in this range the PRI would have ended up with exactly 300 seats; under the 1991 law, it would have needed 60% of the vote to reach this level, or would have to have won all 300 SSDs. The 1994 electoral system is more proportional than the earlier laws if the race is close, but with any distance it is one of the more disproportional mixed-member systems.

Why did the opposition accept an electoral system that was less proportional? First of all, the 63% limit made it impossible for any single party to reform the Constitution. Second, we must again consider the other dimension

of political reform. The new General Council of the IFE had six citizen councilors and four representatives of the legislative branch, with the Secretary of Gobernación presiding. Each party had one nonvoting representative on the Council. This reduced the voting members to eleven, of which six were non-partisan councilors and two were members of the opposition from Congress.

In the end, the PRI won the election with a bare majority, but ended up with 300 seats—60% of the lower chamber. The PRI lost only 26 SSDs, due to the splitting of the opposition vote into two great blocs. Considering only the 300 SSDs, the disproportionality would have been the highest in Mexican elections (41.0% by the Loosemore–Hanby index), but the formula ameliorated this, reducing total disproportionality to 9.7%. The most important feature of the election, however, was that most opposition parties declared the election to have been clean. Nonetheless, electoral observers, electoral authorities, and all parties, including the PRI candidate, accepted that non-competitive and highly unequal conditions had prevailed. The PRI won on an uneven playing field. Therefore, in his inauguration day address, President Zedillo promised a new reform.

The 1997 Law: Toward the "Definitive Reform"

After the 1994 elections Mexico entered a severe recession, triggered by a macro devaluation of the peso in December 1994. The electorate immediately punished the incumbent party. The PRI, which had lost only three state governorships before 1994, began to lose state houses in quick succession. By September 1999 it had lost control in eleven states. (The PRI recovered Chihuahua, the PAN was re-elected in Baja California and Guanajuato as well as in four additional states, and the PRD won four states and the Federal District.) In early 1997 the polls showed the PRI with between 40% and 45% of electoral support nationwide. The 1994 electoral formula would have given the PRI nearly 300 seats with that level of support, which would have created a highly disproportional result.

In 1997, therefore, the Mexican political environment was ripe for the next step in the long process of electoral reform. Even the electoral authority agreed on that. In the aftermath of the 1994 presidential election, five of the six citizen commissioners of the IFE published an "Agenda for the New Electoral Reform". This agenda, published just a few days before President Zedillo's inauguration, covered four aspects. Regarding the *electoral system,* they proposed a parallel system which implicitly provided a majority assuring clause. Concerning the *electoral authority,* they proposed consolidating its autonomy, extricating the government (specifically the Secretary of Gobernación) and the political parties from the General Council. On *fair*

play, they proposed radical changes in the regulation of mass media and financing of parties and campaigns. Finally, they proposed a more flexible *regulation of parties and coalitions* (González 1996).

The authors of this agenda were optimistic regarding the prospects of their proposal, and with good reason—most political actors agreed with them, including President Zedillo. In his inaugural speech, the President prompted Congress to work on what he called "the definitive electoral reform". The idea of a definitive or final reform in Mexico, after four elections with four formulae, was—and is—subject to criticism, doubts, or jokes. Nonetheless, some relevant precedents supported Zedillo's optimism. As mentioned above, for the first time in many years opposition leaders did not claim fraud after the election, and conceded victory to PRI without much hesitation. Yet, they demanded an electoral reform aimed to level the playing field, especially on issues of party financing and access to the mass media. This political demand gathered a strong consensus in the Mexican political landscape.

The need for a new round of electoral reform was deepened by the political unrest unleashed by the recession. The government's political reaction to the crisis was to convene a national agreement with all opposition parties. On January 17, 1994, the President, the Secretary of Gobernación, and the leaders of the four national political parties signed a "National Political Agreement" that symbolized the consensus for the "definitive electoral reform".

On a parallel turf, two of the citizen commissioners that had proposed the agenda for the electoral reform organized a group of scholars and electoral experts who crafted the details of the electoral reform. This group, called the "Castle seminar", because it convened in Chapultepec Castle in Mexico City, soon included representatives of the four national political parties. After several months of work, the group rendered a final report, consisting of 150 specific proposals. On August 21, 1995, the national leaders of the two main opposition parties, the PAN and the PRD, signed the paper.

These endorsements changed the academic nature of the Castle seminar, which became a decisive political forum joined by the national leaders of the PRI, the PAN, and the PRD. The report was reduced from the original 150 points to 60 proposals, as they tried to gather consensus from all four parties. In the end this was not possible, because the PRI representatives disagreed with most of the document. This White Paper became known as the "Sixty Points of the Seminar of Chapultepec Castle." The document, a complete blueprint for the electoral reform, reflected the different points of view from the political parties, including the financing of political parties.

The sixty points were the basis of the political parties' negotiations; but, contrary to the assumed expectations of many political observers, the political negotiations between the parties were slow and painful. They dragged on for most of 1995 and 1996, under the sponsorship of Gobernación. The exclusion of the PRI from the seminar's document was not the only symptom of

the political difficulties that the "definitive reform" was facing fifteen months after Zedillo's initiative. By then the President had had to make several changes in his cabinet, and all political parties had new national leaders. Indeed, both the PAN and the PRD abandoned negotiations at different points; as the elections of 1997 became closer, the success of the reform was in peril.

Finally, in July 1996, President Zedillo, together with Gobernación and the presidents of the four most important parties in Mexico, signed the "Agreement for the Political Reform". This agreement was essential, because constitutional reforms required a two-thirds majority of Congress, which meant that PRI needed the support of opposition parties to approve them. After that, an electoral reform project of eighteen constitutional articles was sent to Congress. These reforms set the basic framework for the new rules, which were promulgated on August 22, 1996, with the support of the four political parties. Yet, the details of the reform had to wait until November 22, because the negotiations between government and opposition broke down on issues related to the regulation of electoral and party financing. These reforms needed only a majority vote and were passed in Congress with the support of just the PRI.

In the end, Congress accepted many aspects of the Chapultepec Seminar report. Arguably, the 1996 round of electoral reform was the most successful from the point of view of opposition parties. The quid pro quo for them was simple. The PRI demanded a complete overhaul of the General Council of IFE, because it did not trust several of the IFE members. In return for this overhaul, the opposition negotiators won most of their demands, including a more proportional electoral formula, the extrication of government from the electoral agency, and stronger regulations of political financing and access to mass media in elections.

The last round of electoral reform in Mexico established a system that limits the number of seats a party can win from the list tier. The nominal tier consists of 300 seats elected in SSDs by plurality; the list tier consists of 200 additional seats elected by closed list, applying the Hare quota in five MSDs of magnitude 40 each. As in the 1994 law, list seats are given to each party in proportion to their national vote, in parallel to seats won in SSDs.[129]There are two exceptions to the rule, however, which involve conditional seat linkage.

- First, no party can win more than 300 seats (60% of the Chamber), regardless of its vote total.
- Second, the proportion of total seats from both tiers in the Chamber of any party cannot exceed eight percentage points above its national percentage of vote.

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[129] This creates an inconsistency in the formula, discussed in Ch. 20   below.

This electoral formula is a slight modification of the previous one, which did not contemplate the limit of over-representation (see Figure 10.4). A comparison of Figures 10.3 and 10.4 shows that the winning party would always be better off under the 1994 system than under the 1997 formula. To win a majority in the Chamber of Deputies, a party must win at least 42.2% of the vote, as well as enough SSDs so that the two tiers add up to 251 seats. The rules also increased the legal threshold for representation from 1.5% to 2%. In the end, three parties failed to clear the higher hurdle (though they would have missed the lower threshold, as well).

Figure 10.4 Electoral Formula for the Mexican Chamber of Deputies: Votes–Seats Conversion for the Winning Party, 1997
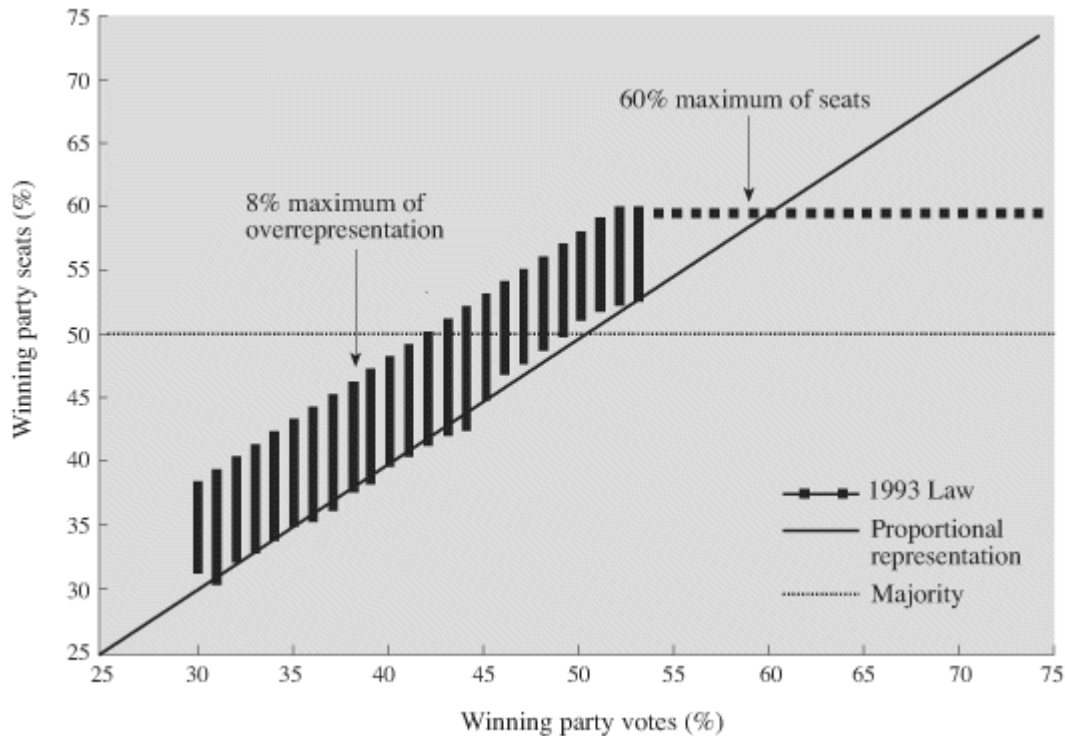
Why did the parties settle on 8% as the maximum level of over-representation? It appears that the PRI preferred a maximum of 10%, while the opposition had begun their bargaining at zero over-representation (MMP). The opposition relaxed the margin to about 5%, and finally both sides settled at 8%. It is unlikely that the figure was based merely on splitting the difference between the alternatives. More probably, the PRI knew that the polls showed it winning around 42% to 45% of the vote, and an 8% margin would be sufficient to win a majority in the Chamber.

The polls failed the PRI. In the election the party ended up with just under 40% of the effective vote (the total vote for all parties above the 2% legal threshold). This vote share yielded the PRI 239 seats, twelve short of a majority (see Table 10.1). The PAN and the PRD divided the opposition vote evenly. The former won a slightly higher share of the vote and 121 seats, but the latter won 125 seats, due to a landslide victory in the Federal District. Together the PAN and the PRD did not reach a majority of seats. Two small parties, the PT (Worker's Party), and the PVEM (Green Party), won 15 seats between them. The PRI could not form a majority with either of the two small parties alone—only with both. The possible coalitions in the Chamber of Deputies were as follows: PRI–PAN, PRI–PRD, PRI–PVEM–PT, PAN–PRD–PVEM, and PAN–PRD–PT. This was the first experience of divided government in Mexican politics since the 1920s (Weldon 1997a, b).

Table 10.1. Elections and Seats in the Mexican Chamber of Deputies, 1997

	%	%			
	Valid	Effective	SSD	MSD	
Party[a]	vote	vote	seats	seats	Total
PRI	39.13	39.98	165	74	239
PAN	26.64	27.22	64	57	121
PRD	25.71	26.26	70	55	125
PVEM	3.82	3.90	0	8	8
PT	2.59	2.64	1	6	7
PC	1.12	—	—	—	—
PDM	0.66	—	—	—	—
PPS	0.34	—	—	—	—
Indeps.	—	—	—	—	—
Total	100	100	300	200	500

[a] PRI, Partido Revolucionario Institucional; PAN, Partido Acción Nacional; PRD, Partido de la Revolución Democrática; PVEM, Partido Verde Ecologista de México; PT, Partido de Trabajo; PC, Partido Cardenista; PDM, Partido Demócrata Mexicano; PPS, Partido Popular Socialista.

Source: IFE (n.d.) and Chamber of Deputies (www.camaradediputados.gob.mx).

The other axis of political reform was a major restructuring of the IFE. The citizen councilors were replaced by eight nonpartisan electoral commissioners and a commissioner-president, all elected by consensus by the Chamber of Deputies. The legislative branch councillors lost their vote. Each party could send one nonvoting representative. Even more important, the Secretary of Gobernación was excluded from the General Council: the commissioner president presided instead. All of the new commissioners had academic backgrounds, as did the new directors of divisions within the IFE. The number of voting members was reduced to nine: the president and the eight nonpartisan commissioners. The IFE was granted complete autonomy from the executive branch. It now can submit its own budget to Congress and can audit itself

Table 10.2. Electoral Systems in Mexico, 1946–1997

Year	Electoral formula	SSDs	MSDs	M of MSDs	Assembly size	Threshold (%)	List seat allocation	Restricted list tier	Majority assuring	Bias for smallest parties	Max. seats	Max. over-rep.
1946		147			147							
1949		147			147							
1952	Plurality	161	0	—	161	—	—	—	no		SSD	no
1955		161			161						total	
1958		161			161							
1961		178			178							
1964		178			Var.	2.5						
	Plurality;				209							
1967	variable assembly	178			Var.	2.5						
	size;				211		Losers					
	Fixed quota for						with					
1970	small parties	178	0	—	Var.	2.5	greatest	yes	no	no	SSD	no
					213		vote in				total	
							SSDs					
1973		194			Var.	1.5						
					231							
1976		196			Var.	1.5						
					236							
1979		300	3	30, 30, 40	400	1.5						
1982	MMM for	300	4	25	400	1.5	Closed	yes	no	yes	300	no
	minority parties:						lists					
1985	LR–Hare	300	5	20	400	1.5						
1988	MMM: assured	300	5	40	500	1.5	Closed	no	yes	yes	350	no[a]

	majority for winning party; LR–Hare for rest						lists					
1991	MMP: if winning party < 35%. MMM: if winning party > 35%; assured majority and over-representation for winning party%; LR–Hare for rest	300	5	40	500	1.5	Closed lists	no	yes	yes	350	0% if < 35%; var. if > 35%[b]
1994	MMM	300	5	40	500	1.5	Closed lists	no	no	no	300/ 315[c]	no[d]
1997	MMM	300	5	40	500	2.0	Closed lists	no	no	no	300	8%

[a] In theory, maximum over-representation is 0% if winning party vote 50%–70%, though SSD victories will usually cause over-representation in range 50%–60%.

[b] Variable range for winning party 35%–60%, due to moving escalator and overhangs from SSDs; 0% for range 60%–70%.

[c] If vote 60%–63%, 315; if vote < 60%, 300.

[d] Except 0% in 60%–63% range.

without the intervention of the federal auditors in the executive branch. (Congressional auditors still have access.)

Some analysts think that, for the first time in history, the agency has more credit among opposition parties than with the PRI. At any rate, this will be the first electoral authority in more than fifteen years to oversee two consecutive elections. So institutionalization by this measure has certainly been a success.

It appears, therefore, that the opposition gained ground on both dimensions of political reform. The electoral formula was much more proportional, and the IFE was much more autonomous. At the same time, the opposition had to give in on its demands for even greater proportionality in the formula.

Conclusion

Mexico has had a long history of electoral reform under mixed-member regimes. There have been many key variables in defining the different rules: electoral formula, district magnitude, minimum legal threshold, restrictions on which parties can win seats in the list tier, the format of the list tier, whether the system assures majorities, whether it favors the smallest parties, maximum seats, and maximum over-representation. These rules are summarized in Table 10.2. The insistence on maintaining and deepening the mixed-member format is impressive. Incrementally, Mexico has moved from a simple system, whereby some losers won trips to Congress, to very complicated majority-assuring rules, back to a relatively straightforward mixed-member system that is quite proportional.

In the end, the last round of electoral reform in Mexico may not be as "definitive" as the President had expected. Considering recent history, it is hard to believe that the long road of electoral evolution is over. Reform of the electoral system may be ruled out for 2000, and, after fifteen years of constant change, the same system may be used in two consecutive elections. However, the future is very likely to bring more interesting modifications to the mixed-member system.

11 Hedging Against Uncertainty: Regime Change and the Origins of Hungary's Mixed-Member System

John W. Schiemann[130]

> So we ourselves went from the position of originally wanting a single member district system . . .to the point that we didn't know, but we had the feeling, as time went by, that it actually wouldn't be good for us so let's push the thing in the other direction. In this question basically the principle of the smallest risk prevailed.
> Hungarian Socialist Workers' Party negotiator György Fejti

When in late 1989 Hungary's communist-dominated Parliament reluctantly passed the electoral law to be used for the first free parliamentary elections since World War II, one legislator complained it was so complicated that "the voters, if they want to understand it, will have to take at least one course on vote calculation."

The deputy was not exaggerating. Hungary has a notoriously complex electoral system, electing 386 representatives from three different tiers on up to three ballots. It is not simply a mixture of majoritarian and proportional principles, whether mixed-member proportional (MMP) as in Germany or mixed-member majoritarian (MMM) as in Italy, but incorporates a host of other relatively unusual elements within the nominal, list, and supplementary tiers.

This chapter examines why Hungary adopted a mixed-member (MM) electoral system by analyzing the bargaining process that produced it. The discussion of Hungary's negotiated transition to democracy in 1989 will show that Hungary's MM system emerged as the result of a patchwork grafting of different components rather than a systematically conceived and coherently

designed grand plan to meet broad societal needs. Nor did Hungary's framers simply attempt to emulate (what they believed to be) the German system (Geddes 1996: 24) or to design a system that reflected a popular distaste for political parties (Lijphart 1992). Instead, the coalition of opposition parties and the ruling Hungarian Socialist Workers' Party which negotiated the electoral law in National Roundtable talks attempted to design a system that would both maximize the seat shares of their individual parties and allocate those seats to top-party elites. They pursued these objectives, however, under a thickening veil of *ex ante* uncertainty about *ex post* electoral outcomes. Indeed, the thickening of the veil during the Roundtable talks caused the ruling Socialists to hedge their bets on the global features of the system, combining different sets of rules in order to allocate seats in multiple ways.

The chapter proceeds as follows. The first section provides some necessary historical background, discussing previous electoral systems in Hungary's fleeting periods of democratic rule and under communism, as well as the struggles over the reform of the law leading up to the National Trilateral (Roundtable) talks which produced the system in use today. The second section briefly describes the electoral system, identifying the significant elements of the electoral law and disaggregating the institution into its individual components. The next section discusses the background to the National Roundtable talks before turning to those negotiations in order to explain the origin of the significant components of the Hungarian electoral system. The last section summarizes the empirical discussion.

Historical Background

An impressive, neo-Gothic parliament building modeled on Westminster (but slightly longer) belies the fact that Hungary was the only country in East Central Europe formally to deny universal suffrage until after World War II (Rothschild 1989: 15). This did not, however, prevent Hungary from employing a variety of electoral systems for those who could vote, including some that mixed proportional and majoritarian principles. Between 1922 and 1938 voters in Budapest (and, after 1922, in other larger cities), cast ballots for party lists while the rest of the country voted for individual candidates in SSDs (Borsányi 1994; Kende 1994; Sipos 1994; Szabó 1994).[131] In 1939 Parliament added a two-ballot procedure to rural districts, making the system partially mixed-member (Pintér 1994). Thus, in Budapest and seven other cities, voters would continue to cast one ballot only, for party lists, while in

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[131] The proportions in 1922 were 215 SSDs and 30 list seats; from 1926 to 1935 there were 199 SSDs and 46 list seats.

the rest of the country voters would cast two votes, one for their individual district and one for the territorial list. The elections held in the aftermath of World War II, in 1945 and 1947, employed a form of proportional representation and were the most democratic in Hungarian history (Rothschild 1989: 99). Extra-parliamentary political maneuvering soon rendered these results academic, however, and by the next "elections" in mid-1949, the communists had dropped all pretenses to democratic electoral mechanisms, claiming 95.6% of the vote (Rothschild 1989: 101).

Elections under communist rule in Hungary were, of course, a farce. Nevertheless, the leadership viewed them as important legitimizing rituals and conducted them accordingly. Although there were periodic proposals for the introduction of a nominal or mixed nominal and list system from within the party apparatus between 1949 and 1963, consolidation efforts prior to 1956 and the trauma of the 1956 revolution tempered any inclinations to tamper with the existing list system (Feitl 1994: 294–6). Introducing a majoritarian SSD system in the 1967 elections, the Hungarian Socialist Workers' Party neutralized any attempts by the opposition to make use of the change by maintaining strict control over the nomination procedure. By 1983 the party felt confident enough to experiment with further nods toward an opening of the electoral process, including mandatory multiple candidacy in SSD races (Vass 1988: 515–17). The ruling party's tight control over the nomination process, however, forestalled any threats to its hegemony by these reforms. The electoral law amendments, as "liberal" as they were, relatively speaking, remained negligible only while there existed no organized political opposition.

This situation began to change as independent groups began to form in late 1987. The ruling party quickly responded with an attempt to retreat on the openness of the nomination process in particular and the electoral system in general. The ruling party might have been successful imposing the restrictive changes, but for the strategic mistake of sending the text of the draft law out for two months of "social debate" organized by the ruling party's satellite organization, the Patriotic People's Front, in October and November, 1988. To the surprise of the Socialists, the newly formed and forming political movements, associations, and—gradually—political parties took advantage of the opportunity to register their opposition. Criticism of the new restrictions on nominations was so strong, in fact, that the Front was forced to come out against the plan and recommend that Parliament draft a completely new law, this time taking into account the views of opposition organizations (*Magyar Nemzet,* December 20, 1988: 2).

With the government thus forced back to the legislative drawing board, opposition organizations began to draft their own proposals. In early February several opposition organizations met with the ruling party and its satellite organizations to discuss the electoral law. Although there were

significant differences about specific features of the new system, all those present, including the Socialist representative, agreed that the fall 1988 draft plan was not suitable even as a basis for discussion (*Magyar Nemzet,* February 6, 1989: 3).

When the ruling party accepted a multiparty system a few days later, the opposition demanded a more formal role in the creation of the laws necessary for free elections and a peaceful transition, including the electoral law. As the government worked out yet another electoral law based on a May 26 Politburo decision, the ruling party came to perceive the necessity of formal talks with opposition parties. To get them to the table, the ruling party promised that it would not submit its draft laws, including the electoral law, to Parliament at its June session. Hence, though the government had completed another draft electoral law for consideration by Parliament, it was put aside, reserved as the basis for negotiations in the National Roundtable talks between opposition groups and the ruling party. This starting point, however, left little imprint on the final product. After three months of hard bargaining in the Roundtable, Act 34 of 1989 on the Election of Members of Parliament, employed for Hungary's first free elections in forty-five years, constituted a completely new electoral institution (*Magyar Közlöny* October 30, 1989: 1305–29). The next section provides an overview of this system before turning to its origins in the remainder of the chapter.

The Electoral Law of 1989

While any electoral system is a complex configuration of individual rules, Hungary's three-tiered, triple-ballot system takes this statement to new heights. Parliamentary seats are allocated from (1) a nominal tier of single-seat districts (SSD), (2) a list tier of territorial voting, and (3) a tier of supplementary seats. Each Hungarian voter initially receives two ballots, one for the SSD race in her home district and one for the party list competition in her territory. SSD competition, then, is the first tier; there are 176 single-seat districts nationwide. To qualify for the ballot, each candidate must obtain 750 nominating signatures. The decision rule for the SSDs is a two-round, majority–plurality system; if a candidate receives more than half of the votes cast in the first round, then that candidate immediately wins the seat. Failing this, a runoff election is held two weeks later, to which any candidate receiving 15% or more of the vote, but a minimum of the top three vote getters from the first round, advance. Seats in this round are decided by plurality. The list vote is based on twenty territorial districts conforming to Hungary's nineteen counties plus Budapest. A total of 152 seats are distributed among these multi-seat districts nationwide, with the number of seats per district ranging from four

to twenty-eight. Any party running candidates in one-quarter (with a minimum of two) of the territory's SSD races may set up a party list for that territory. Territorial seats are initially allocated according to a Droop quota: the total number of votes cast in the territory divided by the number of seats available plus one. Not all seats will be allocated according to the quota system; in order to distribute (some of) the others, parties with less than the quota may still receive seats according to a limited largest remainder formula. That is, whereas in many systems all the remaining seats would be allocated to parties with the most leftover votes, in order of most to least, the Hungarian formula limits this distribution by stipulating that a party must have at least two-thirds of the original quota to obtain a seat in the remainder allocation.

Any undistributed seats after the remainder allocation are transferred to the third tier of supplementary seats for allotment. A party must run a list in a minimum of seven territories in order to establish a national list. The supplementary seats on the national list are distributed via a compensation mechanism which uses as a basis for distribution the nationally pooled surplus votes from the SSD races and the territorial list voting. The number of a party's surplus votes from the SSDs is calculated as the national sum of all votes cast in the first round of SSD balloting for its candidates who did not end up winning the district, whether in the first round or in the runoff. This figure is then added to the national sum of remainder votes from territorial list voting, *less* any "debt" owed for seats obtained in territories via limited largest remainder. In other words, any party that receives a territorial seat via largest remainder allocation with less than the Droop quota, but with two-thirds of it or more, must make up the difference at the national level; it must pay for these "cheaper" territorial seats with nationally pooled surplus votes.[132]The number of seats to be distributed from the surplus votes is variable; to the initial fifty-eight supplementary seats at the national level are added any seats not distributed at the territorial level after quota and remainder allocation. Once the total number of supplementary seats to be awarded is determined, they are distributed according to the d'Hondt highest average method. A national legal threshold of 4% also limited seat distribution in the 1989 system in both the list (territorial) and supplementary seat (national) tiers.[133]Any party that did not receive at least 4% of the *national* total of all territorial ballots cast was ineligible to receive any seats at the *territorial* level. Similarly, no party could obtain supplementary seats from the compensatory distribution unless it obtained nationally at least 4% of the total territorial ballots cast. Finally, the Hungarian system also permits a candidate to run simultaneously

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[132] Another way to think of this is as a negative vote transfer from the territory to the national level.

[133] Act 3 of 1994 raised the legal threshold to 5% on December 22, 1993.

Table 11.1. Breakdown of the Hungarian Electoral Law of 1989

Features/decision rules	Significant elements
General features	
Nominal (SSD) tier	176 seats
List tier (territorial)	152 seats in twenty territories
Supplementary tier (national)	58 seats
Nomination/list requirements	
SSD	750 signatures.
Territorial list	Candidates in 25% of territory's SSDs, minimum of 2
National list	Must stand a minimum of seven territorial lists
Candidacy	A candidate is permitted to run in all three levels simultaneously
	All party lists are closed.
Decision rules	
SSD	Two-round majority-plurality: candidate with 50% + 1 of total votes in first round obtains seat; if no absolute majority in first round, then top 3 and all candidates with votes ≥ 15% advance to round 2, decided by plurality
List tier	Droop quota, plus largest-remainder with two-thirds limit.
	Unallocated seats transferred to National List
Supplementary tier	D'Hondt highest-average
Surplus votes	Surplus votes for supplementary seat distribution: from losers' first-round votes in SSDs and remainder votes from list tier
Legal threshold	
List tier	Minimum of 4% of national total of territorial list votes
Supplementary tier	Minimum of 4% of national total of territorial list votes

in all three tiers: in an SSD race, on a territorial list, and on a national list. The significant elements to be explained, then, can be summarized in Table 11.1.

In order to explain the individual components of the Hungarian electoral law in Table 11.1, it is first necessary to provide an overview of the negotiation process that produced them. The next section does this by (1) presenting the political background to the National Roundtable talks, (2) identifying the main participants, and (3) describing the structure of the negotiations, including the constraints and opportunities faced by the negotiators. The section following it then turns to the bargained origins of Hungary's MM system. Table 11.2 summarizes the key events, decisions, and negotiating positions of the parties prior to and during the Roundtable talks.

Background to the National Roundtable Negotiations

In the midst of a deepening economic and political crisis, and failing to eliminate, incapacitate, or coopt moderate and radical opposition groups, the

Table 11.2. Timeline of Key Events, Decisions, and Proposals in Hungarian Electoral Reform

Date	Events/negotiating positions
1989	
Feb 12	Regime agrees to free elections and a multiparty system
Feb–May	Bilateral consultations between regime and opposition groups
Mar 22	Formation of the Opposition Roundtable
June 5	Regime's preferred electoral law based on May 26 Politburo decision published in national dailies. Proposal: 300 SSD seats, 50 supplementary seats (compensatory single ballot). Allocation rules: two-round majority–majority for SSDs, Hare quota + largest remainder for supplementary list, surplus votes taken from first round of SSD voting
June 10	Signing of preliminary agreement establishing National Trilateral (Roundtable) talks
June 16	Public reburial of 1956 martyr Imre Nagy; massive demonstration against the regime
July 22; Aug 5	Regime defeated in SSD majority parliamentary byelections
July 25	*Opposition Roundtable*: agreement among opposition parties to an MM system as unified opposition negotiating position at the Roundtable talks; ½ SSD two-round, majority-majority, ½ list, legal threshold of 3%. *Regime*: proposes change in runoff round advancement rule from top two to a minimum of three
Aug 25	Regime proposes, opposition accepts, 3-tiered system of 150 SSD seats, 150 list seats, 50 supplementary seats
Aug 28	Agreement on (1) runoff round advancement rule (≥15%, minimum top 3) and (2) surplus vote basis from SSD races (first-round votes of losers)
Sept 6	Agreement on final proportions: 152 SSD seats, 152 list seats, 70 supplementary seats
Oct 16–20	Parliament debates and passes electoral law, amending proportions to 176 SSD seats, 152 list seats, and 58 supplementary seats, and limiting simultaneous candidacy to one place on each tier
1990	
Mar–April	Free elections

ruling party agreed to hold free elections in February, 1989. A prerequisite for such elections was not just a new electoral law, but one agreed upon by all significant political forces, including opposition groups. The ruling party initially hoped to obtain the opposition's passive acquiescence to, if not warm support for, its own May electoral law. To this end it initiated a series of "consultations" with individual opposition parties, meetings designed simultaneously to veneer the ruling party's own institutions with legitimacy and to divide and conquer the opposition. Aware of this, and recalling the communists' "salami tactics" of the late 1940s, opposition parties banded together on March 22, 1989, forming a united front against the ruling party in the Opposition Roundtable.

The ruling party continued its efforts to divide the opposition, however, refusing to recognize the Opposition Roundtable until early June. With the

public reburial of a martyr of the 1956 uprising looming before them on June 16, the ruling party finally conceded and agreed to real negotiations with a united opposition over the design of new political institutions, including a new electoral law.[134]On June 10, 1989, the participants signed the agreement creating the framework for substantive negotiations (*Magyar Nemzet,* June 12, 1989: 3). Figure 11.1 identifies the major participants and parties at the National Roundtable.

Figure 11.1 Major Participants at the National Roundtable Talks in Hungary

Hungarian Socialist Workers' Party

National Trilateral (Roundtable) Talks

| Association of Young Democrats | Association of Free Democrats | Hungarian Democratic Forum | Christian Democratic Peoples' Party | Hungarian People's Party | Hungarian Social Democratic Party | Independent Smallholders Party |

Opposition Roundtable

The talks were conducted at three levels: a plenary level, a middle-level political committee, and an expert working committee level.[135]The plenary level, held in public, was reserved for "declaratory" proclamations of agreements. Only three were held: the opening sessions on June 13 and June 21 and the closing signing ceremony on September 18. The real negotiations took place behind closed doors in the middle and expert levels, with the key political decisions ratified at the middle level and formal legal codification taking place in the expert working group, though proposals shuttled back and forth between the two levels over the entire course of the talks. Although the middle-level negotiations were initially closed to the public, as a result of opposition pressure they were opened to the press on August 24. Even so, media coverage was minimal and the public was largely unaware of Roundtable

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[134] The negotiations included a third side composed of regime satellite organizations. It is clear from both the written transcripts to the negotiations and interviews with regime and opposition participants that the third side could not veto agreements between the Opposition Roundtable and the Socialists. For this reason, I ignore them in the analysis of the negotiations that follows.

[135] In the following, transcripts to the middle political-level meetings (PET 1989) will be cited as (*PET Minutes,* date, page number). Transcripts to the working group (I/3 Working Committee 1989) will be cited as (*I/3 Minutes,* date, page number).

developments (Bruszt 1990: 374; Bozóki 1993: 301). The expert-level negotiations remained closed throughout.

In sum, the National Roundtable negotiations were a bargaining game between the ruling party and the opposition over the design of the electoral law and other constitutional-level political institutions. Anxious to avoid violent conflict on the streets, the ruling party and opposition forces had a mutual interest in reaching an agreement on new rules of the political game. There was also, however, sharp conflict over which rules to choose; the ruling party and the opposition preferred different institutional frameworks. Nevertheless, neither side was able to impose its preferred institutions on its opponent. Indeed, it was the Opposition Roundtable's protests against the ruling party's attempts to unilaterally impose its preferred rules that forced the ruling party to the bargaining table in the first place.

The communist-dominated Parliament would have to pass the Roundtable draft into law by majority vote, but this was perceived by the negotiators in the summer of 1989 as imposing little constraint on their proceedings. Although there had emerged a vocal group of ten or twelve legislators who regularly spoke out against Socialist Party policies, they were far too weak to block the will of the ruling party in the National Assembly, a fact amply born out by the ruling party's successful efforts to push through constitutional amendments creating the framework for a constitutional court in early 1989. Moreover, during the pre-negotiation period the Opposition Roundtable insisted on guarantees from the Hungarian Socialist Workers' Party that Parliament would not pass any laws related to the Roundtable negotiations, and that it would ratify whatever agreements were reached at the Roundtable. Secure in its control over the National Assembly in mid-1989, the ruling party gave this guarantee with confidence.[136] It was only later, toward the end of the negotiations, that Parliament grew increasingly restless and dissatisfied with its "rubber-stamp" status; by the October parliamentary session devoted to passing the Roundtable laws it took a concerted effort on the part of both the ruling party and the opposition to persuade Parliament to pass the Roundtable agreements.

Moreover, as we shall see, legislators did succeed in amending elements of the electoral law. To this degree, the shadow cast by Parliament over the Roundtable talks began to darken, but only at the very end of the talks; during the crucial period of the negotiations over the electoral law (July–late August), the Roundtable negotiators bargained as if they were in fact sovereign. The bitter words of the Prime Minister capture Parliament's relationship in stark terms. Speaking on the eve of the formal signing of the agreement, the Prime Minister complained that by agreeing to the opposition's demands that Parliament only approve but not alter the Roundtable

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[136] Passage of the electoral law required only a simple majority.

agreements, the Roundtable negotiations "had held the government and Parliament hostage" (*KB Minutes* 1993: 1592).

The next section examines the Roundtable bargaining process to explain why the Hungarian "framers" chose a mixed-member system.

The Negotiated Design of the Electoral Law of 1989

The set of outcomes in an electoral institution is the number of legislative seats contested according to its rules. At the most general level, two elements are at issue: the number of seats, and the set of rules used to determine how they are filled. In the simplest case, all seats are awarded according to the same rules; in the Hungarian system of 1989, 386 seats are awarded three different ways. Two-ballot, majority–plurality competition in SSD races determines 176 seats; voting for territorial party lists fills up to 152 seats; and a minimum of 58 supplementary seats are allocated proportionally via compensation from primary-tier surplus votes. Each method has different distributional consequences for political parties of different characteristics and strengths, hence the fierce struggle at the Roundtable and later in Parliament over the balance of the system as a whole and the proportional allotment of seats to each subsystem.

Electoral rules also differ on two further dimensions important for understanding the post-choice consequences of the system, as discussed in Chapter 2. The *interparty* dimension refers to how competition between parties is structured: at the extremes, do electoral rules encourage numerous small parties and post-election coalitional bargaining, or do they manufacture majority governments centered around a party with only a plurality of the votes? The *intraparty* dimension concerns the relationship of party rank and file to their leaders and to the electorate: do the electoral rules encourage legislators to form local clientelistic networks of personal support among voters, or to subordinate the legislative rank and file to the party leadership?

As Chapter 2 explained, both dimensions are relevant for the consequent efficiency of the electoral system as viewed from the perspective of the majority's policy preferences. And, although the perspective of this (citizen) majority does not explain the choice of the system and the resulting placement on the dimensions in Hungary—as was the case in Italy, New Zealand, Japan, and Venezuela—the Hungarian politicians who designed the electoral rules were keenly interested in how different rules affected each dimension in terms of their own and their party's future. In the Hungarian case, most of the debate and conflict concerned rules that would structure inter-party competition, rather than intraparty dynamics. Nevertheless, the Roundtable setting from which the electoral law emerged had an important

effect on the intraparty dimension as well, and each set of rules is discussed in turn.

Electoral Rules Affecting Interparty Competition

Global Balance Between Nominal, List, and Supplementary Tiers

When negotiations over the electoral system began on July 3, the Opposition Roundtable agreed to use the draft law drawn jointly by the Socialist-controlled Ministries of Justice and the Interior as a basis for the talks (*Magyar Nemzet,* June 5, 1989: 8–9). It was this system that the ruling Socialist party had originally intended to submit to Parliament, but was forced to withdraw pending the outcome of the Roundtable talks.[137]Despite the consensus on using the government draft plan as the basis for discussion, when the three sides of the National Roundtable sat down on July 25 to discuss in earnest the most important issues concerning the future electoral system, the only point of agreement was that the future parliament should be unicameral with approximately 350 seats. Echoing the published draft law, the Socialists proposed to fill 300 (83%) of the seats in SSD races and the supplementary 50 (17%) seats from a compensatory national list drawing on surplus votes in the SSDs (*I/3 Minutes,* July 25: 4). This system not only elected most legislators from SSDs, but was also potentially majoritarian in its effects, given that the Socialists were generally expected to win the overwhelming number of SSD races and the compensation seats would be distributed among a fragmented opposition.[138]The ruling party originally chose this system back in late May, when it hoped to capitalize on well known Socialist parliamentary representatives and politicians on the one hand and on the relative obscurity of even leading figures in the opposition on the other.[139]

Although the Opposition Roundtable presented a united front *vis-à-vis* the ruling party in the Roundtable, the electoral system constituted one of its most internally divisive issues. The historical parties, recalling their victories in the 1945 and 1947 list elections and possessing little more than famous party names and symbols, advocated a pure list system or, as in one Independent Smallholders' Party "compromise," a one-third SSD, two-thirds list division (*Fekete Doboz,* July 10, 1989; July 25, 1989). The Alliance of Free Democrats favored a 75% SSD two-round majority–majority, 25% list system

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[137] The draft proposal actually contained two alternative procedures, labeled A and B. Version B was not taken seriously at the Roundtable or even within the MSZMP, but was viewed as a "decoy alternative" (interview with István Kukorelli, June 20, 1995). Consequently, all references in the following are to Version A.

[138] See the counterfactual simulations using 1990 district-level voting data in Benoit and Schiemann (1999, 17).

[139] Interviews with regime expert András Tóth, August 16, 1994, and with Socialist party leader Imre Pozsgay, August 30, 1995.

because it would both prevent atomization in Parliament and present the best way to beat the ruling party by uniting the opposition in the runoff round; "the [ruling party] would have that 36% in public opinion polls in vain."[140]Moreover, while the Free Democrats as a party were barely known, their abundance of former dissidents and experts would provide the party with a better chance in races where individual character counted for more than did party recognition and symbolism (Bozóki 1993: 298–9). Although the Alliance of Young Democrats feared that its reputation as a radical youth party would hurt it in an SSD system and originally favored 1947 list type system, it was persuaded by the Free Democrats' fears of ungovernability and proposed a more even mixture of the two (Áder 1991: 69).

To the degree that the Free Democrats pushed for a system that would increase the relevance of legislators' personal ties to their district (as opposed to an orientation to the interests of the party leadership), their preference reflects the intraparty dimensions of electoral system design. Note, however, that the primary motivation for this choice was the desire by the party leadership to put their party into the National Assembly, to get their people (and themselves) elected as opposed to their opponents. Fearing the weakness of their own party label in competition with the more widely known (in mid-1989) names of the historical parties, they favored SSD races in the belief that personal character would counter the weakness of the party name in the voting booth. In other words, their preference for SSD reflects a preoccupation with the *interparty* dimension, though of course such a choice (had it been realized in the final system) would have had important downstream effects on the intraparty dimension.

The Hungarian Democratic Forum's best strategy was less clear-cut; while it did well in a few SSD byelections, its name was also by far the best known among opposition parties. Moreover, the Democratic Forum's representative to the Opposition Roundtable deliberations was particularly fond of the West German system and it was he who "pointed out the center point between the two positions" (Révész 1995: 36).[141]Thus, born of an internal compromise, the Opposition Roundtable proposed an MM system, with half the seats coming from a nominal tier of SSDs and half from a list tier. In contrast to the Socialist proposal, the opposition plan called for a two-ballot system, with both nominal and list voting. Although the ruling party changed its position on the list in the next expert committee meeting three days later, accepting the two-ballot idea, it maintained its demand for the same balance

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[140]   Interview with Free Democrat and Opposition Roundtable expert Péter Tölgyessy, August 29, 1994.

[141]   It should be pointed out that the Forum's Antall seems to have misunderstood the German system, which is mixed-member proportional (MMP) and not mixed-member majoritarian (MMM), as was the system he proposed. For more on (the various meanings of) the German system see Chapter 3   above.

between the tiers, i.e. 300 to 50 (*I/3 Minutes,* July 28: 2). This impasse remained unbroken for nearly a month, until the third week of August when the Socialists agreed to accept a more evenly balanced MM system. Their decision was clinched by parliamentary byelections and public opinion polls on voter support in late July and early August. This information caused the ruling party to rethink its previous confidence in a predominantly SSD system. A series of opposition-instigated recalls and resignations of legislators forced four byelections on July 22. These byelections were conducted according to the old majoritarian electoral formula (*Törvények és Rendeletek Hivatalos Gyüjtemenye* [Official Collection of Laws and Decrees], Vol. 1, Budapest, 1983). Since there was no provision in this law for a runoff round, three of the four byelections had to be reheld due to either low voter turnout (below 50%) or lack of an absolute majority. In one of the four, however, the candidate supported by a united opposition trounced the Socialist candidate with 69.2% of the vote (*Magyar Nemzet,* July 24, 1989: 4). In two of the three repeat elections on August 5, the opposition won the SSD races with 70% and 62% of the vote (*Magyar Nemzet,* August 7, 1989: 1). The Socialists were quick to reconsider the value of a system that pitted a ruling party candidate against the lone representative of a united opposition. Indeed, in his briefing to the Socialists' Central Committee on the status of the negotiations on July 28, György Fejti noted, in reference to the debates over the character of the electoral system, that "[w]e ourselves must fundamentally think through which version has the most political utility on the basis of the experiences of the byelections" (*KB Minutes* 1993: 1380).

The ruling party initially hoped to neutralize this problem directly by insisting on a minimum of three advancing to the runoff round in the SSD races, where it had good reason to be confident that it would secure a plurality.[142]Two public opinion polls published on August 11 questioned the security of this strategy as well, however. Both indicated greater sympathy for the Opposition Roundtable and its constituent parties than for the Socialist Party. According to one, the Hungarian Democratic Forum received 25% and the Free Democrats 10% to the Socialists' 13%. Adding insult to injury, 38% of Socialist Party members reported that they would vote for no one at all or for the Democratic Forum (*Népszabadság,* August 11, 1989: 7). Moreover, one opposition candidate could always withdraw from the runoff round, again forcing a one-on-one race with all its disastrous consequences for the ruling party.

In light of this new information, the ruling party began to reconsider the value of a list system. In the words of Socialist electoral law expert András Tóth, "[t]here were byelections . . . and, well, it was perfectly clear that the logic about who is popular, who isn't popular, doesn't work. Clearly we too

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[142] The SSD advancement rule for the runoff round is discussed in more detail below.

had to re-evaluate . . . a system which would probably not bring a [favorable] electoral result."[143] Thus, by August 15, the top leadership of the ruling party found a 50–50 split between SSD and list seats acceptable and authorized the ruling party's delegation to reach an agreement on this, adding that "the question of the proportional division should be handled as a tactical reserve for further negotiations" (Vass 1994: 636). The goal of this "tactical reserve" was the national compensation list: the Socialists offered an equal balance between SSD and list seats in return for the reinstatement of fifty supplementary seats.[144]

Following the SSD byelection debacles, the ruling party took another look not only at the list tier, but also at its original proposal of a smaller compensation list. The ruling party originally intended the tier of supplementary seats as a bone to be thrown to the opposition and consequently quickly discarded it at the Opposition Roundtable's insistence on a separate ballot for a list tier early on in the talks. By mid-August, however, the Socialists began to view a compensation list as yet another insurance mechanism—this time for itself. If it was going to lose in the SSDs, then a compensation list would ensure that not all those votes were wasted.[145] Meanwhile, it could still count on proportional representation from the list balloting. In sum, then, the ruling party came to see both list voting and supplementary compensation mechanisms as crucial to their political survival, and so came out in favor of a three-tiered system that combined nominal and list elements. The words of Socialist negotiator György Fejti in the epigraph above are worth repeating here:

> So we ourselves went from the position of originally wanting a single member district system . . . to the point that we didn't know, but we had the feeling, as time went by, that it actually wouldn't be good for us so let's push the thing in the other direction. In this question basically the principle of the smallest risk prevailed.[146]

As a consequence, in the August 22 expert committee meeting, the ruling party proposed in general terms that the future electoral system should contain a nominal tier of SSD seats, a list tier, and a tier of supplementary seats. The Opposition experts accepted the three-level system and agreed to send it up to the middle level for approval and debate about the precise balance of seats between the tiers (*I/3 Minutes,* August 22: 1). Though they recognized why the Socialists wanted a compensation list, it served their own interests as

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[143] Interview, July 21, 1995.

[144] Interview with Socialist expert Zoltán Tóth, July 12, 1995.

[145] Interviews with Socialist negotiators Imre Pozsgay, Zoltán Tóth, and György Fejti, August 30, 1995, July 12, 1995, July 31, 1995, respectively.

[146] Interview, July 31, 1995. Imre Pozsgay, leader of the Socialist delegation, was just as explicit: "We were gauging the possibility that perhaps we were going to be a defeated party, so [the Socialist experts] were to create the method of calculation that made it possible for us to lose the least votes, that the proportion of wasted votes would be the least possible" (interview, August 30, 1995).

well; a compensation list of supplementary seats whose order is controlled by the party provides as good a guarantee as is possible that top-party cadres make it into parliament.[147]

As a result, when the middle-level negotiations on the electoral system resumed three days later, on August 25, the ruling party proposed that the future parliament be elected from 150 seats in SSDs, 150 voted for from territorial lists, and another 50 supplementary seats to be allocated from a national compensation list (*PET Minutes,* August 25: 231). The Opposition Roundtable welcomed the 50–50 split concession and accepted the ruling party's demand for a tier of supplementary seats, but demanded that the list voting be county-based rather than one nationwide district.[148]The ruling party accepted this demand and three days later the experts met again to discuss fine-tuning the 150–150–50 framework (*I/3 Minutes,* August 28). After several days of tinkering with district magnitude in the sparsely populated counties, the parties to the Roundtable finally agreed on September 6 to 152 seats on the nominal tier, a total of 152 territorial list seats apportioned among the nineteen counties and Budapest, and 70 supplementary seats (*I/3 Minutes,* September 6: 4). The middle-level political committee delegates ratified this proposal later the same day, directing the experts to proceed to the final codification. Working in concert with experts from the Ministry of the Interior, the experts drafted the final version of the law, which was submitted to the National Assembly in October, 1989 in preparation for the fall session.

The three-tiered division agreed on at the Roundtable and submitted in the name of the government met with immediate and vocal opposition from legislators, local councils, organizations, and even individual citizens. In the committee meetings that preceded the plenary sessions, representatives of the opposition and the government lobbied strongly on behalf of the Roundtable draft. While many deputies questioned the legitimacy of the Roundtable negotiations and demanded a new round of talks between the Roundtable and Parliament, the majority of criticism took the form of concrete proposals to raise the number of SSDs and lower the number of supplementary seats. Between the first committee session on October 16 and the final vote on October 20, legislators submitted no fewer than ten concrete proposals raising the number of SSDs, while many others supported these initiatives in general terms. The motivation to change the Roundtable agreement ranged from the extreme (350 SSDs and no list seats) to the moderate (raising the number of both the SSDs and the territorial list seats to 172 at the expense of the supplementary seats).

While the Socialist-led government had by October expected some resistance from what had theretofore been their rubber-stamp parliament, they

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[147] Thus, the desire to pool votes for a tier of supplementary seats also reflects the intra-party concerns of the elite negotiators. See the section below on closed party lists.

[148] There was also disagreement about the source of surplus votes, discussed below.

were surprised at its intensity.[149]Following a combination of exhortations by leading Socialist politicians and concessions by opposition representatives, the National Assembly accepted a compromise that would reduce the number of supplementary seats by twelve to 58 and add twenty-four seats to the original 158 SSD seats to raise the seats on the nominal tier to 176. Keeping the number of territorial list seats at 152, the National Assembly had created a new parliament of 386 total seats elected three different ways.

Two-Round Majority–Plurality System

There are three main types of majority or plurality formulas to decide seats in SSDs: plurality, two-round majority–majority, and two-round majority–plurality (Lijphart 1984: 151). Each system has important distributional consequences. A party with a 35% plurality might win in a one-shot, first-pastthe-post system but lose against fewer opponents in a runoff round among a restricted field where secondary and tertiary preferences can be expressed. Such was the case in Hungary, where a ruling party faced a fragmented opposition, which nevertheless represented a threat if able to unite. As a consequence, the character of the SSD system was one of the most difficult stumbling blocks on the road to an agreement in the electoral law. The two main features of the system that resulted from the negotiations—the two-round majority–plurality system and taking the first round as the basis for surplus votes—were closely linked in the Roundtable negotiations. Indeed, the wrangling over these issues produced the most explicit example of logrolling in the entire discussions about the electoral law, and it is this logrolling that is responsible for Hungary's majority–plurality allocation rule in the nominal tier.

The initiative for this decision rule came from the ruling party in the aftermath of its surprising losses in the SSD byelections of July 22 and August 5. It updated its beliefs on what constituted the best way for it to win in the individual districts and changed its bargaining offer accordingly. Recall that the top leadership of the ruling party selected its preferred system—later used as the basis for negotiations with the opposition—on May 26, 1989, two months before the byelections. This proposal called for a two-round, pure majority decision rule in the SSDs. That is, any candidate receiving a majority in the first round won the seat; failing this, the top two vote getters in the first round would advance to the runoff round, where a majority would decide the seat. This proposal also stipulated that votes from losers in the first round of SSD competition would be pooled nationally for allocation of the fifty supplementary seats.

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[149] Géza Kilényi, Deputy Minister of Justice and a member of the regime's middle-level negotiating team until the end of August, reported that it was "horribly difficult" to persuade the deputies not to throw out the entire agreement or to resign their seats altogether (interview, June 19, 1995).

When the ruling party lost the July 22 byelection against a united opposition in an SSD race according to majoritarian rules almost identical to those it was proposing, ruling party experts moved quickly to change their position. Thus, just three days later, at the first meeting of the negotiations over the most distributional elements of the electoral system, the Socialists proposed to alter only one element from their previous proposal in the government draft plan: the rule for advancing to the runoff round (*I/3 Minutes,* July 25: 2). According to this amendment, if no candidate received a majority in the first round, then any candidate receiving 15% or more of the first round votes, but a minimum of three, should advance to the runoff. Because it was unlikely that among three or more candidates any single nominee would be able to attain 50% of the first-round votes, and because the ruling party believed itself capable of taking a plurality contest against a divided opposition, the Socialists proposed a plurality decision rule for deciding seats in the run-off round.[150]

Although the opposition immediately protested the ruling party's proposed change as a blatant attempt to design the law to the Socialists' advantage, the latter stuck to its position throughout the August expert meetings. The opposition, for its part, drew the same conclusion as the ruling party from the byelection results. In a position paper prepared for the Opposition Roundtable, one of its expert's, József Torgyán, noted that

> the advantage of this system for us is that, under such rules of the game, an opposition candidate would have to be one of the candidates in the second round and in this way the candidate of the opposition would be pitted against the candidate of the [ruling party] which would surely mean the opposition's success. (Torgyán 1989: 4)

Torgyán went on to declare that the ruling party's position was "unacceptable because it would divide the opposition" (Torgyán 1989: 5). This hardening of positions among the experts pushed the issue up to the middle-level meeting of August 25, where the ruling party again refused to concede, despite its many other concessions in that session.[151]

Surplus Votes

In the meantime a new debate emerged. When, on August 25, the Roundtable parties agreed to add a tier of supplementary seats to the nominal and list tiers, the question emerged as to what votes should serve as the basis for allocating the tier of supplementary seats. The ruling party proposed that the SSD races be used as the surplus vote basis; votes for candidates of parties

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[150] As discussed above, the ruling party later had doubts about the nominal tier altogether and embraced a list tier as well. Nevertheless, its first reaction was to alter only the SSD decision rule.

[151] Chief opposition expert on the electoral law Péter Tölgyessy (Free Democrats) claims that he felt this was a point that was non-negotiable for the ruling party and on which the Opposition Roundtable would have to concede (interview, July 3, 1995).

that did not win the seat—in the first or runoff round, whichever round decided the race—would be summed nationally. This was fundamentally a proposal to take the surplus votes from the runoff round, as the Socialists (correctly) anticipated that most SSD seats would be decided in the runoff. The ruling party proposed the change because it was confident that its candidates would make the top three in the first round and hence advance to the runoff round. It further assumed that it would pick up at least some second preference votes in the runoff so that, even if it lost in the runoff round, it would be able to increase the total number of votes it sent to the national list.

For the opposition, this would mean that, of the seven political parties intending to run in the elections sitting in the Opposition Roundtable, up to five would lose all their surplus votes from SSDs. While the Democratic Forum could reasonably have hoped to make the runoff, the other parties were less sure, and consequently the Opposition Roundtable countered with a proposal to use remainder votes from the list tier instead of the ruling party's SSD plan. Following the opposition's protest to the ruling party's SSD plan, the two sides agreed quickly to a compromise that would allow compensation from both the list and nominal tiers. The Opposition Roundtable, however, insisted that the SSD surplus votes be calculated on the results of the first round—whether or not the race went to a runoff. But the ruling party refused to budge, and the question reappeared on the agenda of the August 28 middle-level meeting.

In his presentation to the middle-level negotiators on August 28, the ruling party linked the two issues together—the decision rule for advancing to the runoff round and the source of surplus votes to be used for allocating the supplementary seats—providing an opportunity for logrolling that was not missed. Ruling party leader Imre Pozsgay made the first "concession", offering to raise the percentage requirement to advance to the runoff round to 25% from 15%, but retaining the minimum of three. Realizing that the ruling party would not move from its demand for a minimum of three candidates in the runoff round, the opposition proffered the bargain that it would accept the original Socialist proposal of 15%/top three if the ruling party would agree to use only the first round of SSD voting as the surplus vote basis from the nominal tier (*PET Minutes,* August 28: 32). When the ruling party accepted this deal, the parties to the Roundtable negotiations established several of the key characteristics of the nominal tier (the two-round majority–plurality system and the rules for advancing to the runoff round) as well as a feature profoundly affecting the allocation of supplementary seats—using the first round of SSD voting for surplus vote basis—which would later be passed into law unchanged by Parliament.

Other Interparty Electoral Rules

The components of the electoral system just discussed define the main features of the Hungarian electoral system. Nevertheless, preoccupation over

future interparty competition at the Roundtable produced other rules significant for this dimension. Space limitations prevent a full discussion; in what follows I note only the initial positions of the parties and the choice of a compromise for each feature.

The first set of rules concerns requirements for (1) running candidates in the nominal tier of SSDs, (2) setting up territorial lists for list tier voting, and (3) establishing national lists for supplementary seat allocation. With regard to SSD nomination requirements, the ruling party raised its own proposal in the government draft plan to 1,000 signatures. Aware of their organizational weaknesses, the opposition forces countered with an offer of 500 (*I/3 Minutes,* July 28: 2–4). The ruling party made the first concession from these positions, to roughly 800–1,000 signatures (*I/3 Minutes,* August 28: 4–6). When the opposition responded by offering to meet the ruling party halfway between the initial offers, the ruling party agreed to split the difference at 750 signatures (*PET Minutes,* August 28: 13).

The requirements for establishing territorial and national lists is a complex issue, as the rules were worked out while it was still unclear whether the list tier would be composed of numerous territorial lists or one national list. Without going into details here, suffice it to say that the ruling party again raised its demands compared with its own draft plan, demanding a large number of signatures from a minimum number of counties. These rules would have placed a significant burden on opposition parties, whose organizational resources were weak outside of Budapest, and the latter countered with lower signature requirements.[152]

With the agreement to a three-tiered system and hence two separate list tiers (voting and supplementary), the experts now had to work out the requirements for two different lists. Following a series of significant concessions by the ruling party, the Roundtable agreed to apply a "one-fourth rule" to both the territorial and national lists (*I/3 Minutes,* August 28: 6–8). Thus, to establish a party list in a territorial electoral district, a party was required to stand candidates in one-fourth of that district's SSDs, with a minimum of one for the small counties.[153] To establish a national list, a party would have to run lists in at least five of the twenty (nineteen counties plus Budapest) territorial districts (*I/3 Minutes,* August 28: 8).[154] As we saw, Parliament was concerned primarily with the balance between the number of SSD and supplementary seats, so this feature passed into law without any parliamentary changes.

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[152] The Hungarian Democratic Forum excepted.

[153] In early September all sides agreed to raise the minimum number of SSDs for territorial lists to two (*PET Minutes,* September 6: 31).

[154] On August 31 this requirement was raised to seven territorial lists (*I/3 Minutes,* September 6: 2).

The second set of rules affecting interparty competition concern the decision rules used for allocating list seats, district magnitude, and legal thresholds. With respect to the list tier, basing the 150 territorial list seats on the nineteen counties and Budapest presented the experts with a serious problem. If the seat-to-population ratio were to remain the same across districts, then many of Hungary's sparsely populated counties would end up with short lists, often under five seats. On the very likely assumption that there would be more than six parties competing in the elections, it would be impossible to distribute them proportionally. Compelled to work within the county-based system (and hence low district magnitude), the Opposition Roundtable proposed a method that would allow most seats to be allocated in the counties, but would prevent small parties from obtaining seats "on the cheap" by pushing some seats to the national allocation for more systematically proportional distribution there. First, this proposal called for a Droop quota with limited largest remainder, the limit being the two-thirds requirement described above and designed to prevent parties from obtaining seats too easily at the county level.[155]Second, it provided for a "slipping" mechanism to dispose of any seats remaining after the largest remainder allocation. According to this mechanism, any seats unallocated after both the quota and (limited) largest remainder distribution would "slip up" and be added to the supplementary seats for allocation at that level. Following minor adjustments by the experts, the ruling party agreed to the opposition proposal on September 6 (*PET Minutes,* September 6: 41–2; 54–5).

In contrast to the list tier, the tier of seventy supplementary seats did not present proportionality problems in terms of district magnitude. Moreover, there was initially little debate over the allocation formula to be used for distributing seats on the national list, with both the ruling party and the opposition thinking in terms of the Hare quota with largest remainder called for in the government draft plan (*I/3 Minutes,* August 31, Appendix: 2; September 6: 4–5). The decision to use the d'Hondt formula was initiated by the Socialists, who explicitly demanded a system that would favor larger parties (*I/3 Minutes,* September 25: 2). In order to explain the opposition's acceptance of the ruling party's proposal (in October, *following* the signing of the agreement), it is important to recall that participation in the Roundtable talks had catapulted the parties of the Opposition Roundtable to prominence in the national media and that a referendum campaign following the end of the Roundtable in the fall of 1989 boosted their publicity even further. As a result, these parties, though smaller than the Socialists, were larger than the numerous smaller parties that did not participate at the Roundtable but

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[155] Interview with Péter Tölgyessy, July 3, 1995. That opposition expert Tölgyessy is the author of the territorial list formula was confirmed in interviews with the two ruling party experts as well as top regime negotiators Pozsgay and Fejti.

which represented competition in the coming elections. Within a proportional system, the Opposition Roundtable parties were not opposed to slanting its distributional bias in favor of larger parties. As a result, the experts agreed to the d'Hondt system currently used for allocating seats from the national list (*I/3 Minutes,* October 9: 8).

Finally, with respect to legal thresholds, the Roundtable negotiations reflected the expected differences in interests between large and small parties. Discussing the territorial list tier first, the ruling party cited the German model and opened with a proposal of 5% (*I/3 Minutes,* July 28: 3). The small (save for the Hungarian Democratic Forum) parties of the Opposition Roundtable, in contrast, praised the Swedish model and advocated a 3% limit (*PET Minutes,* July 27: 125). The opposition made the first move on August 28, proposing 4%, which the ruling party accepted (*PET Minutes,* August 28: 11, 32). Several days later the experts agreed to apply the same national 4% limit to allocation from the tier of supplementary seats as well (*I/3 Minutes,* August 31: Appendix: 2). Thus, the Roundtable negotiators agreed to set the legal threshold at 4% of the total votes cast nationally on territorial lists in order to be eligible for seats at both the territorial and national list levels. Although there were some complaints that 4% was too low in the parliamentary committee meetings, there was only one formal amendment to raise it and this was withdrawn before it got to a floor vote.

Electoral Rules Affecting Intraparty Dynamics

As we have seen, most of the conflict over electoral design in Hungary revolved around rules affecting the interparty dimension. Even so, there were two major sets of rules debated and chosen at the Roundtable which had important effects on downstream intraparty incentives and behavior. In truth, the word "debate" is something of a misnomer; it soon became clear that there was wide agreement among the party elites from all sides on features that would insulate them from the vagaries of the voters, as we shall see.

Simultaneous Candidacy

An electoral system in which all seats are contested according to a single set of rules generally contains a default rule which specifies that a single individual may run as a candidate in only one electoral district, whether nominal or on a list. The demand to change this rule came from the representatives of the Opposition Roundtable, who, without exception, were members of the top leaderships of their parties. As a result, the opposition pushed for simultaneous candidacy, arguing openly that the "significance of this is clearly that (1) the smaller political parties/groups want to secure that their prominent

leaders get in; (2) attractive individuals can pull the electoral list along" (*PET Minutes,* August 25: 42–3).[156]

Simultaneous candidacy did not, however, run counter to the ruling party's interests in terms of interparty competition, since much of the effect of the rule would be felt in terms of *which* opposition candidates made it into Parliament, rather than *whether* a particular number gained entry. Moreover, the ruling party stood perhaps a better chance to benefit from whatever "list-carrying" interparty effect simultaneous candidacy would offer, since it did have several popular figures who might help carry the party lists. More important, however was the leadership insurance mechanism on the intra-party dimension. The SSD byelection losses had revealed the precarious prospects of running in the colors of the ruling party; simultaneous candidacy provided an extra guarantee against the vagaries of voter preferences in both SSD and list balloting for top-party cadres.[157]

After some wrangling about the number of candidacies, the opposition proposed simultaneous candidacy for four places: in one SSD, on two county (territorial) lists, and on the national list. The ruling party accepted the opposition compromise proposal; the National Assembly did not. Already suspicious of the tier of supplementary seats as a guaranteed seat for party elites, several representatives protested against simultaneous candidacy; and in the course of the plenary and committee debates from October 16–20, legislators voiced support for an amendment that would limit multiple candidacy on the territorial list level to one list instead of two. Put to a floor vote on October 20, this amendment passed, allowing for simultaneous candidacy in one place in all three tiers (OÉ, 1989, IV/62: 5124.).

Closed Party Lists

The second electoral rule affecting the intraparty dimension concerns the ballot structure of the list tier, namely whether the lists are closed, so that voters may vote only for a party, or whether they are open, so that voters may express preferences for individual candidates within a list. In the Hungarian Roundtable negotiations open party lists "didn't truly come up for discussion."[158]In order to understand the lack of debate over this issue, it is important

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[156] Nor were they mistaken about the need for an insurance mechanism: Péter Tölgyessy and Ferenc Köszeg of the Free Democrats, Viktor Orbán and Gábor Fodor of the Young Democrats, and György Ruttner of the Social Democrats—all top members of their parties and participants in the Opposition Roundtable and the National Roundtable—lost in their SSD races and were saved by either the territorial or the national list (Szoboszlai 1990: 455–599).

[157] This was a prescient move on the part of the regime. Socialist party leaders Iván Vitányi and Magda Kósáné Kovács, for example, lost in their SSD races but were saved by the national list (Szoboszlai 1990: 458, 539, 598–9).

[158] Interview with regime expert András Tóth, July 21, 1995. This was confirmed in interviews with opposition participants. Early on, the Young Democrats briefly raised the possibility of an "open list" within the Opposition Roundtable, but the proposal was quickly dropped (*Fekete Dobosz,* July 10, 1989).

to recall that the framers of the electoral law were all party elites slated to compete under the law they designed. Consequently, the leaders of *every party* favored a system which that allow them to control (1) who may run under the party name, (2) the order of election from the party lists, and (3) the pooling of party votes (Shugart 1998: 18). As an expert negotiator for the ruling party put it, "this system makes it possible for a party to guarantee the entry of [the party leadership] into parliament from the votes it receives."[159]Despite Parliament's objection to the party-centric nature of the electoral law worked out at the Roundtable, it did not protest against the closed-list feature.

Summary

Like many other cases concerning the choice of an MM system, the precondition for electoral change in Hungary was a profound economic and political crisis. Multiple crises forced the ruling party to open up the political system to opposition groups in order to buy compliance for socially painful economic reform measures. This political opening entailed the design of new political institutions, including a new electoral law. However, the contingent event that produced the MM system was hard-nosed bargaining among competing political parties, not the realization of any grand plan. Thus, it was the interest-based positions of the parties to the National Roundtable Talks, their differing levels of bargaining strength, and the fairness-mimicking effects of uncertainty that explain why Hungary ended up with the particular electoral system it did.

As a result, most of the conflict in the Roundtable revolved around rules affecting interparty competition: the global nature of the three-tiered system, the decision rule for the nominal tier, the source of surplus votes for the tier of supplementary seats, nominal candidacy and list standing requirements, list algorithms, and legal thresholds. Each party attempted to design these rules in ways that would maximize its own representation and that of its leadership in the future parliament, subject to the *ex ante* uncertainty about their *ex post* positions.

[159] Interview with regime expert András Tóth, July 21, 1995. The same defensive strategy characterized the leaders of the opposition parties in the Opposition Roundtable, all of whom were intellectuals based in Budapest. The lists could insulate these cadres only if they remained closed (interview with Péter Tölgyessy, July 3, 1995). The experts also claim to have felt that preference voting would unduly complicate the first free elections. Whatever the weight of this motivation, it is worth noting that such concerns did not stop electoral designers in Estonia, Latvia, and Poland from adopting open lists in their first free elections.

Within the opposition, the small and poorly organized historical parties with names famous from Hungary's perfunctory period of democratic rule pushed for a PR-list system with a low legal threshold and the possibility for simultaneous candidacy while the new opposition parties advocated a two-round majority–majority formula in SSDs which would permit them to capitalize on their "dissident" status. The ruling Socialists initially advocated a system that would favor them as the largest party. Upon learning that a two-round majority SSD system would actually hurt the party, they immediately changed their proposal to a two-round majority–plurality system, demanded that surplus votes be extracted from the runoff round, agreed to a more even balance between list and nominal tiers, and eventually even brought back their demand for a tier of compensation-based supplementary seats.

Hedging against uncertainty explains only the broadest features of the system, however. Once the opposition and the ruling party had settled the broad outlines of the electoral system and the talks turned to the rules within each tier, there was little uncertainty about the distributional effects of rules such as the decision rules within each tier. Consequently the opposition parties bargained for—and obtained—lower values on the list standing requirements and favorable values on decision rules such as the territorial list quota and the basis for compensation votes. Moreover, of only two features that the ruling party managed to obtain, one was the result of a trade (the SSD runoff rule) and the other (the d'Hondt method for the national list allocation algorithm) lost its distributional impact with the opposition's addition of the "slipping mechanism", increasing the district magnitude of the supplementary seats by adding seats from the counties.

There was much less debate about the intraparty dimensions of the electoral system. The politicians who negotiated the design of the system were all leading figures in their parties and were just as universally unsure of their competitiveness in SSD races. Consequently they had little difficulty agreeing on rules which provided for party-centered campaigns: simultaneous candidacy in all three tiers for top party leaders and closed party lists (see Shugart, Chapter 2 above).

In sum, the complex and patchwork Hungarian electoral institution is the byproduct of a struggle by leading cadres of political parties to secure their places in the future parliament by creating an institution they believed would achieve this end. Hungary's mixed-member electoral system did not emerge from altruistic motives about electoral reform and societal needs. Instead, the Roundtable bargainers attempted to cement their distributional advantage—or at least minimize their losses—rule by rule, in numerous and often creative ways. When, however, their view of their *ex post* positions became clouded by uncertainty, they reacted by choosing institutions that would share power in multiple ways.

12 Compromise Amidst Political Conflict: The Origins of Russia's Mixed-Member System

Robert G. Moser and Frank C. Thames, Jr

The introduction of a mixed-member majoritarian (MMM) electoral system in Russia came in the midst of a violent struggle between President Boris Yeltsin and a communist and nationalist opposition. After vanquishing his foes with military force, Yeltsin was left to construct a new electoral system and a new constitutional order unopposed. It is tempting to assume that any electoral law adopted under such circumstances would have been engineered to further the electoral fortunes of those in power. But such a depiction of the emergence of Russia's electoral system would be inaccurate. In fact, the MMM system, which was decreed by executive order and eventually passed as a law by the State Duma in 1995, was originally crafted with several goals in mind, the most important being the encouragement of political party formation, a goal that had widespread support across the political spectrum.

When the MMM system did not produce the reformist victory expected, the Yeltsin administration tried to revise the system to better promote its policy interests. However, attempts by President Yeltsin to change the system were thwarted by a State Duma determined to maintain the status quo. Despite his overwhelming constitutional powers, Yeltsin eventually accepted a compromise that left the system largely intact. Thus, a system originally created by a small group of ruling elites without input from opposition parties has survived despite producing outcomes damaging to its creators.

This chapter will explain the development and maintenance of the mixed-member majoritarian system in Russia as a compromise between competing intraparty and interparty goals, first within the small circle drafting the executive decree in 1993, and then between competing institutions in the struggle over the electoral law in 1995. Despite the preponderance of power President Yeltsin held throughout this process, the system was not crafted exclusively for the interests of a particular party or ideological camp. We argue that the system that eventually emerged was a product of competing goals, uncertainty over future electoral outcomes, and compromise between competing institutions. First, there was a general attraction among the Russian political

elite to a mixed-member system because it promised to balance a need to encourage the formation of national parties through the use of closed-list proportional representation with a desire to restrain the proliferation of parties through the use of plurality elections. Second, uncertainty regarding the electoral benefits of PR and plurality elections for specific parties led Yeltsin and his advisers to embrace a one-to-one ratio of PR and SSD seats to hedge their bets, not anticipating the strong showing of opposition parties, especially the nationalist Liberal Democratic Party of Russia, in the list tier. Third, after 1993 the State Duma was composed principally of parties that had experienced success in both the list and nominal tiers. This produced a large majority in favor of the status quo within the State Duma. This unity allowed the usually fractious Duma to protect the status quo against attempts to change the system by President Yeltsin in 1995. Finally, throughout the process the Yeltsin team tended to concentrate on constitutional reform rather than electoral engineering to further its policy goals, and thus was willing to compromise on the electoral law because the parliament was constitutionally weak.

The chapter proceeds as follows. The first section briefly examines the historical background of elections in Russia and provides an overview of the mixed-member majoritarian system adopted in 1993. The second section describes the process surrounding Yeltsin's executive decree establishing the electoral system for the 1993 election. The third section looks at the adoption of the electoral law in 1995. The final section draws some conclusions.

Russia's Mixed-Member Majoritarian System

After more than seven decades of non-competitive elections in the Soviet Union, multi-candidate competition for public office was reintroduced on Russian soil in 1989 under reforms put forward by Mikhail Gorbachev.[160]In 1989 elections for two-thirds of the 2,250 seats of the USSR Congress of People's Deputies were held in two-round majoritarian elections in single-seat districts. The other one-third of the seats were reserved for social organizations

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[160] In the pre-Soviet period also competitive elections were quite rare. But there were instances where competitive elections for law-making bodies were held. Competitive national elections were first held in 1906 to a national legislature (also known as the State Duma), which had only a consultative role toward the Tsar. This body was elected indirectly through a multi-stage system in which voters were enfranchised in three different "curiae" or social categories. These curiae elected to provincial assemblies delegates who served as electors of deputies to the State Duma (Emmons 1983). In November 1917 a national election was held for the ill-fated Constituent Assembly, which was disbanded by Lenin shortly after it convened in January 1918. This election was based on proportional representation in which voters cast ballots for party lists (Belin and Orttung 1997: 20).

and not subjected to direct popular election. In the following year competitive parliamentary elections were held to new republican legislatures. The election to the Russian Congress of People's Deputies was also a two-round majoritarian contest with a runoff between the two leading candidates from the first round if no candidate won over 50% of the vote. The 1990 election did away with seats reserved for social organizations (White et al. 1997).

Competitive elections in the late Soviet period had a clear bias in favor of majoritarian elections. These elections tended to elevate the status of individual candidates over nascent political parties, which were extremely weak at the time. Article VI of the Soviet constitution, which provided the Communist Party of the Soviet Union (CPSU) with a monopoly on power, was not repealed until March 1990, meaning that the formation of a competitive multiparty system was unlawful until the eve of the second competitive election held under Gorbachev (Colton 1990). Moreover, there was an anti-party sentiment among both the political elite and the voting public. After more than seventy years of pervasive control by the CPSU, politicians were reluctant to commit to new party organizations. When they did these organizations were kept extremely decentralized, hindering the development of internal cohesion and organizational strength (Fish 1995). The result was a proliferation of dozens of small parties with fluid memberships, ambiguous ideological programs, and weak ties to society.

This failure of strong parties to emerge in the wake of competitive elections would be a primary impetus for the change to a mixed-member system. A consensus in favor of a mixed-member system emerged in both legislative and executive circles in 1993 based on the need to introduce an element of proportional representation to promote the formation of strong parties while retaining an element of personal representation in single-seat districts. Considering the country's almost exclusive heritage of SSD elections and its difficulties with extreme party fractionalization, it is not surprising that Russia adopted a mixed-member system that emphasizes the majoritarian principle of representation, even though in practice the system has not managed to produce the type of party consolidation expected by the system's designers.

Under Russia's MMM system, there is an equal number of deputies elected from the nominal and list tiers: 225 elected in single-seat districts and 225 elected from party lists. Russian voters cast two ballots, one for a candidate in a local single-seat district and one for a party list in a single nationwide district. To get onto the ballot in the nominal tier, candidates must collect signatures equal to 1% of the district's electorate (usually around 5,000 signatures). Candidates are allowed to run simultaneously in the nominal and list tiers in order to increase their chances. However, in 1993 a candidate's party affiliation was not listed on the ballot in the nominal tier undermining voters' ability to cast a straight-ticket vote. But this rule was changed in 1995, and partisanship was added to a relatively long list of descriptive

characteristics listed on the SSD ballot.[161]Another peculiar caveat of the Russian ballot is that Russian voters can register their opposition against all of their electoral choices by marking a box labeled "against all" candidates or parties. Candidates in the SSDs are elected according to the plurality rule in which the candidate winning the most votes is elected. Finally, in order to be declared valid, SSD elections must obtain 25% participation which was lowered from a 50% participation threshold set for competitive elections in the late Soviet period.

Parties running in the list tier are required to collect 200,000 signatures (100,000 in 1993) with no more than 7% (15% in 1993) coming from any one federal region of the country (Belin and Orttung 1997: 28). List seats are distributed from one nationwide district rather than as regional lists with smaller district magnitudes. In order to win any seats in the list tier, a party must gain at least 5% of the list vote. Like Japan, Russia's MMM system is a parallel majoritarian system, with no linkage between the nominal and list tiers of the system. The two tiers of the system operate separately, allocating to each party the full number of seats won in each of the two tiers.

The Russian MMM system marked a significant departure from the two-round majoritarian rules that governed competitive elections during the late Soviet period. The introduction of a PR element in the list tier was the most significant change. But electoral reformers also introduced other significant reforms. Runoff elections in SSDs were dropped, and the assembly size of the lower house was cut by more than half as the Soviet-era unicameral legislature was replaced by a bicameral legislature.[162]These changes were made by reformers familiar with comparative experience in Western countries and their advisers who were well grounded in Western scholarship on the effects of electoral systems. They represented a conscious effort to achieve intraparty and interparty effects commonly attributed to electoral systems in the Western literature as well as pragmatic goals of maximizing seats for the parties preferred by the designers. In order to understand the reasons behind the introduction of a MMM system and the particular shape it took in Russia, one must consider the relative importance of all of the goals of the designers and appreciate the significant uncertainty under which they were operating.

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[161] A candidate's age, city of residence, and occupation are also listed on the ballot. Gender can be definitively determined in Russian names, and in 1993 a candidate's ethnicity was also listed on the ballot. Ethnicity was dropped in 1995.

[162] The upper house, the Federation Council, was originally elected in two-seat plurality elections held in the 89 federal subjects of Russia despite the fact that the constitution called for indirect regional election. Beginning in 1995, indirect election was implemented in which the executive and head of the legislature from each region automatically gained seats to the upper house.

Introduction of the MMM System by Decree in 1993

The decision to adopt a mixed-member majoritarian system in Russia was taken at a time of extraordinary political instability and conflict. In September 1993 President Yeltsin disbanded the legislature, the Congress of People's Deputies (CPD), which, in turn, impeached President Yeltsin. The constitutional crisis that ensued was resolved by military force in the streets of Moscow in early October, when the communist and nationalist opposition, holed up in the parliamentary building, took to the streets in armed rebellion. Yeltsin responded with overwhelming military force to defeat the opposition and imposed emergency executive rule. It was during this period that Yeltsin and his team introduced the new MMM electoral system as well as a new constitutional order with a very strong president as its centerpiece.

The institutional battle between the executive and legislative branches that led to the breakdown of the First Russian Republic was particularly acute because it was animated by a polarizing ideological struggle. Upon the collapse of the Soviet Union, President Yeltsin introduced a set of dramatic economic reforms that tried to quickly create elements of a market economy in Russia. This "shock therapy" approach produced strong opposition from the more conservative legislature which became dominated by anti-reform communists and nationalists, especially after economic reforms brought severe social costs, including hyperinflation. The ideological battle over the course of economic reform soon developed into a constitutional battle over which branch should have precedence in governing the country as the competing reformist and anti-reformist forces tightened their grip over the executive and legislative institutions, respectively. The convoluted distribution of powers in the old system (based upon a heavily amended Soviet-era Russian constitution) produced fertile ground for intractable executive–legislative conflict that ultimately led to a breakdown of the system (Breslauer 1993).

There were three major consequences of this political context. First, the necessity for agreement among all major parties on the design of the new electoral system was removed. Unlike Hungary, Russia did not employ roundtable discussions among all major political parties to hammer out an electoral law. With the introduction of emergency rule, Russia's opposition parties did not have an institutionalized voice in the crafting of the country's electoral law. This provided much greater opportunities for electoral engineering by President Yeltsin than would have occurred in a more inclusive institution-building process. Second, the polarized ideological environment provided great incentives for electoral engineering, favoring reformist parties, in order to further the policy agenda (radical economic reform) of the winners of the recent constitutional crisis. Finally, Yeltsin was simultaneously introducing a completely new constitutional order which substantially increased the power

of the presidency. Yeltsin and his circle of reformers hoped that such a strong presidential system could provide some much-needed stability to the system by prioritizing one branch, the executive, over all others. Moreover, the centralization of power in the executive placed the reins of policy-making squarely in the hands of Yeltsin. This constitutional reform would be a much greater priority for Yeltsin than the choice over electoral rules that was occurring at the same time (McFaul 1999).

Given these conditions, it is often assumed that the MMM system decreed by Yeltsin was driven principally by attempts to ensure the electoral victory of reformist parties, particularly Russia's Choice, the so-called "party of power" that was led by members of Yeltsin's administration (Urban 1994; Belin and Orttung 1997). Indeed, Urban argues that the central feature of the electoral rules governing the 1993 parliamentary election was "democracy by design, whereby those in control of the state machinery attempt to shape the institutions and procedures of a competitive election in ways that ensure an outcome favorable to the designers themselves" (Urban 1994: 128). The leaders of Russia's Choice were surely in a position to design a system beneficial to their electoral prospects. The leading figures of the party came from the top echelons of Yeltsin's inner circle who had final say over the electoral decree (Urban 1994: 131; Remington and Smith 1996: 1256; McFaul 1999). Yet, despite the advantages enjoyed by reformist forces during Yeltsin's period of emergency rule, the MMM system was the product of a longer and more inclusive deliberative process, which emphasized intraparty goals as much as interparty goals benefiting reformist parties.

Development of a new electoral system actually began in the Congress of People's Deputies during the year prior to its dissolution by Yeltsin. Beginning in 1992, two working groups within the CPD began working on very different draft versions of a new electoral law. One version, crafted under the leadership of Viktor Balala, a centrist deputy, called for parliamentary elections conducted solely in single-seat districts according to plurality rules. This draft rejected any use of PR because Russian parties were deemed too weak to accurately represent social interests. This proposal did have some support among elements within Yeltsin's circle, in particular Georgy Satarov, who concurred that Russian parties were too weak to play a positive role in the representation of the popular will. A different draft of an electoral law was crafted under the leadership of Viktor Sheinis, a reformist deputy who would become the chief architect of the MMM system that eventually emerged from the process. Sheinis proposed a mixed-member system that included a PR element, in order to stimulate the formation of parties, yet retained SSD seats, to maintain an element of local representation (McFaul 1999).

After the dissolution of the CPD in September, Yeltsin's Chief of Staff Sergei Filatov and his team took over the job of writing the electoral statutes

(McFaul 1999). Despite attraction to the Balala proposal for a pure majoritarian system among some elements of the Yeltsin administration, Filatov and his staff opted to base their work on the Sheinis proposal. According to McFaul, the immediate cause was that Balala's parliamentary faction in the CPD, Smena, had become increasingly critical of President Yeltsin, and even assisted in the defense around the parliamentary building during the standoff with Yeltsin (McFaul 1999). Based in part on short-term political considerations, the group led by Sheinis was invited to work with Yeltsin's team but Balala's team was not, placing the course of electoral reform firmly on a route to a mixed-member system.

Sheinis and his group of experts were vital to the introduction of the mixed-member system. These experts presented the mixed-member system as a grand compromise between extreme systems of pure PR and SSD elections that combined the incentives for party formation of PR with the personal representation of local constituencies found in single-seat districts. They argued that such a combination of incentives represented the best possible system for Russian party development. Sheinis claims that these arguments successfully overcame resistance from politicians in both presidential and parliamentary circles who were suspicious of PR and had benefited from the pure SSD system that was used in 1989 and 1990 (Strashun and Sheinis 1994: 66).

The invitation to Sheinis and his group of advisers was crucial to the establishment of some version of a mixed-member system as the basis of the new electoral arrangement in Russia. But the precise elements of the system were contested to the last moment. Sheinis proposed a one-to-one ratio between PR and SSD seats (225 : 225), partly in order to provide stability to the mixed-member system. Sheinis reasoned that if the mixed system had a greater number of SSD seats, the next legislature, dominated by legislators elected in single-seat districts, would have a ready-made majority that could easily replace the mixed-member system with a majoritarian system (McFaul 1999). An even split between PR and SSD seats provided a much firmer basis for the continuation of the MMM system by making half the legislature reliant on PR for their seats. However, Yeltsin's original decree, the infamous Decree no. 1400, which also dissolved the CPD, provided for a State Duma with only 400 members and an electoral system with more SSD seats than PR seats (270 : 130). The one-to-one ratio between SSD and PR seats that eventually became the basis of the system was established ten days later in a new decree (no. 1557), which increased the Duma membership to 450 and established an even split between PR and SSD seats. This change was accomplished only through intense lobbying by Sheinis, who arranged a personal meeting with Yeltsin and convinced him that an even split between PR and SSD seats was not only good for party development but also favored the electoral fortunes of pro-Yeltsin forces. Like many others at the time, Sheinis thought that reformist parties could win close to a majority of the vote in the list tier, but

because of their lack of grass-roots organization would not do as well in SSD elections. Prominent reformist politicians close to Yeltsin who were planning to run in the parliamentary election in the list tier, most notably Chief of Staff Filatov and presidential adviser Sergei Shakhrai, lent their support to the change, and Yeltsin was persuaded (McFaul 1999). Table 12.1 provides a chronology of the major decisions leading to the 1993 decree and the 1995 electoral law.

The above description of development of Yeltsin's decree suggests the MMM system was the product of two competing goals: promotion of party formation, and engineering a reformist majority in the new legislature. However, to understand all of the facets of the new system one must consider all the goals pursued by the framers of the system. The elements of Russia's

Table 12.1. The Adoption of a Mixed-Member Majoritarian System in Russia

Date	Event
1992–1993	Congress of People's Deputies forms two expert committees to draft a new election law. One committee, headed by Viktor Sheinis, proposes a 450 member State Duma with 225 legislators elected in SSDs and 225 legislators elected from party lists; the other committee, headed by Viktor Balala, proposes a pure SSD system.
September 21, 1993	President Yeltsin signs edict 1400 which creates a new 400-member State Duma formed from 270 SSD seats and 130 MSD seats.
October 1, 1993	President Yeltsin signs edict 1557 which creates a new 450-member State Duma with 225 legislators elected in SSDs and 225 legislators from party lists.
October 12, 1993	President Yeltsin, by force, closes the Congress of Peoples Deputies.
December 1993	New constitution approved in popular referendum simultaneously with elections for First State Duma.
March 24, 1995	State Duma passes its version of Law on the Election of Deputies which maintains the current distribution of seats in the State Duma: 225 SSDs, 225 MSDs (Duma version)
April 12, 1995	Council of the Federation vetoes Law on the Election of Deputies (Duma version).
April 21, 1995	State Duma accepts LED with minor revisions (Duma version).
May 4, 1995	Council of the Federation again vetoes the Law on the Election of Deputies (Duma version).
May 11, 1995	State Duma overrides the veto of the Council of the Federation on the Law on the Election of Deputies (Duma version).
May 23, 1995	President Yeltsin vetoes the Law on the Election of Deputies (Duma version).
May 24, 1995	State Duma fails to override presidential veto, agreeing to form a conciliation commission with representatives from the presidential administration, the State Duma, and the Council of Federation.
June 9, 1995	State Duma accepts conciliation commission's version of the Law on the Election of Deputies (conciliation version).
June 15, 1995	Council of the Federation approves Law on the Election of Deputies (conciliation version).
June 21, 1995	President signs Law on the Election of Deputies (conciliation version).

MMM system emanated from five related goals, three arising from expected intraparty effects of the proposed system and two arising from interparty effects.

As already noted, the primary intraparty effect that designers were hoping to accomplish was the promotion of party formation itself. The framers of the new system realized that Russian parties were weak and would not automatically form strong organizations capable of attracting the best candidates. Proportional representation provided a strong incentive for ambitious elites to form parties because access to the ballot required a party label and organization. Nonpartisanship was not an option. Moreover, voters were called on to choose among party labels rather than individuals. Thus, PR promised a step toward the establishment of party attachments among politicians, and between politicians and voters, that pure SSD elections did not. A closed party list used in the Russian list tier also provided the party leadership with greater control over nominations. Party leaders rather than voters determined the makeup of party lists. This provided party leaders with more leverage over rank-and-file deputies, because they controlled their positions on the list and thus their chances for re-election at least in the list tier. In short, PR was introduced for intraparty goals of producing a strong, internally cohesive party system. Viktor Sheinis, the most influential advocate of this approach, put the case for PR most succinctly: "No proportional representation, no parties" (cited in White et al. 1997: 109).

Second, while dedicated to the formation of parties through the introduction of a PR element, the framers of the new system also wanted to retain a strong element of local representation through SSD elections. This bond between representatives and a geographically defined district was viewed as an instrumental part of representation. In fact, there was a strong prejudice against PR among certain politicians (including some high-ranking Yeltsin aides) because it was feared that the parties encouraged by PR would be controlled from Moscow to elect politicians who lacked the personal support to get elected in a district (McFaul 1999). Well-known but unpopular politicians with connections to executive power could get into the legislature on the pro-government party list, or unknown and incompetent politicians could ride on the coattails of a charismatic opposition figure like the nationalist Vladimir Zhirinovsky into office. There were also pragmatic advantages to SSD elections and local representatives for Yeltsin. Regional political and economic interests were an important part of Yeltsin's support base and could be coopted by promises of regional representation in the Duma and upper house. Moreover, it was reasoned that deputies elected in single-seat districts would be less tied to a party and thus more susceptible to executive pressure or pork-barrel politics that could enhance Yeltsin's influence in the Duma.

Despite the framers' dedication to local representation, they also feared political mobilization revolving around local or regional identities, particularly

if these identities were ethnic in origin. Thus, a third intraparty effect of the designers was the "nationalization" of parties, that is, the formation of nationwide party organizations that could draw support from across Russia's eleven time zones and could compete for office at all levels of governance (national, regional, and local). The Soviet Union had collapsed in large part due to ethnically based movements demanding greater autonomy and ultimately independence from Moscow. Like the Soviet Union, Russia had regionally concentrated ethnic minorities living in federal subunits designated as non-Russian ethnic homelands (republics and autonomous *oblasts*), which provided powerful symbolic and institutional resources for the mobilization of non-Russian groups. There was a fear that Russia was vulnerable to demands for greater autonomy or even secession from non-Russian groups and even regional movements among Russians in far-flung reaches of the federation. Regionally based parties and movements could serve as the vehicle of this threat to central state capacity, whereas national political parties could serve as a vital mechanism for national integration.

Closed-list PR was seen as the principal instrument by which to accomplish this intraparty goal. However, the designers also instituted two rules within the list tier that were meant to combat the rise of parties with a specific ethnic or regional base. First, they required that parties collecting signatures for nomination on the PR list could gather no more than 15% of their signatures from any one federal region (lowered to 7% in 1995). This was intended to keep ethnic or regional parties off the list ballot and ultimately deter them from forming. Second, the designers did not seriously consider the use of regional lists and instead opted for a single nationwide PR district. The rejection of regional lists also served the purpose of promoting party nationalization. Regional lists might promote the formation of regional parties by organizing party competition at the regional rather than the national level. It seemed that the engineers of the system wanted to promote local representation of a specific type—either organized by national parties, or manifested by nonpartisan local notables who could be influenced by executive pressures. But they wanted to avoid regional political associations that could threaten national integration. This tension involving intraparty goals helps to explain the adoption of certain majoritarian elements (SSDs and legal thresholds) and the rejection of others (regional lists with lower district magnitudes).

The main interparty effect designers were concerned with was the engineering of a legislature with a pro-reform majority. While framers clearly wanted to construct an electoral system that promoted the election of reformers, there were obstacles to achieving this goal. The main obstacle was lack of reliable information to forecast the distribution of votes for particular parties under PR and SSD rules. The circle of advisers designing the law for Yeltsin were split on how best to promote a reformist victory. One group argued that SSD elections provided the best opportunity for reformist politicians. They

thought that plurality elections would create majoritarian tendencies that pushed pro-reform politicians into alliances with local centrist and business forces. These alliances were seen as capable of garnering majority support against consolidated leftist forces in an emergent two-party system. But another group saw a danger to reformist elements in SSD elections. They feared that SSD elections would benefit communists who had better grass-roots organization than reformers (Remington and Smith 1995; Belin and Orttung 1997). The uncertainty surrounding the electoral fates of particular parties under PR and SSD rules led Yeltsin and his advisers to opt for a mixed-member system that provided equal weight to the PR and SMD tiers.[163] This uncertainty and the expectation of plurality support for reformers also accounts for the adoption of an MMM system with parallel tiers rather than an MMP system with linked tiers. Given that no one could accurately predict which system (PR or SSD) would be more beneficial for reformist candidates, it seemed safest to establish equal PR and SSD tiers in a parallel system that allows both tiers to influence the final distribution of seats. That way, each tier could dilute possible detrimental outcomes in the other tier.

Finally, the designers also wanted to lower the number of parties and produce larger party coalitions through majoritarian features of the system. It was hoped that the plurality rule in the nominal tier would promote this consolidation. Two-round majoritarian elections are expected to allow greater proliferation of parties than plurality elections due to the existence of a second round run-off. It was expected that, without the hope of a runoff, politicians from minor parties would be forced to consolidate into larger coalitions, so that like-minded politicians would not run against one another in the same district, split the vote in their part of the electorate, and allow a candidate from the opposite camp to sneak into office. The parallel system would allow these consolidating tendencies of the SSD tier to have the greatest effect possible within the confines of a mixed-member system. The 5% legal threshold in the list tier was another mechanism designed to promote party consolidation and keep minor parties out of the legislature.

In addition to the competing intraparty and interparty goals of designers, the development of the MMM system in Russia was influenced by contextual factors. First, the simultaneous introduction of a presidential system made President Yeltsin less interested in the details of the electoral law for the State Duma. The new constitution with its strong presidency made Duma elections

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[163] Previous elections did not provide the designers with a reliable baseline to anticipate outcomes of PR or SSD elections for the set of parties likely to contest the 1993 elections. Legislative elections held in the Soviet period (1989 and 1990) predated the new parties forming to contest new post-communist elections. The referendum on Yeltsin's reform program and on the prospects of early elections, which was held in April 1993, presented the electorate with a bipolar contest between President Yeltsin and the Congress of People's Deputies that was not likely to be replicated in a more fragmented parliamentary election.

less important, which may have made Yeltsin complacent and thus willing to adopt the general model of an electoral law developed in the CPD before he disbanded it. Yeltsin seemed to rely heavily on his new constitutional powers as the safeguard of his authority and of his continued pursuit of radical reform, regardless of the outcome of the election to the State Duma. Second, one must acknowledge the influence of foreign models. Germany's positive experience with a mixed-member system was seen as model for Russian democratic development. Sheinis credited the MM system with helping Germany overcome its authoritarian tendencies and consolidate democracy, implying that a mixed-member system could do the same for Russia (Belin and Orttung 1997: 20).

On the basis of interviews with parliamentary and party leaders in 1993, Remington and Smith argue that there existed a general consensus in support of a mixed-member system to stimulate party formation through the introduction of an element of proportional representation (1995: 464). This consensus surrounding the expected intraparty effects of a mixed-member system, combined with the uncertainty over interparty effects of PR and SSD systems, made the mixed system a natural choice of the small group of politicians in control of the design of the electoral system.

The Battle Over the Electoral Law in 1995

The story of Russia's MMM system does not end with its initial introduction in 1993 by decree. The executive decree was no longer in force after the 1993 election, so a new electoral law needed to be passed. This more inclusive policy-making environment provided opportunities for a wider array of forces to have input on the system. Moreover, armed with the results of the 1993 election, politicians had much better information about the relative payoffs of the system for themselves personally, their parties, and their preferred policy outcomes. Therefore, interparty effects—most importantly the relative success of individual parties in PR and SSD contests—which were shrouded by uncertainty in 1993 became much clearer and rose to the fore-front in the struggle over the particulars of the system in 1995. Although now faced with the challenge of working with a parliament rather than ruling by decree, President Yeltsin still possessed great advantages over his political opponents because of the disproportional powers of the presidency. Yet, the electoral law passed in 1995 retained the most important elements of the previous system, despite Yeltsin's efforts to change it in a more majoritarian direction.

The outcome of the 1993 election was a great disappointment for President Yeltsin and reformers. In the list tier, Russia's Choice, which expected to

dominate the election given its well-known list of candidates, preponderance of resources, and domination of the media, was eclipsed by the ultranationalist Liberal Democratic Party of Russia (LDPR) and its flamboyant leader, Vladimir Zhirinovsky. Leftist opposition parties also did better than expected, with the Communist and Agrarian Parties both making strong showings in the PR race. Reformist parties appeared to be in disarray. Incapable of consolidating in a single coalition, pro-reform parties split the list vote four ways. Three of the four major reformist parties managed to overcome the 5% legal threshold and form factions in the legislature, but a fourth, the Russian Movement for Democratic Reform, missed the cut-off by less than 1%. The electoral system that was supposed to produce a parliamentary majority for President Yeltsin produced instead a State Duma dominated by opposition parties on the far right and left.

The picture in the nominal tier was quite different. No party performed particularly well in the single-seat districts. The majority of deputies elected in the SSDs had no partisan affiliation, and most of these independent deputies joined new parliamentary factions organized by fellow independents instead of joining factions based on parties that overcame the legal threshold of the PR tier. Russia's Choice was a partial exception to this trend, with thirty-three deputies from the SSD tier joining its faction. But this gain in the reform camp was counterbalanced by the left-leaning Agrarian Party, which had thirty-four SSD deputies join its parliamentary faction. In general, neither the gravest fears of the framers of the system (a sweeping communist victory due to its grass-roots organization) nor their highest hopes (reformist dominance through a coalition with local notables and centrist business interests) materialized. Instead, the SSD election was dominated by a nonpartisan local elite that tended to hold a centrist orientation.

The MMM system also failed to produce many of its expected universal party system effects. The new electoral system did promote the formation of parties and, along with internal rules of the State Duma, helped to establish parties as the centerpiece of legislative policy-making (Remington and Smith 1995). But most of these parties remained centered around individual leaders rather than broad social groups or policy programs, continuing the tendency of personality-driven politics (Fish 1997). The intended majoritarian effects of plurality elections and the legal threshold in the list tier failed to materialize. Parties did not coalesce into larger coalitions in response to these incentives, leaving the Russian party system as fractionalized as ever.

The battle over the electoral law has a rather complex history. While there were a number of competing ideas floated in the months leading up to the passage of the electoral law, most of the action centered on two major proposals. There was a Duma version of the law that basically retained the status quo of a parallel system with a one-to-one ratio between PR and SSD seats and no changes within the list or nominal tiers (such as a change in the legal

threshold or the adoption of runoff elections, respectively). On the other side, there was a presidential proposal that called for greater majoritarian features. Yeltsin wanted an increased proportion of SSD to PR mandates (300 : 150), the introduction of runoff elections in the SSD tier, and an increase in the level of participation necessary to validate elections from 25% to 50%. There were also other ideas included in both proposals that became bargaining chips during the negotiations. The Duma version included a provision that required civil servants and journalists to give up their positions if they wished to run for parliament. This was opposed by Yeltsin because it undermined the new pro-government party Our Home is Russia, which included many national and regional public officials. The presidential version included a requirement that deputies could not run simultaneously on a PR list and in a single-seat district; this was strongly opposed within the Duma. Both of these proposals were ultimately dropped in the final electoral law.

The debate over the electoral law played itself out in two arenas. Parties within the Duma staked out positions to further their own electoral and policy ambitions, which are well documented in floor debates and roll call votes. But the real struggle was between institutions, in which a majority in the Duma rallied behind the status quo against pressure for change from both President Yeltsin and the Federation Council. The Duma originally passed its version of the law retaining the status quo on its first reading in November 1994 without even considering the presidential version. However, this was against Duma rules. In March 1995 the Duma passed its version of the law in a second reading and rejected the presidential version. The Federation Council then voted down the Duma law sustaining the status quo. The Duma responded by approving its version of the law with only minor revisions. In May the Federation Council vetoed the Duma version again, but the Duma overrode this veto and sent to President Yeltsin for final approval. On May 24 President Yeltsin vetoed the bill. The Duma failed to override the presidential veto and the bill was pushed into a conciliation commission in which members of the Duma, Federation Council, and presidential administration were to hammer out a compromise. The product of this conciliation commission could only be described as a victory for the Duma. The most significant change affected the internal nomination practices of parties. In an attempt to provide greater regional representation in the list tier, parties were required to divide their nomination list into a "national" component of their twelve top candidates and a series of regional lists for the rest of their candidates. Parties were allowed to designate the number and size of their regional lists. Final distribution of seats in the list tier was still determined in one nationwide district with a magnitude of 225 seats. Also, the signature requirement for nomination in the list tier was doubled to 200,000 with only 7% of signatures coming from any one region (as opposed to 15% allowed in 1993). President Yeltsin won a minor concession when the Duma dropped the rule requiring state officials

and journalists to resign their positions if they wished to run for parliament. (See Table 12.1 for a chronology of this process.)

In order to understand the dynamics of this battle, it is important to understand the interests of the three major institutions involved: the President, the Federation Council and the State Duma. President Yeltsin's motives for desiring a change in the system after 1993 are assumed to revolve around the interparty dimension. Proportional representation failed to help reformist parties as expected. Indeed, the PR tier was the principal source of opposition seats, with 112 PR seats going to opposition parties (the LDPR, Communist, and Agrarian Parties) while only 78 PR seats went to reformist parties (Russia's Choice, Yabloko, and PRES). Increasing the proportion of the SSDs seemed like a sure way of weakening parties opposed to Yeltsin's political agenda, particularly the LDPR which won the most seats in the list tier (59) but failed miserably in the SSD tier, winning only five seats.

However, this ideological basis for Yeltsin's actions may be overstated for two reasons. First, the ideological cleavages in the State Duma between reformist and anti-reformist forces did not always neatly translate into support and opposition toward Yeltsin. While the Communist Party was consistently in opposition to Yeltsin's agenda, both the Agrarian Party and Zhirinovsky's LDPR were regularly key supporters of certain Yeltsin proposals. The Agrarian Party consistently supported Yeltsin's budget and held positions in the Yeltsin administration.[164] The LDPR also supported Yeltsin on key issues such as retaining strong presidential powers and the war in Chechnya. Moreover, these parties were susceptible to cooption with perks and pork provided by Yeltsin (V. Gitin, and O. Beklamishcheva, personal interviews 1999). On the other end of the political spectrum, the reformist bloc Yabloko was a consistently harsh critic of Yeltsin and could not be counted on for support. Even Russia's Choice would break with Yeltsin on key issues, prompting him to form a new "party of power" upon which to build parliamentary support, Our Home is Russia, led by the then prime minister Viktor Chernomyrdin. Second, it was easier to establish a pragmatic working relationship with SSD deputies based on patronage and distribution of regional subsidies. Over time, centrist factions formed by nonpartisan SSD deputies such as New Regional Policy, Stability, and Rossiya made up a crucial component of Yeltsin's ad hoc legislative coalitions.

Thus, in furthering his own policy interests, Yeltsin combined intraparty and interparty goals. The increase of SSD seats was meant to do more than just

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[164] The Agrarian Party, which was once considered the rural (junior) partner of the Communists, has recently broken with the Communists and joined the newest incarnation of the "party of power," the Fatherland-All Russia bloc led by Moscow Mayor Yuri Luzhkov, former Prime Minister Yevgeny Primakov, and powerful regional governors. While hardly a pro-Yeltsin coalition, this move demonstrates the weakness of the Agrarian Party's opposition to the free market.

undermine opposition parties like the LDPR. Although initially appealing to Yeltsin, strong parties of all ideological persuasions proved to be an obstacle to his authority. Thus, the increase of the SSD seats was intended to weaken parties generally and to produce a Duma less structured and dominated by them. In fact, McFaul claims Yeltsin's ultimate goal was to do away with PR completely, the move for more SSD seats being simply the first step in this master plan (McFaul 1999). Combined with this intraparty goal, Yeltsin wanted to benefit his newly formed pro-government party, Our Home is Russia. Since Our Home is Russia included a large number of regional government officials with high name recognition and strong ties to local districts, it was thought that the party would benefit from more SSD seats. (Like the assumption that PR would help reformist parties in 1993, this assumption proved to be wrong. The Communist Party was the big winner in 1995.) Finally, increasing the number of local districts was a political move to placate regional interests which were becoming increasingly important players in Russian politics.

The chief interest of the upper house was to increase regional representation. Thus, Yeltsin's proposal to increase the number of SSDs was warmly received within the Council of the Federation. The upper house of the legislature contains two representatives from each of Russia's eighty-nine regions. Designed to include the interests of the regions within the center, the members of the Council consistently backed regional demands. Most of the deputies in the Federation Council were regional leaders who wanted to enhance their own influence by increasing the number of SSDs in the State Duma (V. Sheinis, personal interview 1999). By reducing the number of PR seats, regional leaders hoped to reduce the role of Moscow-centric political parties and to create an electoral system based on local races that they could more easily influence.

One would assume that concerns over re-election would push PR deputies to support the status quo or even an increase in PR seats and SSD deputies to support the President's proposal for increased SSD seats. Ideological cleavages might be a countervailing force to these electoral considerations, with reformist deputies supporting the President out of solidarity and the hope of undermining anti-reformist parties like the LDPR and opposition parties supporting the status quo to frustrate Yeltsin and protect their electoral fortunes (Remington and Smith 1996). There is evidence that both of these factors were at work in the parliamentary debate, but the particular composition of the Duma made electoral considerations the dominant influence in the vote. Most parliamentary factions were formed around the parties elected from the list tier. Thus, even reformist parties close to President Yeltsin chose commitment to the system that led to their emergence over allegiance to the President. Tables 12.2 and 12.3 provide a breakdown of votes by parliamentary faction on the Duma and presidential versions of the electoral law, respectively.

Table 12.2. Vote on Presidential Version of Electoral Law Calling for a 300 : 150 Ratio of SSD to MSD Seats (March 15, 1995): Motion Fails [a]

Faction or deputy group	For	Against	Abstain	Not voting
Anti-reform				
KPRF	0	39	0	7
LDPR	0	37	0	18
Agrarian Party	1	36	0	14
Centrist				
DPR	0	4	0	4
WOR	1	1	0	19
New Regional Policy	36	1	1	1
Stability	25	1	0	11
Rossiya	25	2	0	10
Reform				
Russia's Choice	20	6	0	28
Yabloko	0	19	1	7
PRES	14	1	1	6
Independents	21	10	0	17
Total	143	157	3	142

[a] Abbreviations used for party names:

LDPR: Liberal Democratic Party of Russia

DPR: Democratic Party of Russia

PRES: Party of Russian Unity and Accord

Source: Remington and Smith (1996: 1274).

Table 12.3. Vote on Duma Version of Electoral Law Calling for a 225 : 225 Ratio of SSD to MSD Seats (March 15, 1995): Motion Passes[a]

Faction or deputy group	For	Against	Abstain	Not voting
Anti-reform				
KPRF	43	0	0	3
LDPR	5	4	0	46
Agrarian Party	50	0	0	1
Centrist				
DPR	8	0	0	0
WOR	21	0	0	0
New Regional Policy	10	17	2	10
Stability	9	14	2	12
Rossiya	11	11	0	15
Reform				
Russia's Choice	25	4	4	21
Yabloko	24	0	0	3
PRES	13	5	0	4
Independents	21	10	0	17
Total	240	65	8	132

[a] See footnote to Table 12.2.

Source: Remington and Smith (1996: 1275).

This tension between electoral and ideological incentives can be seen in the behavior of the potential allies of President Yeltsin. The most consistent support for the President's proposal came not from reformist parties, but from centrist factions made up primarily of nonpartisan legislators elected in nominal tier—New Regional Policy, Stability, and Rossiya.[165]Not only did these factions vote in favor of the presidential version of the electoral law, but most of their members also voted against the Duma version of the law after other initial supporters of the presidential version had defected to the other side. In Duma debates, NRP members consistently voiced support for a greater number of SSD seats (*Federal'noe Sobranie* 1995, 10: 699; 18: 153). Given their composition, these centrist factions were natural allies of the President although they were not considered to be as ideologically close to him as reformist parties. Two reformist factions traditionally supportive of Yeltsin, Russia's Choice and PRES, also initially supported the presidential version. Moreover, both of these factions had a significant part of their memberships elected in the nominal tier. Yet, unlike the centrist factions, these two reformist factions ultimately backed the Duma version of the law. Although strongly associated with the President, these factions, which had a majority of their members elected from the list tier, eventually backed the status quo. The other reformist faction Yabloko, which won an even greater proportion of its seats in the list tier, never supported the presidential version. Electoral incentives seemed to be more important than ideological commitments among pro-reform parties (see Tables 12.2 and 12.3).

The leftist and nationalist opposition had both electoral and ideological incentives to resist the changes to the status quo proposed by President Yeltsin. Not surprisingly, Vladimir Zhirinovsky and his Liberal Democratic Party of Russia (LDPR) were the chief advocates of PR and even called for the elimination of SSDs all together (*Federal'noe Sobranie* 1995, 17: 446–8). The LDPR pursued this demand for more PR seats by abstaining from the March 15 vote on the Duma version of the law but ultimately supported the Duma version of the law over the presidential proposal which was even more detrimental to its electoral interests, voting unanimously in favor of the final conciliation version of the bill that retained the one-to-one ratio of PR and SSD seats (Remington and Smith 1996: 1273). The Communist Party was not as beholden to the list tier for its seats as the LDPR, yet it still had a large majority of its members elected from the list tier and was a consistent advocate of the Duma version of the electoral law. The opposition party that

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[165] New Regional Policy was established soon after the 1993 elections as the dominant SSD-based parliamentary faction. Stability and Rossiya were not formed until later (March–April 1995) on the initiative of the presidential administration. These factions included mostly nonpartisan deputies elected in the SSD tier but also some defectors from Russia's Choice and other reformist factions that had become increasingly critical of President Yeltsin.

seemed to vote against its electoral interests was the Agrarian Party, which consistently opposed the presidential plan for more SSDs despite having a majority of members elected in the nominal tier. Contrary to the behavior of reformist parties, which seemed to place electoral interests over ideological interests, the Agrarian Party seemed to be siding with its ideological partners in opposition to the President rather than voting for its electoral interests.

The cohesion of parliamentary factions was important to the success of the Duma version of the electoral law. Given the competing electoral incentives of members elected from the list and nominal tiers of the system, one might expect a split within factions between PR and SSD legislators. Yet, as can be seen in the breakdown of the vote on the competing versions of the electoral law, factions tended to vote as a bloc. Factions such as the Agrarian Party, Russia's Choice, and PRES, which had a significant number of deputies elected from the nominal tier but took a position in favor of the status quo, did not experience a high number of defections to the President's side. The support for the President's version of the law did come from SSD legislators, who formed their own factions that were unrelated to parties emerging out of the list tier. Thus, a majority in favor of the status quo was based on the fact that a large majority of deputies joined parliamentary factions that were based on parties formed to compete in the list tier.

While concerns of electoral fortune seemed to dominate the thinking of Duma factions, there was evidence in the floor debate that deputies were also keen to maintain the intraparty effects of the MMM system. While Yeltsin was pushing for more SSDs to weaken parties, the Duma was defending the status quo in part to protect the newly emerging parties that were a consequence of the introduction of an element of proportional representation. Viktor Sheinis (now a member of Yabloko) argued that 225 PR seats represented a critical mass in the Duma, without which party formation would be difficult (personal interview, 1999). A deputy from the Women of Russia faction declared, "if we cut off parties and political movements from elections today, and make elections solely single-member district, we will never form a political system, the basis of which is parties" (Remington and Smith 1996: 1273–6). Finally, Vladimir Isakov, a member of the Agrarian Party, argued that the status quo's even distribution between PR and SSD tiers represented the golden mean between the extreme positions of the LDPR (pure PR) and the New Regional Policy (pure majoritarian) (*Federal'noe Sobranie* 1995, 10: 709). The mixed-member majoritarian system was again being advocated as a moderate middle ground between extreme systems.

The only significant change produced by the President's and Federation Council's calls for increased regional representation affected the internal nominating procedures of parties in the list tier. As a concession to the Federation Council in the conciliation commission, the Duma agreed that parties must divide their PR lists into a national list composed of the top

twelve spots on the list and a series of regional lists. These regional lists were determined by the parties themselves and thus could be different from party to party. Candidates are ranked within each of these regional lists and seats are distributed according to the regional distribution of the vote for the party. Unlike in Japan or Hungary, which established a number of smaller multi-seat districts outside of party control in their list tiers, this reform did not change the district magnitude of the list tier in Russia, because all 225 PR seats continued to be distributed according to the national-level PR vote.

This reform was designed to increase regional representation in the PR tier and weaken the perceived dominance of Moscow-based politicians in the list tier. But, since the parties themselves determined their own regional lists, the reform was thought to have only a marginal effect on the regional composition of deputies from the tier. The introduction of smaller multi-seat districts would have probably been a much more effective means of producing greater regional representation in the list tier. Moreover, by lowering the district magnitude, this reform may have promoted greater party consolidation in the list tier than the 5% legal threshold. Yet, this change was not implemented at the same time that registration rules tightened the constraints on regional and ethnic parties.[166]Obviously, a fear of the emergence of regionally based parties outweighed the desire for greater regional representation.

The outcome of this long drawn-out struggle between the Duma, Federation Council, and President Yeltsin over the electoral law was the maintenance of Russia's MMM system. Given the assumed dominance of the Russian presidency, it is interesting that the State Duma was the winner of this battle. The State Duma was not able to overturn Yeltsin's presidential veto, and a conciliation commission was formed to hammer out a compromise. So, why did Yeltsin compromise at this point?

Yeltsin had the constitutional power to stall the process long enough to be forced to impose an electoral system to his liking by executive decree in order to hold elections on schedule in December 1995. Yet he did not take this route, for fear that such a blatant use of his constitutional powers against the will of the legislature would undermine the legitimacy of any electoral process conducted under another electoral decree and thus undermine his own political legitimacy. He did not want to be perceived as delaying democratic elections. Thus, although he had great constitutional advantages in this struggle, President Yeltsin was politically constrained to accept a system contrary to his interests. On the other hand, perhaps the knowledge that he still possessed the lion's share of political power in the system contributed to Yeltsin's acceptance of this compromise.

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[166] Parties had to collect twice as many signatures to get onto the ballot and were allowed to collect only 7% from any one district as opposed to 15% in 1993.

Conclusions

Russia's MMM system was not a product of compromise among the major parties planning to contest elections. Rather, it was formulated by a narrow group of elites who had just won a violent struggle over their ideological enemies and were reconstructing the whole constitutional order to best serve their interests. Despite these circumstances, the choice of a mixed-member majoritarian system was not based solely on expectations of who would be the winners and losers under the new arrangement. Designers introduced the system because it provided the best likelihood of accomplishing their numerous intraparty and interparty goals. The designers wanted a system that would encourage party formation but retain local representation, advantage reformists, promote party consolidation, and produce national rather than regional party formations. The need to satisfy these often competing goals and to hedge their bets in the face of great uncertainty led those in power to adopt a mixed-member majoritarian system.

The designers were correct in some of their expectations but woefully wrong in others. President Yeltsin decided to try to change the system when the decree governing the first elections expired and needed to be replaced by a law. However, he now faced a very different policy-making context, one that provided the major parties with a voice in the design of the system. Although Yeltsin had great constitutional advantages (also created when he had the free hand of emergency rule), he faced a unified parliament with a majority committed to the status quo. Ultimately, the unified action of the constitutionally weaker Duma managed to win out and sustain Russia's MMM system virtually intact. The mixed-member system designed by Yeltsin produced outcomes contrary to his interests and has persevered in the face of attacks by the very interests that created it, once again demonstrating that institutions are not merely reflections of the interests of the most powerful actors in the political system.

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Part III Consequences of Mixed-Member Systems

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13 The Political Consequences of Germany's Mixed-Member System: Personalization at the Grass Roots?

Hans-Dieter Klingemann and Bernhard Wessels

Stability has been a central feature of the German political system and of the party system in particular. However, in recent years this impression has been shaken by increased volatility arising from issue voting and the personalization of politics. The notion of "personalization of politics" has been used to describe a growing phenomenon of the electoral process, especially in the era of television. In Germany this perspective focuses mainly on the impact of prominent politicians. Above all, candidates for the chancellor's office are perceived to be decisive for the parties' success or failure in elections. The 1998 federal election, for example, has been interpreted by many in terms of a battle between Helmut Kohl, the old incumbent, and Gerhard Schroeder, the young and dynamic challenger. This perspective is shared equally by political scientists and journalists (Pappi 1999).

In this context, it is interesting to note that the notion of the personalization of politics is rarely used to consider the impact of rank-and-file candidates for political office on the voting decisions of citizens. In Germany this comes as a surprise because the German electoral system was specifically designed to strengthen personal ties between representatives and constituents. The system combines the principle of proportional representation with the plurality principle in a particular way (Nohlen 1986). The total number of seats for each party passing the threshold is allocated proportional to its share of list votes on what is known in Germany as the second ballot (*Zweitstimme*). However, the law offers citizens the opportunity to select in single-seat districts (SSDs) half of the members of the national parliament (Bundestag) by a plurality of nominal votes on the so-called first ballot (*Erststimme*). It was the firm belief of the founding fathers that the plurality element would introduce incentives to a more personalized politics at the grass-roots level (see Chapter 3 above). Empirical evidence about the effects of this electoral institution is in scarce supply. Based on findings by Farah (1981: 191–2), Kaase (1984: 163–4) concludes that "the initial expectations in

designing the personalized proportional representation system (PR) with respect to citizen–deputy ties have certainly not materialized, despite obvious efforts by the deputies to establish firm roots in their constituencies." For Nohlen, an eminent expert of the German election law, this does not come as a surprise. He argues that it does not make much sense to distinguish between members of parliament (MPs) who are elected in a SSD and those elected on a party list, because the number of double candidacies has reached a very high level in Germany (Nohlen 1978: 305–6). Considering these results, one would not expect to find much of a *personalization effect* on the vote in the nominal tier. The same is not necessarily true for candidate vote in general. Ticket-splitting in terms of *strategic voting* is of relevance for election outcomes and for the shape of the party system.

This chapter addresses the question of the relevance the German mixed-member electoral system has for the party system and for candidate vote. The analysis proceeds in four steps and discusses the impact of the electoral system on the inter- and intra-party dimensions. The first two sections deal with the impact of the electoral system (a) on the party system, and (b) on voting behavior, with special attention to ticket-splitting. The third and fourth sections deal with (a) the opportunity structure for candidates as shaped by the electoral system and the parties, and (b) the likelihood of a performance-based personal vote. We conclude with a confrontation of the normative expectations of the founding fathers and empirical reality and speculate about the future of the German party system.

The Electoral System and the Party System

After World War II, all parties in the parliamentary council (Parlamentarischer Rat) were of the opinion that the stability and proper functioning of a parliamentary system could be strongly influenced by the proper choice of an electoral system. All parties agreed that the reintroduction of the pure proportional system of the Weimar Republic was not an option. Whereas the CDU/CSU favored a plurality system, the majority of the parliamentary council was against this proposal. The compromise consisted of an electoral system which combined a majority decision rule with a proportional principle of representation. This formula was thought to serve as a bulwark against party system fragmentation. Some changes of the electoral law in 1953 and again in 1957 led to the system that has been is in place ever since, except for the 1990 federal election—the first election of reunified Germany. In this system, citizens have the right to cast two votes in elections to the national parliament. The nominal ("first") ballot selects a candidate by plurality in SSDs (*Wahlkreise*). The list ("second") ballot is based on closed party lists

(*Landeslisten*), one in each of the sixteen federal states (*Länder*: ten before Saarland joined Germany in 1957, eleven before unification and until 1990). A nationwide 5% or three-SSD threshold applies for participation in list-tier allocation. The proportion of list votes a party receives determines its number of seats in parliament. Each party then gets its plurality-won seats plus the number of seats won by the proportional rule less the number of plurality-won seats. Thus, half of the seats are filled by the winners of the race in the SSDs; the remaining seats are filled from closed state party lists starting with the candidate ranked highest. The German electoral system knows no byelections. Seats, both SSD and list, that become vacant during a term go to the next highest ranked non-elected candidate of the party list. Empirically the number of seats vacated between elections has ranged from thirty to fifty-ine; the average is forty-two.

As the founding fathers had hoped, stability is the dominant feature of the German party system. This is true for turnover in governments, number of parties in parliament, and even aggregate vote volatility. Turnover in government as a direct consequence of an election has happened only recently in German postwar history (1998). Changes in governments until then came about as change of government coalitions. This was the case in 1965, when government shifted from a CDU/CSU–FDP coalition to a "grand coalition" combining forces of CDU/CSU and SPD. The grand coalition was followed in 1969 by a Social–Liberal (SPD and FDP) coalition. In 1982 the CDU/CSU–FDP government was reinstituted. It was voted out of office in 1998 and replaced by a Red–Green coalition government (SPD and Alliance 90/Greens). Disregarding the early period between 1949 and 1957, the average change of votes from 1961 to 1994 is 2.6% for the CDU/CSU and 2.5% for the SPD.

Regional stability of election results is rather high, too. Contemporary election results can be predicted by those of twenty years ago with a success rate of 80% (R^2: Wessels 1998: 262–5). The number of parties in parliament did not change over a twenty-year period (1961–80). In 1983 the Greens were able to overcome the 5% hurdle, and in 1990 the Party of Democratic Socialism (PDS) followed suit. In that election the PDS as well as Alliance 90 profited from a ruling of the constitutional court, valid only for the 1990 federal election, which allowed entry to parliament for parties able to win 5% or more of second ballots in the territory of the former GDR. At the same time, the number of parties presenting lists in federal elections has increased tremendously (Klingemann 1999: 117; Figure 13.1). These developments demonstrate two features of the German party system. There is stability, but there is also room for incremental change. The thresholds do not exclude all new parties from parliament. It may be difficult to overcome the 5% hurdle or the three-seats rule, but it is possible. Thus, thresholds contribute to the stability of the parliamentary party system, but they do not determine the number of parties in

parliament, nor do they limit interest in the formation of new parties. A changing political agenda and changing interests of voters can overcome the rules designed to keep small new parties out. The concern for the environment has given strength to the Greens. Regional interests of citizens in the new *Länder* can be linked to the electoral fortune of the Party of Democratic Socialism (PDS), the successor of the former communist Socialist Unity Party (SED), which since 1990 has been on the rise. In both cases, these concerns were strong enough to secure parliamentary representation.

Participation in elections is an additional indicator of electoral stability. In Germany turnout figures hover around 85% in most elections. This situation changed in 1987. The proportion of non-voters increased to 23% in 1990. However, turnout has risen again since then, and non-voting dropped to 18% in 1998 (Figure 13.1). This indicates that the German party system continues to attract voters to participate in the electoral process.

Figure 13.1 Basic Characteristics of the German Party System: Number of Parties Running State Lists, Parties in Parliament, Voter Volatility, Index of Disproportionality, and Percentage of Abstentions
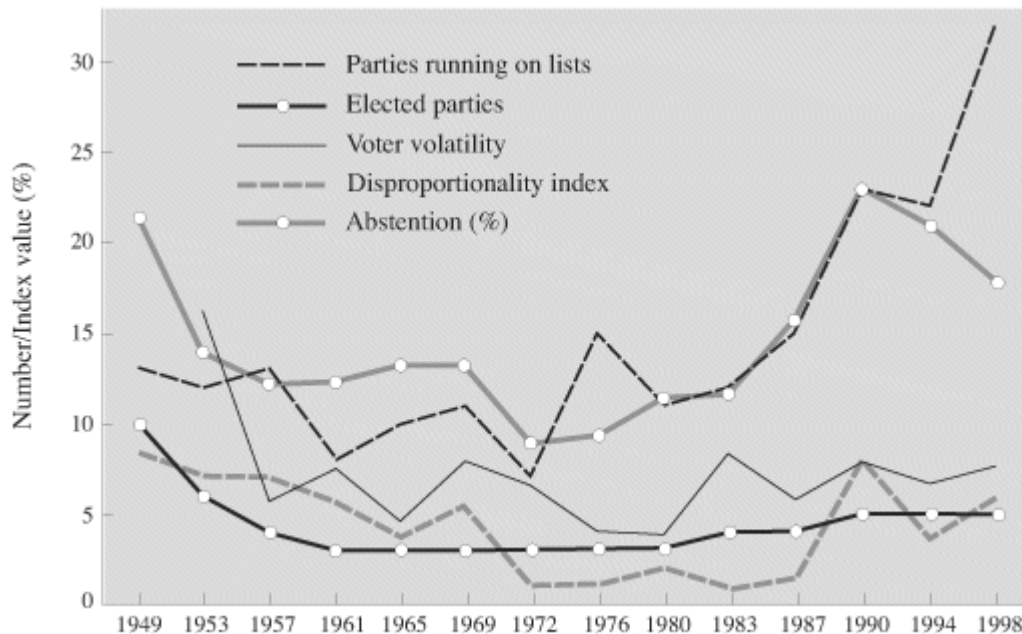
There is some evidence that the electoral system contributed to the stability of the German party and parliamentary system. This can be shown by the effect of the changes of the electoral law on the party system. The election law was changed four times. (1) In the 1949 elections voters could cast only one vote, and the threshold to overcome was 5% in either of the *Länder* or one SSD-seat. (2) In 1953 the 5% threshold was applied nationwide, and the one-SSD-seat

threshold remained. (3) In 1957 the SSD requirement was changed to three SSD seats. Nationwide 5% or three SSD-seats have been the threshold criteria ever since, with the exception of (4) the 1990 election, when the 5% threshold was applied to the territory of the new and the old *Länder* separately.

Each of the four variants of the German election law have set a different effective threshold. Thresholds can be defined in both legal and theoretical terms. "The latter arise from the interplay between district magnitude and allocation formulas" (Taagepera and Shugart 1989: 133). In contrast to legal thresholds, theoretical thresholds can account for many other parameters that influence the exclusion or inclusion of parties. District magnitude is one of the most important features that determine the outcome of electoral systems (Cox 1997: 228). It is also a central element of thresholds. District magnitude, like thresholds, can also be defined in both legal and theoretical terms. Taagepera and Shugart (1989: 135 f.) refer to the result of the theoretical definition as the *effective* magnitude.

In complex electoral systems, only a successive application of different theoretical and practical considerations can account for an estimate of the effective district magnitude. In Germany three elements define the effective district magnitude: (1) the number of elected representatives divided by the number of districts; (2) the effective threshold, which is the mean of the upper and lower thresholds as an expression of the legal 5% hurdle; and (3) the rule permitting parties with less than 5% to participate in list allocation based on SSDs won. Since one of the measures may overstate the magnitude estimate and another one may understate it, the measure we apply takes into account the considerations of Taagepera and Shugart and calculates effective district magnitude as the geometric mean of all three measures. Of course, this figure is just an approximation to the theoretical threshold and can most certainly be improved upon. (For a specification of our formula, cf. Figure 13.2.)

Empirical results demonstrate that there is a close relationship between changes of the electoral system and the *effective* number of parties. In 1949 the theoretical threshold was low and the number of effective parties high. In 1953 the electoral system defined an intermediate position with a nationwide 5%/one-SSD-seat threshold. Under these conditions, the effective number of parties was lower than in 1949 but higher than in 1957, the current electoral system. The 1990 electoral law was a special case. For reasons of fairness, the constitutional court (Bundesverfassungsgericht) had ruled to apply the 5% threshold separately in the new and the old states of the federation. This ruling resulted in a lowering of the effective threshold, and consequently in a higher effective number of parties compared with 1957 or 1987, the last election before unification. In 1994, however, the effective number of parties did not decrease as one would expect, because of the return to the rule established in 1957. But as Taagepera and Shugart (1989) have pointed out, the size of the

Figure 13.2 Electoral System Change and the Number of Parties in Germany
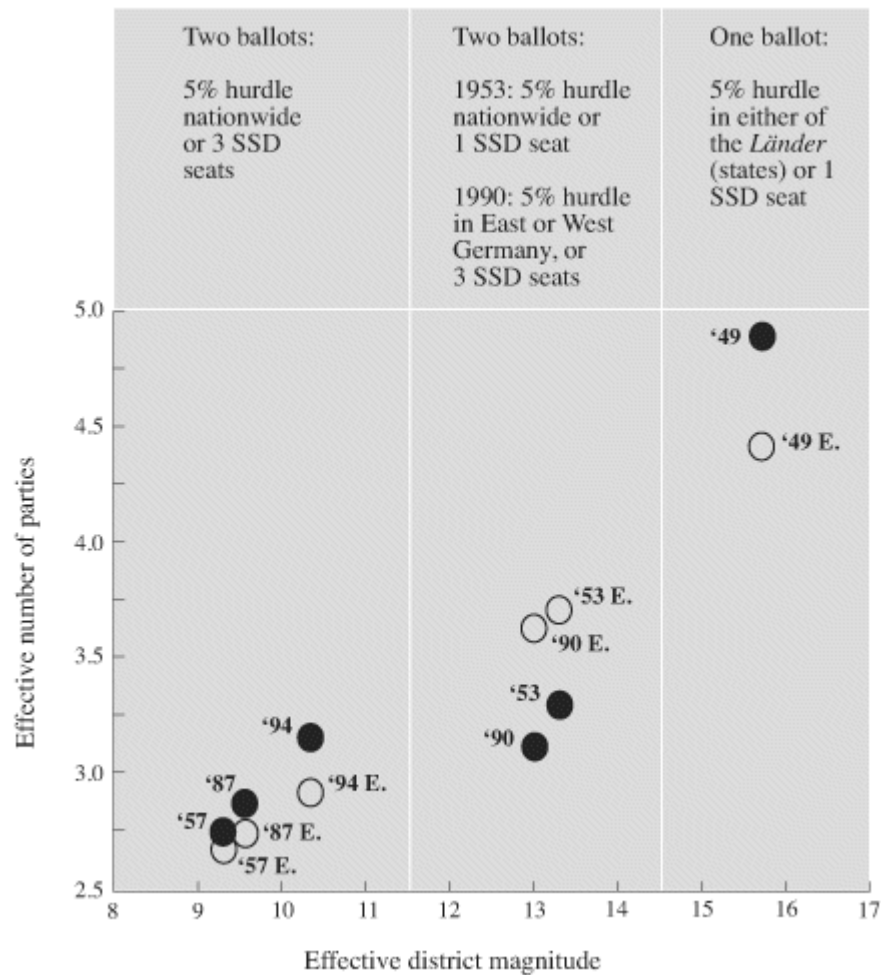
party system is not just a matter of the electoral law but also of cleavages and history, and is contingent on how many parties existed before a change of rules. Figure 13.2 shows the empirical value of the effective number of political parties as well as the results of our theoretical estimates. The statistical relationship between the two sets of figures is rather strong and statistically significant: 75% of the variance is accounted for. The equation for the effective number of parties is: $N_{Eff} = 0.24 + 0.27(M_{Eff})$, where N_{Eff} is the effective number of parties and M_{Eff} is defined as the effective district magnitude; the standard error for B is 0.08.

For most of the time, the German party system has been a two-and-a-half party system of a bipolar structure, with the Free Democrats (Liberals) being the key actor to make or break governments (as happened in 1969 and 1982). Since 1983 Germany has been a "two-and-two-halves" party system due to the electoral success of the Greens. This has probably stabilized the bipolar structure of two political camps (*Lager*), i.e. the Christian Democrats/Christian

Socials and Free Democrats vs. the Social Democrats and Greens. However, the two-and-a-half pattern, in which the smallest party is decisive for majority formation, was probably more conducive for effective government formation than the "two-and-two-halves" situation encountered since 1983. With the PDS entering the Bundestag in 1990, the situation has become even more complicated. Although the structure is still bipolar, the possibility of an overall left coalition including the PDS is rather unlikely. However, the 1998 elections demonstrated that some election results may make government formation easier than could be deduced from theoretical considerations alone.

The future of the German party system at the federal level is probably fixed for a long time as a "two-and-three-halves" party system with a bipolar structure. Only once—during the period of the Grand Coalition (1966–1969)—did this bipolar structure seem to vanish, although a similar situation was anticipated by many well informed observers before the 1998 elections. However, there is a clear understanding among most party elites that a Grand Coalition should only be a last resort of government formation, in times of serious crisis. The 1998 election result seems to indicate that citizens share a similar view. Strategic voting behavior to avoid grand coalitions is much eased by the fact that Germans have two votes in federal elections. Thus, voters can express their respective preferences with regard to coalitions as well as candidates on the performance evaluation.

Electoral System and Voting Strategies of Citizens

Voters may decide to split their votes for a number of different reasons. The original idea of such a ballot structure was to give voters a chance to cast a *personal vote*. Citizens will generally vote for a candidate because the candidate is thought to be competent. However, ticket-splitting can also be used strategically to support the formation of a particular government coalition. If a nominal vote is based on competence, the voter *may* split his ticket, but he may not. If an outstanding candidate is of the same party as the voter would vote for anyway, then no ticket-splitting will result; however, if the candidate happens to be identified with a different party, ticket-splitting is highly probable. Casting a personal vote in this manner is mainly performance-motivated. Little is known about performance-driven personal voting in Germany. Another motivation for ticket-splitting is *strategic voting*. Strategic voting means splitting the ticket between two parties which the voter would like to see form a government.

Neither performance voting nor strategic voting results in wasted votes. According to our definition, strategic voting implies giving the nominal vote

to the larger coalition partner, regardless of the performance of the candidate. The likelihood of a wasted vote is reduced due to the relatively higher probability that the larger coalition partner, compared with the smaller one, will win the SSD. Vote-splitting between parties has had an impact in recent elections, and has improved the chances of effective government formation. It is also thought to have contributed to a higher electoral involvement of citizens (Duverger 1954; Fischer 1973). However, the idea that voters are really able to make strategic use of the two ballots is a perspective that is not shared by all experts. One prominent counter-argument stresses the fact that the distribution of seats is governed by the list ballot anyway, because the nominal vote does not affect the distribution of seats. Therefore, according to this view, strategic voting by differential use of the nominal and the list ballot is an illusion (Jesse 1988). However, this argument is not convincing, on two grounds.

First, the election law allows for so-called overhang seats (*Überhangman-date*). If the number of SSDs won by a party is higher than the number of seats allocated by the party's proportion of list votes the party may keep the additional seats. Thus, the possibility of changing the total number of seats in the federal parliament (Bundestag) by strategic voting behavior does exist. Until unification, the number of surplus seats was rather small. In the four elections from 1965 to 1976 there were no surplus seats at all; in other elections the numbers ranged from one (1980, 1987) to five (1961). The greatest beneficiary up to 1987 was the CDU/CSU, which gained twelve of the total of seventeen seats in this period of time (with the SPD gaining four and the DP German Party, one). This situation changed drastically after unification. The number of surplus seats amounted to six in 1990 (all CDU/CSU), sixteen in 1994 (twelve for the CDU/CSU and four for the SPD), and thirteen in 1998 (all SPD). Although surplus seats were certainly helpful to form governments (especially in 1994), they never tipped the scale.

There are two reasons, both linked to unification, which may explain the increase in surplus seats. On average, SSDs are smaller in the new than in the old *Länder*; and the structure of party competition in the SSDs differs between the new and the old *Länder*. Due to the relative strength of the Party of Democratic Socialism (PDS), a three-way race is much more typical in East than in West Germany. In the 1998 election, for example, a SSD was won by less than 40% of the votes in East Germany in 34 of the total of 72 SSDs; in West Germany the same figure was 4 out of 256 SSDs. Here the third party was Alliance 90/the Greens (Infratest dimap 1998: 25).

The second reason why strategic voting is consequential in Germany is that casting a list vote for a minor party *de facto* almost always amounts to voting for a coalition regardless of the nominal vote. Bawn (1999) has demonstrated that for the period 1969–87, voters made different uses of the SSD and the list ballot: (1) there is always a positive difference of some percentage points between list votes and district votes for the major parties (this is true for up to

96% of the major parties' candidates); (2) the ratio of strategic voting patterns (when voters cast their district vote for a major party and their list vote for a minor party) increased between 1969 and 1987 from 2.4 to 6.5 in favor of such "strategic" voting patterns.

Bawn's findings support a notion of strategic voting. This notion is also confirmed by our own results. First, ticket-splitting has tripled between 1957 and 1998. In 1957 6.4% of the voters were ticket-splitters; today the proportion of ticket-splitters has risen to 20% (Figure 13.3). Roughly one-fifth of all voters make use of this option today, and it seems that the electorate has become more and more accustomed to its potential (although for a larger part of the electorate the difference between and impact of nominal and list votes still seems not to be totally clear in an abstract interview situation: Schmitt-Beck 1993).

However, not all ticket-splitting can be called strategic. In our understanding, two conditions must be met in order to characterize ticket-splitting as strategic. First, voters must know the coalition preferences of political parties. This can be safely assumed, since most parties announce their coalition preferences prior to elections and this is publicized widely. Second, voters must take these coalition preferences into account and cast their two ballots accordingly; that is, the nominal vote must be given to a major party, since small parties almost never win SSDs, and the list vote must be given to the smaller potential coalition partner. A less restrictive criterion for strategic voting would be to regard as strategic any ticket-splitting that allocates the nominal vote to a smaller party and the list vote to a major party. The latter definition was used by Bawn (1999). Obviously, this definition does not exclude unlikely coalitions and thus disregards the wasted vote argument. Empirically, however, the difference between our more restrictive criteria and the less restrictive criteria used by Bawn is small indeed: between 1976 and 1998 the difference never exceeded 1.7% (on average: 1%). Defined in the restrictive sense, strategic coalition voting increased from 2.4% in 1976 to 7.4% in 1998. This increase co-varies with the general increase in ticket splitting. Thus, on average, the proportion of strategic voters so defined remains at the level of about 40% of all ticket-splitters (Figure 13.3).

The impact on election outcome was probably strongest in the 1998 elections, where 3.9% of the electorate split between CDU/CSU and FDP, and 3.5% between SPD and Greens (calculations based on data from Hilmer and Schleyer 1999: 17). If voters had not decided to split, either the smaller party would have lost the same amount of list votes (which would mean that the two small parties would not have overcome the 5% threshold), or the two large parties would have lost district votes of roughly thirteen (resp. eleven) seats. Neither of these scenarios may be realistic; real voting behavior would probably be something in between. Still, some percentage points less for the smaller parties could have altered election outcomes seriously. (The Free

Figure 13.3 Ticket-Splitting and Strategic Coalition Voting in Germany
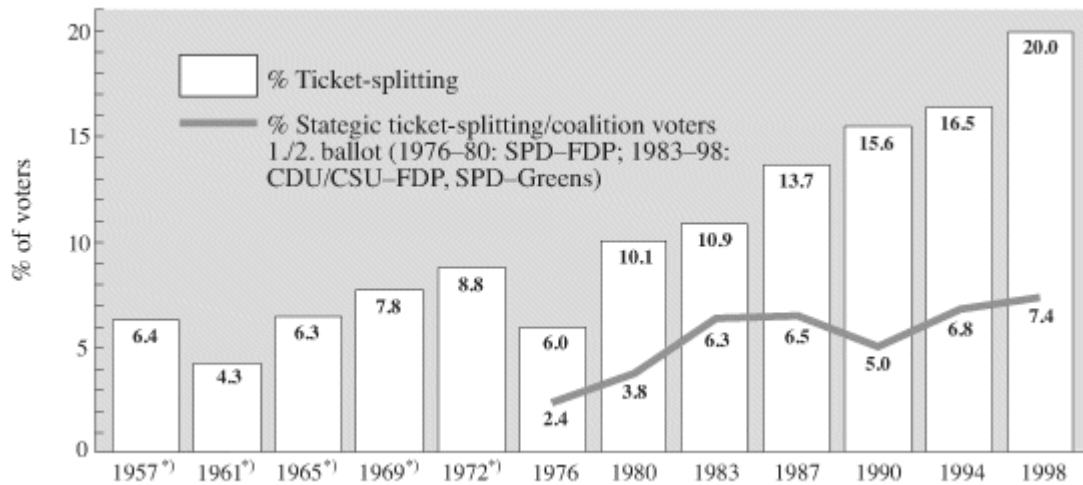
* Data for strategic coalition voting not available
Source: own calculations; also Hilmer and Schleyer (1999).

Democrats gained 6.2% and the Greens 6.7% of list votes.) We can safely conclude from these findings that one can identify a sizable group of citizens whose voting patterns indicate that the nominal and list votes are used to express different party or candidate preferences. The reason may be strategic, but there is also much room for a performance-based interpretation of the personal vote. If there is such a performance-based personal vote, performance should make an independent contribution to a candidate's probability to be (re-)elected. If parties also think that there is something like a performance-oriented personal vote, this should be reflected in candidate selection. We are turning to the latter question first and to the question of the impact of performance in a later section.

Candidate Selection and Opportunity Structures

The party law demands democratic procedures for decision-making processes within political parties, including candidate selection. Thus, more than in many other democratic countries, candidate recruitment follows rigorously defined legal rules (G. Roberts 1988: 97).

Reflecting the dual voting procedure, candidates must be selected at the district level and at the state level. Candidate selection at the SSD level is controlled by the local party organization. The state party organization, on the other hand, controls the formation of the respective state party list. In SSDs votes are cast either by all members of the local party branch (*Kreisverband,*

Unterbezirk) or by a committee of delegates chosen by the local members. Empirically, numbers of delegates of election committees range from twenty-five to one hundred (Zeuner 1971; Porter 1995).

At the state level candidates are selected by about 250 to 300 delegates representing local party branches in proportion to membership size. Usually the state party executive proposes a list of candidates, and delegates vote on each of the candidates, starting with the highest ranked position on the list. In order to win a position, a candidate must obtain the absolute majority of votes.

The perceived importance of candidate characteristics for nomination differs somewhat between SSD and party list candidates. "Competence in political matters" is regarded as very important by both groups of candidates. However, SSD candidates rank "performance in constituency service" higher than party list candidates, while the reverse is true for "political position within the party" (Table 13.1).

Table 13.1. Average Importance of Perceived Candidate Characteristics in Germany, by Type of Nomination (Candidates of SPD and CDU/CSU Only)[a]

	SSD nomination	Party-list nomination
	(1 = very important; 5 = not important at all)	
My ability to win votes	1.89	2.92
My political position within the party	3.84	2.32
My performance in party work	2.44	2.52
My performance in constituency service	1.91	3.06
My competence in political matters	1.69	2.21

[a]   Number of candidates: 315.
       Source: Porter (1995: 84–6).

Conflicts about candidate nomination occur more often at the state than at the district level. This may be due to the fact that a good position on the party list is a safer way to win a seat than just running in a SSD. Only 17% of all districts return MPs safely (Schindler 1994: 553). On the SSD level conflicts seem to be rare. However, if one compares the relative importance of different types of conflict, patterns are similar. In both cases conflicts between "old" and "new" candidates seem to be the most severe ones. Newcomers have a hard time both ways (Table 13.2).

There are reasons to believe that competition for promising list positions has increased over time. From 1949 to 1976 the number of candidates in federal elections rose from 2,324 to 3,244. This figure dropped somewhat until 1983, to strongly rise again thereafter. In 1998 the total number of candidates was 5,062. Thus, disregarding fluctuations over time we can observe a net

Table 13.2. Types of Conflict in Candidate Selection Meetings in Germany at SSD and State Levels as Perceived by Local Party Chairs (SPD and CDU/CSU Only)[a]

	SSD level	State level
Conflicts between:	(1 = applies fully; 5 = does not apply)	
Old and new candidates	4.06	2.80
Party factions	4.20	3.63
Party leadership and regulars	4.53	3.71

[a]   Number of party chairs (*Kreisvorsitzende*): 350.

   Source: own calculations based on Porter (1995: 29, 32).

increase of 2,738 candidates between 1949 and 1998. The total number of seats in parliament has changed on two occasions: 100 seats were added in 1953 as an initial adjustment, and 143 seats were added in 1990 as a consequence of German unification. Until 1990 there was an average of 5.4 candidates per seat; or, to put it differently, on average 19% of all candidates got elected. The large increase in number of candidates during 1990–8 has

Table 13.3. Type of Candidacy and Probability of Election, by Parliamentary Parties in Germany in 1994 and 1998

	SSD only		Party list only		SSD and party list		
Candidates	%	% elected	%	% elected	%	% elected in SSD	% elected from list
1994 general election							
SPD (*n* = 532)	1.1	0.4	38.5	0.8	60.3	19.0	29.1
CDU (*n* = 511)	9.4	8.6	44.6	0.6	46.0	26.0	12.5
CSU (*n* = 69)	33.3	33.3	34.8	7.2	31.9	30.4	1.4
FDP (*n* = 378)	19.0	0.0	14.3	0.5	66.7	0.0	11.9
Greens (*n* = 367)	44.7	0.0	15.8	0.5	39.5	0.0	12.8
PDS (*n* = 269)	39.4	0.4	25.7	0.1	34.9	1.1	8.9
Total[a] (*n* = 2126)	19.7	3.3	30.0	0.8	50.3	12.1	15.3
1998 general election							
SPD (*n* = 553)	1.8	1.3	40.7	1.4	57.5	37.1	14.1
CDU (*n* = 523)	11.1	7.5	46.1	1.1	42.8	6.7	22.6
CSU (*n* = 79)	35.4	32.9	43.0	5.1	21.5	15.2	6.3
FDP (*n* = 411)	18.7	0.0	20.4	0.0	60.8	0.0	10.5
Greens (*n* = 409)	35.5	0.0	20.5	0.0	44.0	0.0	11.5
PDS (*n* = 333)	45.6	0.0	25.5	1.8	28.8	1.2	7.8
Total[a] (*n* = 2308)	20.4	3.1	32.6	1.0	47.0	11.1	13.7

[a]   Parliamentary parties only. Total number of candidates of all parties: 1994, 3,931; 1998, 5,062.

   Source: German Candidate Data 1994.

decreased the proportion of candidates elected to 13%—despite the increase of the total number of seats. However, one has to keep in mind that this ratio is much better for candidates of parties that have already entered parliament. (Here the ratio is 1 : 4, Table 13.3.)

Table 13.3 shows some important similarities and differences between types of candidacy. First, about half of the candidates of parliamentary parties run both on a state list and in a SSD. This begs the question of the relative importance of the local district and the party. Do politicians with a double candidacy have any incentive to work for a local constituency? Table 13.3 shows that politicians who manage to get double candidacy have a much higher chance to get elected (with CSU candidates being the exception). There is, however, another finding which is more important to our question. The probability for double-candidacy politicians to win a seat via the district or the list mode is almost equal, which should provide an incentive for double-candidacy candidates to seriously consider interests and demands of the local constituency. This should, of course, be particularly true for candidates with insecure list positions. If it is, even double-candidates should form some kind of district orientation that impacts on their district performance in order to reduce uncertainty about re-election chances.

District Performance of MPs and the Vote

As demonstrated, the German mixed-member system does not necessarily imply that list candidates would lack a local orientation. One reason is to reduce uncertainty about re-election prospects. Second, all parliamentary parties—in particular the two large ones—see to it that deputies are assigned to constituency service regardless of which tier they are elected from. Even candidates who have lost in the district even have an office there if they are of the two larger parties. Candidates of smaller parties often have to take care of a larger territory than just the district. Considering this general situation, one would not expect to find many differences between MPs who get their seat in a SSD and those who enter the Bundestag via a state list. On the other hand, one could plausibly argue that the probability for (re-)election for SSD legislators should be higher if they care more for their constituency, and that those party list candidates should do better who are more oriented toward their party. The assumption is that a SSD MP (in contrast to a list MP) will be less willing to respond to party concerns. Rather, even their parties expect SSD MPs to be competent and perform well in the constituency rather than to follow the party (Table 13.1). This expectation relates to a distinction made in the German basic law (*Grundgesetz*). On the one hand, the MP is described as independent and responsible only to his own judgment or conscience (§38).

Thus, his competence counts. On the other hand, political parties are characterized as organizations that are obliged to participate in the formation of the political will (§21). Thus, the political party counts. This is also reminiscent of the classical distinction between the two major models of representation: the trustee model and the delegate model. In this sense, the SSD MP may be more concerned with his own judgment as a yardstick for his behavior, whereas a list MP may put more emphasis on the party line. Nevertheless, it is an empirical question whether SSD MPs place more emphasis on representing constituency interests and party list MPs are more responsive to the political needs of the party.

Survey results show statistically significant differences between the two types of representatives. Although most MPs prefer the "trustee" *style of representation,* SSD MPs are even more attracted to the trustee model (Table 13.4). Even more striking is the difference with respect to the *focus of representation.* More than 80% of SSD MPs want to represent *all* citizens of the constituency, whereas the respective figure for list MPs is 55%. Even with respect to candidate behavior, such as contacting citizens in the district, a difference remains visible. Almost all SSD MPs (99%) have contact with citizens of the local district at least once a week, whereas the same figure for list MPs is 15 percentage points lower (84%: see Table 13.4). This reflects a clear difference between winners and losers in SSDs, even though both may have district offices and care about the constituency. The reason probably is that it is not easy to be a successful challenger of a sitting SSD MP, and that candidates who have lost that battle see greater chances for re-election on the list instead of in the SSD.

These results indicate that type of mandate makes a difference for role orientation. However, the findings do not say whether these differences have an impact on the citizens' vote. In order for candidates to have an effect on the

Table 13.4. Representational Role Orientations of SSDMPs and Party List MPs in Germany

	MPs elected MPs elected in SSDs (%)	MPs elected via Party List (%)
Decisions should be based on own judgement alone[a]	78.8**	67.0**
MP wants to represent all citizens in local constituency	83.2***	55.6***
At least weekly contact with ordinary citizens	98.5***	84.4***
n (approx.)	132	176

[a]   % first choice as criteria for guiding political decisions.

*   between group difference sign. > 0.05.

**   between group difference sign. > 0.01.

*** between group difference sign. > 0.001.

   Source: German Members of Parliament Study 1996.

vote, they must be known and evaluated by citizens. In PR systems it is not very likely that rank-and-file candidates are easily recognized. However, the dual system in Germany may have been more successful than other PR systems in creating closer ties between representatives and the represented. Results from comparative post-election surveys of the Comparative Study of Electoral Systems (CSES 2000) project show that Germany finds itself in a middle position between pure PR and plurality or majority systems. About 40% of the electorate can correctly name at least one candidate who ran in the district in the last election (Table 13.5). This is a much higher proportion than, for example, the one observed in Spain, a pure closed-list PR system, and is indeed greater than in two systems in which nominal votes alone determine the order in which candidates are elected in multi-seat districts (Taiwan and Poland).

Table 13.5. Correct Knowledge of Candidates: Ten Countries[a]

Country (rank order)	At least one candidate named correctly (%)	Type of electoral system[b]	No. of cases
Great Britain	60.5	SSD, plurality	2931
Czech Republic	57.6	PR, flexible list	1229
Australia	57.5	SSD, alternative vote	1798
USA	52.0	SSD, plurality	1534
Germany	41.6	MMP	2019
Ukraine	39.1	SSD, majority	1148
Taiwan	36.9	SNTV	1200
Poland	38.0	PR, open list	2003
Romania	29.5	PR, closed list	1175
Spain	26.4	PR, closed list	1212

[a]   Respondents were asked to name candidates who ran in the last election and their responses were classified according to correct names mentioned.

[b]   Electoral systems: PR = proportional. District type: MMD = multi-member district; SSD single seat district.

Source: CSES (2000), post-election surveys: most recent national election, i.e. 1997–9. Survey data can be downloaded from http://www.umich.edu/~nes/cses/cses.htm.

For strategic voting it is not necessary to know or recall the names of candidates. They are given on the ballot anyway, together with the parties they represent. This fact certainly eases coalition as well as candidate voting. In this analysis we can get a step closer to answering the question of whether perceived candidate performance matters for the vote in the mixed German electoral system. From surveys among voters in all constituencies before the 1998 elections (roughly 300 respondents in each SSD, a total of more than 90,000 interviews), we can estimate the perception of the performance of candidates by citizens, district by district (research project, "The Performance of German MPs": see FORSA (1998)). Information about knowledge of

candidates, perceived general political performance and perceived constituency performance is available from this rather unique survey. We hypothesize that differences between candidates are perceived as being mainly performance-based. However, voting decisions are inspired not just by perceived candidate performance: other factors contribute to the voting decision as well.

In addition to perceived candidate performance, we consider and control for two other variables. First, citizens often ask themselves whether or not a vote for a smaller party is "wasted." In this respect, candidates of the two large parties should have an advantage over candidates of the smaller parties (the *wasted vote hypothesis*). Second, the incumbent should have an advantage over the challenger (the *incumbency advantage hypothesis*). This is because the incumbent is more visible in the district and has had a greater chance to build his following. With respect to candidate performance, the hypothesis is straightforward: perceived constituency performance should have a stronger impact on the voting decision than perceived general political performance (the *constituency performance hypothesis*). The dependent variable is the proportion of nominal votes cast for a SSD candidate.

Results from regression analyses confirm all three hypotheses. The crucial question is, however, how strong is the candidate performance factor? Table 13.6 provides the estimates. Confirmation of the wasted vote hypothesis is reflected in the advantage for candidates of large parties: the difference between candidates of large and small parties amounts to 27 percentage points. The incumbency advantage hypothesis is also confirmed. It is valid even if one restricts the analysis to candidates of the two large parties only. In the overall model incumbents have a 7.5 percentage point advantage over challengers. Of crucial importance to the initial question, however, is the contribution of the perceived performance of candidates. All three performance measures show a statistically significant effect. As expected, the largest effect can be attributed to constituency performance. In the overall model, the difference between a candidate performing poorly and a candidate performing well amounts to 17.5 percentage points. This is a sizable difference.

These results point to the fact that there is indeed a personal element to the district vote. Strategic considerations—for example wasted vote or coalition considerations—do play a more important role. However, even if these variables are controlled for in the model, the effect of candidates' perceived district performance is surprisingly high.

Conclusions

This analysis is an attempt to study the effects of Germany's mixed-member proportional electoral system. Special attention was given to two questions:

Table 13.6. Type of Mandate, Perceived Constituency Performance of MPs and the Vote in Germany, 1998 (% District Votes)

	All		SPD		CDU/CSU	
	B	Max. effect[a]	B	Max. effect[a]	B	Max. effect[a]
Mandate 1994 (SSD = 1; list = 0)	7.57***	7.57	11.28***	11.28	7.44***	7.44
Known by citizens[b]	0.11*	4.31	0.09	2.89	0.27***	10.49
Perceived general political performance[c]	3.26**	8.15	0.89	1.96	0.10	0.23
Perceived constituency performance[d]	5.47***	17.50	4.63**	11.11	6.39***	14.70
Big parties[e]	26.95***	26.95				
Constant	−17.20***		22.71***		11.82***	
R-square (adj.)	0.79		0.49		0.46	
N = MPs who run 1998 in constituencies		655		247		285

[a] Empirical range of variable times B.

[b] Known by citizens: percentage of voters in constituency who remember deputy name without help; empirical range: all 0–39%; SPD 0.68–32.78%; CDU/CSU 0.34–39.19%.

[c] Perceived general political performance: evaluation of deputy by citizens of the local constituency. Mean values calculated from a scale ranging from 0 (very bad) to 5 (very good); empirical range: all 1.5–4.0; SPD 1.8–4.0; CDU/CSU 1.7–4.0.

[d] Perceived constituency performance: Evaluation of deputy, by citizens of the local constituency, on how strongly the deputy fights for the interest of his constituency. Mean values calculated from a scale ranging from 0 (very weak) to 5 (very strong); empirical range: all 0.7–3.9; SPD 1.5–3.9; CDU/CSU 1.6–3.9.

[e] SPD, CDU/CSU vs. others.

* sign. > 0.05

** sign. > 0.01

*** sign. > 0.001

Source: Research project "The Performance of German MPs", conducted by Bernhard Wessels in cooperation with FORSA (FORSA 1998).

what impact has the electoral system on political stability and the party system, and does a PR system with a plurality component support candidate voting? Results are relatively clear-cut.

First, the impact of the electoral system on the dominant features of the German political system is high. It is conducive to both a relatively stable bipolar party system and to coalition governments. However, one has to bear in mind that institutions can be effective only if they correspond to the existing social and political cleavage structures. In this regard, the founding fathers have found, it seems, a matching solution.

Second, German citizens vote for candidates for two different reasons. The first one is strategic: voters split their ticket to support a preferred coalition. Strategic voting has become more and more frequent in Germany. Its impact on election outcomes of the smaller parties is sizable. The second reason for candidate voting is performance-based. Previous research has underestimated the impact of the personal vote. The strong role of parties in the German system and strategic considerations for ticket-splitting have been cited as main reasons. In our analysis we were able to demonstrate for the first time that the performance of district candidates does indeed matter. However, this effect has not much to do with the media-driven logic of personalization of politics mentioned at the beginning. Rather, Germany's mixed electoral system contributes to a *personal vote at the grass roots*. This was exactly what the authors of the German electoral law had tried to engineer.

Future developments are hard to predict. The German party system has changed since 1983 and in particular after unification. Germany has developed a "two and three halves" party system. It is still bipolar, but the coalition potential between the left parties (SPD and PDS) is low. There are few prospects for change. The regional base of the PDS in the new *Länder* guarantees three SSD seats and thus the party's presence in the Bundestag. The differences between the left parties will prevent them from forming governments even if, together they would command a majority of seats. Minority governments of Christian Democrats and Free Democrats, or Social Democrats and Greens, are likely under these circumstances. More than ever, strategic coalition voting by citizens is required to avoid such situations. The German electoral system supports coalition voting and provides the technical instruments for differentiated decision-making. There is reason to believe that German citizens are able to make good use of them.

14 An Initial Assessment of the Consequences of MMP in New Zealand

Fiona Barker, Jonathan Boston, Stephen Levine, Elizabeth McLeay, and Nigel S. Roberts[167]

The purpose of this chapter is to provide an initial assessment of the impact of the introduction of the mixed-member proportional electoral system on the New Zealand political system,[168] especially with regard to the normative criteria established by the New Zealand Royal Commission on the Electoral System.[169] It should be noted, however, that the normative nature of the criteria may limit the breadth of any analysis—the Royal Commission's criteria are not necessarily comprehensive and unambiguous; nor do they provide a watertight framework for evaluation. Indeed, views as to what is the best kind of electoral system differ (as do other priorities) in various national and

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[168] In addition to the chapter by Denemark in this book (Ch. 4), the process by which New Zealand adopted MMP has been reviewed in Boston et al. (1996b); Levine and Roberts (1997b); and Jackson and McRobie (1998). For an examination of the debate over electoral system alternatives prior to the holding of the 1992 indicative referendum, see McRobie (1993a). For analyses of the holding of the two referendums on the electoral system and the outcomes of these referendums, see Levine and Roberts (1993b, 1994a); McRobie (1994); Vowles and Aimer (1994: 95–100); Vowles et al. (1995: 175–93).

[169] The *Report* of the Royal Commission on the Electoral System explained that the Commission had "adopted 10 criteria against which to test the existing plurality system and other possible systems." The normative nature of the criteria is underscored by the language used in the *Report* when it explicitly refers to "the ideal standards set by the criteria" (Royal Commission on the Electoral System 1986: 10). At the same time, however, the Commission recognized that the criteria were not all of equal weight: "Some of them, if carried to their full extent, are mutually incompatible. Others overlap and none is independent. . . . The best voting system for any country will not be one which meets any of the criteria completely but will be one which provides the most satisfactory overall balance between them" (Royal Commission on the Electoral System 1986: 10).

cultural contexts. In designing a new constitutional framework for Fiji, for example, the Fijian Constitutional Review Commission made its priority the maintenance of ethnic harmony. Thus, although the Fijian Constitutional Review Commission borrowed many of its electoral system criteria from New Zealand's Royal Commission, the two criteria on which the Fijian Commission placed the most emphasis were those that addressed the impact of an electoral system on ethnic harmony—"encouragement of multi-ethnic government" and "incentives for moderation and cooperation across ethnic lines" (Fiji Constitutional Review Commission 1996).

While the New Zealand Royal Commission on the Electoral System's criteria may not in themselves provide a perfect framework for evaluating the impact of MMP on New Zealand's political system,[170] in many instances they do coincide with the empirical findings of political scientists about the effects of electoral system change. For example, the criterion of "fairness between political parties" encompasses an assessment of disproportionality; the "effective parties" criterion cannot avoid studying the number of political parties in a political system; and both the "effective Parliament" and the "effective government" criteria demand an examination of the incidence of parliamentary and manufactured majorities. In this chapter, we thus leave until the end a discussion of the impact of MMP on the New Zealand political system in the light of the normative criteria proposed by the New Zealand Royal Commission on the Electoral System, and the substance of the chapter employs the findings of political scientists on the relationships between electoral systems, political behavior, and political institutions.

Anticipating the New Electoral System

It should be noted that "anticipatory behavior" in New Zealand has been dealt with in detail elsewhere (see Boston et al. 1996a, b; Boston et al. 1998a, b). In the binding referendum held at the same time as the November 1993 general election, New Zealand electors voted by a margin of 53.9% to 46.1% to discard the country's plurality electoral system. During the years of political and governmental turmoil that characterized the 1993–6 parliamentary

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[170]   Other writers have put forward both broad concepts of representation and more specific lists of criteria for considering the means by which the goals of an electoral system can be achieved. For example, Jonathan Still has outlined a "nested sequence" of six criteria which he considered necessary to achieve "political equality" (Still 1981: 377–86). In a similar vein, Zimmerman (1994) has argued that an electoral system should seek to ensure the effectiveness of ballots cast, the maximization of participation, the representation of competing interests, the maximization of access to decision-makers, equity in group members' representation, and the legitimization of the legislative body. A further set criteria for evaluating electoral systems is contained in Norris (1997).

term, party fragmentation increased *in anticipation* of the new electoral rules, and the administrative, electoral, parliamentary, and political groundwork for New Zealand's new system was established.[171]Both Parliament and the Cabinet Office responded to the approach of MMP: Parliament by changing its Standing Orders, and the Cabinet Office by preparing and issuing a new Cabinet Office *Manual* revising the existing document by describing how ministers should respond to a variety of MMP-generated scenarios. Similarly, during the same period the public service reviewed its procedures and the bureaucracy's relationship with governments in order to prepare for the likelihood of minority and/or coalition governments.

The Election and Government Formation

The country's first proportional representation election was held on October 12, 1996.[172]National, the incumbent party which had governed since 1990, emerged as the largest single political party but no party held a majority of seats on its own. Table 14.1 includes the results of the 1993 New Zealand general election (the country's last plurality election). It also details the 1996 and 1999 general election results for all the political parties that either won more than 1% of the PR tier votes or won at least one district seat. The layout of the 1996 and 1999 results matches an MMP ballot paper—the list vote columns are on the left-hand side, while the nominal tier vote columns are on the right. (For examples of ballot papers used in the 1996 general election, see Boston et al. 1997a: 58; Roberts 1997: 128.) The list vote results are the more significant: the number of PR list votes won by political parties determines the overall number of seats the parties are entitled to in Parliament. Thus the Alliance, for example, would have won a total of thirteen seats in the House of Representatives in 1996 regardless of whether it had gained one district seat (as it, in fact, did) or twelve.

Although the focus of this chapter is on the impact that MMP had in New Zealand during the first parliamentary term (that is, from 1996 to 1999), brief mention is made in the Conclusion of the results and consequences of the country's second proportional representation election. For this reason, the

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[171] For an outline of the administrative preparations for MMP, see State Services Commission (1995). The report of the Representation Commission (1995) outlines the electoral redistribution process. Discussion of the Parliamentary and political preparations for electoral system change can be found in Boston et al. (1996a).

[172] For analyses of the 1996 general election, see Boston et al. (1997a, b); Levine and Roberts (1997c); and Vowles et al. (1998). The campaign itself is an important consequence of electoral system change that is not dealt with here. See the analyses of Denemark (1998) and various articles in Boston et al. (1997a).

Table 14.1. The Results of the 1993, 1996, and 1999 General Elections in New Zealand[a]

Party	1993		1996						1999					
	Votes	Seats[b]	PR list votes	Total seats in Parliament		SSD votes	seats	List seats	PR list votes	Total seats in Parliament		SSD votes	seats	List seats
	%	#	%	#	%	%	#	#	%	#	%	%	#	#
National	35.1	50	33.8	44	36.7	33.9	30	14	30.5	39	32.5	31.3	22	17
Labour	34.7	45	28.2	37	30.8	31.1	26	11	38.7	49	40.9	41.8	41	8
New Zealand First	8.4	2	13.4	17	14.2	13.5	6	11	4.3	5	4.2	4.2	1	4
Alliance	18.2	2	10.1	13	10.8	11.3	1	12	7.7	10	8.3	6.9	1	9
Act	—	—	6.1	8	6.7	3.7	1	7	7.0	9	7.5	4.5	0	9
United	—	—	0.9	1	0.8	2.1	1	0	0.5	1	0.8	1.1	1	0
Green	—	—	—	—	—	—	—	—	5.2	7	5.8	4.2	1	6
Christian Heritage	2.0	0	—	—	—	—	—	—	2.4	0	0.0	2.2	0	0
Christian Coalition	—	—	4.3	0	0.0	1.5	0	0	—	—	—	—	—	—
Legalise Cannabis	—	—	1.7	0	0.0	0.2	0	0	1.1	0	0.0	0.3	0	0
Future New Zealand	—	—	—	—	—	—	—	—	1.1	0	0.0	0.9	0	0
Others	1.6	0	1.5	0	0.0	2.7	0	0	1.5	0	0.0	2.6	0	0
Total	100.0	99	100.0	120	100.0	100.0	65	55	100.0	120	100.0	100.0	67	53
Turnout	85.2%					88.3%						84.8%		
Loosemore–Hanby index of disproportionality (D)	26.2%					7.6%						6.2%		

[a] Parties that obtained at least 1% of the vote or at least one seat are included in this table. In 1996 the Christian Heritage Party was part of the short-lived Christian Coalition.

[b] Because there were 99 seats in the 1993–6 Parliament, just one less than a hundred, a separate "Seats (%)" column has been omitted from this section of the table.

Source: Chief Electoral Officer (1994: 162–5; 1997: 1); New Zealand Electoral Commission (2000: 1–2).

results of the election held on November 27, 1999, are also illustrated in Table 14.1.

In 1996 the special Maori single-seat districts were all won by New Zealand First. This marked a significant break with history because the Labour party had dominated the seats during the fifty years from 1943 to 1993 (when New Zealand First won one of the Maori SSDs). The 1993 Electoral Act had ensured that the number of Maori districts would better represent the number of electors on the Maori rolls than was the case under New Zealand's previous plurality system (which had seen the number of Maori districts frozen at four ever since they were established in 1867). The information officially issued in connection with the 1993 electoral referendum noted, *inter alia,* that

> Maori can choose to be registered on the Maori electoral roll and vote in a Maori electorate [i.e. district], or be registered on the General electoral roll and vote in one of the General electorates. . . . The number of Maori [districts] will go up or down, depending on how many people choose to be on the Maori electoral roll. If the Maori electoral population increases in relation to the South Island's electoral population, the number of Maori seats will also increase. (Electoral Referendum Panel, 1993: 7)

This came to pass (Catt 1997). The Maori option and the redistribution process that preceded the 1996 election led to the creation of five Maori SSDs. By way of contrast, the number of general SSDs fell from 95 to 60—a 36.8% decline. Furthermore, as a result of the 1996 census and the 1997 Maori option, "61 General seats (16 South Island and 45 North Island) and 6 Maori seats" (Representation Commission 1998: 1) were created for the 1999 general election. There were thus two fewer list seats in 1999 than in 1996.

After a lengthy period of (extraordinary) parallel coalition negotiations conducted between New Zealand First and National on the one hand, and New Zealand First and Labour on the other, the first MMP government was sworn in two months after the election.[173]New Zealand First, in that first MMP election in New Zealand, occupied both the pivotal and the middle position of the political spectrum.[174]Jim Bolger, National, remained prime minister and the New Zealand First leader, Winston Peters, became deputy prime minister and treasurer. The two parties agreed on a long, quite detailed, published coalition agreement (see Barker 1997; Boston and McLeay 1997); and the ministerial posts were also distributed with some advantage to the junior partner. The coalition, as can be seen from Table 14.1, was only just a minimum winning combination (commanding 61 votes in a Parliament of 120). In votes of confidence, however, the government could in practice also count on the support of the Act Party[175]and the sole MP of the United Party.

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[173]   Analyses of the coalition negotiations process can be found in Boston (1997)   and Boston and McLeay (1997).

[174]   On the issue of pivotal parties more generally, see Hazan (1996b).

[175]   The Act party grew out of a pressure group called the Association of Consumers and Taxpayers—hence its acronymous name.

In July 1998 the government lost its majority when a New Zealand First MP withdrew his support. The National–New Zealand First coalition government lasted another month, at which point leadership conflicts and intra-party and interparty policy differences led to New Zealand First withdrawing its support and, indeed, splitting in two in the process. A contributing factor had been the replacement of Jim Bolger by Jenny Shipley the previous November. At the time Peters had expressed his disapproval of this publicly, and he and Shipley never achieved the rapport of the previous partnership. From late August 1998, National, together with four former members of New Zealand First governed as a minority administration. This new coalition was dependent on the support of a diverse amalgam of parliamentary groupings including the Act Party, the one United member, the one member of Mana Wahine, and four other former members of New Zealand First. Altogether this gave the government the support of 62 MPs on matters of confidence.

The Political Parties and the Party System

Table 14.1 shows that the new electoral system achieved a high measure of proportionality of party representation. The marked similarities between the shares of the list tier votes won by most of the political parties and the overall shares of the seats that they won are clearly apparent. However, the fact that 7.5% of the list votes in the first MMP election were cast for parties that failed to qualify for seats in Parliament via either the 5% list vote threshold or the one-district seat alternative threshold meant that, with the sole exception of the United Party, all the parties in Parliament were over-represented to some degree. Nevertheless, compared with the previous election results, and with other countries, MMP delivered parliamentary party proportionality. As Table 14.1 also shows, there has been a marked change in the degree of disproportionality in New Zealand as measured by the Loosemore–Hanby index (or D, as it is commonly known).

One of the most significant changes that the switch to proportional representation in New Zealand was predicted to produce was an increase in the number of political parties. The average effective number of parliamentary parties in New Zealand (i.e. N_s under plurality) was less than two for the 1946–93 period. However, as a result of the 1996 election, the effective number of parliamentary parties in New Zealand rose from a postwar plurality electoral system average of 1.97 to a post-MMP election figure of 3.76. As posited by decades of research in political science, the change from a plurality to a proportional formula has resulted in a sharp rise in the effective number of parliamentary parties in New Zealand. Thus far at least, Duverger's "law" has clearly been supported.

Figure 14.1 The Effective Number of Elective Parties (*N*), in New Zealand, 1946–96

Source: calculations by the authors.
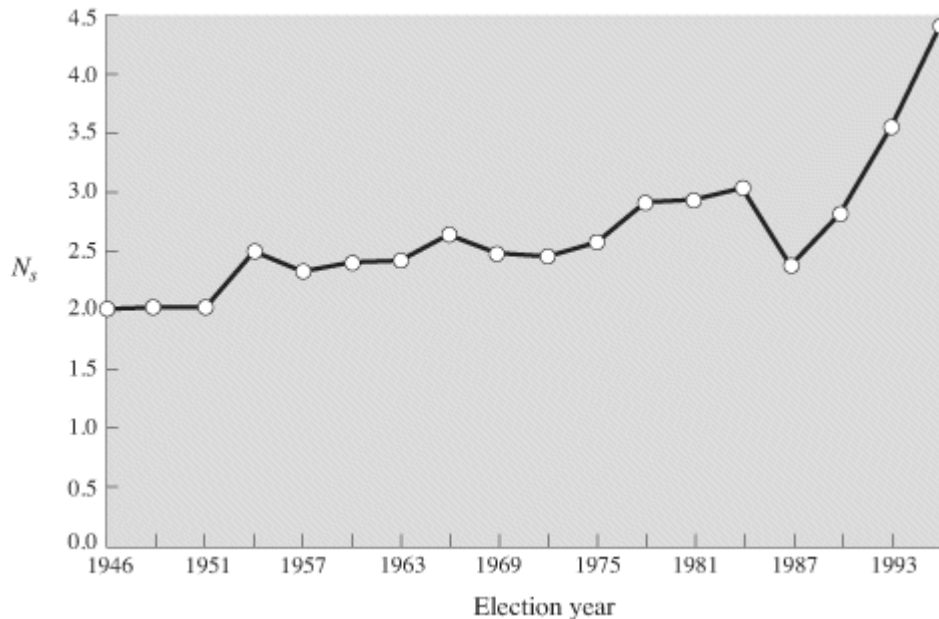
The effective number of elective parties (*N*) in any system is almost always higher than the effective number of parliamentary parties. As a result, the picture portrayed in Figure 14.1 is somewhat different from that conveyed by the data for the effective number of parliamentary parties (*N*) in New Zealand. The effective number of elective parties increased gradually but perceptibly during the period 1946–93, and when the number rose in 1996 it was, in effect, continuing an upward trend. If the fifty years from 1946 to 1996 are divided into four distinct periods, the increase in the number of elective parties becomes even clearer. From 1946 to 1951, during what can be called the pre-Social Credit era, *N* in New Zealand averaged 2.01. When Social Credit was clearly the country's third party (i.e., from 1954 to 1981), the average number of elective parties was 2.54. From 1984 to 1993—in what can, with hindsight, be labeled the pre-MMP period—the average *N* figure rose to 2.91; while in 1996 the effective number of elective parties was 4.38. Nagel's note (1994c: 157) that "the prediction of six [parliamentary] parties constitutes the upper end of a range" for New Zealand has been supported by the results of the first MMP election.

The representation of more parties in Parliament did not immediately translate to an equal representation of these parties' views in the government's policy and legislative agenda, for the National–New Zealand First government utilized its one-person majority to exert almost exclusive control over the policy agenda (see below). After the August 1998 collapse of the

National–New Zealand First coalition government and the split in the latter parliamentary party, however, National governed as a minority with the aid of seven former New Zealand First MPs (five of the dissidents formed a new party, Mauri Pacific, while two described themselves as Independent members of parliament), as well as with the support of the Act and United Parties. Thus, the effective number of parliamentary parties could be said to have increased even further (Barker and McLeay 1998).

Not only had it been widely predicted that more parties would be represented in Parliament under MMP, but it is also worth noting that New Zealand voters were told about these consequences in clear and unambiguous terms. The material used for the official public information campaign for the 1993 electoral referendum said boldly that under MMP "It's easier for minor parties to get into Parliament because seats in Parliament are won by parties in proportion to their share of the nationwide party [list] vote" (Electoral Referendum Panel 1993: 8). What was less expected was the further party fragmentation that became a feature of the latter half of the first MMP Parliament. In addition to the six parties that had won seats in Parliament in the 1996 election, by mid-1999 the following were also in Parliament: the Mauri Pacific Party (mentioned above); a one-person Mana Wahine Party (formed by a break-away Alliance MP); another one-person party, the Christian Heritage Party (also formed by a former member of the Alliance); and two Green MPs (they, too, had originally been elected on the Alliance list, but—unlike other Alliance deserters—they continued to vote with their Alliance colleagues for the remainder of the 1996–9 parliamentary term).

The fragmentation that occurred during the life of the 1996–9 Parliament was largely a result of policy and ideological disputes within two parliamentary parties—the Alliance and New Zealand First—and should also be seen in the light of changes that have occurred to New Zealand's party system since the late 1980s. In mid-1997 one MP resigned from the Alliance,[176] an action she attributed to the lack of attention being paid by the Alliance to Maori issues. Significant problems within Mana Motuhake (one of the five component parties of the Alliance) also emerged at this time. Subsequently there was further fragmentation of the Alliance generally, with the announcement by two of the three Green MPs that they would contest the next general election as a separate party, and a decision by another Alliance MP (formerly a member of the now defunct Liberal party) to represent the Christian Heritage Party. These movements within an umbrella party that had initially

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[176] The resignation of Ms Alamein Kopu from the Alliance was particularly controversial, as hers was the first resignation of a list MP and she contravened an explicit pledge by Alliance MPs to resign from Parliament if they left the party. See Barker and Levine (1998) for a discussion of the debate about the prerogatives of MPs and the fate of a Bill introduced by the Deputy Leader of the Labour Party intended to prevent MPs leaving their party from remaining in Parliament.

been established to enhance the electoral prospects of minor parties effectively excluded from Parliament by the plurality system reflected the confidence of the Greens about their chances of achieving representation as a separate entity, and was also indicative of the transitional period through which the New Zealand party system was moving.

In August 1997 a New Zealand First minister outside cabinet (Neil Kirton) was dismissed from one of his portfolios; he criticized the performance of the coalition government from the backbenches, and subsequently withdrew his vote from the government on confidence issues. A year later he left the party, becoming an Independent and voting with the opposition parties. On August 19, 1998 the Coalition Government announced that it would formally terminate on August 26, 1998. This followed a dramatic week during which the New Zealand First ministers had walked out of a cabinet meeting, and seven of its sixteen MPs had left to become independents (five of whom subsequently formed the Mauri Pacific Party).[177]

Clearly, party system fragmentation and party cohesion are closely linked with one another: political parties are frequently formed by discontented and dissident politicians looking for revived political careers in new vehicles. A proportional representation system offers more opportunities for political entrepreneurs than does a plurality system. Yet the two concepts—fragmentation and cohesion—must be distinguished analytically from one another: fragmentation refers to the number of parties and cohesion to the behavior of those within the parties. (Unhappy and disobedient MPs do not always abandon the parties that carried them into Parliament, and which control their futures through the candidate nomination process.) In the two years following the first MMP election, there were contrasting behaviors among the parties. Labour remained tightly cohesive, despite its recent history of policy and leadership discontent and electoral failure. Likewise, National was largely cohesive, notwithstanding the doubtful support of several dissidents. (One of these, Christine Fletcher, was a minister outside cabinet who resigned on the grounds that she had not always been properly informed or consulted but remained inside the party.) The Act Party was also relatively cohesive. By contrast, the Alliance and New Zealand First proved to be the exceptions. It is perhaps no accident that both were relatively young parties.

The other important aspect of a party system affected by electoral system change is the extent to which the parties occupy particular positions in policy space (Barker 1998; Barker and McLeay 1998). Although the elective party system included a wide range of political parties, including post-materialist

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[177] Interestingly, despite earlier indications that the New Zealand First Maori MPs might break off to establish a new Maori party, the party caucus did not split on this basis: four Maori district MPs left New Zealand First, but three Maori MPs (Ron Mark, Winston Peters, and Tutekawa Wyllie—the latter a Maori district MP) stayed with the party when it moved onto the opposition benches.

and ethnic parties, all the parliamentary parties in New Zealand can still be placed on a single socioeconomic dimension,[178]although several parties—most notably New Zealand First, Mana Wahine, and Mauri Pacific—have a significant ethnic dimension.

Political Recruitment and Careers

All the political parties had to adapt their recruitment processes to encompass the selection of party lists. They made few changes to their district selection practices, which ranged from decentralized to quasi-centralized systems. All parties have used closed methods (as distinct from primaries open to the public), and all involved their district members to some extent, usually using delegates to choose among the contenders. The Royal Commission on the Electoral System had recommended nationwide, closed party lists, a preference confirmed by Parliament when it passed the Electoral Act 1993. In general, the parties now involve their members in the compilation of regional lists and then "knit" them together using a nationwide committee and following defined criteria.

MPs had long realized that the introduction of MMP threatened to bring many of their careers to an abrupt halt—it was, indeed, a rational strategy for them to oppose electoral system change, as (ineffectively) they did. Although the new system raised the number of parliamentary seats from 99 (a figure that would at any rate have been revised upwards according to population growth and geographic shifts) to 120, there was a reduced number of SSDs for incumbents to contest. Various strategies were adopted. Some MPs exited from political life; some chose to chance their luck with a high list place; others shifted to new parliamentary parties during the 1993–6 Parliament (Boston et al. 1996a; Vowles 1998: 20–3). Furthermore, there was pressure from the extra-parliamentary parties to introduce new faces to invigorate their teams, including the faces of under-represented groups such as women and Maori. In the event, the parties differed on how many candidates stood for both list and district seats. New Zealand First, for example, required all its list candidates to stand also for a district; while "only about 30 percent of Labour's candidates had both list and electorate [that is, district] slots, compared to nearly two-thirds of National" (Vowles 1998: 22–3).

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[178]   In his classification of the ideological dimensions of European and non-European party systems in the 1970s, Lijphart concluded that that sole ideological dimension in New Zealand was the socio-economic dimension, and that New Zealand was one of only two countries (out of a total of 28) that had party systems dominated by just one ideological dimension (the other country was the UK) (Lijphart 1981: 30–1).

The candidates who were selected and elected as list MPs had a very similar profile to their district colleagues in all respects: educational qualifications, prior occupations, and pre-parliamentary political experience (for example in political parties, local government, voluntary organizations, unions and sectoral organizations) (Ward 1998). In two important respects, however, the 1996 intake broke with the past. First, there was a high proportion of new MPs. Of all the MPs, over 60% had had prior parliamentary experience, a lower proportion than usual. Unsurprisingly, more district MPs (73%) than list MPs (27%) had been in Parliament previously (Ward 1998: 133). Naturally, the minor parties had the highest proportions of new MPs. Second, there was a significant change concerning the ascribed characteristics of the MPs in the 1996 intake, for more members of minorities and special interest groups entered Parliament. Table 14.2 includes a comparison of the proportions of women, Maori, Pacific Islanders, and Asians in Parliament after the 1993 and the 1996 elections. As Catt (1997: 200) noted, the "Parliament of 1996 is more like the population than . . . the previous Parliament." It is, however, important to note that the House of Representative's fifty-five list MPs contained significantly higher proportions of women, Maori, Pacific Islanders, and Asians than were to be found among the country's sixty-five single-seat district MPs. This is also illustrated in Table 14.2.

Research has documented a clear relationship between electoral systems and the representation of women: PR leads to a higher proportion of women

Table 14.2. Gender, Race, and Party Representation in the New Zealand Parliament

	% in Parliament 1993	% in Parliament 1996	% of SSD MPs 1996	% of list MPs 1996
Gender/race				
Women	21.2	29.2	15.4	45.5
Maori	6.0	12.5	9.2	16.4
Pacific Islanders	1.0	2.5	1.6	3.6
Asian	0.0	0.8	0.0	1.8
			% of Maori MPs 1996	% of European MPs 1996
Party				
United			0.0	100.0
National			2.3	93.2
Labour			10.8	83.8
Act			12.5	87.5
Alliance			15.4	84.6
New Zealand First			41.2	58.8

Source: Parliamentary Service (1993); Radio New Zealand (1996); calculations by the authors.

in national legislatures (McLeay 1993: 46–55; Norris 1995: 3–8; and Rule 1987: 477–98), so the finding regarding the number of women in the first MMP Parliament is not surprising (although it must be noted that by 1993 the percentage of women in New Zealand's Parliament, at 21%, was already higher than the average for countries with simple plurality systems). Indeed, the relatively high proportion of women in Parliament in New Zealand under both plurality and MMP has been largely achieved without formal quotas being instituted. Norris (1997: 309) has argued that "one central virtue of proportional systems is the claim that they are more likely to produce a Parliament which reflects the composition of the electorate." Of particular relevance to New Zealand's new voting system, she continues:

> District magnitude is seen as particularly important in this regard. The main reason is that parties may have an incentive to produce a "balanced" ticket to maximize their support where they have to present a party list, whereas in contrast there is no such incentive where candidates are selected for single-member districts. Moreover, measures of affirmative action within party recruitment processes can be implemented more easily in systems with party lists. (Norris 1997: 309)

That the composition of the list MPs in New Zealand has been the primary factor influencing the new face of the nation's Parliament is further testimony to the validity of these claims. It is noteworthy that there were significant party differences with regard to Maori representation in the first MMP Parliament (see Table 14.2). However, the fact that there are Maori MPs in all parties except for United—with just one MP, United hardly needs to be castigated for this—can also be used as a measure of the extent of the changes that MMP has wrought.

Maori also gained a larger share of the positions within the executive. Whereas there were no Maori in the 1996 National–United Cabinet, there were three in the National–New Zealand First Cabinet. Following the formation in August 1998 of the National–Independents government, there were two Maori in the Cabinet and one Maori minister outside the Cabinet. Leaving aside the issue of the quality of representation, it is clear that the increased proportion of Maori in both Parliament and the executive enhanced their influence and visibility within the policy process. At the same time, the level of Maori representation within the executive will continue to depend on the party composition of the government.

A further aspect of the career process in a mixed-member electoral system is whether or not nominal-tier representatives behave differently from representatives elected from party lists once they arrive in Parliament. The Royal Commission on the Electoral System had recommended MMP at least in part because it retained single-seat districts, arguing that, "MMP recognizes the significance of local representation within our political tradition by retaining . . . single-member electoral districts" (Royal Commission on the Electoral

System 1986: 53). The Commission reasoned that "while constituencies under MMP will be larger in area, this increase will not be as great as might be anticipated," and that the change to a system with fewer SSDs "should be kept in perspective. [There will be the] rough equivalent of 1 member for every 55,000 people compared with 1 for every 34,000 [under the preexisting system]. Even ignoring the . . . list members, this figure compares favorably with other countries whose electoral systems are entirely or partially based on single-member constituencies" (Royal Commission on the Electoral System 1986: 53). In the light of these statistics, it is also interesting to note that the population quota for redrawing district boundaries in 1998 were 53,690 for North Island general districts, 54,105 for South Island general districts, and 56,166 for Maori districts (Representation Commission 1998: 1). Although the reduction in the number of general districts in the South Island from 25 to 16 was a major source of contention during the 1993 electoral referendum campaign, there is little if any evidence that the number of districts or even their physical size has impeded the representation of individual constituents.

One reason for this may be that all of the parliamentary parties have allocated one or more districts to their list MPs (Ward 1998). The use of list MPs in this way has had two consequences: first, it has lightened the load on those district MPs with geographically large and/or demanding districts; second, it has enabled parties without district MPs in particular parts of the country to maintain a local or regional presence. This has been especially advantageous for the smaller parties such as Act and the Alliance, each of which won only one SSD. For instance, one Alliance list MP was given responsibility for four South Island districts and he established offices in three of them (Donald 1998: 47). Such arrangements have been facilitated by the provision of resources for list MPs by the Parliamentary Services Commission (although list MPs in the first MMP Parliament received a significantly smaller allowance for district work than district MPs).

Notwithstanding the important parliamentary and district work undertaken by list MPs, their role remains a source of public disquiet. Even before the 1996 election, many people—especially potential MPs—saw them as "second-class MPs." As Ward has noted:

> Given New Zealand's traditional attachment to single-member constituencies, it has proven very difficult for a new political culture to evolve that is understood and accepted by citizens and elite[s] alike. . . . The very stability of New Zealand democracy with Members of Parliament having clearly understood constituency roles has, in the short term at any rate, made it difficult for the list MPs to prove themselves equal to their constituency MP colleagues. . . . [However], the problem is less one of reality than of inaccurate perception. (Ward 1998: 142–3; see also Barker and Levine 1998)

Voting Behavior

There are four main aspects of voting behavior of particular interest to students of electoral system change. The first, whether or not voters would avail themselves of voting for minor parties given their increased chances of gaining parliamentary representation under a proportional system, was largely answered above (see Table 14.1): the proportion of votes received by the minor parties increased at the expense of the major parties.

Second, it was widely anticipated, on the basis of the experience of proportional systems elsewhere, that there would be a higher turnout under MMP. Judging by the results of the first MMP election, these expectations have been fulfilled, and the slight decline in voter turnout (of those enrolled) since 1990 was somewhat reversed in 1996—88.28% cast a vote compared with 85.20% in 1993 and 85.24 percent in 1990 (Electoral Commission 1997: 126–7). Nevertheless, voter turnout remains below the 89.06% level achieved in 1987.

The third area of particular interest to students of mixed electoral systems was the number of voters who took advantage of the newly acquired opportunity to use their two votes differently, casting their nominal-tier vote for a district candidate representing a different party from the one to which they gave their list vote. In 1996, 37% of voters split their ticket, a high level by international standards. This suggests "that New Zealanders clearly relished the opportunity . . . to distinguish between two very different propositions formerly concealed when voting under first-past-the-post" (Levine and Roberts 1997a: 186; see also McRobie 1997a). Predictions made three years earlier on the basis of survey research (Levine and Roberts 1993a, b), that many voters would split their tickets were thus validated by the results of the 1996 election. This issue is closely connected with voter knowledge of the mechanics and procedures of the new voting system. For instance, it can be argued that a higher level of vote-splitting reflects a greater awareness of the strategic and tactical significance of each vote. Research undertaken by the Electoral Commission indicated that at the time of the 1996 general election a high proportion of voters was reasonably well informed about the key features of the new MMP system. For example, 97% knew that they had two votes and 72% were aware that the party [list] vote was the more important of the two (Harris 1997: 18–19).

Was vote-splitting a means of simply expressing the different preferences of electors—the desire to have a particular candidate represent them locally and to help a different party win the most seats—or was it the product of a more strategic decision relating, for example, to providing a minor party coalition partner for their favored major party? New Zealand's currently fluid party system and the emergence of new parties with both vague policy commitments and uncertain levels of voter support pose conundrums at the strategic

level for voters. Not only do voters have to calculate whether or not minor parties might pass the 5% list vote (or PR tier) threshold, but in some cases they must also decide whether their district seat is a likely potential entry point for a minor party to get into Parliament. In 1996 the Alliance and New Zealand First party leaders were widely expected to win their district contests, and polling showed that their parties were on track to pass the 5% threshold easily. In Act's case, however, the position of the party appeared much more marginal and voters in the party leader's district had to decide whether or not to let the party into Parliament by voting for Act's leader, a decision related also to the possibility of Act being a coalition partner for National, and, if not, how to vote tactically (plurality style) to defeat Act's leader.

The fourth issue is a key one, given the recent history of voter disillusionment with the behavior of governments. This relates to identifiability—the capacity of voters to determine the composition of governments. Under MMP this depends on the structure of the party system, the distribution of seats, and the extent to which parties in a pivotal bargaining position act in accordance with their pre-election commitments and/or intentions. In the case of the first MMP election, it can be argued that voters were not effective in achieving the government outcome they desired. Miller, for instance, arguing from the basis of survey research, contended that, "While the first coalition of the MMP era may have been the choice of a few key politicians, it neither reflected the wishes of voters generally nor even of those who voted for National and New Zealand First" (R. Miller 1998: 133). New Zealand First was able to exercise a determining influence over the outcome of the government formation process and eventually chose to align itself with National, a decision clearly contrary to the expectations of the overwhelming majority of its supporters. New Zealand First's decline in public support after the election suggests that, in the future, parties may be more careful about deviating from their pre-election signals to the electorate even when prospective coalition partners provide attractive inducements for them to do so. In any event, at the second MMP election in New Zealand voters were, on the whole, faced with a choice between two competing coalition options (that is, Alliance and Labour versus Act and National), and were given a greater opportunity to exert more effective control over the composition of the government—in particular, over whether the government was of a center–left or center–right disposition.

Parliament

Has there been a change in legislative behavior in New Zealand? We have discussed the impact on party cohesion and fragmentation above: here we focus

on the policy process. The implications of electoral system change for Parliament lay in the parliamentary strength of the various political parties and their alignments in the House, their respective policy positions, and the kinds of MPs who were elected.[179]With respect to this final factor, the inexperience of so many of the MPs elected at the 1996 general election meant that there was a lengthy induction and education process before these MPs could take a fully active and constructive part in parliamentary proceedings. Perhaps of greater importance was the relative inexperience of some of the ministers, in particular the New Zealand First ministers, whom the opposition parties naturally targeted, particularly during Question Time. (MMP has seen a huge increase in the number of questions asked, reflecting the more competitive party and policy environment.) Although it was hoped that the introduction of such a large number of new members into the House would cause some of the more questionable conventions to be altered and the quality of debate to be raised, there is little evidence that these hopes have been fulfilled.

The importance of the select committee system was widely expected to increase under MMP, especially where a government did not have a majority in the House or where coalition partners had divergent views on particular policy areas. Certainly the range of views represented in select committees has increased, consistent with the greater diversity of representation in the House. Less representative has been the distribution of select committee chairpersonships; rather than sharing these positions among parties in proportion to their respective parliamentary strengths, the National–New Zealand First coalition permitted only two of these positions to go to MPs from non-coalition parties (Foreign Affairs, Defence and Trade to Act; Regulations Review to Labour).[180]Against this, however, because the coalition government did not have a majority on any of the sector committees and because committee chairs no longer have a casting vote (under the revised Standing Orders), it was not possible for the executive to dictate committee decisions. Furthermore, the degree of independence displayed by committees not surprisingly increased when the parliamentary balance altered in August 1998.

Notable changes in the role and operation of parliamentary select committees since 1996 have included: a greater preparedness to recommend major changes to proposed legislation; a greater willingness to undertake detailed policy reviews on controversial issues (such as the environmental effects of road transport, Y2K, defense expenditure and equipment requirements, and so on); and more representation of minority views in select committee reports. At the same time, the role of individual committees in the policy process continues

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[179] For a discussion of the professionalization of the political careers of New Zealand's "political class," including district and list MPs, see Boston et al. (1998b).

[180] The Regulations Review select committee had been chaired by an Opposition MP since 1985.

to depend on the nature and quality of their membership and the government's overall share of seats in the House. Thus, during the National–New Zealand First coalition it was not unusual for ministers to use the government's majority in the chamber to override committee recommendations on matters considered vital by them or the Cabinet. For instance, despite unanimous agreement in the Justice and Law Reform Committee on changes to the proposed Witness Anonymity Bill, the Minister of Justice had the committee's recommendations overturned, thus compelling government MPs on the committee to vote against their own recommendations in the House (Barker and Levine 1998).

Government Transition and Durability

As expected, the move to MMP has brought less governmental durability. If a change of government is defined as occurring when there is (a) a change in the parties in Cabinet, (b) a change from a majority to a minority regime (or vice versa), or (c) a change in the position of prime minister, then New Zealand had six different governments during the 1993–6 parliamentary term (Boston et al. 1996a: 94–5), and three during the 1996–9 period (Boston 1998: 96). This represents a high rate of turnover by almost any standards. Having said this, however, it must be recognized that the National Party has remained in power continuously since 1990.

The National–New Zealand First coalition lasted a mere twenty months; during that time there were two prime ministers. Despite the careful stitching together of procedural and policy agreements during the coalition formation process, the new government was vulnerable from the outset. New Zealand First was widely perceived to have betrayed its voters by choosing National rather than Labour as its partner and thus suffered a dramatic reversal of support during the first few months of 1997. This in turn made New Zealand First particularly determined to demonstrate its influence on policy direction. This pulled it further away from its partner, thereby exacerbating the problems of coalition management. At the same time, the party comprised an uneasy amalgam of personalities, ideological positions, and ethnic backgrounds. These internal divisions were accentuated by the maverick leadership style of its leader, Winston Peters. To complicate matters further, National also embraced a broad spectrum of views—from pragmatic conservatism to radical neo-liberalism. Thus, although the government was a minimum winning connected coalition, the policy distance represented within the two parties stretched for a considerable distance along the socio-economic issue dimension. The 1997 leadership change in National added to the coalition's tensions, a shock to the perceptions of the parties regarding one

another that could not have been predicted in 1996, thus undermining the stability of the governing arrangements (see Laver and Shepsle 1996: 196–8).

After the collapse of the National–New Zealand First coalition, National and its governing allies clung to office despite the difficulties of constantly negotiating legislative majorities with support parties and occasionally having their policy initiatives thwarted or defeated. Crucially, though, the government managed to retain support on matters of confidence—it won a specific confidence motion 62–58 in early September 1998 and, several months later, a vote on a piece of tax legislation which the Prime Minister declared to be a matter of confidence. Notwithstanding this, the government's political position after August 1998 was fragile and there were repeated calls for it to resign and for an early election to take place. Adverse opinion polls, however, provided the government with a strong incentive to continue in office, and it eventually decided to hold an election on November 27, 1999. In a country with a three-year parliamentary term, this was, significantly, a month-and-a-half *after* the third anniversary of the first MMP election.

Although the period since the first MMP election has been characterized by significant political instability and uncertainty, there has been no threat to the constitutional order and no constitutional crises (Hardie Boys 1998). In fact, the key constitutional conventions governing the conduct of politics, including the convention of collective cabinet responsibility and the requirement for governments to enjoy the confidence of Parliament, have proved to be resilient. For instance, during the lengthy interregnum in late 1996, the relevant caretaker conventions were adhered to and few policy or administrative difficulties arose (Boston et al. 1998a). The inherent stability of the political system was further confirmed during the leadership change in late 1997 and the collapse of the coalition in August 1998. Nevertheless, these episodes have raised questions about the vulnerability of a constitutional structure that has relatively few constraints upon or incentives for regime continuity (see especially Boston 1998).

Government and the Policy Process

With 61 seats in the House—at least until July 1998—the National–New Zealand First coalition was in a position to implement the detailed program contained within its coalition agreement (Boston and McLeay 1997). But because the majority was so slim, it was at the mercy of any MP in either of the two parties who was prepared to cross the floor on a legislative matter. On legislation with respect to school zoning, for example, one National MP threatened to vote against the government, thereby forcing lengthy negotiations between the MP and the government's senior whip. Against this, however,

the government was able to secure support from Act and United for a large part of its legislative program. Accordingly, its majority was effectively far greater than its formal numerical strength might otherwise have suggested. Its overall dominance over Parliament was highlighted by its capacity to implement an extensive legislative agenda, its ability to bypass select committees in certain circumstances (Taggart 1998), the capacity of the executive to override decisions made in select committees that were not acceptable to ministers, and the ability to force the House to operate under urgency for lengthy periods.

The executive's capacity to exercise control over legislation was brought into sharp relief by the passage of the Education Amendment Bill in May 1998. As the first part of the Education Amendment Bill (concerning bulk funding for schools) arose out of the budget, the entire Bill was introduced, debated and passed under urgency, thereby circumventing the select committee process and consideration by other groups such as the Legislation Advisory Committee. Yet the second part of the Bill, relating to the amalgamation of tertiary institutions—with potentially significant implications for the tertiary education sector—was not a budgetary measure, and its provisions would normally have been referred to a select committee for consideration.[181]

The government's dominance over Parliament was equally evident in its handling of the Electricity Industry Reform Bill in June–July 1998. Quite apart from confirming that the coalition intended to push ahead with the Bill before the select committee had completed even its hearings, let alone its deliberations, the government took urgent steps to pass the Bill. However, because some provisions of the Bill had yet to be drafted, the government was forced to delay the final stages of debate (Laxon 1998a). In this and in other instances of urgency in 1998 (Laxon 1998b), the government acted to force legislation through quickly, even though there appeared to be no particular need for haste. The decisiveness of these actions was akin to the kind of conduct associated with single-party majority governments under plurality.

The Future of the New Electoral System

Just as the unpopularity of the fourth Labour and the fourth National governments ultimately contributed to the demise of New Zealand plurality electoral system (Levine and Roberts 1994b: 249), so too could the unpopularity of governments since the introduction of proportional representation lead to

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[181] Taggart (1998) notes that the Bill had the effect of halting judicial review proceedings and may well have contravened the Bill of Rights. Yet by passing it under urgency the Bill was not given the appropriate level of scrutiny.

the rejection of MMP. After the National–New Zealand First coalition government was formed, the popularity of the MMP system among voters dropped considerably. Whereas immediately before the 1996 election MMP enjoyed 42% public support compared with only 31% for a plurality system, confidence in MMP consistently fell thereafter, and by May 1998 only 30% of voters favored MMP, in contrast to the greatly increased 57% support for plurality (Hunt 1998a, b). The low standing of MMP by mid-1998 was no doubt attributable to a range of factors. Some New Zealanders never favored the system; others had their faith in proportional representation shaken by the coalition government and the failure to achieve a more consensual style of decision-making; while concerns over particular issues, policy areas, and political personalities have damaged the credibility of MMP in the eyes of others.

Whatever its exact source, the disillusionment has contributed to a rise in public interest in the possibility of further constitutional changes. In particular, there is widespread support for reducing the number of MPs. Petitioners successfully collected enough signatures—more than 10% of the electorate—to force a citizens-initiated referendum on the size of Parliament to be held at the same time as the 1999 election (Hunt 1998c). Although the results of the referendum are not binding on parliamentarians, it is notable that many other calls for modifications to MMP or an early consideration of the system's future have come from members of Parliament. These included Prime Minister Jenny Shipley's initial support for reducing the number of MPs and United MP Peter Dunne's proposal for a member's Bill (the Electoral Amendment (Referendum on the future of the MMP Representation Electoral System) Bill) for a binding referendum on the electoral system before October 2001 (Bain 1998a, b; *Dominion* 1998a, b).[182] Moreover, at the 1998 National party conference Prime Minister Shipley expressed support for a move to an MMM electoral system (even though the idea was rejected decisively in the 1992 indicative referendum, attracting only 5.5% support when it was one of four alternatives to plurality offered to voters on that occasion). In only a few cases have MPs or voters publicly advocated a return to a simple plurality system; instead, proposals for further electoral reform have tended to focus on semi-proportional systems.

Taagepera and Shugart (1989: 218) ended their comparative study of electoral systems with a note of caution:

> Even if imperfect, a long-established existing electoral system may . . . supply a stable institutional framework for the expression of various viewpoints . . . better than could a new and unfamiliar system, even if it were inherently more advantageous. . . .

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[182] National MPs Denis Marshall and Gavan Herlihy, and former National Party president Geoff Thomson, have also called for either "ditching" MMP or at least offering the public an early vote on the system's future.

Familiarity breeds stability. In contrast, introduction of a new electoral system inevitably involves a temporary reduction in stability. Parties, candidates, and voters have to learn new strategies while passing through a period of enhanced surprise, disappointment, and frustration.

This initial assessment of the consequences of MMP bears witness to their wisdom. New Zealand's electoral reforms were not undertaken lightly—a royal commission, numerous parliamentary select committee deliberations, and two referendums are testimony to that. Nevertheless, the introduction of MMP in New Zealand has involved "a temporary reduction in stability" when compared with the solidity (possibly even stolidity) of single-party majority governments, and many people—politicians and electors alike—have clearly experienced "surprise, disappointment, and frustration."[183]

Winners and Losers

And who have been the winners and losers of electoral reform? The early winners were the minor political parties, especially New Zealand First, while the losers were certainly the individual politicians whose careers were brought to a premature halt by electoral system change and the two major parties whose grasp on power was challenged. It is by no means certain, however, that this reversal of New Zealand's electoral history will not itself be substantially halted or again reversed in the future. Other winners so far have been Maori and, to a lesser extent, women. Both of these groups have improved their representation, although the record on policy change to improve the positions of these groups, and the position of the poor generally, is much less favorable.

Were the Expectations of Electoral Reform Met?

Have the new electoral rules fulfilled expectations so far? This section tests their impact and performance against the criteria developed by the Royal Commission on the Electoral System which recommended that New Zealand adopt an MMP mixed electoral system.

> *Fairness between political parties*
> MMP, on the evidence of the results of the first general election, fulfilled the criterion of fairness between political parties although the 5% threshold might

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[183] The process of disenchantment with MMP during its initial stages is analyzed further in Boston et al. (1998a).

be regarded by the major loser, the Christian Coalition, as an unfairly high one. (The Royal Commission on the Electoral System actually recommended a 4% threshold.)

Effective representation of minority and special interest groups

Through its criteria, the Royal Commission on the Electoral System expressed a desire for significant change both in the way that politics was conducted and the kinds of actors who conducted it. The latter goal was certainly achieved. As has been clear, the goals of increased minority, women's, and special interest group representation were attained in 1996. Further, the new kinds of MPs provide for the possibility that a potentially more comprehensive form of representation may evolve; as with other features of the political system, this aspect of MMP remains in flux.

Effective Maori representation

The Royal Commission on the Electoral System had argued that, in view of their particular historical, treaty and socio-economic status, Maori and the Maori point of view should be fairly and effectively represented in Parliament. Fair representation was achieved; effective representation has been partly realized.

Political integration

Measuring the extent to which any electoral system encourages "all groups to respect other points of view and to take into account the good of the community as a whole" is probably an impossible task. However, as was noted earlier, with the exception of United, all the parties in Parliament include Maori MPs. The same applies to women. It could well be argued that these two factors indicate that MMP has indeed meant, as the Royal Commission on the Electoral System hoped it would, that parties "are provided with real incentives to appeal to and include significant groups within their party tickets and structures" (Royal Commission on the Electoral System 1986: 52). At the same time, though, it is worth recalling the fact that the Royal Commission on the Electoral System also thought that the plurality system encouraged "parties and individual candidates to seek broad support from the community and to eschew extreme or selfish positions" (Royal Commission on the Electoral System 1986: 20). (For a negative perspective—albeit from a different political system—on the integrative capacities of plurality electoral systems, see Reilly 1997a, b.) It is not yet clear whether the introduction of MMP has affected the kinds of interests (for example local versus national, sectional versus public) that MPs seek to represent, or whether list MPs, by virtue of not being tied to a geographical district, are displaying a greater propensity to address broader issues than district MPs. While assessing such matters is likely to prove extremely difficult, criticism of

the conduct of list MPs suggests that as a group they may have thus far failed to adopt a significantly broader perspective, or established for themselves a distinctive parliamentary role from that taken by district MPs. More broadly, while MMP has succeeded in bringing about greater representation for women and minorities, there are few signs yet of an understanding or acceptance of the value of "political integration" (which requires cooperation and commitment to the common good).

Effective representation of constituents

The voting system, with the caveats mentioned above, has encouraged "close links and accountability between individual MPs and their constituents."

Effective voter participation

From the Royal Commission on the Electoral System's description of this criterion, there appear to be at least four distinct aspects to "effective voter participation": voter turnout, the degree to which electors cast an informed vote; the extent to which each vote has equal weight; and the significance of each vote in determining the composition of the government. The evidence discussed in this chapter indicates that in general these were achieved. In particular, there is little doubt that the introduction of MMP served to equalize the weight of each list vote. Leaving aside the disproportionality arising from the 5% threshold, each list vote contributed equally to the allocation of seats to each party.

Effective government

As with many of the Royal Commission on the Electoral System's previous criteria, the criterion of effective government is open to varying interpretations and contains a number of distinct elements. These include the capacity of a government to act decisively when required, governmental durability, governmental cohesion, and the stable transfer of power. The capacity of a government to act decisively depends on whether it enjoys a stable parliamentary majority and the degree to which it is free from internal dissent. Other things being equal, single-party majority governments are best able to fulfil these criteria. Under PR, however, it was expected that governments would be less likely to have such strength (Boston et al. 1996a: 30–1). Minority governments (whether single-party or coalition) would have to secure the support of another party or parties in order to pursue their legislative agenda, while majority coalition governments would face a prospect of greater internal division, thus reducing their capacity for decisive policy action. Utterly unsurprisingly, in light of the research by Lijphart and others, the 1996 MMP election—as Table 14.1 illustrates—produced neither a parliamentary nor a manufactured majority. New Zealand's first government in the MMP era was thus very different from most of its plurality predecessors.

Further features of "effective government" are durability and cohesion. International evidence shows that coalitions are less durable than single-party majority governments (Boston 1998) and the dissolution of the National–New Zealand First coalition in August 1998 followed this pattern.

Effective Parliament

This standard has an obvious relationship with the preceding one, which emphasizes the need for the government to be able to act decisively where necessary. Indeed, it could be argued that the two goals are partially incompatible, for an electoral system that enables the government to act in an assured and decisive manner may require a weakening of Parliament's ability to act independently of the executive. The legislative process is, however, more complex and subtle than these apparently opposing ideals might suggest. While a majority government clearly enjoys a powerful position and a greater ability to force legislation through Parliament, neither the persuasive role of independent-minded select committees nor the indirect pressures placed on ministers should be ignored.

Effective parties

The Royal Commission on the Electoral System argued that the voting system "should recognize and facilitate the essential role political parties play in modern representative democracies in, for example, formulating and articulating policies and providing representatives for the people." These functions were fulfilled, although critics might say that parties have too much power under MMP because of their party list selection rules. Parties have not been revitalized as the Royal Commission on the Electoral System had hoped: party membership remains low.

Legitimacy

The Royal Commission on the Electoral System wrote that "Members of the community should be able to endorse the voting system and its procedures as fair and reasonable and to accept its decisions, even when they themselves prefer other alternatives" (Royal Commission on the Electoral System 1986: 10–11). The new system is unpopular. Unpopularity should not, however, be confused with legitimacy, although clearly a persistently unappealing system almost by definition cannot be expected to retain the allegiance of the people for whose benefit it has ultimately been devised. On the other hand, despite periodic protests of various kinds over the years, New Zealanders have generally eschewed political violence as a means of bringing about fundamental change. Under plurality, New Zealand electors were "able to endorse the voting system and its procedures as fair and reasonable and to accept its decisions, even when they themselves [preferred] other alternatives." Complaints about MMP also exist side by side with a willingness to abide peacefully by

the country's legal and political processes. Even levels of dissatisfaction (bordering at times on contempt) with the behavior of some MPs and aspects of coalition governance have failed to dislodge the bulk of electors from their patience with the political process. Voters seem to regard the defects of MMP with a degree of resignation; rather than a sense of urgency, there is a characteristic willingness to wait upon the results of the next election or a new inquiry. Moreover, there is little sign that anti-system parties questioning the actual legitimacy of New Zealand's system of democracy will emerge to gain significant levels of popular support.

Conclusion

Despite the adoption of proportional representation, many aspects of the politics of New Zealand initially resembled life under a majoritarian electoral system. For more than nineteen months, the country had a majority government—albeit a coalition government. The larger of the two parties in that government held both the speaker's and the deputy-speaker's positions, as well as the lion's share (fourteen out of seventeen) of the select committee chairpersonships. For sixteen months, the government did not lose a vote in Parliament.

Nevertheless, the impact of proportional representation on the New Zealand political system was clear even when the National–New Zealand First coalition government collapsed in August 1998. There wasn't a general election. Instead, a National-led minority government was able to survive until the end of the country's three-year parliamentary term by garnering support from a variety of supporting parties (and individual MPs) that were not formally part of the government. This was similar, in many ways, to the type of politics that is frequently practiced in the Benelux countries and Scandinavia.

However, right from the start of—and then throughout the entire term of—the first MMP Parliament, the three National-led governments were extremely unpopular. The decision by New Zealand First to govern in coalition with the National party not only went against the tenor of its own 1996 campaign rhetoric, but also went against the grain so far as voters were concerned. During the whole 1996–9 period, public opinion polls in New Zealand registered strong disapproval both of the government of the day and of the country's new proportional representation voting system. As was the case under New Zealand's majoritarian voting system in the late 1980s and early 1990s, displeasure with the latter arose from and reflected distaste for the former.

When they were eventually given an opportunity to express their views in late November 1999, New Zealand's voters clearly rejected the incumbent

National Party, and support for New Zealand First fell by more than 9% (Table 14.1). Conversely, the Labour Party's share of the poll rose by more than 10%. The party gained twelve seats in Parliament. Although the Alliance lost some ground (down from thirteen to ten seats), the combined total of the Labour and Alliance parties' seats—59 out of 120—in Parliament meant that the two parties were able to announce the formation of a minority coalition government within ten days of the election. This was in distinct contrast to the protracted negotiations that took place after the 1996 election, when the formation of a new government took eight weeks.

Lessons had clearly been learnt, both from the formation of the first MMP government and from the behavior of this government. The two parties in the post-1999 New Zealand government were determined to restrict the degree of division and discord between the parties and within the ranks of each party. This was a rational—indeed, essential—strategy for both coalition partners.

Since the end of the Second World War, the New Zealand Labour Party has held office for only sixteen-and-a-half years; National, by way of contrast, has been in power for nearly thirty-eight. Labour is thus desperate to establish itself as a viable party of power, and needs to present an image of careful, controlled management to electors. The Alliance has seen its support slip relentlessly since 1993. The party is aware too, that, not only must a parliamentary review of the new electoral system be completed by 2002 (which is before the next general election is scheduled to take place), but also, the public's acceptance of electoral systems in New Zealand is closely linked to the popularity of governments elected under them. For the Alliance the equation is simple and frightening: being a party in an unpopular government will hasten the demise of—or, at very least, modifications to—the MMP system, which will, in turn, hasten the demise of the Alliance.

New Zealand has clearly experienced what Taagepera and Shugart (1989: 218) predicted would be "a period of enhanced surprise, disappointment, and frustration" under the country's new electoral system (most notably during its first parliamentary term in 1996–9). However, there is also evidence—both from the formation in late 1999 of the Labour–Alliance government, and from the subsequent behavior of, and the public's approval ratings of, the new center–left government—that parties, candidates, and voters are learning new strategies to adapt to and cope with the mixed-member proportional electoral system in New Zealand.

15 Mixed Electoral Rules, Partisan Realignment, and Party System Change in Italy

Roberto D'Alimonte[184]

The Italian political system during the late 1980s and early 1990s experienced a deep crisis concerning the parties and the political class (Morlino 1996; Bull and Rhodes 1997b). The reasons are to be found in the poor performance of the old system and the dissatisfaction it stirred over time, but the catalyst has been the combination of the fall of the communist regimes and the judicial investigations which revealed the depth and the scope of political corruption. To be sure, change had started before 1989, but it is only after this date, and particularly after 1992 (the start of the "clean hands" inquiry), that its pace accelerated to the point where no party of the old system has remained untouched. The referendum of 1993 which forced a reluctant political class to introduce new electoral rules is itself a product of this process of political change and in turn contributed greatly to it. To assess the impact of the new electoral rules, we have to take into account the context within which they were introduced. The same rules would have produced different effects if they had been introduced at a different time.

When the new mixed-member majoritarian (MMM) system was introduced in the summer of 1993, Italian politics was characterized by a destructuring of the old party system with a dramatic weakening of the old dominant parties and the rise of new ones. In such a context the introduction of a predominantly plurality system did not reduce party fragmentation, but it did provide powerful institutional incentives for parties to enter into pre-election coalitions. These coalitions have restructured the pattern of competition and created the condition for a system of alternating governments, in spite of the high number of parties. In this respect, the new electoral system has worked, producing a more efficient system of interparty competition (see Chapter 2 above). Yet, the system remains a difficult case to classify, precisely because the new electoral rules have produced two types of actor: coalitions, which are

few, and parties, which are many. Each type of actor plays a role. Each contributes to the overall dynamics of the system. However, the main argument of this chapter is that with the present electoral rules the coalitions will remain the prevailing feature of the system, whether they evolve into new parties, federations of parties or something else.

Still a Multiparty System

The Italian party system has always been fragmented. In the debate surrounding electoral reform, this has often been cited as one of the main motivations for changing the old electoral system (see Chapter 5 above).

Table 15.1. Number of Party Actors in Italy, 1987–96

	1987	1992	1994	1996
Lists with more than 0.5% of the vote (Chamber)	14	16	14	11
Lists with more than 4% of the vote (Chamber)	4	7	7	8
Parties obtaining seats in				
Chamber	14	16	16	13
Senate	14	16	16	15
Parliamentary groups*				
Chamber	12	13	8	9
Senate	9	10	10	11

* At the beginning of the legislature.

Table 15.1 shows, for the 1987, 1998, 1994, and 1996 elections, the number of lists that (1) received at least 0.5% of the vote, (2) received more than 4% (which is the legal threshold of the new electoral system in the list tier for the Chamber), and (3) gained seats. It also shows the number of parliamentary groups formed in the Chamber of Deputies and in the Senate. The comparison of these data reveals a consistently high level of fragmentation. In the 1987 elections 14 parties or lists obtained more than 0.5% of the vote. In 1992 the number rose to 16, and in 1994 returned to 14; in 1996, it dropped to 11. In 1994, 7 parties got more than 4% of list votes in the Chamber; in 1996 this number increased to 8, compared with only 4 in 1987.[185] Looking at these data, it is difficult to think that there has been a radical change in the electoral system in a majoritarian direction between 1987/92 and 1994/6.

Actually, these data suggest another perplexing observation. In 1994 and 1996 (i.e. after the introduction of the new electoral system) fewer parties gained seats in the list tier in the Chamber where the legal threshold is only

[185] For the analysis of fragmentation at the PR level see Cartocci (1998).

4%, than in the nominal tier, where the natural threshold of inclusion is significantly higher. Indeed, for the Chamber the difference in the figures of rows 4 and 3 is accounted precisely by the number of parties that gained seats only in the nominal tier. However, these parties were not able to form their own parliamentary groups, given existing rules, so they had to join other parties or end up in the so-called "mixed group." This is why the number of parliamentary groups is smaller than the number of parties obtaining seats.

This complex picture raises a question: how do we calculate fragmentation and compare it over time? What are the units of account? There is not a clear-cut criterion or set of criteria that can be used. The problem is that there are two distinct electoral tiers and a wide array of political actors operating at different levels—parties or political movements that negotiate the allocation of SSDs, parties or groups of parties competing in the list tier, coalitions competing in the SSDs. To calculate the Laasko–Taagepera index for 1994 and 1996, I have counted all the parties that have obtained seats in the Chamber (Figure 15.1).

The figure shows that fragmentation remained fairly stable between 1953 and 1987 and that it has significantly increased after 1987. In 1987 the pattern of the actors still resembled that of the early elections in 1948–53. There were no consistently strong autonomist movements in the North, and an opposition to the PCI/PDS had not appeared yet on its left. Furthermore, the DC did not give any sign of waning. All these things occurred in 1992 and strengthened further in 1994, via a stage of local elections which, although unimportant in the analysis of a national party system, represent another step in the process of destructuring of the old party system. The new electoral rules did not reverse this process and did not reduce fragmentation.

Moreover, looking at the data in Table 15.2, we can see not only an increase in the number of parties, but also a significant increase in the dispersion of the votes, with the consequent leveling of the distribution of electoral support. Clearly, the 1992 elections represent a turning point for the classic postwar model.[186]Before 1992 the two major parties—DC and PCI—always received between 50% and 70% of the seats in parliament. Since 1992 the two major parties—PDS and Forza Italia—have not received more than 42%. The ratio between the first and fourth party was about 1 : 6 in 1987 but only 1 : 2 in 1996. In short, the strongest parties have a smaller share of the vote than before while that of the smaller ones increased. Taking this into account, we can say that the party system has changed from a configuration with two large parties to a configuration of equitable distribution, characterized by four or five medium-sized parties with little difference in strength among them.

But why did the new electoral rules, with their predominant plurality component, not halt, let alone reverse, the previous party system dynamics? Many

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[186] For an in depth analysis of this model see Corbetta et al. (1988).

Figure 15.1 Effective Number of Parliamentary Parties (ENPP) in Italy, Chamber, 1946–96
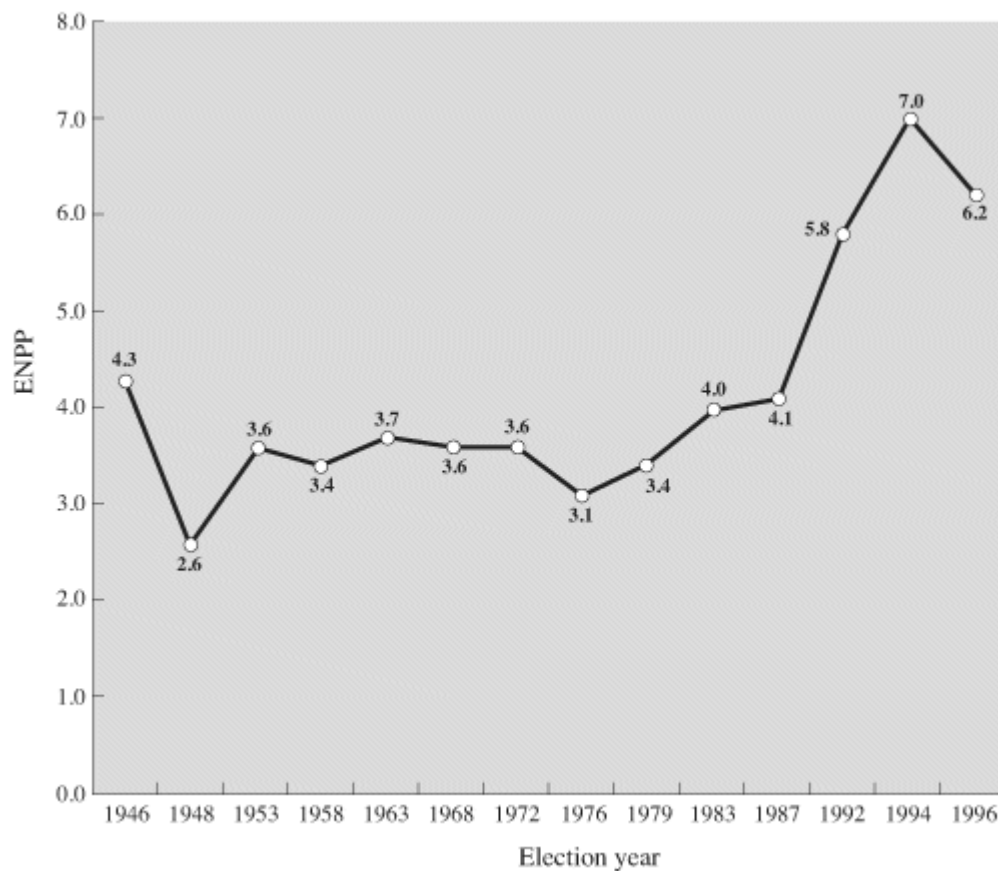
The index has been calculated from the data in row 3 of Table 15.1. For 1994 the parties includes are: PDS, PRC, Greens, PSI, the Net, AD, PPI, Segni Pact, FI, CCD, Pannella List, AN, Northern League, SVP, Valle d'Aosta List, LAM. For 1996 the parties included are: PDS, PRC, PPI, Dini List, Greens, FI, AN, CCD, CDU, Northern League, SVP, Valle d'Aosta, LAM.

suggest that such an outcome is due mainly to the existence of the residual PR component (25% of the seats in both chambers). Yet we have seen that even small parties that were unable to beat the 4% threshold in the Chamber or the natural threshold in the Senate have obtained SSDs. This is what we have to explain. In my opinion, the search for an explanation must start with the timing of the electoral reform. The reform has been introduced in a context characterized by high and increasing fragmentation, increasing volatility, and great uncertainty of the electoral outcome because of the destructuring of the old party system. Given these factors, the introduction of the plurality system, far from penalizing small parties, gave them a coalition potential (or blackmail potential) which they have used to bargain successfully their participation into "cartel-like coalitions" based on an "equitable" distribution

of SSDs via stand-down agreements. This has amounted to a sort of *proportionalization* of the nominal tier of the system. Would this have been possible without the existence of a list component? In other words, if Italy had adopted a straightforward plurality system would fragmentation be less? I think not.

To be sure, the existence of a list component reinforces the claims of small parties and facilitates the proportionalization of SSDs, but it does not explain the resilience of these parties. Their survival is in fact due to their capacity of subtracting valuable votes to the candidates of the main pre-election coalitions if they choose or are forced to run a separate campaign. In turn, this factor does not depend on the existence of a list tier: rather, it depends on voters' loyalty or on their ignorance of the new rules. So, in highly competitive elections, where small margins count, small parties count too, since the bigger parties cannot neglect their blackmail power.[187]This argument is further

Table 15.2. Percentages of List Votes in the Italian Chamber, 1989–96

	1987	1992	1994	1996
Proletarian Democracy	1.7	—	—	—
PRC	—	5.6	6.0	8.6
PCI–PDS	26.6	16.1	20.4	21.1
The Net	—	1.9	1.9	—
Greens	2.5	2.8	2.7	2.5
Democratic Alliance	—	—	1.2	—
PSI	14.3	13.6	2.2	—
PRI	3.7	4.4	—	—
PSDI	3.0	2.7	—	—
PLI	2.1	2.9	—	—
DC–PPI	34.3	29.7	11.1	6.8
Segni Pact	—	—	4.7	—
Dini List	—	—	—	4.3
Lombardy/Northern League	0.5	8.6	8.4	10.1
Radical Party/Pannella List	2.6	1.2	3.5	1.9
CCD–CDU	—	—	—	5.8
FI	—	—	21.0	20.6
MSI–DN/AN	5.9	5.4	13.5	15.7
Other minor lists	2.8	5.1	3.4	2.6

[187] This is not of course a new phenomenon. An interesting historical example of the electoral use of blackmail power in the USA has been brought to my attention by David Brady of Stanford University. During the 1850s the American Party ran candidates in competitive districts in New York State. These candidates received on average less than 10% of the vote but it was sufficient to keep Republican candidates from winning elections. Only when the Republicans promised to pass voter registration laws did the American Party withdraw from the elections (1860) giving Republicans an additional 15 seats in the House of Representatives. See Brady (1988) and Silbey (1985).

reinforced by the fact that in the present Italian context there are no big parties that could take the risk of running alone in SSDs and winning a majority of seats at the national level. These are the causes of fragmentation that the MMM system has not uprooted.

However, it would certainly be misleading to stop the analysis of the impact of electoral reform at this point. After all, the plurality system has led parties to form pre-election coalitions, and, even though these coalitions have neutralized the effects of the plurality formula in terms of number of parties, they have undoubtedly constrained their choices forcing them to coalesce. The result has been a degree of interparty competition that Italy has never experienced before. So they perform a crucial role in the electoral and governmental arenas. Indeed, they have counterbalanced to some extent the effects of party fragmentation. This leads to another relevant question: does fragmentation matter today as it did in the past? In other words, does fragmentation have the same systemic significance in the context of a party system based on quasi-pure proportionality as it does in a party system based on a predominantly plurality formula? The answer is positive if we assume that the electoral coalitions are no more than electoral cartels, i.e. tactical agreements, which leave the member parties free to act as they wish once the elections are over. I do not think this is the case in Italy today. As suggested before, pre-election coalitions are a source of incentives and constraints that cannot be neglected by parties. They are too important for them to be considered simply as an electoral expedient and a transient phenomenon. In spite of their fragmentation and instability, they are indispensable. At the electoral level, they have a value of their own that can make the difference between victory and defeat.

From Parties to Coalitions: E Pluribus Duo

Governmental coalitions have long been a feature of Italian politics. Pre-election coalitions are a new thing. They have not replaced parties, as we have seen, but they have become actors on their own in the party system. Indeed, Italian elections have been characterized so far by a constant redefinition of coalitional alignments. This has been true in 1994 and 1996 and it will happen again at the next elections. It is another sign of a still unstable party system.

In 1994 four coalitions were formed, as can be seen from Figure 15.2. Their formation can be certainly attributed to the influence of the new MMM system, but their internal composition reflects the changes at the party level that have occurred both before and after their introduction, and particularly the breakup of the three major parties of the old party system: the DC, the PCI, and the PSI.

Figure 15.2 The Party Composition and Transformation of Electoral Coalitions in Italy, 1994 and 1996 Elections
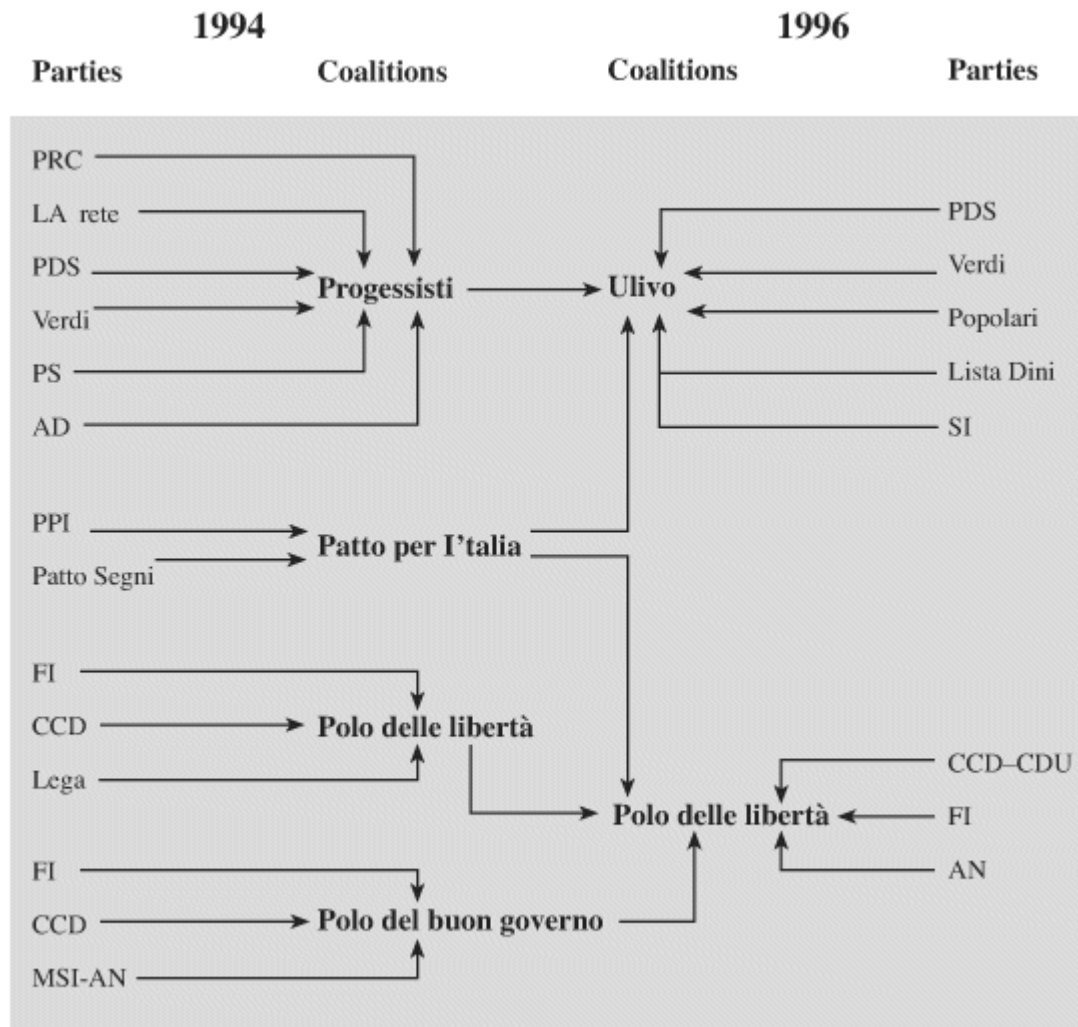
Note: See Appendix A list of party abbreviations on p.347.

On the left, six groups, from leftist Catholics to neo-communists, presented a united front under the label "Progressives". In this coalition we find the successors of the PCI, i.e. the Party of the Democratic Left (PDS) and the Party of Communist Refoundation (PRC); a fragment of the DC, i.e the Net; a fragment of the PSI, i.e. the Socialist Party; the Greens; and a new political group, Democratic Alliance (AD).

In the center we find the principal heir of the DC—the Italian People's Party (PPI)—and a group called the Segni Pact, formed by Mr Segni (the electoral referendum leader) and by former members of the DC, PSI, and PRI. Together, these two components formed the coalition called "Pact for Italy."

On the right there were two coalitions: the "Freedoms Pole" and the "Good Government Pole." The leading party in both was Forza Italia (FI), the party

founded in early 1994 by the TV magnate Silvio Berlusconi to fill the political vacuum created by the disintegration of the DC and PSI. Berlusconi aimed to form a united and moderate anti-left coalition. However, this strategy was hamstrung by two factors: the refusal of the PPI to ally itself with the Northern League and with the Italian Social Movement–National Alliance (MSI–AN); and the refusal of the Northern League to ally itself with the MSI–AN in northern Italy. The first proved to be an insurmountable problem. The second was resolved by the creation of two coalitions. In the North and in most of central Italy, the Freedoms Pole included FI, the Northern League, and the Christian Democratic Center (CCD), which is another fragment of the DC, but not the MSI–AN. In these areas the MSI–AN ran its own candidates. In the South the Good Government Pole put together FI, the MSI–AN, and the CCD. So, the right coalition was actually a coalition of variable geography due to the incompatibility of two of its most important actors, the Northern League and the MSI–AN. FI and Berlusconi were the common denominators.[188]

The engineering of these four coalitions was no easy task. The process was split into three steps with the PDS and FI taking a leading role. The first was to find an agreement among politically compatible parties in order to define the coalition's partners. The second was to decide on a common strategy for running in the SSDs. In turn this problem centered on three aspects: the choice of common candidates to run in the SSDs, the symbol they would use, and the type of linkages between SSD candidates and PR lists (for the Chamber). The third step was the actual selection of the candidates themselves. This step was usually an internal party matter. Choosing common candidates was the most delicate decision to make, since it involved the partitioning of SSDs among the members of the coalition. A combination of different criteria was used (Di Virgilio 1995). In all cases the result has been a sort of *proportionalization* of the plurality tier of the MMM system, since even small parties were guaranteed not just a quota of SSDs, but a quota of those considered *ex ante* "safe" for the coalition, so that their number of parliamentary seats would be roughly proportional to their presumed electoral strength as estimated from their performance in past elections. The coalition's candidates in the SSDs ran under a common symbol, that of the Progressives. Each party was then left free to run in the PR tier with its own symbol and party list.

The two Poles won the 1994 elections, thanks to their variable coalition strategy, the focusing of the campaign on the leadership of Berlusconi, and a skillful and abundant use of polls and media. However, the resulting Berlusconi government did not last long. At the end of the year the Northern League withdrew from the coalition, forcing his resignation. A transitional cabinet took over for about a year until new elections were held in April 1996.

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[188] For a detailed reconstruction of the formation of these coalitions see Di Virgilio (1995).

Between the fall of the Berlusconi government and the new elections, coalitional patterns changed significantly, as is shown in Figure 15.2. The main differences are as follows.

1. The Pact for Italy disappeared. In 1995 the PPI split into two groups, one of which kept the old name and the other of which became the United Democratic Christians (CDU). Most members of the Segni Pact joined a new party (the Dini List–Italian Renewal) formed by Lamberto Dini, former minister of the Treasury in the Berlusconi cabinet and prime minister after him. Others joined the Freedoms Pole.

2. A new center–left coalition took the place of the Progressives. Its core is represented by a new alliance, the Olive Tree, formed by the PDS, the Greens, the PPI, and the Dini List under the leadership of Romano Prodi. In turn, it allied itself with PRC on its left. However, the PRC candidates ran with the old symbol of the Progressives and not with the Olive Tree's symbol. The difference was not just symbolic, but reflected the fact that PRC would not share with the Olive Tree governmental responsibility in case of victory. In twenty-seven SSDs in the Chamber (5.7% of the total SSDs) and seventeen in the Senate (6.0%) the Olive Tree did not run candidates and supported PRC candidates in exchange for PRC support of the Olive Tree's candidates in the remaining districts. This was just a stand-down electoral agreement, with no binding implications for PRC in terms of governmental support. Instead, in 1994 PRC was an integral part of the left coalition.

3. The Northern League did not enter into any coalitional agreements and ran alone, almost exclusively in the northern districts.

4. The center–right coalition, the Freedoms Pole, became a national coalition instead of being the sum of two regional coalitions, which means that the alliance between FI and AN was extended nationwide. The CCD was included as in 1994 along with the CDU, the second fragment of the PPI. It signed an electoral stand-down agreement with the Pannella–Sgarbi list, a small radical–liberal formation.

5. Before the elections AN split and a new extreme right party was formed, the Italian Social Movement–Tricolor Flame (MSFT), which ran by itself in the SSDs since a stand-down agreement with the Freedoms Pole was not reached.

The pattern of coalition-building followed the blueprint set in 1994 with some interesting adjustments. Stand-down agreements were still the norm, and the criteria used for the allocation of the SSDs were basically the same (Di Virgilio 1998). Again, the PDS and FI acted as coalition-makers. There were however some innovations. The most important are to be found in the center–left coalition, which demonstrated a remarkable capacity to learn from the errors made in 1994. Three of these innovations are worth mentioning here. The first is the clear and unequivocal indication of a candidate for

prime minister (Prodi), as a response to the enhanced prominence of individuals and the increased identifiability (as defined in Chapter 2) under the new rules, as evidenced by the Berlusconi campaign of 1994. The second is the centralization of the bargaining process for the allocation of SSDs within the coalition. In 1994 the process had been much more decentralized. By shifting the process of selecting candidates from the regional level to the national level, the number of negotiators and the intensity of intra-coalitional conflicts was drastically reduced. The benefit for the coalition in terms of image and cohesion was significant.[189]The third is the creation of multiparty PR lists in the Chamber centered on the PDS, the PPI, and the Dini List. This avoided the wasting of list votes (and consequently seats) as it happened in 1994 when the Greens, for example, chose to run alone but failed to pass the 4% threshold. The better coalition-building skills shown by the center–left in 1996 paid

Table 15.3. Votes and Seats Won in Italy by Electoral Coalition/party, Chamber and Senate, 1994 and 1996 (%)

	Nominal	List	SSDs	PR seats	Total
	votes	votes	won	won	seats
Chamber					
Olive Tree-PRC 1996	44.9	43.4	55.2	37.4	50.8
Progressives 1994	32.9	34.3	34.5	31.6	33.8
Freedoms Pole-PS 1996	40.5	44.0	35.6	49.7	39.5
Poles 1994[a]	37.7	46.4	63.6	41.3	58.1
Northern League 1996	10.8	10.1	8.2	12.9	9.4
Pact for Italy 1994	15.6	15.7	0.8	27.1	7.3
Senate					
Olive Tree-PRC 1996	44.1		62.1	27.7	53.0
Progressives 1994	32.9		41.4	31.3	38.7
Freedoms Pole-PS 1996	38.9		28.9	60.2	37.1
Poles 1994	42.7		55.2	33.7	49.5
Northern League 1996	10.4		7.8	10.8	8.6
Pact for Italy 1994	16.7		1.2	33.7	9.8

[a]   Comparing nominal votes and nominal seats, this figure would be greater. In the case of the two Poles in 1994 the difference between nominal votes and list votes is accounted for for the most part by the votes received by the MSI–DN lists in those districts where it ran nominal candidates independent of the Freedoms Pole (north and central Italy). We have chosen to include these votes (and seats) in the PR columns of this table because the total gives a more accurate picture of the center–right coalition's electoral strength and its actual parliamentary representation.

[189] We cannot fail to point out that this is an unanticipated effect of the introduction of a predominantly plurality system. The explanation is straightforward: the proportionalization of the plurality system requires a high degree of centralized decision-making on the allocation of districts to parties and on the selection of candidates.

off. Its victory gave Italy the long-awaited alternation in government, with the losers of 1994 replacing the winners (Table 15.3).[190]

Comparing the 1994 and 1996 results, we can see how the new electoral system worked. No coalition received a majority of nominal or list votes in either election, in either branch. The winners got a minimum of 37.7% of the nominal votes (the Poles in 1994) and a maximum of 44.9% (the center–left in 1996). The degree of plurality enhancement varied. For Berlusconi's Poles in 1994 it was 11.7 in the Chamber and 6.8 in the Senate, comparing list votes and total seats in the first case and nominal votes and total seats in the second case.[191] For the Olive Tree–PRC coalition in 1996 it was 7.4 in the Chamber and 8.9 in the Senate. In both cases the enhancement was significantly reduced from what it would have been without the presence of the list tier and the *scorporo,* as can be appreciated by comparing nominal votes and nominal seats. In fact, in 1994 the Poles were unable to win a majority of seats in the Senate and got only 49.5% in spite of the advantage they had in SSDs.

The Northern League did much better, as a third actor, than the Pact for Italy in 1994. As we know, the record of third parties in plurality systems is often one of defeats and parliamentary under-representation. The Northern League has done well because of the concentration of its vote in certain districts in the North. In this area it won 25.2% of the plurality votes in the Chamber and 22.5% in the Senate, but in certain constituencies (Piemonte 2, Lombardia 3, Veneto 1 and 2) its average vote was higher than 30%. This explains why it gained a significant number of SSDs in three-way races with the Olive Tree and the Freedoms Pole candidates. The difference between it and the Pact for Italy is striking. With 6,019,038 votes, the Pact in 1994 obtained only four SSD seats in the Chamber and it owed its parliamentary survival to the list tier enhanced by the *scorporo*. The Northern League picked up 39 SSDs in the Chamber with 4,038,511 votes. The same thing happened in the Senate. In both cases however the League failed to gain a pivotal role, as its leader hoped, although it got close enough to prevent either of the two major coalitions getting a majority in both branches.

In 1996 electoral uncertainty was just as high if not higher than in 1994. The significant changes in the structure of competition made it difficult to use the 1994 results in order to estimate the outcome of the races in most SSDs. This

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[190] For a complete analysis of the elections of 1994 see Bartolini and D'Alimonte (1995); Pasquino (1995). For an analysis of both elections see Bull and Rhodes (1997a); Corbetta and Parisi (1997); D'Alimonte and Bartolini (1997).

[191] Comparing nominal votes and nominal seats, it would be greater. In the case of the two Poles in 1994 the difference between nominal votes and list votes is accounted for the most part by the votes received by MSI–DN lists in those districts where it ran nominal candidates independent of the Freedoms Pole (north and central Italy). We have chosen to include these votes (and seats) in the PR columns of Table 15.3 because the total gives a more accurate picture of the center–right coalition's electoral strength and its actual parliamentary representation.

can be appreciated by looking at the increase in the number of marginal districts, those where the difference between the first and second placed candidates is less than 8% of the votes. District competitiveness is a major factor of electoral uncertainty. It is also a major factor of electoral fragmentation. In fact, it increases the leverage that small parties have, since it reinforces their claim of being indispensable for winning SSDs. Clearly, district competitiveness is not an intrinsic property of the electoral system since it depends on the balance of votes among the major competitors in SSDs. However, it is equally clear that without the nominal tier of the MMM system the concept of marginal districts would itself be meaningless.

In 1994 marginal districts were relatively few—only 31.4% in the two chambers—and they were concentrated mainly in the South. In fact, the North was dominated by the Freedoms Pole, which won 90% of the SSDs in the Chamber and 83.9% in the Senate. The center was dominated by the Progressives, which won 96.3% of SSDs. In both areas marginal districts were few. Only in the South was there a competitive bipolar pattern between the Good Government Pole and the Progressives. As a result, marginal districts were in this area 50.7% in the Chamber and 60.0% in the Senate. In 1996, again, no national pattern of competition emerged. The overall competitiveness of the elections was the product of three distinctive territorial patterns. The big difference compared to 1994 was in the North, where the split between the Northern League and the Freedoms Pole created a tripolar competitive pattern. Here the percentage of marginal districts increased: in the Chamber from 12.2% in 1994 to 61.1% in 1996 and in the Senate from 19.5% to 56.3%. In the other two areas the pattern of competition was similar to 1994: bipolar noncompetitive in the center (center–left predominance) and bipolar competitive in the South (balance between center–left and center–right). The percentage of marginal districts was also roughly similar. Nationwide marginal districts rose to 51.8%. To complete the picture for 1996, we can add that in 6.3% of the districts in the two chambers the difference between first and second candidate was less than 1% of the vote.

The increase of district competitiveness is the result of the electoral re-equilibrium between the two major coalitions. In 1994 the center–left coalition was not competitive nationwide. In 1996 it was, partly because of its ability, partly because of the Pole's errors. Coalitional strategies are a key factor. Between 1994 and 1996 the center–left expanded its electoral base by including as many parties as possible. So it gained 44.9% of SSD votes (Table 15.3). The Freedoms Pole was more selective in its strategy of inclusion. In other words, the Olive Tree encompassed in the coalition any parties—how-ever small—that could bring additional votes; and when this was not possible, because of irreconcilable ideological differences, it still entered into stand-down agreements, like the one with PRC, in order to neutralize competition within its area. The Freedoms Pole instead separated from the

Northern League, with the result that the moderate vote in the North was split and it refused to make deals with small parties that were potential competitors for the same pool of voters. From another perspective, we can say that the Olive Tree pursued the strategy of building a large but heterogeneous coalition, the Freedoms Pole a small but homogeneous one. The Olive Tree won; the Freedoms Pole lost.

Small parties do count. To prove further this point, we can take the case of MSFT. As mentioned above, this is a small right-wing party that split from the National Alliance. The Freedoms Pole refused to sign a stand-down agreement with it, apparently because it found the MSFT request for SSDs excessive. As a result, the MSFT fielded candidates in 179 SSDs in the Chamber and in 165 in the Senate, mainly in the South. In these southern districts the mean vote for its candidates was about 5% in both arenas. The party had no chance if winning any SSD seat, as it turned out. Yet it cost the Freedoms Pole 36 seats in the Chamber and 26 in the Senate. An electoral agreement similar to that in force between the Olive Tree and PRC would have prevented the center–left coalition from obtaining an absolute majority of seats.[192] It is not difficult to predict that at the time of the next elections the MSFT too will be admitted to the allocation of SSDs via a stand-down agreement with the Freedoms Pole.

This is the way fragmentation escapes the rigor of plurality rule and the legal threshold in the Chamber's list tier. The outcome however would not be possible without the collaboration of the voters. Why should voters vote for candidates of very small parties like the MSFT, who have no chance of winning in SSDs? One answer is ignorance. This is certainly plausible. Though we have no data on the understanding by voters of the way the new electoral rules work, it is likely that, as the learning process goes on, Duverger's psychological effects will set in and induce more voters to vote strategically. In the Italian context, however, loyalty may defeat exit and Duverger. This is particularly true if voters come to realize that their casting a wasted vote in the short run increases the blackmail potential of their most preferred party in the long run.[193] Moreover, this hypothesis is made even more plausible by the consideration that there are other PR arenas and PR mechanisms that give visibility and coalitional weight to small parties, and therefore encourage loyalty even in those arenas where it does not have an immediate payoff. Examples include the law on public financing of electoral campaigns and party publications as well as the PR components of regional and local electoral systems and the highly proportional European Parliament elections. The general effects on the national party system of the interaction of these

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[192] For a complete analysis of the different outcome of the elections according to different pattern of alliances, see Chiaramonte (1997b).

[193] On the lack of inclination (at least at this stage) among Italians to vote strategically, see Chiaramonte (1997a).

different mechanisms and electoral arenas have not been investigated, but it is highly plausible that they are relevant.

The Electoral Performance of Coalitions

Parties matter, but pre-electoral coalitions matter too. And they do so essentially for two reasons: one is the high level of party fragmentation; the second is that the evidence shows that electoral outcomes depend more on changes on the supply side than on the shifting of electoral preferences. Therefore building the "right" coalition is a crucial factor for winning. But what is the right coalition?

We have seen above that the Olive Tree won in 1996 because it broadened its membership to centrist parties which were not included in the Progressives alliance of 1994. In turn, the Freedoms Pole lost because it split. We must infer that size seems to be the first important rule for the engineering of a winning coalition. But a winning coalition cannot simply be the result of the simple addition of the largest number of parties. In the Italian context this seems to be a necessary condition in the light of the experience of both the 1994 and 1996 elections. But it is not a sufficient condition. Parties may decide to form a certain coalition, by partitioning districts among themselves, but their voters might refuse to "buy" the common candidates. This is why another important requirement of a winning coalition is to keep the voters of its different parties together around the common coalition's candidate. This is the *gluing effect*. To this we can add what we call the *magnetic effect*: this happens when the coalition's candidate is able to attract votes beyond the perimeter of the coalition. So, if a coalition is broad enough to start with, and in addition is capable of not losing pieces of its potential electorate, and possibly even enlarging it, we have a winning coalition. But what are the nuts and bolts that make such a coalition?

We don't know enough yet on this subject. I can only mention the following factors: the choice of the leader/prime ministerial candidate; the careful selection of candidates to run in the SSDs; the skillful assembly and presentation of the coalition program; the fine-tuning of the coalition ideological differences; an effective coalition image. If the crafting of the coalition in all these aspects is successful, the coalition assumes an identity of its own which is different from that of its constituent units. It becomes a different political unit. If so, coalitional performance is enhanced.

Among the various features of the Italian MMM system, there is one that allows us to measure coalitional performance. In the Chamber elections voters may cast two separate votes: one for the candidate who represents the coalition in the nominal tier, and the second for the parties running in the list

tier. This feature of the electoral system allows us in each district to compare the list votes obtained by all the parties supporting the coalition's candidate with the nominal votes received by that candidate. In this way we can measure the electoral performance of each coalition and analyze what I call the "coalitional return." If a district candidate gets more votes than the parties of the coalition get in the list tier, the coalitional return is positive. If the opposite is the case, we can speak of a negative return. Both the 1994 and (even more) the 1996 elections show that coalitional returns are an important factor in determining the outcome.

Table 15.4 reports the total votes obtained in 1996 in the list and nominal tiers by the four political formations enjoying at least a multi-regional, if not national, presence: the center–left, the center–right, the Northern League, and the MSFT. From these data we can draw a number of observations. In the list tier the Freedoms Pole had more votes than the Olive Tree (16,481,785 vs 16,270,535) but in the SSDs it was the other way around (15,097,220 vs 16,744,708). Since voters and valid votes in the list tier were roughly equal to those in the nominal tier, the comparison of the two is feasible. In other words, it is unlikely that the difference between these two sets of data is due to any differential effect of abstentionism, so it can reasonably be ascribed to a divided vote, that is to voters who chose one party in one coalition for the list vote, but did not vote for the coalition's candidate in the SSDs. According to this hypothesis, the nominal votes lost by the Freedoms Pole are for the most part from voters who defected, that is who chose the CCD–CDU, FI, or National Alliance in the list tier but did not vote for the Freedoms Pole candidate in the nominal tier.

Between the list and nominal tiers, the Olive Tree gained 473,773 votes and the Pole lost 1,384,565. This means that the difference is due less to the positive coalitional return of the Olive Tree than to the very poor performance of

Table 15.4.SSD and Pr Votes Won in Italy by Electoral Coalitions/parties and by Area, Chamber, 1996

	Nominal votes	List votes	Difference	Nominal votes	List Votes	Difference
	Olive Tree-PRC			Freedoms Pole-PS		
Italy	16,744,708	16,270,935	+473,773	15,097,220	16,481,785	−1,384,565
North	5,609,437	5,538,863	+70,574	5,348,128	5,826,525	−478,397
Center	4,091,561	4,118,775	−27,214	2,527,231	2,618,077	−90,846
South	7,043,710	6,613,297	+430,413	7,221,864	8,037,183	−815,319
	Northern League			MSFT		
Italy	4,038,511	3,777,786	+260,725	629,522	338,701	+290,821
North	3,759,469	3,494,986	+264,483	37,310	49,197	−11,887
Center	279,042	282,800	−3,758	53,325	43,146	+10,179
South	—	—	—	538,887	246,358	+292,529

the Pole. The Freedoms Pole lost much more than the Olive Tree gained. Indeed the Olive Tree gained basically only in the South, whereas the Freedoms Pole lost heavily in both the North and the South. It is reasonable to assume that in the SSDs the Freedoms Pole suffered from the competition from the Northern League in the North and the small MSFT in the South. The candidates of these two parties gained more votes in the nominal tier than in the list one, even when their candidates had no chance of winning. (This is particularly true for the MSFT candidates.)

Overall, the Freedoms Pole candidates lost an average of 3.7% of list votes whereas the Olive Tree candidates gained 1.6%. If we consider that in 187 SSDs of the Chamber the difference between the first and second placed candidates was less than 5%, it is plausible to say that the Pole's SSD losses had a significant effect on the outcome of the elections, regardless of other factors, such as the failed agreement with the Northern League in the North and the MSFT in the South. If the Freedoms Pole had hung on to its list votes, the center–left coalition would not have won the 1996 elections.

It is possible to estimate the cost of these defections by calculating how many seats the coalition would have won if all its list voters had also voted for the coalition's candidates in the districts. Applying the same reasoning to all the political groups, one can conclude that the split-ticket voting of the Freedoms Pole voters cost the party a total of 94 seats: on the basis of its list vote, the Freedoms Pole would have won 263 seats, as opposed to its actual tally of 169. The split vote cost 103 seats. However, it gained nine seats that it would not have won on the basis of its list votes. Therefore, though perfect equivalence between nominal and list votes can be said to be purely theoretical, there is no doubt that, under the highly competitive conditions of the 1996 elections, the plurality defections of Freedoms Pole voters, i.e. their rejection of the coalition's candidate, was the main cause of its defeat. The 103 seats lost through the split vote went in 91 cases to the Olive Tree, in 11 to the Northern League and in one case to the Southern Action League. The nine seats won by the Freedoms Pole thanks to a positive coalitional return were all in districts where the center–left candidate was from PRC.

This last point raises a question: did candidates matter? In other words, is the performance of the two coalitions a function of the choice of SSD candidates, i.e. their spatial positioning and/or their personal qualities? The data from Table 15.4 seem to suggest a negative answer. The center–left presented and supported candidates from five principal groups: PRC, PDS, Greens, PPI, and the Dini list. There were an additional five candidates belonging to the Net, one candidate from the Sardinian Action Party, and one independent. The Freedoms Pole presented candidates only from three main groups: FI, CCD–CDU, and AN. In Table 15.5 the number of candidates presented by each party as representatives of the respective coalitions is shown, as well as the percentage of the nominal votes and the total number of list votes of

Table 15.5. The Performance of Electoral Coalitions in Italy,Chamber, 1996 (% Of Voters)

Parties/coalitions	No. of candidates	Mean % of SSD votes (A)	Mean % of PR votes (B)	Difference (A − B)
Olive Tree/PRC	454	41.7	40.1	+1.6
PRC	27	42.3	49.5	−7.2
PDS/European Left	215	44.1	42.2	+2.1
Greens	28	42.0	40.7	+1.3
PPI	130	38.9	36.2	+2.7
Dini List	47	37.5	36.2	+1.3
The Net	5	43.0	41.4	+1.6
Sardinian Action Party	1	43.1	41.5	+1.6
OliveTree Independent	1	26.8	21.7	+5.1
Freedoms Pole	474	37.4	41.1	−3.7
FI	233	36.9	40.7	−3.2
AN	162	38.9	42.8	−3.9
CCD/CDU	79	35.7	39.1	−3.4
Northern League	228	19.5	17.9	+1.6
MSFT	179	4.3	1.5	+2.8

the members in each coalition. Finally, the last column gives the difference between the nominal vote and the list vote as a percentage of voters.

The data show that the Olive Tree candidates did systematically well whereas those of the Freedoms Pole did systematically poorly. The exception is represented by PRC, whose candidates were the most extreme in the center–left coalition and also were very visible since they did not run with the Olive Tree symbol but with a different one. This is the only case where the spatial location of the candidates seems to have had an effect on voters' behavior by offering them a reason to defect: moderate Olive Tree voters refused to vote for the candidates of a party they considered too extremist. For the rest, the candidates of the most important parties of the Olive Tree—PDS and PPI—gained respectively an average of 2.1% and 2.7%. Here too one could be tempted to see a spatial effect, since the PPI is a more centrist party, but this is not confirmed by the candidates of the Dini List, who gained less than those of the PDS though their party is certainly more moderate than either the PDS or the PPI.

The lack of a significant spatial effect is confirmed also by the data pertaining to the Pole's proportional–plurality electoral gap. If a significant spatial effect really existed, then National Alliance candidates in the districts should have caused a significantly higher level of defections by moderate voters compared with those from FI and CCD–CDU, given their more extreme

position in the political spectrum. Instead, though some difference shows up in the data, it is really marginal: National Alliance candidates lost 3.9% whereas those from FI lost 3.4% and those from the CCD–CDU lost 3.2%. So the real point here, just as in the case of the Olive Tree, is the existence of a clear and generalized trend: the Freedoms Pole tended to lose uniformly not only at the national level, but even more so in relation to the different components of the coalition.

The importance of building the "right" coalition is not a new development of the 1996 elections. The same thing happened in 1994. Then, however, the trend worked against the Progressives and in favor of the two Poles. The candidates of the leftist coalition performed systematically worse than the lists of the Progressives. In some cases the difference between the two sets of values was minimal, but in other cases it was significant. The PRC candidates lost on average 2.8% of the votes compared with the coalition lists.[194] Again, what is really impressive is not so much the individual comparisons, but the systematic overall pattern. The candidates of the left showed both a weak capacity of internal mobilization and a zero capacity of external attraction. Precisely the opposite occurred with the two Poles. Their candidates performed better than their respective lists. The record of the candidates of FI within the Good Government Pole (+ 3.7%) and that of the Northern League candidates (+3.4%) is significant. But even more significant is the performance of the MSI–AN candidates within the Good Government Pole: not only did they perform better than the Pole's lists (+3.3%), but they also outperformed the FI candidates against any spatial effect expectation (see Bartolini and D'Alimonte 1996).

The conclusion to be drawn from both the 1994 and 1996 data seems to be that it is not the candidates that matter, but the coalitions. The only significant spatial effect pertains to the PRC candidates, who have always proved to be a liability to their coalition. As to the influence of a personal vote, I feel that the systematic nature of these data does not seem to fit such an hypothesis. The existence in both elections of a clear and generalized trend speaks in favor of the influence of factors that have to do with the coalition itself, and not the candidates that represent it. Elsewhere we have called these factors the "coalition effect" and the "leadership effect" (D'Alimonte and Bartolini 1998). At the micro level they mean that, while the list vote indicates the true preference of voters for one of the parties of the coalition, the high number of plurality defections among such voters betrays their unhappiness with the

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[194] This seems to confirm the hypothesis that there is a tradeoff between the spatial width of the coalitions and the electoral "summability" of their different electoral components (Bartolini and D'Alimonte 1996: 130–5). In the case of PRC candidates, their rejection by moderate Olive Tree voters was made easier by the fact that they ran in the districts under their own symbol (the Progressives label), rather than under the symbol of the Olive Tree, thus increasing their visibility.

coalition chosen by their party or with the leader chosen to be the future prime minister. The result is a sort of *coalitional ungluing*.

These hypotheses need further testing. However, the evidence we have accumulated with the two elections held so far with the new electoral rules seems to support the general conclusion that pre-electoral coalitions are a relevant aspect of the evolution of the Italian party system. This is, so far, the most important effect of the introduction of the MMM system.

Party System Change

On October 21, 1998, the D'Alema cabinet was sworn in: the fifty-fifth republican cabinet and the fourth since 1993, when the new electoral system was introduced. The first cabinet formed after the electoral system was changed, was that of Berlusconi, who governed until December 1994, when the Northern League withdrew from the coalition and Berlusconi resigned. The next cabinet, after much bickering, was that of Mr Dini, who was the former minister of the Treasury in the Berlusconi's cabinet. Dini's cabinet was a technocratic one, made up of independent personalities. It received the vote of confidence thanks to the support of the left, the PPI and the League—the parties (with the exception of the League) who lost the elections of 1994. This government lasted until January 1996. After a failed attempt to form a grand coalition, new elections were called in April of the same year. The center–left won and Prodi, as the leader of the Olive Tree, became prime minister with the key support of the PRC, which supported him in the vote of confidence but was not part of the Olive Tree coalition and was not a member of the cabinet coalition. The relationship between the Prodi cabinet and PRC was stormy from the start. It ended in October 1998, when the PRC announced it would not vote for the 1999 budget bill proposed by Prodi. The decision to withdraw its support from the cabinet caused a split in the party and the formation of a new neo-communist party—the Party of the Italian Communists (PdCI)—under the leadership of Armando Cossutta, the former PCI leader who founded PRC back in 1991. The PdCI voted in favor of the cabinet when Prodi called a confidence vote in the Chamber on October 9, but Prodi lost that vote by 313 to 312. A member of the Dini List switched his vote at the last minute leaving the cabinet without a majority. In the ensuing negotiations for the formation of a new government an opposition party, the Democratic Union for the Republic (UDR) announced its availability to enter into a new center–left coalition provided it would not be guided by Prodi.

The UDR is a clear example of the ongoing fragmentation and instability of the party system. It was formed in the spring of 1998 by Cossiga, former leader of the DC and former president of the Republic, and was made up of

members of parliament who previously belonged to the CDU, the CCD, FI, and the Segni Pact. Most of them were former DC.[195]The new cabinet is headed by Massimo D'Alema, former secretary of the DS,[196]and is supported by a coalition that is wider than Prodi's since its range goes from the PdCI to the UDR, both of which where not in the previous Prodi government.

Judging from the above short history, the pattern of government formation, composition, duration, and crisis does not seem very different from that of the so-called First Republic. Cabinets formed not as a direct result of the elections, but through party negotiations—four governments in four years. Governments fell because of intra-coalitional disagreements. Parties split. Others switched from one coalition to another and from one camp to another. New cabinets formed after extenuating bargaining on the assignment of ministerial posts. Government coalitions formed with a seemingly ever-increasing number of components. The D'Alema cabinet had ministers belonging to seven parties: PdCI, DS, Greens, PPI, Dini List, SDI, and UDR. In the last cabinet of the old system there were four parties.

All of this reflects a continuity with the past in spite of the new electoral system, and clearly does not correspond to the expectations of the reformist movement (see Chapter 5). But it also reflects the tensions intrinsic to a new party system which has not found yet a stable equilibrium. From this perspective we should speak more of transition than continuity. After all, in spite of its fragmentation, the new system has become certainly more accountable than the old one, which was fundamentally stable but also essentially unaccountable. But where does it really fit? What kind of party system it is?

As it stands today, the new system defies Sartori's typology (1976). It is clearly no longer a case of polarized pluralism.[197]Yet the number of parties is certainly well above the threshold that separates this type from that of moderate pluralism. As we have seen, fragmentation has increased, not decreased, since the introduction of the new rules. Yet in this case fragmentation is not associated with the features that define polarization. A strong center party, such as the DC, no longer exists. The attempt to recreate it failed when in 1994 the Pact for Italy fell victim to plurality rule and later to its own internal divisions. Today we have a plethora of centrist parties, most of them fragments

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[195] This group changed configuration few months after its inception. Some of its members left; others formed another party which supports the D'Alema cabinet.

[196] The DS is the new party formed in 1998 through the fusion of the PDS and the small groups that gravitated around it, such as the Social Christians (a splinter from the DC), the Unitarian Communists (a splinter from the PRC), and the Labour Federation (a splinter from the PSI). In 1996 these groups ran in the list tier under the label PDS–European Left. Given the different political and organizational weights involved, perhaps it is more appropriate to speak of incorporation into the PDS (with a name change) rather than fusion.

[197] Yet Morlino (1996: 25) goes so far as to say that "the new radicalizing drives which have emerged, if further strengthened, may stabilize a *neopolarized pluralism* ".

of the DC, which are members of one or the other of the two major coalitions. The old anti-system parties have disappeared. The PCI has become the PDS first and then the DS, and its former secretary became prime minister in 1998. The neo-fascist MSI has become AN and was a member of the Berlusconi government. Neither the PRC nor the Northern League nor the small MSFT can be considered a threat to the democratic system. Democratic legitimacy is no longer a dimension of Italian politics.

Most important of all, the basic pattern of competition is not multipolar but bipolar, and consequently centripetal convergence has replaced the centrifugal drives typical of a polarized system.[198]Both the Olive Tree and Freedoms Pole compete on a left–right dimension for the median voters who are no longer the preserve of an immobile centrist party. The competitiveness of many SSDs provides a powerful incentive in this direction. The conclusion then would seem to be that the format of the party system—extreme pluralism—no longer explains the mechanics, which looks like that of moderate pluralism. Is this really the case? As we wrote elsewhere (Bartolini and D'Alimonte 1998: 164), the problem with this analysis of the Italian party system is that, though certainly correct at a descriptive level, it tends to overestimate the role of coalitions and thus of competition in the nominal tier, as if the parties and the list tier did not exist, or counted for very little. In our opinion, however, it is precisely in the relationship between coalitions and parties, and thus between bipolar trend and party pluralism, that the key for assessing the impact of the new MMM system should be sought.

There is no doubt that the electoral coalitions, as I have tried to show in this chapter, form the most important novelty in recent Italian politics. Their formation and their progressive redefinition have structured the electoral landscape during the transition and voters' alignments therefore have greatly influenced the outcome of the elections. But, as the Prodi government crisis proves, coalition dynamics has not stabilized yet. The pre-election identifiability of the electoral coalitions was blurred by the implementation of a variable coalition strategy (in 1994 it was that of the two Poles) or by the existence of stand-down agreements with parties that did not share their program (in 1996, the Olive Tree and PRC). Their cohesion is weak and their composition is still shifting. As a result, post-election majorities may dissolve, as happened with both the Berlusconi and Prodi governments.

After all, pre-election coalitions are made up of parties. And parties matter too. Coalitions are the instrument by which the parties, both new ones and those left over from the crisis in the 1990s, adapted or, more accurately perhaps, twisted the new rules of the game. But for the time being they represent a virtual reality. Coalitions have not replaced parties: they are simply the product of a MMM system that has been *proportionalised*.

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[198] Yet these drives have not entirely disappeared, as shown by the performance of extreme parties such as PRC and the MSFT.

Coalitions and parties need each other. At election time it is the coalition that takes center-stage and the parties that take a back seat. Once the elections are over, however, the parties come to prominence again, claiming their rights of visibility and distinctiveness. Then the coalition suffers. It loses identity and initiative and the parties regain both. But only up to a point. After all, the incentives and constraints of the electoral system, though at a looser level, operate even between elections: the Olive Tree and the Freedoms Pole do not vanish after the elections. They just have trouble finding their role *visà-vis* parties that want to keep their own identity. But the striving for autonomy tends to undermine the stability of the coalition, since only a stable balance of intra-coalitional party relationships can guarantee the existence of the coalition over time.

Thus, coalitions are a form of oligopoly: any attempt by their members to modify the distribution of "market quotas" weakens their cohesion. In a PR system this would not be the case, but in a MMM system with a high level of competitiveness and fragmentation, the conflict between the interests of the coalition and those of the parties in it is inevitable. At the end one is left to wonder whether these coalitions will evolve into something else or regress to being just electoral cartels.

Coalitions are not without their advocates. Camps are split today between coalition supporters and party supporters. This is true particularly within the Olive Tree, which is the most fragmented coalition. In fact, the never ending debate over "what the Olive Tree really is or should be" is indicative of the state of the evolution of the party system. For some, the Olive Tree should be just what it is today: an electoral and political alliance of parties with different backgrounds and interests. For the "true believers," however, the present organization of the Olive Tree is simply a transitory stage toward some other arrangement and, ultimately, a single party of the center–left. In the meantime the parties of the center–left were unable to reach an agreement for fielding common candidates under the Olive Tree symbol for the European elections of June 1999. These elections were held with a strictly PR formula which seems to prove, that without the incentives of the MMM system coalitions fade in the background. To complicate matters, the most ardent Olive Tree supporters decided to create, under the leadership of the dethroned prime minister Prodi, a new political party—the Democrats—which competed in these elections with the other parties of the Olive Tree and particularly those close to the center of the political spectrum. The declared goal was to enhance the Olive Tree, but in the process the fragmentation of the party system increased.

Yet, despite clear signs of party system instability it would be wrong to underestimate the relevance of the bipolar trend in Italian politics, although to date it is still a tendency rather than a stable and consolidated pattern. The excessive fragmentation is a source of instability. But it is not the only one. Another is the fact that the party system is not truly bipolar yet. The actors in

the plurality arena number more than two. Along with the Olive Tree and the Freedoms Pole, we have to count at least the Northern League and PRC. Both parties prefer at this stage not to enter into any coalitional agreements. Both have a fair chance to overcome the 4% threshold in the Chamber and therefore win a minimum representation. Both parties have a strong electoral leverage to use *vis-à-vis* the two coalitions. The Northern League has the additional advantage of being able to win some SSDs in certain areas of the North where it is particularly strong.

These two parties represent a threat to the consolidation of an efficient system of interparty competition for yet another reason. With their playing the role of third or fourth actors, there is always the risk that elections will not be decisive in the sense of producing a winner. This means that, with this electoral system and with this party configuration, post-election majorities are not guaranteed. The Olive Tree and the Freedoms Pole cannot be considered sure winners. In fact, the Northern League came very close to becoming a pivotal party after the 1996 elections, which was precisely what its leader wanted. Indecisive elections do not facilitate the consolidation of a bipolar pattern.

Moreover, the Northern League and PRC are not the only reasons for possible future indecisive outcomes, if they continue to stay out of any pre-election coalition. The results of the 1994 and 1996 elections show that the winners in both these elections performed differently in the two branches of Parliament. The Poles won a secure majority of seats in the Chamber in 1994 (58.1%) but not in the Senate (49.5%). On the contrary, the center–left did better in the Senate in 1996 than in the Chamber. In fact, the Olive Tree won 50.1% of the seats in the Senate without the PRC, which was not part of the Olive Tree; but in the Chamber it had only 45.2% and so needed the support of PRC (Table 15.3).

In a parliamentary system where both branches have the same powers, this phenomenon is clearly disturbing. Two factors may explain it. The electoral systems for the Chamber and the Senate are different, though they belong to the same category.[199]The electorates are different too, because for the Senate only voters 25 years or older can vote whereas for the Chamber the voting age is 18. Under these conditions, the decisiveness of elections is little short of a miracle.

In conclusion, the Italian party system shows to some extent a balance between the proportionality of representative electoral systems, the identifiability of governmental choices, and the manufacturing of post-election majorities. Yet this balance hinges on a very high level of fragmentation.

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[199] For the main differences see Ch 5 above. One factor that is often overlooked is that it is easier for independent candidates or small, regionalist parties to run in the Senate due to less stringent requirements there compared with the Chamber. The result is that candidate fragmentation in the Senate is higher and this too may influence the electoral outcome. On this point see Bartolini and D'Alimonte (1996).

Political parties did not decrease in number, but most of them formed electoral coalitions which structured competition along a basically bipolar pattern. The first effect failed to meet reformist expectations, whereas the second did. The latter effect however is largely conditioned by the former and is the result not only of the rules themselves but of the way the party elites applied them. The *imprinting* of the new MMM system has been such that fragmentation tends to feed on itself. So one of the lessons from the Italian case seems to be that the effects of new electoral rules are also a function of the way they are implanted initially. The imprinting then is just as important as the intrinsic properties of the rules themselves. And, once established in a particular format, each system develops an inertia which becomes difficult to shift in situations in which small parties enjoy substantial leverage. Without institutional changes, therefore, it is difficult to imagine a substantial reduction in party fragmentation.

At this stage it is hard to predict whether these changes will take place. The attempt to change the constitution through a special bicameral committee failed in 1998 as it did in other occasions. The attempt to abolish the list tier of the present electoral system for the Chamber through a popular referendum also failed in both 1999 and 2000. In these cases voters voted overwhelmingly in favor, but the turnout was less than 50%, so the outcome was invalid.

The D'Alema government did propose in 1999 a plan to introduce a variation on the two-round majority system for Chamber elections. According to this plan, 567 seats out of 630 would be allocated in SSDs, either on the first ballot where a candidate gets over 50% of the votes or with a runoff between the top two candidates; the other 63 seats would be allocated partly to parties who have not run in the SSDs (using a PR formula), partly to the party or coalition that gets a plurality of SSDs (as a bonus), and partly to the best losers in the districts irrespective of their party or coalitional affiliation. This plan was rejected by the opposition, which however has failed to propose a single alternative plan. At the same time, however, a significant number of parties in both coalitions have come out very strongly in favor of a return to a proportional system similar to the German one. The picture remains confused and unstable, as evidenced by D'Alema's resignation in April 2000 after his coalition's poor performance in regional elections. Yet we cannot entirely rule out the fact that political elites will find the necessary consensus for a limited set of reforms, including the electoral law. In the meantime, waiting for Godot, we can say that, in spite of its intrinsic weaknesses and contextual limitations, the new MMM system has worked—with a measure of luck. In life, as in politics, that is a good sign.

Appendix A: Party Labels

Table 15.A1 gives the names, abbreviations, and English-language translations of political parties in Italy.

Table 15.A1. Political Parties in Italy, 1996

Party name	Party label	English translation
Alleanza Democratica	AD	Democratic Alliance
Alleanza Nazionale	AN	National Alliance
Centro Cristiano Democratico	CCD	Christian Democratic Centre
Cristiani Democratici Uniti	CDU	United Christian-Democrats
Cristiano-Sociali	CS	Social Christians
Democratici di Sinistra	DS	Left Democrats
Democrazia Cristiana	DC	Christian Democracy
Democrazia Proletaria	DP	Proletarian Democracy
Lega Autonomista Veneta	LAV	Venetian Autonomist League
Lega d'Azione Meridionale	LAM	Southern Action League
Lega Lombarda	LL	Lombard League
Lega Nord	LN	Northern League
Lista Dini–Rinnovamento Italiano	Lista Dini–RI	Dini List-Italian Renewal
Lista Pannella	LP	Pannella's List
Lista Pannella-Sgarbi	PS	Pannella-Sgarbi List
Lista Valle d'Aosta	Lista Valle d'Aosta	Valle d'Aosta List
Movimento per la democrazia-La	Rete	Rete Movement for Democracy– The Net
Movimento Sociale–Fiamma Tricolore	MSFT	Social Movement-Tricolor Flame
Movimento Sociale Italiano–Alleanza Nazionale	MSI–AN	Italian Social Movement– National Alliance
Movimento Sociale Italiano–Destra Nazionale	MSI–DN	Italian Social Movement– National Right
Partito Comunista Italiano	PCI	Italian Communist Party
Partito dei Comunisti Italiani	PdCI	Party of Italian Communists
Partito della Rifondazone Comunista	PRC	Party of Communist Refoundation
Partito Democratico della Sinistra	PDS	Democratic Party of the Left
Partito Popolare Italiano	PPI (Pop.)	Italian Peoples Party
Partito Repubblicano Italiano	PRI	Italian Republican Party
Partito Sardo d'Azione	PS d'Az.	Sardinian Party of Action
Partito Socialista	PS	Socialist Party
Partito Socialista Italiano	PSI	Italian Socialist Party
Partito Social Democratico Italiano	PSDI	Italian Social-Democratic Party
Partito Liberale Italiano	PLI	Italian Liberal Party
Partito Radicale	PR	Radical Party
Patto Segni	Patto Segni	Segni's Pact
Socialisti Italiani	SI	Italian Socialists
Sudtiroler Volkspartei	SVP	South Tyrol Peoples Party
Unione Democratica per la Repubblica	UDR	Democratic Union for the Republic
Verdi	Greens	Greens

Appendix B: General Results, 1996

Tables 15.A2 and 15.A3 set out the general results of the 1996 elections in Italy for the Chamber of Deputies and the Senate, by parties and electoral coalitions.

Table 15.A2. General Results of the Chamber of Deputies, by Parties and Electoral Coalitions, 1996

Parties and coalitions	SSD votes		PR votes		SSD seats		PR seats		Total seats	
	No.	%	No.	%	No.	%	No.	%	No.	%
PDS–European Left[a]			7,897,044	21.1	145	30.5	26	16.8	171	27.2
PPI–SVP–PRI–UD–Prodi			2,555,082	6.8	68	14.3	4	2.6	72	11.4
Dini List			1,627,191	4.3	18	3.8	8	5.2	26	4.1
Greens			937,684	2.5	16	3.4			16	2.5
Sardinian Action Party			37,974	0.1						
Total Olive Tree[b]	15,762,460	42.3	13,054,975	34.8	247	52.0	38	24.5	285	45.2
PRC–Progressives (1996)[c]	982,248	2.6			15	3.2	20	12.9	35	5.6
PRC[d]	17,996	0.0	3,215,960	8.6						
Total Centre–Left	16,762,704	44.9	16,270,935	43.4	262	55.2	58	37.4	320	50.8
FI			7,715,342	20.6	86	18.1	37	23.9	123	19.5
AN			5,875,391	15.7	65	13.7	28	18.1	93	14.8
CCD			2,190,019	5.8	135	2.7	6	3.8	19	3.0
CDU						1.1	6	3.8	11	1.7
Total Freedoms Pole	15,027,275	40.3	15,780,752	42.1	169	35.6	77	49.7	246	39.0
Pannella–Sgarbi List	69,945	0.2	701,033	1.9						
Total Centre–Right	15,097,220	40.5	16,481,785	44.0	169	35.6	77	49.7	246	39.0
Northern League	4,038,511	10.8	3,777,786	10.1	39	8.2	20	12.9	59	9.4
MSFT	629,522	1.7	338,721	0.9						
SVP[e]	156,973	0.4			3	0.6			3	0.5
Southern Action League	82,279	0.2	72,152	0.2	1	0.2			1	0.1
Valle d'Aosta List	37,428	0.1			1	0.2			1	0.1
Others	499,496	1.3	553,581	1.4	5	1.1				
TOTAL	37,304,133	100	37,494,965	100	475	100	155	100	630	100

[a]   This includes the representatives of the following components: Unitarian Communists, Cristian Social, Labour Federation, Movement for the Unity of the Reformist Left (Ruffolo), Italian Social Democratic Party, The Net. See Di Virgilio (1996b) for more details on this point.

[b]   This includes the votes and the seats of Olive Tree, Valle d'Aosta–Olive Tree, Olive Tree–Venetian Autonomist League, Olive Tree–L. Franco Greco, Olive Tree–Sardinian Action Party, and Democracy-Freedom.

[c]   These are the votes and the seats obtained by the candidates of PRC, supported by the Olive Tree, who ran under this label.

[d]   PRC's majoritarian votes are those obtained in two districts (in Campania 2 and in Valle d'Aosta) by its only two candidates running against the candidates supported by the Olive Tree. The total seats in the last column also include the majoritarian seats received by PRC thanks to the electoral alliance stipulated with the Olive Tree.

[e]   SVP is present in the list PPI–SVP–PRI–UD–Prodi.

Source: Our own elaboration of official data and of data from the organizational headquarters of the parties (concerning party affiliation of the elected). Party affiliations are considered at the moment of the election; changes that occurred at later stages are not considered.

Table 15.A3. General Results of the Senate, by Parties and Electoral Coalitions, 1996

Parties and coalitions	Votes		SSD seats		PR seats		Total seats	
	No.	%	No.	%	No.	%	No.	%
PDS-European Left[a]			84	36.2	14	16.9	98	1.1
PPI–SVP–-PRI–UD–-Prodi			25	10.7	7 8	4	32	10.2
Greens			14	6.0			14	4.4
Dini List			9	3.9	2	2.4	11	3.5
Sardinian Action Party			1	0.4			1	0.3
Total Olive Tree[b]	13,448,392	41.2	133	57.2	23	27.7	156	49.5
PRC–Progress. (1996)[c]	935,298	2.9	11	4.7			11	3.5
PRC[d]	5,682	0.0						
Total Centre–-Left	14,389,372	44.1	144	62.1	23	27.7	167	53.0
FI			24	10.3	23	27.7	47	14.9
AN			28	12.1	16	19.3	44	14.0
CCD			9	3.9	7	8.4	16	5.1
CDU			6	2.6	3	3.6	9	2.8
Total Freedoms Pole	12,187,498	37.3	67	28.9	49	59.0	116	36.8
Pannella–Sgarbi List	511,689	1.6			1	1.2	1	0.3
Total Centre–-Right	12,699,187	38.9	67	28.9	50	60.2	117	37.1
Northern League	3,394,527	10.4	18	7.8	9	10.8	27	8.6
MSFT	748,759	2.3			1	1.2	1	0.3
SVP[e]	178,415	0.5	2	0.9			2	0.6
Southern Action League	66,583	0.2						
Valle d'Aosta List	29,536	0.1	1	0.4			1	0.3
Others	1,130,216	3.5	3	1.3	1	1.2	4	1.3
TOTAL	32,636,595	100	232	100	83	100	315	100

[a] Includes the representatives of the following components: Unitarian Communists, Christian Social, Labour Federation, Movement for the Unity of the Reformist Left (Ruffolo), Italian Social Democratic Party, The Net, Venetian Autonomist League. See Di Virgilio (1996b) for more details on this point.

[b] Includes also the votes and the seats of Olive Tree-Sardinian Action Party (in the districts of Sardinia) and Valle d'Aosta–Olive Tree.

[c] These are the votes and the seats received by the candidates of PRC, supported by the Olive Tree, who ran under this label.

[d] These are the votes received by the candidate of PRC (in the district of Valle d'Aosta) running against the candidate supported by the Olive Tree.

[e] These are the votes and the seats received by the candidates of L'Abete–SVP–PATT.

Source: Our own elaboration of official data and of data from the organizational headquarters of the parties (concerning party affiliation of the elected). Party affiliations are considered at the moment of the election; changes that occurred at later stages are not considered.

16 The Israeli Mixed Electoral System: Unexpected Reciprocal and Cumulative Consequences

Reuven Y. Hazan[200]

> Israel's is the most incredibly stupid electoral system ever designed.
> Giovanni Sartori[201]

This chapter focuses on the Israeli version of a "mixed" electoral system, whereby a majoritarian method of electing the head of the executive branch was grafted onto an extremely proportional system of electing the legislature. The chapter focuses on the first two elections in which this mixed system was implemented, 1996 and 1999. In doing so, it concentrates on two aspects of the elections: the election results, i.e. the decimation of the two main parties and the rise of sectarian parties; and the electoral dynamics, i.e. the convergence toward the center in both the executive and the legislative elections.

The most significant ramifications, therefore, of the implementation of the direct popular election of the prime minister have been a significant shift in the electoral strength of the parties and a dramatic change in the competitive electoral orientation of the Israeli party system. Neither result was expected by those who initiated and propelled the electoral reform, while many of the actual expectations of the reform were not met.[202]

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[201] Keynote speaker, international conference on "Parties, Elections and Cleavages: Comparative and Theoretical Perspectives," Hebrew University of Jerusalem, June 1998 (Sartori 2000).

[202] By "expectations of the reform," I refer to the goals advanced by the proponents of the direct election of the prime minister. I do not refer to the counter-arguments made either by those who opposed the reform or by those who used alternative arguments and helped create ambiguity concerning the possible consequences. (See Ch. 6 above for a discussion on this development.) In other words, I refer to those expectations that dominated the debate both within political circles and in the public at large.

The reformers hoped that the direct election of the prime minister would limit the race to only two candidates—which it did, in both 1996 and in 1999, but for entirely different reasons.[203] In addition, they expected that forcing the Israeli voter to cast a ballot in the prime ministerial race for one of the two candidates of the main parties would also encourage the voters to cast their ballot in the parliamentary election for one of their two parties as well. However, the availability of two ballots did not achieve the desired results—an increase in the size of the major parties—but quite the opposite. It brought about a comprehensive reversal in the trend toward bipolarization, which had characterized the Israeli party system for almost two decades, because the voters exercised their option to split their ballots.

The reformers also hoped that the direct election of the prime minister would force the candidates to battle over the undecided, centrally located, floating voters—which it did. However, an attenuated, yet similar, affect on the parliamentary election was not expected. That is, in spite of the extreme proportionality of the electoral system and the polarized nature of the party system, the reform concerning the election of the executive branch also brought about a fundamental change in the direction of the parties' electoral competition in the legislative branch and reversed a long-time centrifugal trend that had come to characterize Israel's multiparty system.

It is my contention that the centripetal trend of the parties on the dominant electoral dimension tolerated and even facilitated the centrifugal pattern exhibited by the smaller parties on other dimensions, thus allowing these parties to benefit from the voters' new ability to split the ballot. Therefore, not only were these the two most significant and yet unexpected consequences, but their reciprocal features also produced cumulative results, undermining many of the expectations of the electoral reform.

It is for this reason that this chapter addresses, first, the new electoral orientation of the party system, the "facilitating" variable, and only then the more apparent consequences of the shift in the electoral strength of the parties. However, a cursory explanation of the political reforms that were adopted along with the electoral reforms must come first, to help explain the unexpected consequences.

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[203] It is rather striking that there was an expectation by the reformers that the prime ministerial race would be limited to only two candidates, even if they have proved to be right thus far. After all, one would expect the two-round system to promote a first round with several candidates, as almost happened in 1999 (see Shugart and Taagepera 1994).

The Israeli Mixed Electoral System and Resulting Hybrid Political System

The monumental reform of the "Basic Law: the Government"—originally enacted in 1968, and amended in 1992—changed the electoral, political, and constitutional systems in Israel.[204]The new electoral law makes Israel the first country to directly and popularly elect its prime minister, concurrently with the parliamentary elections. This new system was first implemented in the 1996 elections. The prime minister is elected using the two-ballot system—similar to French and Russian presidential elections—thus requiring an absolute majority. The Israeli parliament, the Knesset, continues to be elected by an extreme form of proportional representation, based on closed party lists, with the entire country serving as one constituency and the legal threshold set at only 1.5% of the valid vote, on the same day as the first round of the prime ministerial election.

The Israeli mixed electoral system is, therefore, an extreme variant of the mixed-member systems in which there is a nominal tier, usually plurality, and a list tier, usually proportional, each used to elect approximately half the total seats in the legislative branch. In Israel, the nominal tier consists of only one seat elected by majority—the prime minister[205]—while the list tier consists of the remaining parliamentary seats elected by proportional representation. The two tiers are parallel, in that voters vote separately for the prime minister and for the party list of parliamentary candidates, and there is no linkage between either seats or votes between the two tiers.[206]

The Israeli system, in practice, remains highly proportional, because the proportional list tier comprises 99% of the total number of seats. In short, the classification of the system according to the categories of Chapter 1 is not straightforward, because Israel's system is in certain respects *sui generis*. However, it can be seen as part of the "family" of mixed-member systems, on the grounds that the reform is a case of bringing majoritarian features into an otherwise purely proportional representation system, and the consequences of the electoral reform place Israel securely within this category of electoral systems combining the two basic principles of representation.[207]

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[204] For a discussion of the politics leading to the electoral reform, see Diskin and Diskin (1995) and Rahat (Ch. 6 above); for a description and analysis of the new system, see Hazan (1996b, 1997); for contrasting opinions concerning this kind of system, see Bogdanor (1993), Lijphart (1993), and Sartori (1994).

[205] This, in effect, implies also a seat in the Knesset, since the prime minister must be a member of the Knesset and must head a party list in the elections.

[206] The winner of the prime ministerial election automatically assumes a seat in parliament, which is a requirement by law and results from his being the head of a party list in the list tier election.

[207] Blais and Massicotte (1996) define mixed electoral systems in terms of inputs: a system where plurality/majority and PR are used simultaneously in a single election and where at least 5% of the total members are elected under a different system. This definition would eliminate Israel from the mixed systems category. Sartori (2000), on the other hand, concentrates only on the output, which must provide a plurality–proportional mix and must not be fully proportional, thereby excluding Israel as well. This chapter follows the definitions of Chapter 1 and argues that Israel's new system is, indeed, a mixed-member electoral system.

Figure 16.1 The Old and the New Electoral and Political Systems in Israel
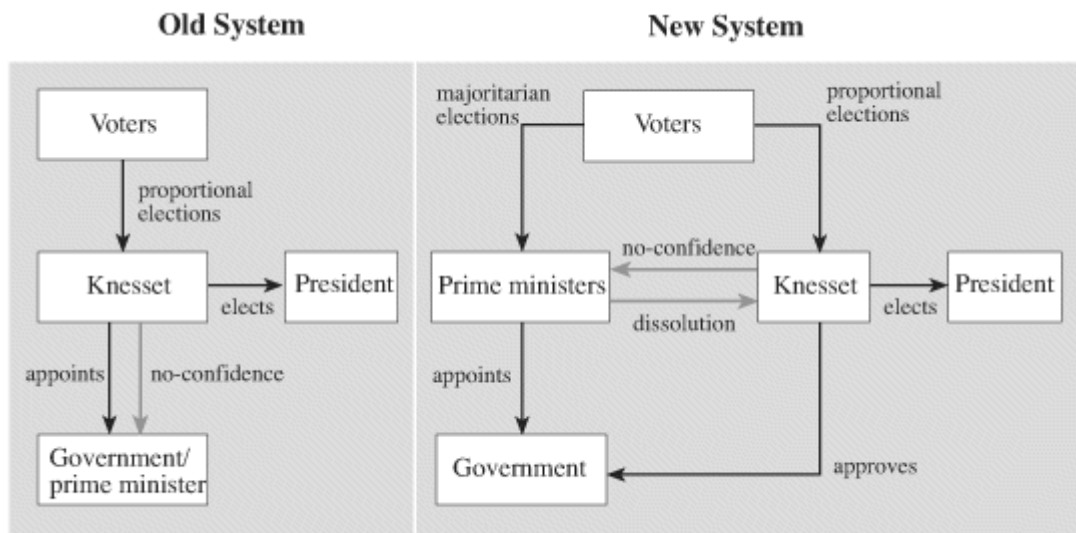
As Figure 16.1 shows, the electoral reform has had a profound effect on the constitutional form of government itself. The directly elected prime minister has the power to nominate the government, but a parliamentary vote of investiture is required before the government can take office and begin to function.[208] At any time during the prime minister's tenure, he can be ousted by the Knesset through a vote of no confidence, which requires only a bare majority of 61 out of the 120 Members of the Knesset (MKs). However, such a removal of the prime minister brings about the dissolution of the Knesset as well, heralding new elections for both.[209] By the same token, the prime minister has the power to dissolve the Knesset, which ends his tenure as well, and forces new elections for both.

The main political reform that resulted from the new law is that Israel ceased to be a purely parliamentary democracy, due to its direct election of the prime minister. In parliamentarism the executive emerges from and is responsible to the legislature—a fusion of powers—whereas in presidentialism there exists a separation of executive origin and survival from the legislature. As of 1996, with the direct election of the prime minister, the head of the

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[208] If the Knesset does not approve the prime minister's government, the result is new elections for both the Knesset and the prime minister.

[209] If the Knesset votes to remove the prime minister from office with an extraordinary majority of 80 MKs, new elections are held for the prime minister *only*.

executive branch no longer emerged from the legislature but was separately elected. The direct popular election of the prime minister dismantled the parliamentary system that Israel had possessed since its creation. Israel thus no longer belongs to the category of parliamentary regimes. Yet, it did not fully cross into the presidential category, because, while the prime minister is elected separately, he continues to be responsible to the Knesset and must be a member of it—an apparent violation of the separation of powers principle.

Nor is Israel "semi-presidential," like the French Fifth Republic. Semi-presidentialism (Duverger 1980), or premier-presidentialism (Shugart and Carey 1992), is a "mixed" regime whereby a directly elected president coexists with a government headed by a premier who rests on parliamentary confidence. In Israel it is the directly elected prime minister who heads the government and rests on parliamentary confidence. The Israeli case, therefore, is a synthesis of both parliamentary and presidential regime types, in which the elements are equally balanced. Israel is no longer purely parliamentary nor purely presidential, and has not become semi-presidential. In other words, as of the 1996 elections, Israel is an institutionally unique and hybrid type of political regime, which may best be termed *presidentialized parliamentarism.*

In short, it has long been conventional to divide electoral systems into two broad categories, majoritarian and proportional, and, at the same time, political systems into two comprehensive groups, presidential and parliamentary. Israel, since the 1996 elections, straddles these two continua: it has both majoritarian and proportional elections, and it encompasses aspects of both presidential and parliamentary regimes. The mixing of electoral systems in Israel allows neither the principle of proportionality nor that of majoritarianism to dominate, but instead allows each to operate separately. At the same time, the mixing of political systems in Israel allows the principles of neither parliamentarism nor presidentialism to dominate, but rather creates a synthesis of incongruous operating principles (Hazan 1996b).

The Consequences of the Mixed Electoral System for Electoral Competition

Bogdanor (1983: 16) warned that, "Although the main electoral systems are probably already known, there are undoubtedly many ingenious ways of breeding new combinations. But . . . electoral engineering is a highly inexact science and one liable to rebound upon those who try to practice it." The mixing of electoral systems in Israel has created a new combination. This unique electoral framework has, in turn, produced two main consequences that not only were unexpected, but, due to their reciprocal and cumulative nature, have, indeed, rebounded upon those who supported the electoral reform.

The Prime Ministerial Election

According to Duverger's famous "hypothesis" (1954: 239), a simple-majority system with a second ballot favors multipartism, similar to proportional representation. We should, therefore, have seen more than two candidates in the first round of the election for the prime minister. But Duverger's hypothesis was not validated in the first two directly elected prime ministerial contests in Israel. This is not because Duverger was wrong, but because of the unique circumstances in the months before the 1996 prime ministerial election, and to the peculiar situation on the eve of the 1999 election.

In the wake of the assassination of Prime Minister Yitzhak Rabin in November 1995, his successor, Shimon Peres, enjoyed massive popular support. For this reason, among others, no other candidate for prime minister presented himself from the center–left of the party system in 1996. But if one camp could unite, there were strong pressures on the other camp to unite as well. Trailing in the polls, and with several additional candidates on the right announcing that they would run in the prime ministerial contest, the leader of the Likud (Unity) Party, Benjamin Netanyahu, had to close ranks. Netanyahu, therefore, pushed the Likud Party into granting numerous positions on a joint Knesset list to candidates of two other parties, in exchange for their leaders pulling out of the race for prime minister: Crossroads (Tsomet) and Bridge (Gesher), two small parties on the right, were allotted one-third of the seats on a joint Knesset list with Likud. Netanyahu then became the center–right's sole candidate for the prime ministership.

The result was that in 1996 only two candidates presented themselves for the prime ministership, thereby precluding the need for a second round,[210] and countering Duverger's hypothesis. However, the next election exhibited features that were not present in the first implementation of the new electoral system. The 1999 elections did see more than two candidates in the race for prime minister, but not in the election itself because the other candidates withdrew.

After the collapse of the Netanyahu government, early elections were called for May 1999. Prime Minister Netanyahu and the leader of the Labor Party, Ehud Barak, were the two front-runners. The other candidates were: on the extreme left, Azmi Bishara, an Arab; on the extreme right, Benjamin Begin, who had split from the Likud Party; and, in the middle, four candidates who stated that they would run (Roni Milo, the outgoing mayor of Tel Aviv; Dan

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[210]   It is interesting to note that non-valid votes were excluded from the majoritarian formula, thereby granting Netanyahu his victory. That is, there were 3,933,250 eligible voters, of which 3,121,270 participated (79.4%). An absolute majority of those participating would have been 1,560,636 votes, but Netanyahu received only 1,501,023 (48.1%). Since non-valid votes, which amounted to 148,681 (4.8%), were discounted, the remaining valid votes were only 2,972,589, allowing Netanyahu's vote count to pass the 50% threshold by 14,728 votes—less than one-tenth of the excluded non-valid votes!

Meridor, the former finance minister; Yitzhak Mordechai, the former defense minister—all three defectors from the Likud Party; and Amnon Lipkin-Shahak, the former chief of staff of the Israel Defense Forces) but who all converged into one party, the new Center Party, and were led into the campaign by Mordechai.[211]

As election day neared, the polls showed that Barak had clearly pulled ahead of Netanyahu and could win the required majority in the first round. Since both Bishara and Mordechai, along with the most hawkish candidate, Begin, were opposed to Netanyahu, a domino effect of disappearing candidates took place in the thirty-six hours before the election. The first to drop out was Bishara, on Saturday night, May 15. He was followed by Mordechai at noon on Sunday, May 16, and by Begin that same afternoon. The next day, May 17, was election day, and only two candidates remained in the race for prime minister.

In 1996, therefore, there were only two parties that ran candidates for prime minister. In 1999 there were five, but the candidates on the extreme left and the extreme right never passed 5% in the polls. This left only three viable candidates. Prior to both the 1996 and 1999 elections, Israel's two major parties, Labor and Likud, created two election headquarters, one for the prime ministerial election and one for the Knesset election. Despite a series of struggles within each party concerning the prevalence of one campaign over the other—and on which issues emphasis should be placed—the result was the same in both parties: there was only one comprehensive campaign, not two, and the race for prime minister prevailed. Moreover, the Knesset race was not only relegated to a lower level of importance, it was actually absent in the campaign of the two largest parties until the last week before the elections. Both parties thought, correctly, that whoever won the contest for prime minister would be able to form a supporting majority coalition in the Knesset. Well before the 1996 elections, the outgoing prime minister and Labor candidate, Shimon Peres, said, "In the next Knesset there will be no lack of floating Knesset members, from parties that are not exactly left nor right. Therefore, whoever wins the prime ministerial race will be able to form a government."[212]

The third party to field a serious candidate in 1999, the Center Party, also focused on only the prime ministerial race. However, when it became apparent that its candidate would be unable to reverse his decline in the polls, the party did begin to focus its campaign on the Knesset elections, but this occurred only in the last week of a five-month-long campaign.

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[211] Another candidate was Rabbi Ba-Gad, but his candidacy was disqualified by the Central Elections Committee due to technical problems: he was unable to gather the 50,000 signatures necessary for presenting an independent candidate for the prime ministerial election.

[212] *Ha'aretz* [Newspaper], May 9, 1996.

Thus, in order to win the more important race, the emphasis placed on the less important contest was not just diminished, but became almost non-existent. In both 1996 and 1999, Israel's two major parties were prepared to lose seats in the Knesset in order to win the prime ministership. However, in order for either of the two equally sized camps to win the necessary majority, both candidates had to capture the undecided voters. The candidates, and their parties, decided that the best way to achieve this goal was to converge on the center.

The movement of the Labor Party and its candidate for prime minister into the center can be seen in a series of actions taken by the party and its leader on the dominant dimension of electoral competition in Israel—the peace process—during the campaign. For example, in 1996 Labor's move into the center was exemplified by the inclusion of new articles in the party's platform that were meant to attract the floating voters,[213]while other articles that would have scared many of these voters were dropped from the platform. Moreover, the commitment to hold a referendum concerning the permanent status agreements to be reached with the Palestinians, as well as on any peace treaty with Syria, was akin to the downgrading of the more dovish tendencies associated with Peres in exchange for more of a centrist path.

In a letter sent out by Peres, the target of the campaign, was made quite clear. The letter stated, "The public in Israel remains split. Those citizens who are called 'floating voters' will decide who wins, and they should be the main target of the party's campaign."[214]In an interview on the eve of the elections, Peres openly stated that the electoral strategy in the 1996 elections was different from those that preceded it:

> Our strategy is aimed at the undecided and the floaters . . . With such a target audience, this is a new strategy. Of course, our camp wanted more blood, more aggression, but in every election campaign you have to decide who you are targeting, who you can win over . . . The elections are definitely not between left and right, because I want voters from the right to vote for me . . . In these elections there is a new electoral strategy, there is no doubt about it.[215]

In 1999 the Labor Party's movement toward the center was only strengthened. Barak, the new Labor leader, was a former chief of staff and decorated war hero, characteristics on which much of his campaign was based. More dovish leaders in the Labor Party, such as Peres, disappeared during the campaign, and their place was taken by a group of former generals whom Barak had assembled in order to consult on foreign policy and security issues. Barak

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[213] For example, articles were included in the Labor party platform that stated that the Golan Heights were vital to Israel's national security, and that the party would demand sovereignty over the Jordan River Valley in any permanent agreement with the Palestinians.

[214] Letters sent to Labor Party members by Shimon Peres (undated).

[215] *Ha'aretz* [Newspaper], May 28, 1996.

not only continued to moderate the Labor platform, and adhered to the promise of a referendum on any peace agreement, but came out strongly on issues where there was a national consensus (i.e. no division of Jerusalem) and also tried to focus some of the campaign on domestic socio-economic issues, on which the Labor Party also took moderate and centrist positions. The formation of the One Israel joint list prior to the elections, headed by Labor and incorporating a movement formerly part of the Likud (Bridge) and a religious movement (Meimad[216]), is testament to the Labor Party's movement into the center.

The Likud Party's shift to the center in 1996 was, to an extent, a reaction to Labor's strategy. Since the peace process was supported by a majority of the Israeli public, Benjamin Netanyahu, the party leader and candidate for prime minister, toned down his rhetoric and opposition to the peace process. Netanyahu and the Likud were thus forced to distance themselves from their cooperation with the quasi-illegitimate extreme right, the most virulent objectors to the process, and move toward the center if they were to have any hope of victory.

As the election campaign heated up, and polls showed the gap between both the parties and their candidates for prime minister decreasing, the Likud's movement into the center became more apparent and decisive. For example, when Netanyahu announced his policy guidelines, he repeated his opposition to the Oslo peace accords, but stated that the reality was that these agreements did exist, and could not be ignored. As a result, Netanyahu concluded that it was necessary to negotiate with the Palestinian Authority, which he had previously refused to recognize. The Likud platform, issued weeks later, repeated this new position on the peace process, but went further to include an acknowledgment of the Oslo accords. Moreover, in contrast to the Labor Party's platform, the Likud platform lacked a clear statement that there would be no territorial compromise on the Golan Heights, a position it had strongly defended until then.[217]

Netanyahu's campaign in 1999 continued this trend. After being brought down by the extreme right because he signed the Wye River Accords, which called for a transfer of land to the Palestinian Authority, his campaign focused on the continuation of the peace process and reciprocity with the Palestinians. No mention was made of a reconsideration of the moderate path the party had followed during its three years in power, in light of the early collapse of the government. On the contrary, the split of extremists from the

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[216] "Meimad" means dimension in Hebrew, but is actually an acronym which stands for a Jewish state and democratic state.

[217] The platform of the Likud–Bridge–Crossroads list for the Fourteenth Knesset states only that "The 10th Knesset adopted, based on a proposal of the government headed by Likud, a law extending Israeli law and administration over the Golan Heights. In doing so Israeli sovereignty has been established on this land" (Ch. 1, Art. 10).

Likud to form their own extreme right party allowed the Likud and its leader more freedom to converge on the center and continue the policies it had attempted to implement.

Despite a basic gap on the most fundamental of principles between Labor and Likud—or Peres/Barak and Netanyahu—in both the 1996 and 1999 elections it is clear that both sides decided to blur their differences in order to attract the undecided voters, with whom victory rested in the more important prime ministerial race. For example, before the 1999 election Barak openly stated, in a quote that was repeatedly used by the Netanyahu campaign, that he was not espousing dovish positions because he wanted to win the elections. This intentional blurring seems to have produced a rather absurd paradox: each side thought that its opponent's policies were favored by the floating voters. Likud perceived that the vacillating voters wanted peace and adopted some of Labor's policies, which it had previously opposed; Labor, on the other hand, thought that the undecided voters felt their security threatened by terrorism, and embraced certain Likud principles that it had rejected earlier.

In the middle, a new party was created which also presented a candidate for prime minister in the 1999 elections. This candidate, Mordechai, stated that neither side could truly bridge the gap that divided Israeli society, and had resulted in electoral deadlocks. Only a center candidate, according to Mordechai's campaign, could move the peace process ahead with the support of a clear majority and based on a national consensus. No clear policies were outlined, except for the vague assertions that only the center could bring about a decisive victory, heal the domestic wounds, and forge a consensus on foreign policy. Instead of focusing on the Knesset race, where a victory could have made this party the new pivot for any prime ministerial coalition, it placed all its emphasis on winning the prime ministerial race. Its campaign was based on strategic voting, which attempted to convince voters that, instead of splitting the country into two equally sized camps, and thereby giving Netanyahu a chance to be re-elected, the best way to defeat the sitting prime minister was to back a candidate who could win votes from both the right and the left, along with the center. Such a candidate, supported by the strategic voters, would be able to win a clear victory over the candidate of the right—a Condorcet winner. In short, this campaign was anchored squarely in the center of the Israeli political map.

With the overall convergence of the two parties—and particularly their candidates for prime minister—in the center, along with the appearance of a center party and its own prime ministerial aspirant, the floating voters were left few means of differentiation. The result was that ideology and principles took a back seat in the race for prime minister, while individual factors, such as credibility, rose to the forefront. For example, in 1999 the Israeli voter was presented with a Labor candidate in Likud clothing, and vice versa, and with

a center candidate who was a former Likud defense minister but was now out to topple the Likud from power.

The 1996 elections had also exhibited a new campaign style that the Israeli voter had never seen before. A week before the elections, both parties had decided to cancel their traditional mass outdoor rallies set for the night before the elections. The parallel decision, it was explained, was a result of the reality that only committed voters come to these rallies, whereas the elections would be decided by the undecided, who do not attend party rallies.[218] The focus was on the media campaign, which in the past had little impact on the elections but would now influence the most significant voter base—the floaters. This trend was exacerbated in 1999, when American media consultants were brought to Israel in order to fashion the campaign on both sides. Slick television ads, media events, focus groups, daily polls, and a constant appearance by the candidates on practically every television and radio show became the new style of campaigning in Israel. Appealing to the loyal and identified voters was perceived as a waste of time, while the extremes at both ends had non-viable candidates who were unable to increase their support in the polls and would either drop out or not make the second round.

The two big parties and their leaders, who focused almost entirely on the majoritarian prime ministerial race, had to portray themselves as part of the moderate center in order to win. The third viable candidate in 1999, Mordechai, and his new party also concentrated their efforts on the prime ministerial contest and positioned themselves clearly in the center. The smaller parties, on the other hand, who concentrated on the proportional Knesset election, were expected to adhere to their traditional polarized and ideological campaign strategy. Such a strategy would make them appear different from the main parties and from each other, as had long been the convention in Israeli politics. However, this was no longer the case.

The Knesset Election

Even before the beginning of the 1996 campaign, interparty tactics were already showing that the Israeli public was about to face an election like no other. The election of the prime minister in a national single-seat district created party alliances aimed at winning the necessary absolute majority. However, these alliances were of two types. On the left, there was simply a unified stand behind one candidate for prime minister, while the parties remained separate units for the proportional Knesset election. On the right, there was a formal alliance between three parties, which became factions within one party, to advance a single candidate for prime minister and a single list for the Knesset election.

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[218] Interview with Likud campaign leader Michael Eitan, Israel Radio, May 21, 1996.

In 1999 these characteristics remained, but changed sides. This time it was the turn of the left to mold a joint list of three parties, or movements. The joint list, with fewer positions allocated to the minor partners by Labor in 1999 than those allotted by Likud to its associates in 1996, was called One Israel, and its candidate for prime minister was supported by several of the other parties on the center–left. The Likud ran alone this time, while several of the parties on the center–right backed Netanyahu's candidacy. The centrist candidate for prime minister was supported only by his party, but was a viable candidate, while the two candidates at the extremes were supported by one party each and were never considered serious contenders.

Moreover, in previous Knesset elections there had been an incentive for new parties to emerge, due to the insignificant legal threshold of only 1.5%. Because of the polarized nature of Israeli politics, these parties appeared primarily at the extremes, rather than in the center. In the 1996 Knesset election, however, the direction of this trend was reversed: the two new parties that succeeded in winning seats in these elections were located in the center, rather than at the extremes of the party spectrum.

In 1999, partly as a counter-reaction to the explicit convergence of the previous elections, new parties appeared all over the party system, but numerically the convergence on the center intensified. That is, the relative success of the extreme right in 1999, compared with 1996, is misleading. In 1996 the extreme right was composed of one party, Homeland (Moledet), which won only two seats. In 1999 there were two parties—National Unity (HaIhud HaLeumi) and Israel Our Home (Yisrael Beitenu)—with eight seats, an apparent increase. However, one of these parties, National Unity, was composed of splits from several of the right-wing parties, based on a joint opposition of further concessions to the Palestinians. These splits brought together no less than eight legislators into this one new party. The other party, Israel Our Home, also incorporated a split of two legislators from the Ascending [to] Israel party (Yisrael B'Aliyah). Yet, despite having ten legislators between them before the elections, *both* parties on the extreme right won only eight seats. In other words, compared with the pre-election constellation on the extreme right, rather than the 1996 election results, the 1999 elections show that this group of parties actually lost seats. The extreme left, on the other hand, also saw a new party appear in the 1999 elections; but this was an existing party which had run together with another list in 1996. Moreover, even after this split, the extreme left showed a gain of only one seat in the 1999 elections.

Both the 1996 and the 1999 elections saw two new center parties, and quite successful ones. The two new center parties in 1996—Ascending [to] Israel and the Third Way (HaDereh HaShlishit)—followed similar electoral strategies which were based on staying neutral in the prime ministerial race. These parties wanted their voters to feel comfortable voting for them no matter whom they backed for prime minister, and wanted both prime ministerial

candidates to feel that the party would be part of their governing coalition. Any clear position could have cost them those potential voters who backed the opposing candidate. Together they won eleven seats, in a center that had been vacant.

In 1999 one of these parties failed to pass the legal threshold, but was replaced by two new center parties, the Center (Mercaz) and Change (Shinui). Their electoral strategy was quite different, in that both favored Barak over Netanyahu, but both stated that they would be willing to enter a coalition with either. In the 1999 elections the center grew to eighteen seats, an increase of 64%.

The center thus became a very crowded arena in the 1996 and 1999 elections. Not only did two new, successful parties appear there at each election—while still others tried to occupy the same location but failed to win representation—together with the two candidates for prime minister and their parties in 1996, and a third candidate in 1999, but some of the religious parties also tried to locate themselves in the same general area, somewhat reversing their right-leaning tendencies. The most right-wing of the religious parties, the National Religious Party (NRP) (Miflaga Datit Leumit), which in the 1992 election refused to enter a coalition with Labor, changed its campaign and position in 1996 and 1999. Although the party clearly preferred a Netanyahu victory, and in its ads told its voters to choose Netanyahu, the party's leader openly declared that this time the NRP was willing to talk with whomever won the prime ministerial race. In short, the NRP did not send out a clear signal. Moreover, before the 1999 elections the party's convention selected a list of rather moderate candidates, which prompted two of its more extremist legislators to split and join the new National Unity Party.

The remaining two ultra-orthodox parties, United Torah Judaism (Yahadut HaTorah) and Sephardi Torah Guardians (Shas—Sepharadim Shomrei Torah), also leaned to the right and preferred a Netanyahu victory, but stayed close to the center. While both prime ministerial candidates came calling repeatedly prior to the 1996 elections, the party's religious leaders either avoided making their preferences blatantly known until the last days of the campaign, or stated that the vote for the prime minister was a choice for each person to make on his own. In the 1999 elections, after having sat together in the Netanyahu government, their preferences were clearer, but this was made conditional for only the first round. If a second round were to be necessary, everything would be open again.

Yet, it was not only Labor, Likud, the center parties and the three religious parties that moved either into or toward the center, but even the extreme right and the extreme left that did so, exhibiting a comprehensive trend that encompassed the entire party system in the 1996 elections.

For example, in 1996, after the movement of the Likud into the center and the NRP toward the center, the extreme right-wing Homeland Party

positioned itself closer to the now vacant right-wing of the Israeli party system in an attempt to capture disgruntled right-wing voters. In 1999 the National Unity Party was created, which incorporated Homeland along with legislators who split from the NRP, Crossroads, and Likud, thereby creating a combined list (called Freedom–Revival–Homeland (Herut–Tkuma–Moledet)) that was more moderate than Homeland alone in the previous elections.

The extreme left-wing Meretz[219] Party openly supported Peres in 1996, despite his leaning toward the right, and the party's platform included many moderate positions.[220] The party continued to support the more moderate Barak in 1999, and stated for the first time that if Netanyahu were re-elected it would consider joining his coalition.

The shift of the Arab parties, who traditionally comprised the extreme left of the Israeli party system, toward the center was a result of the peace process, which brought the Arabs in general, and the Arab political parties in particular, closer to the rest of the Israeli polity. Their struggle for national identity was supplanted in the 1996 and 1999 campaigns by the search for equality within Israeli society.

The Israeli party system in the 1996 and 1999 elections thus came to possess four kinds of parties.

1. The first kind located itself, its voters, and its principles in the center. This group was composed of the two new center parties in 1996 and one of the new center parties in 1999. All three refused to openly back one candidate for prime minister because their policies and voters were open to a coalition with either. On the main issue of security, these parties truly represented middle-of-the-road policies, despite the different voter bases of each.

2. The second kind of party was represented by Labor and Likud, who converged on the center, along with the new Center Party in 1999. These parties focused their campaigns on attracting the floating voters in the prime ministerial contest and became Israeli versions of "catch-all" center parties.

3. The third kind consisted of the religious bloc of three parties, which located itself closer to the right-wing Likud, whose voters were supportive

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[219] "Meretz," which means vigor in Hebrew, is an acronym derived from the acronyms of two of the three parties that merged to form it: "M" from Mapam, the acronym for the United Workers Party, and "RZ" from Ratz, the Citizens Rights Movement. The party's name, despite its possible translation into English, will be used in Hebrew throughout this chapter.

[220] Such positions were: calling upon the Palestinian Authority to revoke its Charter; stating that Israel will withdraw from only "a majority" of the territories; noting that the future Palestinian state would be demilitarized; and declaring that Jerusalem will never be divided.

of Netanyahu and whose principles were right-of-center—in the case of the NRP, even right of the Likud. However, all three of these parties shifted toward the center and opened themselves up to the possibility of joining a Labor coalition. This was achieved by their either refusing to take a side in the race for prime minister, sending mixed signals to their followers, or helping both prime ministerial candidates.

4. The last kind of party consisted of the "satellite" parties, who were open to the possibility of a coalition headed by only one particular prime ministerial candidate. This group included the extreme parties on both the left and the right. However, even these parties exhibited a trend of convergence toward the center, moderated some of their previously extremist positions, and attempted to open a dialogue with the "other" prime ministerial candidate.

The Israeli party system during the 1996 election campaign thus looked like a physics experiment on centripetal force. The entire party system converged on the center; some moved into it while other shifted toward it. Those who tried to emerge on the extremes—a previously fertile area for new parties—found themselves without a seat in the Fourteenth Knesset. Every party that made a decisive move toward the center, apart from the two main parties, who were besieged by the consequences of ballot splitting, gained seats. Those who shifted only slightly—Meretz and Homeland—lost seats. No party in the 1996 elections that tried to counter this trend won a seat in the Fourteenth Knesset.

In the 1999 elections there was a slight counter-reaction to the decisive convergence of the previous elections. New parties appeared not only in the center, but also on both extremes. However, these new parties failed to win a large number of seats, while it was the center that expanded its representation by two-thirds. This gain came largely at the expense of the moderate left and moderate right; both Labor and Likud lost a substantial number of seats. In other words, the attempt to reverse the trend of the 1996 elections failed. The new parties on the extremes were not more extreme in their ideology than those who had been there before, while some were more moderate versions, and the prevalent direction of electoral competition remained centripetal.

It is perplexing to see a polity that is polarized on many vital issues, that is deeply cleavage-ridden, that faces a series of crucial decisions, and that practices an extreme form of proportional representation react in a rather counter-intuitive centripetal pattern. However, precisely because of the deep divisions, which had culminated in the political assassination of the prime minister only six months before the 1996 election, the convergence on the center could be a blessing in disguise. If Israeli elections, particularly the dominant one for the prime minister, are to be won thanks to the floating, moderate, center voters, then the era of ideologically polarized politics might

be supplanted by a period of government in the center. The need to capture a majority, and the ease with which a prime minister can build a coalition with the support of the numerous centrally oriented parties, could mean that the Israeli political arena will no longer exacerbate the dominant cleavage in Israeli society.

For example, the speed with which Netanyahu came to terms with Arafat after his election, the renegotiated agreement on the 1997 redeployment in Hebron, the 1998 Wye agreement, and the slow but general adherence to the peace process along the lines of the Oslo accords—which are inherently contradictory to traditional Likud revisionist ideology—exemplify the immediate consequences of the shift in electoral orientation in the 1996 elections. Government in the center might, therefore, be one of the more positive ramifications of the electoral reform. That is, the convergence into and toward the center on the dominant dimension of electoral competition has facilitated major policy changes: an emerging partisan consensus on the peace process. Barak's decision not simply to continue the peace process from where Peres had stopped, prior to his defeat in 1996, is another indication that the new directly elected prime ministers in Israel have decided to follow more moderate paths, both in their campaigns and while in office.

However, we have so far seen only two examples of the centrifugal dynamics that have resulted from the electoral reforms, and thus their endurance is far from certain. It is quite possible that coalition dynamics will move in the opposite direction from electoral dynamics, which is precisely what happened in 1998 and brought about the collapse of the Netanyahu coalition government. Responsiveness to the public during elections could be undermined by responsiveness to the party and the coalition during governance. Electoral dynamics themselves could shift in future elections. However, in light of the 1996 and the 1999 elections, the consequences of the mixed electoral system in Israel for electoral competition are both clear and significant.

The Consequences of the Mixed Electoral System for Political Representation

The direct election of the prime minister was adopted in order to ameliorate a deteriorating political situation and increase governability in Israel. The extremely fragmented, fractionalized, and polarized nature of the Israeli party system in the 1980s led to difficulties not only in the formation of governments, but also in their survival (Diamond and Sprinzak 1993). The electoral system, designed to represent the interests of the numerous subgroups in Israeli society, came under fire because it granted disproportionate influence to minorities, particularly the orthodox religious minority. The religious parties,

which since 1977 had possessed the pivotal position in the process of coalition formation, were able to hold the two main parties hostage to their ever-increasing demands. The result was not just exaggerated influence, but governing coalitions that became more and more difficult to maintain. Weak governments and frequent crises came to be perceived by both the electorate and the politicians as extremely disruptive to the stability of Israel's democracy.

Beyond their desire to strengthen the prime minister and thereby enhance governability, the reformers hoped that the direct election of the prime minister would also reduce the size, number, and influence of the smaller parties in the Knesset, without damaging the representative—i.e. proportional—nature of the electoral system used to elect the Knesset. They hoped that a separate ballot for the prime minister, with its requirement of an absolute majority, would reduce the prime ministerial race to the two main parties and encourage "straight-ticket" voting in the second ballot for the Knesset. The results of the 1996 and 1999 Knesset elections, presented in Table 16.1, reveal quite the opposite. The availability of "split-ticket voting" actually increased the multiparty composition of the Knesset, while the two main parties were decimated.[221]In other words, the electoral reform not only failed to attack the problem for which it was designed, but actually made it worse.[222]

Ballot-splitting, a hitherto unavailable option in Israeli elections, decreased the size of the two major parties (Labor and Likud) from 76 to 56 seats in the 1996 elections, a reduction of over 25%,[223]and then to 45 in the 1999 elections, a further reduction of 20%. The sectarian parties—those representing a particular subgroup in society—increased their representation from 21 to 39 seats in the 1996 elections, a growth of 86%, and to 47 seats in the 1999 elections, a further increase of 21%. These parties include: (1) the religious parties, which represent the orthodox religious Jewish minority and whose seats increased from 16 to 23 in the 1996 elections, and to 27 in the 1999 elections; (2) the Arab parties, which represent the national minority in Israel and whose seats rose from 5 to 9 in 1996 and to 10 in 1999; and (3) the immigrants' parties, which represents the Russian ethnic minority, and which won 7 seats for the first time in 1996, and 10 in 1999.

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[221] Literature on divided government in the USA (Jacobson 1991; Fiorina 1992)   is instructive on how this possibility could have been foreseen. Moreover, some of the political scientists in Israel warned of this danger while the electoral reforms were under deliberation.

[222] It is interesting to note that some of the smaller parties did not oppose the electoral reforms when they were deliberated and adopted. Perhaps they were more confident of the "rationality" of the Israeli voter, of his ability to split his vote, and of the unique opportunity the electoral reform would grant them not only to survive, but to thrive.

[223] The decrease can also be seen as one from 84 down to 66, a decline of 26%, if Likud and Crossroads are combined for the 1992 elections and the joint Likud–Bridge–Crossroads list is counted as one party for the 1996 elections.

Table 16.1. Pre- (1992) and Post-Reform (1996, 1999) Election Results to the Israeli Knesset

Bloc/party	No. of seats		
	1992	1996	1999
Arab			
Democratic Front for Peace and Equality	3	5	3
United Arab List	2	4	5
National Democratic Alliance[a]	—	—	2
Left			
One Nation	—	—	2
Meretz ♥♣	12	9	10
Labor[b]♥♣	44	34	26
Middle			
Change[c]	—	—	6
Center ♣	—	—	6
Ascending [to] Israel ♦♣	—	7	6
Third Way ♦	—	4	—
Religious			
Sephardi Torah Guardians ♥♦♣	6	10	17
United Torah Judaism ♦♣	4	4	5
National Religious Party ♦♣	6	9	5
Right			
Likud[d]♦	32	32	19
Crossroads	8	—[e]	—
Israel Our Home	—	—	4
National Unity[f]	—	—	4
Homeland	3	2	—[g]
Total seats	120	120	120

♥   Parties forming the 1992 coalition government headed by Prime Minister Yitzhak Rabin.

♦   Parties forming the 1996 coalition government headed by Prime Minister Benjamin Netanyahu.

♣   Parties forming the 1999 coalition government headed by Prime Minister Ehud Barak.

[a]   In 1996 the newly formed national Democratic Alliance ran together with the Democratic Front for Peace and Equality.

[b]   In 1999 Labor joined with Bridge and Meimad to form a joint list called One Israel.

[c]   In 1992 and 1996 Change was part of the Meretz alliance.

[d]   In 1992 Likud ran alone and won 32 seats. In 1996, the joint Likud–Crossroads–Bridge list won 32 seats, of which 22 were Likud and 5 each were for Crossroads and Bridge. In 1999 Likud ran alone and won 19 seats.

[e]   In 1996 Crossroads ran with Likud and won 5 seats (see n. *d* above).

[f]   In 1999 the newly formed National Unity Party was based on splits from the Likud and the National Religious Party, and incorporated the Homeland Party.

[g]   In 1999 Homeland ran as part of the National Unity Party (see n. *f* above).

In other words, not only did ballot-splitting increase fragmentation in the Israeli party system, with a subsequent impact on legislative representation: it reduced the strength of all of the main ideological and aggregating parties, while it exacerbated sectarian tensions along the three main contentious cleavages in Israeli society: religious and secular Jews, Arabs and Jews, and natives and immigrants.

Figure 16.2 Party Seats in the Israeli Knesset, 1949–99
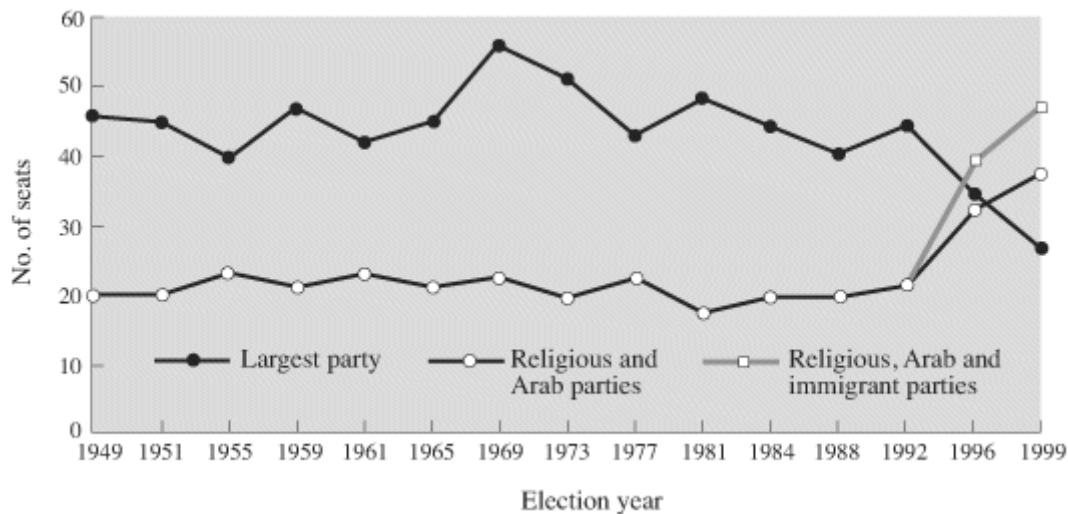
The results of the first two implementations of separate executive and legislative elections are, therefore, dramatic. As Figure 16.2 shows, the largest party list in the Knesset has been reduced to its lowest point ever, while the parties representing the three subcultural minorities in Israeli society—orthodox Jews, Arabs, and immigrants—together control more seats than the two largest parties in the Israeli party system.

The two largest parties together now hold only 45 seats—38% of the total number of seats—which is the lowest number of seats they have ever won. In the 1999 elections, the main party on the right (Likud) and the main party on the left (Labor) each won their lowest number of seats ever. Despite the multi-party nature of the Israeli party system, the competitive two-bloc structure, albeit with some smaller parties located in the middle which participated in governing coalitions with either bloc, was damaged significantly in the 1996 elections (Hazan 1998), and even further in 1999 (Hazan and Diskin 2000).

The implications for governability in light of this decline, and the upsurge in sectarian representation, are clear. With the direct election of the prime minister, the decision of who would be prime minister was no longer in the hands of party leaders, and no longer the result of extensive horse-trading in the process of creating a coalition government. Yet, while the first two

directly elected prime ministers were able to create a coalition relatively easily, since the smaller parties could no longer act as king-makers but faced a simple decision of being in or out, they each confronted the increasingly difficult tasks of keeping the coalition intact and sustaining its legislative discipline. The reason for this is ballot-splitting, which eroded the size of the two major parties and benefited the necessary coalition partners in terms of both size and number, thereby undermining the nucleus of support for either prime ministerial candidate. For example, the Likud Party in 1996 and the Labor Party in 1999, which headed the two subsequent coalition governments, did hold the largest number of seats in their respective coalitions, and their candidates won the first two directly elected prime ministership contests, but they were actually a minority within the coalition (22 of 66 legislators in 1996, and 26 of 75 in 1999), the first two times this has occurred in Israeli history.[224]

The dominance of the prime ministerial race thus, paradoxically, served to weaken the governability potential of the directly elected prime minister. The main parties understood that, in order to win the necessary absolute majority, their prime ministerial candidates would have to attract voters from other parties, including the opposing party. The race for the prime minister had to be "above" parties. Their candidates, therefore, conducted campaigns that were practically devoid of a party connection. The parties, for their part, not only accepted this clear priority and allowed the campaign to focus on the prime ministerial race, but held back from competing with the smaller parties, fearing that, if they challenged them in the Knesset race, the smaller parties would not support their candidate for prime minister. In this respect, the mixed electoral system in Israel produced a result similar to that of some other mixed electoral systems. In Germany, for example, parties may decide whether to focus on the majoritarian constituency or the proportional list campaign. In Israel, the parties concentrated on either the majoritarian or the proportional component of the elections; and both Labor and Likud were willing to sacrifice seats in the proportional Knesset election in order to win the majoritarian prime ministerial race. Thus the two main parties did not try to preclude the possibility of vote-splitting by the electorate, but actually supported and even augmented this new phenomenon, resulting in their own decline. As Stanley Greenberg, one of the American campaign consultants brought in by the Barak campaign in 1999, stated,

> There were One Israel ads. But because the electoral system rewards narrow sectorial [sic] voting at the Knesset level, driving the major parties down, I don't know whether any amount of advertising would have helped. And it might have come at the expense of Barak. I don't think we could have done both things.[225]

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[224] This does not include the deviant case of national unity (grand) coalitions, where either of the two major parties did not, by itself, comprise a majority within the coalition.

[225] *Jerusalem Report,* June 7, 1999.

The consequences of adopting a mixed electoral system in Israel, and the resulting mixed political system, are thus quite reminiscent of presidential systems that use proportional representation for their legislative elections, both empirically and theoretically (Shugart and Carey 1992: especially chapter 11). However, the extent of divergence in electoral outcomes for the two branches is greater than in any of the cases that use concurrent elections.

On the voter behavior level, the availability of two ballots allowed each voter not only to split the ballot, but also to create a hierarchy of voting intentions for each ballot based on different motivations. Since the two prime ministerial candidates competed primarily on the dominant dimension in Israeli politics of foreign affairs and security, the voters adopted this dimension as the criterion for choosing either candidate. In other words, positional, rational, strategic voting was a prominent factor in the prime ministerial elections. At the Knesset level, where parties presented much more particular appeals—some of them correctly assessing that with more than one ballot it was now possible to compete on an entirely different dimension, while remaining neutral on that of foreign policy and security—voters could now express a more particular, sincere identity. This does not mean that rational voting could not have been the motive for both ballots, but the election campaigns of the parties and the election results show that the voters engaged simultaneously in strategic and sincere voting, each on a separate ballot.

The voters were thus able to express both a national interest and a rather narrow social identity, or specific ideological stand, by selecting from a multidimensional menu of parties on two distinct ballots. This is, again, precisely what one sees in presidential systems (Shugart and Carey 1992: chapters 1, 2, and especially 9). The prime ministerial elections became the arena for general ideas—the "representation of ideas", in Pitkin's (1976) words—while the Knesset became the arena for more precise ideas—the "representation of presence", according to Phillips (1995). The political parties in the Knesset who either gained entrance—except for the single case of the Center Party in 1999—or enlarged their representation were the less aggregative ones who sought a more specific social or ideological voter base.

Moreover, the smaller parties that prospered in the 1996 elections did so precisely because of their centripetal movement on the dominant electoral dimension of the peace process. Having moved toward the center on foreign policy, these parties could then offer extra dimensions concerning domestic politics, thereby focusing their campaign on, and exacerbating, such cleavages as religious–secular, Jewish–Arab, and immigrant–native. These parties, therefore, simultaneously converged toward the center on one dimension, while enhancing their sectarian and divergent appeals on other dimensions, in order to benefit from ballot-splitting; and this convergence also allowed them to attract support in the Knesset election from across the dominant left–right

dimension. The parties, therefore, became Janus-faced, prompting the electorate to become schizophrenic.

In the 1999 elections there was a slight reversal of this trend, but only in one aspect. The new parties that succeeded in gaining representation were found on the left, the right, and the middle. But, as previously discussed, the new parties on the left were quite small (two parties with only two seats each[226]), while those on the right actually reduced the number of legislators who had come together to form them. The two new parties in the middle are quite different in nature. Change is, indeed, a political party located in the center–left of the dominant dimension, but due to its virulent anti-orthodox positions it actually supports the trend of the 1996 elections which exacerbated social cleavages. The Center Party, on the other hand, was an attempt to bridge both the foreign and the domestic cleavages. However, its linear decline in the polls, and meager success on election day—it was initially expected to win as many as twenty seats, yet received only six—shows that attempting to converge in the center on both the prime ministerial and legislative elections might not be feasible in the Israeli mixed electoral system.

The loss of almost one-half of the seats of the two main parties, and the dramatic increase in the representation of sectarian parties, thus created a multidimensional party system with centrifugal social pressures alongside the centripetal security issue. The mixed electoral system did not produce the best of two worlds, but instead what Sartori (2000) calls a bastard parliament that serves no purpose. The already overloaded Israeli political system (Horowitz and Lissak 1989) thus became even more overloaded after the 1996 and 1999 elections.

By converging on the dominant dimension and diverging on secondary dimensions in order to benefit from vote-splitting, the smaller parties were able to gain blackmail potential in the first majoritarian ballot, and thus reduced their conflict with the bigger parties in the proportional ballot. The smaller parties, therefore, "extracted constituencies" from the bigger ones, similar to the dynamics in Italy, where the smaller parties gained representation through blackmail *negotiations* with the bigger parties, in which they successfully extracted geographical constituencies. In Israel, the smaller parties won representation through blackmail *competition* with the bigger parties, with the prize being their particular sectarian constituencies. In both cases, the loss of both some seats and certain "constituencies" was the cost of victory

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[226] It is practically impossible for a party to win just one seat in the Knesset. For example, the legal threshold of 1.5% in the 1999 elections was 49,642 votes, and the number of votes needed per seat was 25,936 votes. Therefore, only if a party won between 49,642 and 51,972 votes would it receive just a single seat. Moreover, since *apparentement* is allowed in Israel, a party that won a number of votes between these two thresholds and had an excess votes agreement with another successful party would probably win a second seat.

Figure 16.3Israel's Party System after Three Elections in the 1990s

The figure denoted splits, movements of legislators, and mergers/alliances of lists.
* In 1999 TW did not pass the legal threshold.
Note: See Appendix list of party abbreviations on p. 379.
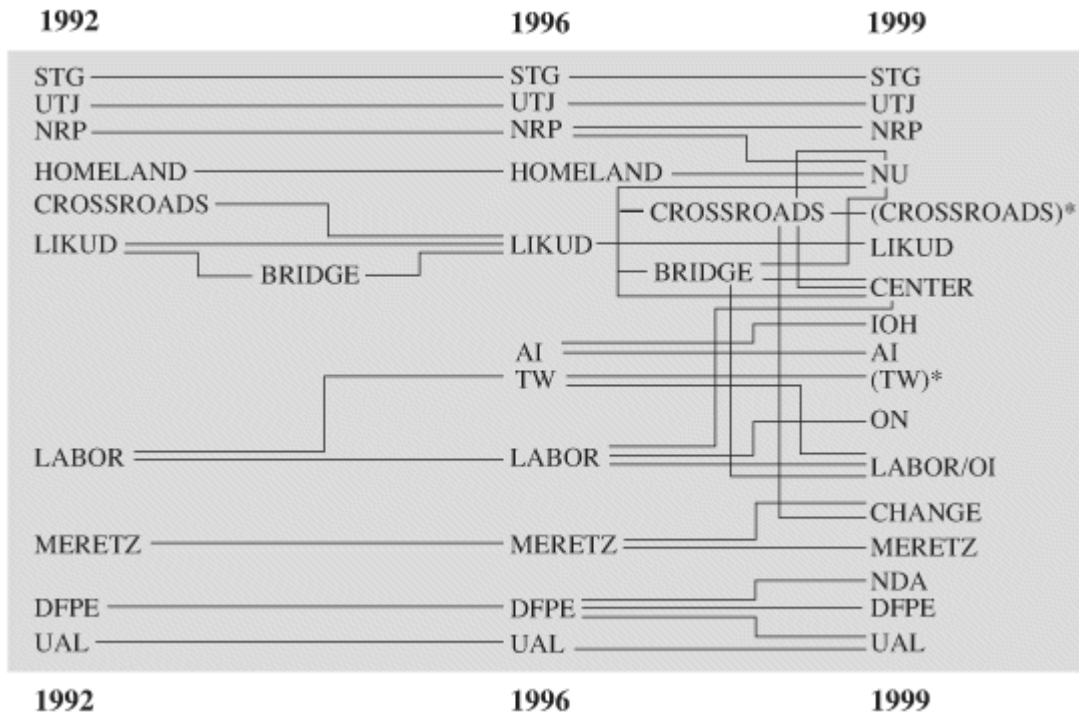
for the bigger parties in the move from proportional representation to a mixed electoral system.

The decline of the two main parties and the success of more sectarian ones shows that the consequence of the electoral reforms is not the strengthening of the incipient bipolarization of Israeli politics, as reformers had hoped, but its breakdown and Balkanization, as is shown dramatically in Figure 16.3. Instead of social groups being represented *within* parties, they are now being represented *by* parties. Incentives for negotiation and compromise between social groups have also decreased, due to the enhanced reflection of social cleavages in the party system. The direct election of the prime minister thus failed to achieve its goal of enhancing governability. On the contrary, governability was undermined because of the production of a sectarian–centrifugal Knesset via ballot-splitting.

Moreover, the electoral reforms have influenced legislative behavior. During the three years of the Fourteenth Knesset (1996–9) the prime minister's coalition was defeated on numerous issues. Decisions taken by the government were overturned by the legislature due to the abstention of key partners, both in the coalition and in the prime minister's party, who were holding out for increased payoffs. The decline of the major parties and the rise of the sectarian ones made coalition maintenance a full-time, if practically

impossible, task. The ability of the government to pass its own legislation, or to thwart the opposition's popular and costly bills, largely failed. The annual budgets, for example, were redrawn by the coalition members in the Finance Committee—at times with the cooperation of the opposition—to an extent that was previously unknown in Israel. The directly elected prime minister was unable to reign in the anarchy within both his coalition and his party, and repeatedly derided his partners for their unruly behavior. However, executive control over the legislature should not have been expected to have been increased by the reform, because, indeed, the direct election of the head of government in democratic presidential systems increases the independence, not the subordination, of the legislature.

Numerous motions of no confidence against the prime minister had more supporters than opponents, and in some of these no confidence votes members of the prime minister's coalition voted against the prime minister. However, despite the *plurality* of MKs who voted against the prime minister in a vote of no confidence, bringing down the prime minister required a *majority* of the Knesset (61 of 120 legislators). Since less than the necessary 61 cast a vote of no confidence, the prime minister and his government remained in office. The directly elected prime minister might be quite durable—since he has a direct mandate from an absolute majority of the electorate, and since for the Knesset to unseat him it, too, might be dissolved—but this durability does not necessarily translate into enhanced efficiency or effectiveness, compared with previous prime ministers who were not directly elected (Hazan 1997). In late 1998, when it became evident that a majority of legislators were willing to cast a vote of no confidence in the prime minister, even his durability was undermined. This resulted in a joint decision by the coalition and opposition to call for early elections, thus avoiding a snap election resulting from a successful motion of no confidence.

This new phenomenon of the prime minister "losing" repeated votes of no confidence has produced yet another change in legislative behavior. Since 61 legislators are needed in order to bring down the prime minister, the 1996–9 coalition decided to boycott all votes of no confidence, even though it knew that the opposition could not muster the required majority. The opposition continuously raised no confidence motions in order to impose undue hardship on the governing coalition. The reason the chairman of the coalition decided to boycott all votes of no confidence was in order to "pull the rug out from under the supporters of these motions from within the coalition."[227] That is, legislators who were part of the coalition felt that they could cast a vote of no confidence in the prime minister as a show of their strength and autonomy, or in order to extract concessions, without having to pay the price

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[227] Interview with coalition chairman Meir Sheetret, *Ha'aretz* [Newspaper], July 29, 1998.

of dissolution of the Knesset and new elections (so long as the plurality did not become a majority).

The first governing coalition in Israel after the implementation of direct election of the prime minister, therefore, exhibited behavioral characteristics that were significantly different from those that preceded it. The electoral reforms made control of the legislative agenda and output an extremely difficult task. Thus, while it is structurally difficult and politically risky for the legislature to bring down the prime minister, it is institutionally easy for the Knesset to diminish both the prime minister's legitimacy and his effectiveness. Executive control over the legislature, which was another one of the goals of the reform, has been not strengthened but rather diminished. That is, one of the major goals of direct elections was to increase governability without a reduction in representation, i.e. proportionality. The actual result has been "virtual" durability, resulting from the fear of early elections, instead of governability, with reciprocal and cumulative consequences for representation.

The Consequences of the Mixed Electoral System for Electoral Efficiency

Shugart (Chapter 2 above) assesses the "wave" of electoral reform in established democracies, away from more extreme electoral systems toward a mixed, and more efficient, system, according to two dimensions. The Israeli electoral system, in the pre-reform era, was indeed an extreme version on both dimensions (see Rahat, Chapter 6 above), and the electoral reform did shift Israel's location toward a presumably more efficient position according to these measures, although the empirical consequences outlined above seem to suggest otherwise.

There is a problem, however, concerning Shugart's variables and the post-reform Israeli electoral system, in that it elects each branch of government separately. Unlike premier–presidential France, where only the legislative elections determine the composition of the government and presidential elections do not enter into the calculations of efficiency—the voters separately elect a head of state, rather than a head of government—in Israel the governing coalition is an outcome of the concurrent executive and the legislative elections. Moreover, since Israel is a presidentialized parliamentary form of government, it is important to decide the relative importance of either the executive or the legislative elections for each of the variables that produce the efficiency measures. In other words, a procedure similar to that used for presidential systems must be used, but it needs to be modified to take account of the important distinctions in the Israeli system.

On the interparty dimension, efficiency is assessed according to four variables. The first, pre-election identifiability (*ID*), refers to government (executive) formation only and is assessed only for prime ministerial elections, because it is the winner of these elections who is responsible for the formation of the government. The direct election of the prime minister, according to an absolute majority electoral system, should produce a score of 1.00. However, because there are numerous parties—actually a majority of the parties, as argued in this chapter—that could join a coalition led by any of the prime ministerial candidates, the score for Israel in the two post-reform elections was 0.75. Thus, full discretion for the directly elected head of government is not the case in Israel, and the vote for the prime minister is not fully decisive; i.e., it determines only who leads the government, but not the complete nature of the government that is actually formed.

The second interparty variable, post-election majorities (*MJ*), is measured for only the parliamentary elections, because after the elections Israel's directly elected prime minister needs to form a supporting coalition government in parliament in order to take office, and subsequently to avoid a vote of no confidence. Based on the largest party in the coalition governments of 1996 and 1999, the MJ scores for Israel are 0.53 and 0.43, respectively. The third variable, electoral linkage (*L*), is an average of the first two variables, and produces a score of 0.64 for the 1996 elections and of 0.59 for the 1999 elections. Plurality enhancement (*P*), the last interparty variable, is again based on only the parliamentary elections, for the same reason outlined above. The Israeli scores for both 1996 and 1999 are 0.03. The *MJ* and *P* scores, which use only the parliamentary election results, are thus measured in Israel in a similar manner to the way they are produced in presidential systems.

The resulting interparty efficiency (E_{inter}) variable is, therefore, a combination of the above scores, which gives weight to the pre-election identifiability of the prime ministerial race where it is more significant, and to the post-election majority and plurality aspects of the parliamentary elections where these are more important. The interparty efficiency scores for Israel are −0.33 for the 1996 elections and −0.38 for the 1999 elections. The average score in the post-reform era is −0.35, which is presumably "more" efficient than the pre-reform average of −0.49.

On the interparty dimension, if we look at each of the four variables separately, we can see movement in different directions. *ID* was 0.17 in the pre-reform era and 0.75 in the post-reform elections, hence much "more" efficient, due entirely to the adoption of direct popular election of the prime minister; the focus on this election, and its consequences for the parliamentary election, are outlined above. *MJ* was 0.78 before the reform and 0.48 after, therefore "less" efficient, largely because of the hitherto unavailable option of ballot-splitting, which decimated the two main parties. *L* was 0.48

prior to the adoption of the mixed electoral system and 0.62 afterwards, therefore slightly "more" efficient and based on the combination of direct election of the prime minister and the resulting ballot-splitting in the parliamentary elections. P was 0.04 in the pre-reform period and 0.03 in the post-reform era—a slight decrease in efficiency due, again, to ballot-splitting.

In short, by adopting a mixed electoral system, Israel moved toward the midpoint of enhanced efficiency on the interparty dimension, despite combining extreme features within this mixed electoral system. However, the change from 1996 to 1999 in E_{inter}, from −0.33 to −0.38, shows that Israel has recently shifted slightly back toward "less" efficiency, both in light of and in spite of the electoral reform and its resulting consequences.[228]

Conclusion

The Israeli electoral reform produced a very different breed of mixed-member system from those discussed elsewhere in this volume. Because of its effects on the constitutional as well as the electoral system, the reform shares many of the features of presidential systems, yet it is *sui generis*. It meets the definition of a mixed-member system in the sense that there is a tier of single-seat districts, even though it happens to include only one seat, and a proportional tier for the same legislative body, because the prime minister must remain a member of parliament.

The basic thesis of this chapter—that direct election of the prime minister engendered convergence on the dominant issue dimension, yet divergence on others—is quite consistent with the notion of this actually being a mixed system in its own right, and not merely a mixture of different systems, as in those Latin American presidential systems that use PR for their assemblies. One sees this in Israel precisely because the political system remains fundamentally parliamentary, albeit "presidentialized." Yet, due to the threat of no-confidence votes, the ad hoc shifting coalitions that one often sees in multiparty presidential systems might not be feasible for Israel (Hazan 1997).

The Israeli experience of a mixed electoral system produces both positive and negative results. The convergence on the dominant electoral dimension—the peace process—exhibited by the entire Israeli political system is a positive development, albeit unintended. The increased fragmentation and sectarianization of the Knesset is an extremely negative outcome, and also one that was unexpected by the politicians and reformers.

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[228] As noted in Ch. 2, the reform does not affect the intraparty score, because only one seat is elected nominally. Even if the score does not change, however, it is clear from the foregoing discussion that Israeli election campaigns are "personalized" to a degree never before seen, and the direct election of the prime minister is the reason for it.

Regretfully, the positive consequences are rather short-term, while the negative ramifications are much more long-term. That is, the pursuit of the peace process, regardless of a center–left or center–right government, will, in the coming years, continue to abate the conflict between Israel and the Arab world. However, and regardless of this outcome, Israeli society (at peace or at war with its neighbors) is already finding it increasingly difficult to cope with domestic problems. This is the crux of the consequences of the mixed electoral system in Israel.

Israel's electoral reform represents an attempt to create the conditions for pre-election governing coalitions out of what was essentially a hyper-representative system. However, the election results, and the presidentialized parliamentary form of government, show that this attempt largely failed. All in all, fifteen parties won seats in the 1999 elections, up from eleven in the 1996 elections, and a record high. The effective number of electoral parties (Laakso and Taagepera 1979) rose from 6.2 to 10.3, which is not only the highest score ever but also one of the highest in the history of Western democratic regimes; the effective number of parliamentary parties rose from 5.6 to 8.7. Electoral volatility (Pedersen 1979) rose from 17.3 to 24.8, the highest in Israeli history and relatively also one of the highest scores, similar to the score produced in the regime transition from the Fourth to the Fifth Republic in France (Hazan and Diskin 2000). In other words, while the direct election of the prime minister allows for much clearer identifiability, it is practically impossible to create a pre-election governing coalition when over a dozen parties are expected to win seats, and most of them express a willingness to form a government with any winning candidate. The electoral reform has led to numerous and divergent sectarian dimensions that undermine the identifiability of the prime ministerial election.

The negative consequences have driven both the elites and the public to become increasingly dissatisfied with the new electoral system. This does not necessarily mean that there is a majority on either level for additional reform. However, the majority, particularly in the public at large, that supported the electoral reform has been significantly reduced. Calls for additional reform are becoming more serious and common. In short, electoral reform is back on the agenda.[229]

At the moment, it is quite unlikely that any further electoral reform will be passed. On the other hand, what is quite viable is that there will be a return to the old system, with or without some adjustments. A private member's bill, proposed by one member from each of the two main parties, calling for the

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[229] The renewed debate over electoral reform was spurred by the results of the 1998 municipal elections in Israel. In Jerusalem, for example, where the Likud candidate for mayor won in the first round with 61% of the vote, the Likud Party did not pass the threshold. A Labor-affiliated list won only 2 seats in the municipal council, out of 31. The two main parties thus lost over 80% of their seats.

cancellation of direct elections began to make its way through the Knesset in 1998. It passed the preliminary reading and the committee stages. However, when the Netanyahu government prematurely fell, this bill fell with it. A continuity motion may be proposed, and it could be revived. Yet, with the two largest parties at their lowest combined total in history, one must question the possibility that this bill could eventually be adopted, since according to the current laws, it must pass each of the three readings with an absolute majority, i.e. at least 61 legislators in favor. The Israeli electoral system still remains in a state of flux.

The problem resulting from the consequences of the mixed electoral system in Israel is, therefore, similar to the one clearly recognized by the Marquess of Salisbury, three-time British prime minister between 1885 and 1902:

> On the conduct of the next few legislative campaigns will depend the issue of whether the future government of this country is, or is not, to be party political government. We shall ascertain whether we are to be ruled by an aggregate of minute factions, almost irresponsible from their obscurity, or by representatives of broader national phases of opinion.[230]

Appendix: List of Political Parties

List of Party Acronyms:

S.T.G.	Sephardi Torah Guardians [Shas—Sepharadim Shomrei Torah]
U.T.J.	United Torah Judaism [Yahadut HaTorah]
N.R.P.	National Religious Party [Miflaga Datit Leumit]
N.U.	National Unity [Halhud Haleumi]
I.O.H.	Israel Our Home [Yisrael Beitenu]
A.I.	Ascending (to) Israel [Yisrael B'Aliyah]
T.W.	ThirdWay [HaDerech HaShlishit]
O.N.	One Nation [Am Ehad]
O.I.	One Israel [Yisrael Ahat]
N.D.A.	National Democratic Alliance [Brit Leumit Democratit]
D.F.P.E.	Democratic Front for Peace and Equality [Hazit Democratit LeShalom V]
U.A.L.	United Arab List [Reshima Aravit Meuhedet]

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[230] *Saturday Review,* May 9, 1857.

17 The Consequences of Electoral Reform in Japan

Steven R. Reed and Michael F. Thies

In January 1994, the Japanese Diet (Parliament) passed two major political reform laws, the first changing the system used to elect its Lower House (the House of Representatives) and the second aimed at cleaning up campaign finance practices. This vote followed a several-month-long battle over electoral reform that was filled with high-level political drama. In July 1993, the Liberal Democratic Party (LDP) saw its thirty-eight-year reign as majority party come to an end. The LDP first suffered a party split, caused in large part by disagreement over electoral reform, and then failed to regain its majority in the 1993 general election as voters flocked to three new parties, two of which had been created from the LDP defectors. The new prime minister, Morihiro Hosokawa, formed a seven-party coalition government, excluding only the LDP and the Communists, and staked his cabinet's reputation on the promise of electoral reform. The government's proposed new system easily passed the Lower House over objections by the outnumbered LDP. In the Upper House, however, the bill was sabotaged by defections from the Socialist Party, the largest member of the governing coalition. Eventually revised bills were passed with the cooperation of the LDP and at the expense of the Socialists. In the end, the new districting scheme was approved not by Hosokawa's government, which collapsed in April, nor by the successor minority coalition, which survived only until June, but by a heretofore unimaginable coalition composed of the LDP, the Socialists, and one of the new parties.

When the dust had settled, Japanese parties, candidates, and voters were faced with a completely new set of rules for Lower House elections. The purpose of this chapter is to assess the effects of this electoral system revision. First, we will begin with a description of the old electoral system and the new one, pointing out the key changes. Then we will describe the political changes that seem to have followed from the new system.

Finally, we will turn to a brief discussion of the inadequacy of equilibrium-based analyses for the study of dynamic processes. Predictions about the

effects of the Japanese electoral reform have tended to be of the "long-run" type (Cowhey and McCubbins 1995). And, in the long run, they may well turn out to be right on target. However, there is a great deal about the "short run" that is fascinating, but about which these analyses cannot speak. Describing the old equilibrium and the expected new equilibrium, while important, misses the dynamics of political change and overlooks the possibility that some effects may be path-dependent. As important as where the system is headed is when and how it will get there. The purpose of this chapter is to focus on the dynamics of the transition from one equilibrium to another, with the understanding that the actors involved are motivated not to reach that new equilibrium, but to survive and prosper in the short term.

The term "reform", in English as well as in Japanese (*kaikaku*), is loaded with connotations of "for the better". It is thus not surprising that voters and pundits usually expect far too much out of any sort of reform program. They expect that all of the ills associated with the old system will be washed away with the introduction of the new one. They rarely consider the possibility that the change may be insufficient to solve some problems and irrelevant to others. They normally ignore the inevitable tradeoffs, the negative as well as the positive effects involved in any structural change. When the new system fails to be a panacea, or fails to produce its promised benefits right away, many people end up disappointed and cynical. Politicians wrap themselves in the rhetoric of reform and public-spiritedness whenever they fiddle with the rules of the political game—indeed, whenever they do almost anything—so it is no stretch to imagine that their actual intent in passing electoral reform does not match their stated purpose. Japan is no exception to this pattern. Many Japanese voters and pundits have expressed disappointment or outrage at some of the consequences of the electoral reform (see Reed forthcoming). In our view, many of the expectations for this reform were dashed because they were unreasonable or inflated from the outset. For others, it is still too early to tell.

Description of Electoral Changes

The Old System: SNTV

From 1947 through 1993, members of the Japanese Lower House (House of Representatives) were elected by the single, nontransferable vote (SNTV) from multi-member districts. Although this system was for many years unique to Japan, it was used briefly in South Korea and is now used in Taiwan and Jordan. Under SNTV, each voter was allowed to cast a single vote, for a specific candidate. If the chosen candidate could not use that vote (either because she already had enough votes to win a seat or because her cause was

hopeless), the vote could not be transferred to the voter's second-choice candidate, but was wasted. Each district sent multiple "winners" to the Diet. By this method, rather than just the top vote-getter being awarded a seat, as in a plurality system, the top two to six vote-getters (depending on the district) would win seats.

Probably the most important implication of the SNTV electoral rule was that it forced any party seeking a parliamentary majority to win, on average, two seats per electoral district. Indeed, any party seeking to win more seats than there were districts[231] had to run multiple candidates in at least some districts. This meant that copartisan candidates competed directly with one another for votes. Running under the same partisan label, on the same basic platform, these copartisan rivals were fishing in the same pool for the mutually exclusive support of voters, and usually became the bitterest of enemies. Moreover, because they could not differentiate from each other on the basis of policy platforms or partisan affiliation, they resorted to expensive, personal appeals to voters, plying supporters with gifts and favors throughout the electoral cycle.[232] Thus, "money politics" was a common complaint of voters and political commentators, and financial scandals were frequent. Scandals were most common within the long-ruling Liberal Democratic Party. As the largest party, its candidates faced the intraparty competition problem in almost every electoral district; and as the ruling party, it had the resources needed to accumulate funds and to influence the allocation of governmental benefits.

Another result of the SNTV electoral rule was its "semi-proportional" representation of political parties (Lijphart 1984). With an average district magnitude of four seats (and almost all districts ranging from three to five seats), a candidate could expect to win with as little as 15%–20% of the vote. This relatively low threshold allowed small (but not tiny) parties to survive election after election, and for most of the postwar period, the number of parties represented in the Lower House hovered around five or six. The effective number of parties, however, hovered between three and four, which reflects the fact that the LDP was about twice as large as the second largest party, the Japan Socialist Party (JSP) and the other three parties never received much more than 10% of the vote. The two larger parties both benefited from pro-rural malapportionment and from the big-party bias inherent in "medium" magnitude electoral systems.

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[231] In the last election held under these rules, in 1993, 511 Lower House seats were elected from 129 districts.

[232] Cox and Thies (1998) confirm that a candidate's campaign period expenditures increased with the number and strength of copartisan competitors that he or she faced.

The New System: MMM

After years of talking about reform, Japanese politicians finally scrapped the SNTV electoral rule in 1994. The new electoral system combines 300 single-seat districts (SSDs) and 200 seats elected by proportional representation (PR) from party lists in eleven districts varying in magnitude from seven to thirty-three seats. Voters cast two votes: a candidate vote in an SSD, and a party-list vote in the list tier portion of the ballot. This is clearly a mixed-member majoritarian (MMM) system. The allocation of SSD and PR seats proceeds independently: each party receives its "proportional" share in each list-tier district, plus as many SSDs as it wins outright.

Several details in the Japanese variant of MMM are also important for party and candidate strategies. First, as in most other mixed systems, "dual candidacy" is allowed. That is, a candidate may run simultaneously in an SSD and on the corresponding party list within the PR district that encompasses the SSD. Thus, a candidate who fails to win in the SSD might still earn a seat if ranked high enough on the PR list. As in the Italian Senate, there is also a provision for rewarding PR seats to the best SSD losers. A party may rank more than one candidate at the same position on the list, the tie to be broken by a "best loser" calculation (*sekihairitsu*). All dual candidates who share the same list position and who lose in their SSDs are re-ranked on the party list according to the ratio of their SSD vote total to their SSD's winner's vote total. One's chances of being saved in the list tier, therefore, are a direct function of how close one came to winning the SSD outright.[233]

A second set of details of the 1994 electoral reform involves the rules for electioneering (Christensen 1998). Public funding of campaigns has been added, while campaign finance rules were tightened considerably, restricting the sources and sizes of donations that candidates may receive. The latter provisions were phased in over time, so some had not taken effect by 1996, the first election under the new rules. On the other hand, very little was done to relax the extremely restrictive laws governing campaign activities. Door-to-door canvassing is still outlawed, the official campaign period is still only two weeks long, and print, radio, and television advertising are still limited severely.

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[233] Note that using the SSD winner's vote as the denominator, instead of the total vote or number of eligible voters, tends to advantage losers in multipolar races over those in bipolar races, because the winner's vote total is likely to be lower in districts with more candidates running.

The Interparty Dimension: Party-System Consequences of Electoral Reform

This section describes the changes that have taken place in Japanese politics since the 1994 electoral reform, including, in some cases, changes that occurred before but in anticipation of that reform.

Japanese politics is undergoing a considerable upheaval. Numerous political parties have formed and foundered as the party system continues to experience a profound transformation. This series of political realignments has led to political reform and the creation of a new electoral system. The new electoral system will help shape the new party system and has already influenced everything from campaign practices to party organization. We must guard against assuming that all changes are due to the new electoral system, as some might be better explained as coinciding with the electoral reform, i.e. as caused by the same factors that explain the reform, rather than by the reform itself. We will ask this question of each observed change, and attempt to sort out which changes are truly "consequences" of the electoral reform.

The most dramatic changes in post-1994 Japanese politics have involved the political party system. The biggest change was the LDP split, which caused this long-dominant party to lose its parliamentary majority. The ensuing election results allowed a broad coalition government to take power from the LDP. The split, which occurred before the reform, provided a powerful impetus to the reform movement, and may even have been a necessary condition for changing the electoral system. Ironically, however, the most obvious continuity between the old party system and the new one is that the LDP remains the largest party and even regained its majority in the 1996 election. The only other party to maintain its identity since reform was the Japan Communist Party (JCP). All other parties have undergone a bewildering series of reorganizations and name changes, as is illustrated in Figure 17.1.

In the terminology used in Chapter 2, the old Japanese electoral system was associated with fairly "efficient" interparty politics. For thirty-eight years, Japanese elections were, at least in part, referenda on LDP government. LDP supporters normally had to choose among two or more LDP candidates when casting their ballots; LDP opponents had to choose among two or more non-LDP candidates (from different parties). But the first choice to be made by all concerned whether or not to support the incumbent governing party. A common complaint, however, centered on the fragmentation of the opposition. While the LDP represented a clear choice, there was no clear alternative.[234]

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[234] For this reason, voters upset with the LDP often made a third choice: voting for conservative independents. In this way, they could lodge a protest against LDP incumbents without costing the LDP any seats.

Figure 17.1Japan's Party System, 1990–8

Note: See list of party acronyms in the Appendix on p.403.
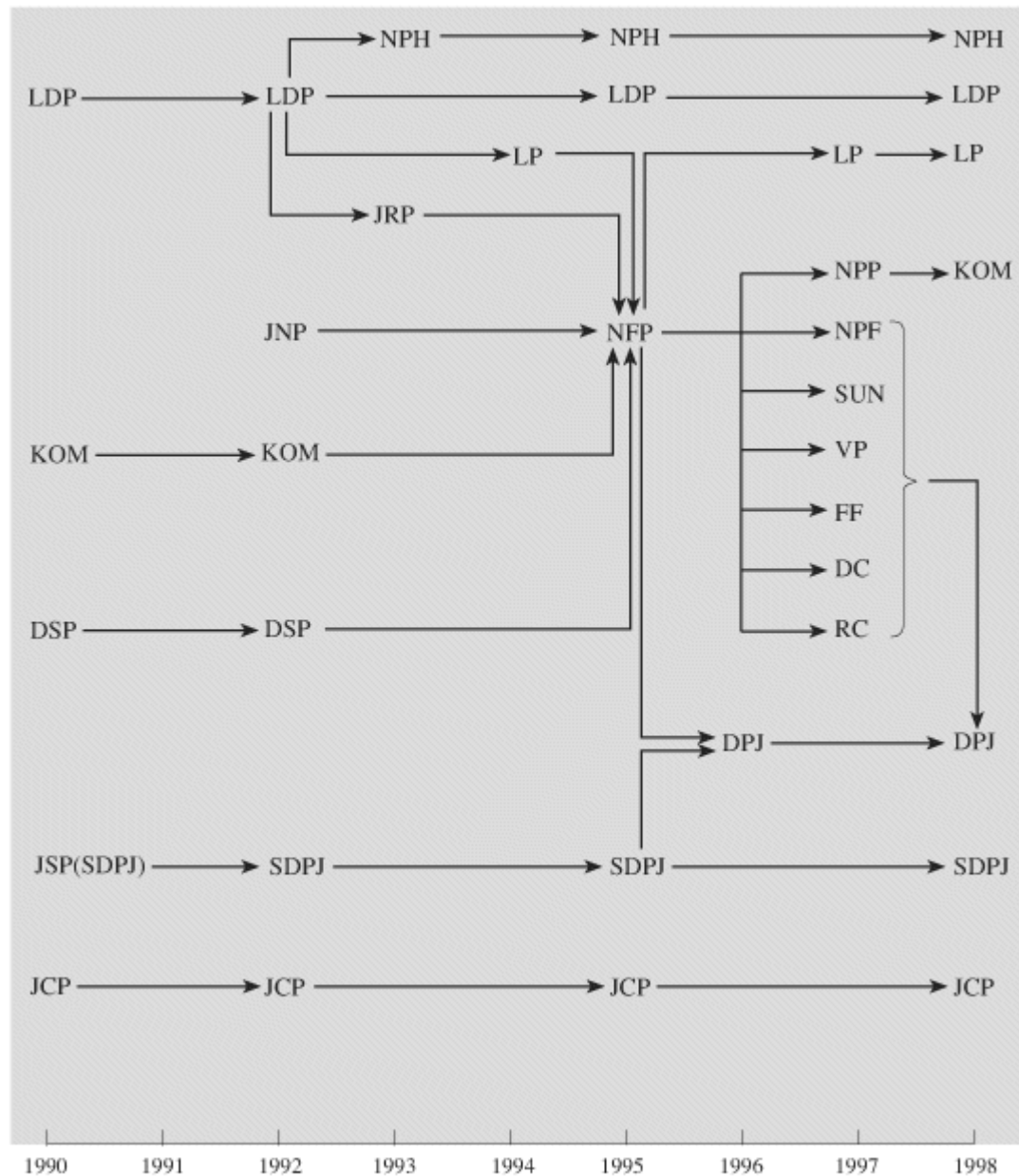
From the 1970s through the 1980s, the most likely result of denying the LDP a majority would have been an LDP-led coalition. It was hard to imagine an electoral result that would have produced a coalition excluding the LDP.

Thus, the hope of many who pushed for electoral reform was to create a party system in which *two* responsible parties would compete for sole control of government, with a real prospect of alternation in power. This hope, of course, was based on Duverger's Law (Duverger 1954) and specifically upon the British experience. At first blush, Figure 17.1 makes both the claims of the

reformers and the predictions of Duverger's Law look pretty bad: the immediate consequence of adopting an MMM electoral system was party proliferation, not party consolidation. However, the idea that MMM would produce a national-level two-party system was one of those unrealistic expectations to which we referred above. A more realistic analysis of both theory and available data indicates that Duverger's Law is operating precisely as *should* have been expected.

First, as Riker (1982b) and Chibber and Kollman (1998) demonstrate, Duverger's Law must be understood as operating at the district, not the national, level. Single-seat districts tend to produce two-candidate competition in each district, but the aggregation of those candidates into two national political parties is a separate, though related, process. When a country adopts an electoral system based on SSDs, we should expect the process of reducing district-level competition to two candidates to precede the process of coordinating those candidates into a few national-level political parties. Progress toward two-candidate competition at the district level should ease the process of party consolidation at the national level following the election. Similarly, progress toward party consolidation at the national level should make it easier to coordinate on only two candidates at the district level. Japan is a relatively homogeneous society, with few regional differences or ethnic cleavages that might hinder coordination, but we should expect coordination to take time even in the best of circumstances. Thus, the massive confusion manifest in Figure 17.1 need not be inconsistent with two-candidate competition at the district level. And at the district level the Japanese party system *has* consolidated to some extent. The average effective number of parties dropped from over 4.1 in 1993 (the last election under SNTV) to 2.95 in 1996.[235]Even at the national level (including the list tier for 1996), the effective number of parliamentary parties dropped from 4.14 in 1993 to 2.94 in 1996.[236]

Second, Duverger's Law applies to plurality electoral systems, not MMM. There are at least two reasons to expect an equilibrium of more than two parties under MMM. First, the PR districts in MMM will allocate seats to smaller parties that win no SSDs. More interestingly, the existence of PR seats alters the incentive structure for running candidates in SSDs. In the 1996 election, parties gained more list votes in those SSDs where they ran candidates than in those districts where they did not (Mizusaki and Mori 1998; Cox and Schoppa 1998). Since 1960 the JCP has normally run one candidate per district even when it had no prospect of winning a seat. MMM should reward

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[235] Specifically, the average effective number of parties was 3.95 in three-member districts, 4.19 in four-member districts, and 5.38 in five-member districts. All of these numbers are calculated using the Laakso–Taagepera index (Laakso and Taagepera 1979).

[236] The 1993 figure includes Lower House members from all SNTV districts, regardless of district magnitude. The 1996 figure includes both SSD and list-tier winners. The effective number of parliamentary parties for SSDs 1996 is 2.36 and for the list tier it is 3.84.

such a strategy. An SSD candidate in every district will maximize the total PR vote for the JCP and thus will also maximize the total number of seats. No other Japanese political party has ever been able to field large numbers of hopeless candidates, but MMM certainly creates a new incentive to do so. The question then becomes the strength of this incentive. The stronger the incentive to run hopeless candidates in SSDs, the higher the final equilibrium number of candidates per district. Recent reports indicating that even the JCP is feeling the pressures for electoral cooperation in SSDs suggest that the incentive to run hopeless candidates may be no match for the familiar Duvergerian incentives for bipolar competition (*Yomiuri Shimbun,* June 20, 1999).

Our first clues about the relative strengths of the Duvergerian incentives to reduce the number of candidates to two and the MMM incentives to run in as many SSDs as possible in order to maximize the PR vote will come in the second MMM election. Will candidates who turned out to be also-rans in 1996 decide not to run in the second election? Will parties whose support in SSDs turned out to be woefully insufficient in 1996 join forces either with each other or with more successful parties? How many parties will follow a strategy of maximizing PR seats by fielding candidates in hopeless SSDs? How successful will that strategy prove to be?

There is no reason to assume that the first election under a new system represents the final equilibrium. The best evidence for the strength of various incentives and the final equilibrium point is not how things are at any given point in time, but how things change over time. Equilibrium should be thought of and analyzed as a dynamic concept. Duverger's Law states the equilibrium of SSDs to be two candidates per district. The M + 1 rule extends Duverger's Law to SNTV and states that the equilibrium number of candidates under SNTV is one more than the district magnitude (Reed 1990; Cox 1991; Hsieh and Niemi 1999). However, as demonstrated in Table 17.1, it took several elections to reach equilibrium under SNTV. The numbers in the table are the effective number of losing candidates calculated using the Molinar index (Molinar 1991b). The Molinar index is the Laakso–Taagepera index standardized around the strongest party or candidate. Here we standardize around the last winning candidate in order to make the figure comparable across district magnitudes. They reveal that the number of losing candidates declined steadily, albeit not monotonically, through the early 1980s. Not surprisingly, the split of the LDP and the creation of three new parties resulted in more cases of overnomination and increased the average number of losers per district. Thus, 1990 should be considered the best indicator of equilibrium under SNTV. We can see that the number of "excess" candidates in 1996, while higher than in three-seat districts under SNTV, was already lower (1.33) than the smallest numbers recorded for four- or five-seat districts. The opposition to the LDP could have coordinated better in 1996

than they did, but SSDs clearly promoted coordination more than SNTV had done. We thus find that SSDs are working as should have been expected to reduce the number of candidates per district. We expect the effective number of losers in the SSDs to decline even further in subsequent elections as parties learn how to optimize under MMM.

Table 17.1. Average Effective Number of Losing Candidates in Japanese Lower House Elections, 1947–96)

Election year	District magnitude			
	One	Three	Four	Five
1947		3.41	4.76	5.87
1949		3.52	4.63	5.92
1952		3.11	3.66	4.75
1953		2.05	2.72	3.00
1955		1.99	2.19	3.03
1958		1.77	1.90	2.33
1960		1.41	1.84	2.03
1963		1.47	1.57	1.72
1967		1.21	1.82	1.94
1969		1.59	2.13	2.20
1972		1.68	1.81	1.92
1976		1.27	2.18	2.19
1979		1.12	1.60	1.88
1980		0.81	1.36	1.41
1983		1.08	1.41	1.67
1986		1.09	1.53	1.39
1990		1.09	1.58	1.82
1993		1.19	1.89	1.82
1996	1.33			

Source: authors' calculations.

Is national-level party consolidation also progressing as should have been expected? We analyze changes in the effective number of *parliamentary* parties since the 1993 election in Table 17.2 and find that the process of party consolidation is taking place there as well, amidst all the confusion evident in Figure 17.1. The basic pattern seen in Table 17.2 is one of a decline in the number of parties before an election, further reduction due to the election, and then some fragmentation thereafter. The effective number of parties rose steadily after the 1993 election to a high of over four, but dropped below three with the founding of the New Frontier Party (NFP) in December 1994. The trend was only slightly reversed by the founding the Democratic Party of Japan (DPJ) just before the 1995 election. The 1996 election stimulated further consolidation both before and after the election. Candidates were forced to choose party nominations, and larger parties were favored over smaller

Table 17.2. Effective Number of Parliamentary Parties (N_s), in Japan, 1993–8

Date	Event	N_s
July 18, 1993	Lower House election	3.72
August 9, 1993	Hosokawa gov't formed (7 party, anti-LDP)	3.81
April 28, 1994	Hata gov't formed (minority gov't)	4.33
June 30, 1994	Murayama gov't formed (LDP–Socialist–Harbinger)	4.39
January 11, 1995	New Frontier Party formed	2.99
September 27, 1996	Democratic Party formed (by NFP, Socialist defectors)	3.19
October 20, 1996	Lower House election	2.85
January 20, 1997	First Ordinary Diet session under Hashimoto gov't	2.94
	(LDP minority gov't)	
September 29, 1997	Hashimoto begins 2nd term as LDP leader	2.92
April 27, 1998	Most former NFP defectors joined up with Democrats—	2.88
	Dem. Party relaunched	

Source: calculated from data in Laver and Kato (1998).

ones. Strategic voting hurt smaller parties in the SSDs (Reed 1999a) and the mechanical effect of plurality elections resulted in a drop from 3.92 electoral parties to 2.36 parliamentary parties.

The process of fragmentation began again after the 1996 election, as parties and candidates who cooperated to win specific seats found it more difficult to cooperate in the policy-making process. Most notably, in late December 1997 the New Frontier Party disintegrated, basically along the lines of the parties that had merged to form it in the first place. This time, however, the reconsolidation was rapid. The former Komeito has re-emerged as "New Komeito" (after a great deal of intervening confusion). Other NFP members did one of three things. Most joined the Democrats within a couple months, making it the largest opposition group in the Diet at just over 100 members. Several others rejoined the LDP, whence they had come in 1993. The last group stayed with the rump New Frontier Party leader, Ichiro Ozawa, as the Liberal Party (LP).

We expect further consolidation in anticipation (and as a result) of the next election, which must be held no later than October 2000. Some hints of further consolidation are already evident. In November 1998, the Liberal Party joined the LDP in coalition. This coalition makes sense in terms of policy, as the Liberal Party finds itself to the right of the LDP on many issues (*Yomiuri Shimbun,* April 6, 1999). The two parties have promised to run only one candidate in each SSD and there has even been discussion of a merger, with the LP re-entering the LDP. Opposition within the LDP is strong but pressures for cooperation should grow stronger as the next election draws nearer, and the right may well be represented by a single candidate in most SSDs. The eleven-member Reform Club, most of whom were associated with the LDP before the 1993 election, may well dissolve, with its members looking for

nominations from either the LDP or the Democrats depending on their local situations. Other small parties, including the Social Democrats (the rump of the old JSP), will also need electoral cooperation in order to survive in the SSDs. Whether smaller parties will be able to survive depending solely on winning list-tier seats remains to be seen.

The main obstacle to consolidation into two parties at the national level is the Komeito. The new Komeito finds itself closer to the Democrats on most issues, but it also finds it advantageous to cooperate with the LDP in passing legislation (*Yomiuri Shimbun,* April 23, 1999). The party was not pleased with its previous experience of merging into a larger party and is therefore unlikely to repeat that experience by merging with the Democrats, but it has clearly been feeling Duvergerian pressures in the SSDs. The Komeito has been seeking a way out of making these tough decisions by forcing a return to SNTV. As the third party, it has wisely proposed SNTV in three-seat districts, but that will not be possible before the next election and is unlikely to happen in the near future. In May 1999 Komeito offered to join the LDP–Liberal coalition in exchange for a return to SNTV, but then in September it joined the coalition in exchange for much less: promises of electoral cooperation in the SSDs and promises of future discussions on the electoral system. The Liberals oppose the Komeito's demands concerning the electoral system, and no deals on electoral competition have yet been concluded. The LDP and Liberals already need to decide which party's candidate to nominate in 58 SSDs, and adding Komeito candidates into the mix means that the coalition has nomination problems in 102 districts (*Yomiuri Shimbun,* October 7, 1999). It is hard to imagine 102 deals being struck in the best of circumstances, but resistance within the LDP is strong. The Tokyo Prefectural LDP recently announced that it will field an LDP candidate in every SSD, refusing to discuss cooperation with the LDP's national-level coalition partners.

In sum, we find that the MMM electoral system has indeed had the party-system effects that should have been expected: the effective number of candidates per district fell, and efforts to consolidate the opposition to the LDP are progressing. Moreover, there is every reason to believe that the electoral system played a significant role in causing both of these trends.

The Intraparty Dimension: Party Organization and Personalistic Politics

The second dimension of electoral system "efficiency," as defined in this volume, concerns the degree to which elections are candidate-based versus party-based. Neither extreme is seen as desirable, and Japan has often been cited as holding down the extreme end of candidate-based personalistic politics.

Several "pathologies" have been identified in the literature, and by participants, strong intraparty factions, weak local party organizations, money politics, and corruption being among the most prominent. Some reformers and observers predicted that the MMM system would go a long way toward curing these ills, both by putting more resources and decision-making authority in the hands of party leaders and by eliminating the intraparty competition produced by SNTV, and the personalistic consequences of that intraparty competition. We will address each of these perceived "pathologies" of SNTV, and examine the extent to which the predictions have been borne out.

Intraparty Organization (Factions, Leadership Selection, Decision-Making)

From 1972 through about 1992, the LDP contained five major factions (four large groups and one smaller group), with only one or two short-lived exceptions. All other factions that survived past 1972 soon dissolved upon the death or retirement of their leaders, and their memberships dispersed into the five main factions. So it is reasonable to view this five-faction array as the pre-reform "steady state" of LDP factional organization (see Kohno 1997). However, this factional structure began to weaken even before the electoral reform. When Prime Minister Takeshita retired from factional leadership in 1990, he left his faction without an obvious heir. The 1993 defection of one splinter group from that faction (the Hata group) to form a new party caused the LDP to lose its Lower House majority, and paved the way to the electoral reform. Around the same time, the Kato group left the Mitsuzuka faction.

Thus, the factional system was in a relatively malleable state before the electoral reform added a further impetus for change. Whether the pre-reform instability was in anticipation of the reform (certainly, the Hata split was over the *issue* of political reform), or whether the reform was a result of this early instability is not easy to disentangle. Nevertheless, the new electoral rules are expected to shake up the factional system even more, and some changes have become visible already.

Many observers of Japan's old electoral system attributed its generation of *intraparty* competition as a sustaining force for the factions that divided the LDP (Thayer 1969; Baerwald 1986; Reed 1990; Ramseyer and Rosenbluth 1993; Kohno 1997; McCubbins and Thies 1997). Basically, the logic runs as follows.[237] Intraparty competition under SNTV created competition among co-partisans for the resources necessary to win election to the Lower House. Factional bosses provided their followers with access to the party endorsement, to campaign resources, and to posts within the party and government in exchange for members' agreement to support whomever the boss designated in

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[237] In a recent paper, Cox et al. (2000) follow this "electoral theory of factions" to predict—and demonstrate—that factions in the Upper House, with its different electoral rules, were organized differently than in the Lower House.

party leadership elections (Thayer 1969). With factions footing much of the campaign bill for their members, they would only rarely back more than one candidate in a district; it was almost always the case that each party nominee in a given district was supported by a different faction from each other nominee (Reed and Bolland 1999). If the party determined that there was reason to endorse a new candidate in a given district (perhaps as the result of the retirement of an incumbent), unrepresented factions would have first dibs in nominating candidates for open slots (Cox and Rosenbluth 1996).[238]One effect of this endorsement pattern might have been to render factions virtual clones of each other in terms of policy preferences, insofar as each was, geographically, a microcosm of the party.[239]

If this theory is correct, then the change in electoral rules should have had ramifying effects on factions.[240]The end to intraparty competition means that the party no longer has to run multiple candidates, and that there is no advantage—in terms of campaign resources—for an SSD newcomer to cast his lot with one faction to the exclusion of all others. Therefore, the reform should eliminate one major function of party factions. Sure enough, a recent paper shows that a record number of LDP candidates chose to run *without* factional backing in 1996 (Cox et al. 1999).

Factional discipline also seems to have broken down in the party leadership selection process. In 1995 Ryutaro Hashimoto eschewed the tried-and-true strategy of securing the endorsements of other factional bosses, and instead appealed to younger members from all factions to support his candidacy. He argued that in the upcoming election the party's reputation would be more important than in the past, and that his popularity among voters would help them more than that of the less well-liked incumbent, Yohei Kono. The punchline is that Hashimoto was successful in inducing defections by younger members of the factions whose bosses had pledged support to Kono—so successful, in fact, that Kono dropped out of the race, leaving Hashimoto a clear field.

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[238] Quite often, the endorsement would go to the son or lieutenant of the retiring incumbent, and thus keep that seat for the retiree's faction. The number of "second-generation" (and even "third-generation") LDP members has increased over time (Ishibashi and Reed 1992).

[239] This claim has been tested only once, by McCubbins and Thies (1997), who found evidence of small but systematic differences in factional priorities over budgeting; but with a couple of exceptions (Fukui 1978; Baerwald 1986), it is generally accepted that the factions were indistinguishable on policy issues.

[240] Factions are a common feature of party politics, so it is not correct to argue that LDP factions were *created* by the SNTV electoral rules—they might have arisen under other rules as well. Nonetheless, particular features of LDP factions (specifically, their number, size, electoral behavior, and operation within the party) have been traced to specific details of the old SNTV electoral system, so it is not unreasonable to expect those features to change, given the different incentives produced by the new electoral rules.

If one leadership race with weakened factional control is a curiosity, then does two in a row indicate a pattern? Hashimoto resigned in July 1998, to take responsibility for the LDP's embarrassing showing in an Upper House election. In the battle over succession three candidates emerged, two of whom, Keizo Obuchi and Seiroku Kajiyama, were members of the same faction (headed by Obuchi). Kajiyama battled with the third candidate, Junichiro Koizumi, for the favor of younger voters from all factions. In the end Obuchi emerged the victor, with the support of most middle-ranking and senior members of the party. In this case party members apparently did not pay as much attention to the popularity of the candidates as in 1995, as Obuchi ran a distant third to the other two in public opinion polls. But, just as in 1995, the LDP president (and hence prime minister) clearly was not chosen by faction-based voting.

It is interesting to note, however, that the final role of factions—post allocation—seems to have survived intact. Almost all victorious candidates in 1996 who ran without factional affiliation joined factions after the election. Moreover, the allocation of cabinet posts under both Hashimoto in 1995–7 and Obuchi in 1998 revealed old patterns of factional balancing. For now anyway, factional membership remains the best way to secure party and government posts.[241] Cox et al. (1999) speculate that, although factional tentacles no longer reach down as forcefully to the electoral level, and despite their fraying in leadership selection battles, their role in post allocation has been maintained because veteran lawmakers who have waited patiently for the factionally based seniority system to pay off are unwilling to see that system overthrown just as their turn for high-ranking posts comes around.

So while factional affiliation might prove counterproductive at election time (because choosing sides might hinder candidates' efforts to build the broad coalition necessary in SSDs) and at leadership selection time (because, again, the party must now pay more attention to the collective reputation of the party than before), there is no obvious tradeoff to a factionally based post-allocation system. Apparently LDP members are willing to run the risk of forcing talented younger members of the party to wait in line.

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[241] In April 1998 seven unaffiliated conservatives who had returned to the LDP from sojourns in the New Frontier Party joined the Miyazawa faction (*Yomiuri Shimbun,* April 11, 1998). The reasons given represent a list of the factors that still sustain factionalization. First, a cabinet shuffle was expected after the Upper House election in July, and factions represent their members in the competition for places in the cabinet. Second, Koichi Kato, the presumed successor to leadership of the Miyazawa faction, appears to have a good chance of being prime minister some day and the new members wished to hitch their wagon to his rising star. Similarly, in the midst of the succession struggle in which the factions appeared in disarray, four unaffiliated Diet Members entered the Obuchi faction, i.e., the faction of the leading candidate for party president and prime minister (*Yomiuri Shimbun,* July 23, 1998).

The electoral theory of factions laid out above suggested that the number, size, and (possibly) policy irrelevance of factions were products of the constraints that multi-seat districts and intraparty electoral competition placed on their organization and behavior. If the electoral theory is correct, and the electoral link has been severed, then there is no longer any reason to expect that the current number and sizes of factions is stable. No longer need a candidate choose a faction by eschewing those already represented in his district—because now there will only be one candidate at a time. The "natural limit" on factional size of one faction member per district is now irrelevant, since there are 300 SSDs. Moreover, factional battles over policy no longer run the risk of confusing voters, since voters no longer will have to choose among two or more LDP candidates and will hear only one platform from one LDP candidate at election time. Is there any evidence of changes in the number or sizes of factions, or of a move toward policy-based differences between them?

There are some suggestive shifts. The smallest of the pre-reform factions, headed by Toshio Komoto, seems to be fading away, having been unable to attract new blood for a long time now. The Obuchi faction garnered a hugely disproportionate share of new party members before and after the 1996 election. Next, a group of younger LDP and middle-ranking members headed by Taku Yamasaki, Koichi Kato, and the aforementioned Koizumi (and usually called the YKK group) has in many ways attained the status of a faction: it is registered in the Diet as a *to-ha* ("party or faction") despite the fact that its membership is drawn from all of the longer-standing party factions. In November 1998 Yamasaki announced that he would form a new faction, by leading thirty or more adherents out of the Nakasone–Watanabe faction. It is not clear how Yamasaki's new group will interact or overlap with the YKK group, which has not disbanded.

Many policy and tactical disagreements within the LDP over the last few years have pitted two camps against each other. The first, headed by the YKK group, has been most interested in working closely with the Socialists and New Party Harbinger on a moderate platform. The other, headed by Kajiyama and others, has argued for appeals to the more conservative elements of the opposition, to lure them back to the party fold. The Kajiyama group has been delighted with the recent LDP–LP accord, while the YKK group has expressed displeasure. Most recently, Kajiyama has announced that his group will merge with three others to form a new, eighty-strong faction in direct opposition to the YKK group, at least on the question of the prospective alliance with the Liberals (*Japan Times,* December 5, 1998). However the system falls out, we can now see the outlines of a possible battle between two opposing intraparty camps that does not match the old factional cleavages, and has a distinctly ideological tint to it. At this point, however, the trend is sporadic, and it coexists with the maintenance of

some old factional activities, so it is premature to declare a new equilibrium.

Local Party Organization: From Koenkai to Party Branches

The major Japanese parties have never had a significant organizational presence at the district level (Foster and Edelman 1982). Under SNTV, candidates from large parties were forced to compete with other candidates from their own party. This system rewarded a strategy of cultivating a personal vote (Cain et al. 1987; Carey and Shugart 1995). The institution that evolved to mobilize the personal vote was the *koenkai,* the personal support organization (Curtis 1971). Under the new system, we expect the norm to become one party candidate per SSD. Since it will no longer be necessary to compete against members of one's own party, candidates will no longer need *koenkai* and parties will have the opportunity to organize district branches. Of course, the fact that *koenkai* will no longer be "necessary" does not necessarily mean that they will soon wither away. Organizations tend to persist, to find new roles to play, and even to continue playing old roles that have been rendered "unnecessary." Nevertheless, institutional change has produced a window of opportunity for change in party organization at the district level.

The major political parties have been working hard to organize branches in each SSD. Currently, party branches typically are led by the party's candidate in that district and the party branch is seldom much more than his or her *koenkai* plus a variety of allied groups. Yet there is good reason to expect that party branches will evolve under the new system, and the early evidence supports this expectation.

Because district lines were redrawn for all but eight districts, very few district branches are simply the *koenkai* of the local candidate. Even candidates in the eight districts that were not redrawn have had to reorganize their *koenkai* to some degree, to adjust to the fact that only one candidate will now be elected from the district. In some districts the process will be a matter of integrating new groups into the candidate's old *koenkai,* but in other districts the process will be closer to starting a new organization by combining elements from the old system.

Under the old system, conservative candidates who failed to receive the LDP nomination often ran as independents, usually with factional backing. If they won a seat, they typically were accepted into the party, even if they had defeated LDP incumbents in the process. The new system makes it more difficult to run as an independent. With only one LDP nominee per district, the official nomination is already proving a more valuable resource. Moreover, central party headquarters has been able to participate more directly in the nomination process than ever before, mediating many of the difficult nomination disputes caused by the new district boundaries. More importantly, the

party was directly involved in the appointment of district branch chairs, which appointment is tantamount to receiving the official nomination for the next election. Of course, the party was constrained to nominate winners, but it had more leeway in choosing future nominees in those districts where the party lost. The branch chair will have the advantage over any potential challenger for the nomination because of his official party position between elections, and he will be able to use the resources of the branch office to improve his chances of (re)nomination and (re)election. Public campaign financing has enhanced the resources of the party branch office, resources that will never be available to independents. Thus, the central party offices will have greater control over who is nominated and will be better able to prevent independents from splitting the party vote, and the district party branch will be better able to control the party's resources within the district.

Finally, with only one Lower House candidate per district, the SSD branch office is becoming the key organization in other election campaigns. LDP campaigns for the 1998 House of Councillors election were based on the SSDs of the Lower House. For example, in Hokkaido each LDP district branch was given a target of 50,000 votes for the LDP House of Councillors candidate from their SSD (*Yomiuri Shimbun,* June 19, 1998).[242]Similarly, municipal elections within the SSD are becoming more closely linked to the district branch office. Forty-three SSDs are dominated by a single city;[243]fifty other SSDs consist primarily of two cities. In light of this, several commentators have predicted that city mayors will prove to be strong candidates for the Diet.[244]

It is probably no coincidence that the first election under the new rules set a record mark for the lowest voter turnout in a Lower House election. However, it would be premature to blame the new electoral system for the low turnout, nor was the low turnout necessarily the harbinger of a secular decline in participation. The primary culprit was redistricting. The new SSDs split *koenkai* and forced former enemies to cooperate. *Koenkai,* the most effective organizations for getting out the vote, were thus rendered less effective because their organizations no longer coincided with electoral district lines. Traditional rivals who had long run against each other in a multi-member district now need each other's support. Deals were struck, and candidates told their old supporters now living in a neighboring district to support their old enemies (Reed 1994a; Christensen 1998). But many supporters could not

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[242] HC districts are Japan's 47 prefectures so each HC district encompasses from 3 to 25 HR SSDs.

[243] This number includes 14 SSDs that consist of one city, 26 more that consist of one city plus a few towns and villages, and 3 Tokyo SSDs that consist of a single municipal district.

[244] Interestingly, however, most of the movement so far has been in the opposite direction, as two national politicians have resigned their Diet seats to run for mayor (*Yomiuri Shimbun,* February 26, 1999).

bring themselves to campaign for the people they had fought against for so many years. Campaigning in Japan has always been candidate-centered, so a voter who could not vote for the same candidate as in the last election was more likely to abstain. Turnout should increase simply because the organizations mobilizing the vote will have been reorganized to fit the new district lines (Reed and Yokoyama 1998).

Thus, we can expect party branches to evolve under the new system, but there are forces retarding that evolution. First, the opposition camp is still divided into several parties. Second, in several districts the LDP still has two candidates who are supposed to alternate between the party list and the SSD. In these cases, the list-tier candidate must keep his own *koenkai* operational while running only on the party list, in preparation for his SSD run next time around. Whereas these alternation arrangements have proved more cooperative than expected, they have also caused problems in organizing the local party branch. Third, individuals are still switching parties, and every time a defector returns to the LDP it causes problems for the district branch office. Finally, candidates may use *koenkai* to supplement the party branch, most notably in fund raising. If the public subsidies that go to the district branch office are under relatively strict auditing, the *koenkai* may provide the opportunity to conceal or launder funds from other sources.

Campaign Finance Reform

A primary goal of electoral reform, at least in the official version, was to get rid of political corruption. This was certainly the greatest concern among voters (*Asahi Nenkan,* 1994: 282–3). Corruption scandals provided a major impetus for reform initiatives throughout the postwar period, and the 1993–4 episode was no exception. Unfortunately, the relationship between money and politics is a murky one, and relevant and reliable data are virtually impossible to secure. We can, however, set the outer limits of the discussion by stating two certainties: (1) Japan will not become the first country in world history to achieve zero corruption, and (2) the relationship between money and politics will be changed by the reforms.

Since the passage of electoral reform, the courts have voided the election victories of three Diet Members and twenty local assemblymen (Iwai 1999). Each has been banned from running in their respective districts for five years for having violated electoral laws.[245]Seven losing Diet candidates have also received five-year bans. These penalties provide clear evidence that corruption continues, but they also show that it has become easier to gain convictions on electoral law violations since the reform. From 1947 through 1993,

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[245]   To be precise, Fukujiro Kikuchi resigned his seat in the Miyagi 6th district because he knew his victory would soon be voided, but the case was pursued to obtain the five-year ban.

only one Dietman and three local assemblymen had had their elections voided. Though Japan has experienced nothing like Italy's "clean hands" prosecutions, Japanese prosecutors do seem to be emboldened by their recent successes against politicians (*Yomiuri Shimbun,* October 30, 1998).[246]

Convictions normally end, and always affect, political careers.[247]Overall, political reform has made the enforcement of electoral laws more effective, if not yet perfect. It should prove more difficult for candidates to ignore the legal disincentives to corrupt campaign practices in the future.

At present, we can spot two potentially important changes in the flow of political money: the substitution of public for private funding, and a funneling of a higher proportion of funds through the political parties. According to the official reports of campaign expenditures, contributions from private firms have dropped drastically, but total spending has gone down much more slowly, the difference being made up by public subsidies (Iwai 1998).

One of the clearest and most reliable trends produced by the reforms is the channeling of more funds through party leadership. LDP Diet members have been heard complaining that the new system gives the party secretary-general too much power because he controls the flow of the party subsidies (*Yomiuri Shimbun,* April 23, 1998). Similarly, public funding does not go to the candidate directly, but to the district party branch. Public funds delivered to official party branches are proving easier to regulate than were private contributions to candidates. In one celebrated case, Yojiro Nakajima took his public funding and simply transferred it to his private and *koenkai* accounts, forging receipts after the fact to make the books balance. Such practices were not uncommon in the past (*Yomiuri Shimbun,* October 20, 1997) but this time Nakajima was convicted and sentenced to two and a half years in prison (*Yomiuri Shimbun,* July 14, 1999, evening edition).

The question of how the new regulations will affect the flow of political money at the district level is much less clear, but we are fortunate to have a

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[246] For example, Nagasaki 4th district held a byelection in February 1998, and both main contenders soon faced trouble with the law. The loser has been banned from running in the district for five years (*Yomiuri Shimbun,* November 26, 1998, evening edn) and the winner's father has been arrested for actions he took as a member of the House of Councillors (*Yomiuri Shimbun,* November 20, 1998, evening edn).

[247] Being convicted on corruption charges does not necessarily end one's political career. For example, two prefectural assemblymen banned from running in the same district again have been elected to other offices, one to a city assembly (*Yomiuri Shimbun,* May 25, 1998) and the other a city mayor. The latter case was bizarre. Takuso Tabita, the mayor of Wakayama City, resigned to run for governor of Wakayama Prefecture. He lost, was convicted of election law violations and was banned from running for governor again for five years. Soon afterwards, however, his successor as mayor of Wakayama City was arrested on his own corruption charges and resigned. Tabita ran for mayor again and was elected. The final twist of irony comes from Tabita's background before entering politics: the police department (*Yomiuri Shimbun,* January 18, 1999). Nevertheless, these fascinating stories are the exceptions, not the rule.

major study of the flow of funds in the 1996 election (Sasaki et al. 1999). This research group found, first, that candidates now draw funds from three different "wallets". First, each candidate is now required to designate one organization as his "agent" (*shikin kanri dantai*) for managing the funding of the political campaign. This is another effort to copy British practice. Funds managed by the agent are closely regulated to prevent corruption. Second, however, most candidates are also the heads of their local party branches and, in the spirit of promoting party-centered elections, contributions and expenditures by party branches are regulated only loosely. Party branches also receive public funds. Finally, koenkai can receive contributions only from individuals, and they are limited to 1,500,000 yen per person per year.

The intention of the reform was clearly to promote party-centered over candidate-centered campaigning by making it easier to funnel money through party branches than through *koenkai*. However, it may well prove possible to avoid effective regulation by shifting money from one "wallet" to another. All of a candidate's political organizations, no matter of what type, tend to be staffed by the same people, and money flows freely among them. In 1996 some LDP candidates collected money through the relatively unregulated party branch but spent the money through their *koenkai,* which, as a private organization, cannot be audited as effectively as either of the other two "wallets". The major loophole in the previous campaign finance law was the ability to establish an unlimited number of political organizations. The new law may well have an analogous loophole: there appears to be no limit on the number of "party branches" that can be established. Candidates seem to have learned from their first experience with the new laws and are now setting up multiple party branches to take advantage of this loophole (Yoshida 1999). Effective regulation of campaign finance will require not only good laws but also a continuing effort to close loopholes as entrepreneurial candidates discover them.

Though we cannot expect corruption to disappear, we can expect political reforms to change the relationship between money and politics. Corruption is not a constant; it varies in volume and style. The first two major scandals of the postwar period involved the auctioning off of direct economic benefits to large companies. This style of corruption never recurred, simply because the emergency economic powers that gave the government control over such benefits lapsed after 1955 (Reed 1996). A previous campaign finance reform, in 1975, changed the flow of money, increasing the power of local companies relative to major national firms (Curtis 1988: 183–7), and increasing the importance of stock transactions relative to direct contributions (Schwartz 1998: 171). But there is no reason to think that it reduced the total volume of corruption. Discussing the 1975 reforms, Curtis concludes: "Japanese politicians rose to the challenge posed by these reforms by searching out every conceivable loophole in the law that might allow them to avoid having to change their

time-tried ways of doing things" (1988: 164). We can expect a similar effort to subvert the spirit of the current reforms. Reforms usually make a difference, though not necessarily the difference intended or expected.

The Implications of Double Candidacy, Japanese-Style

In the 1996 election, 566 candidates took advantage of the double candidacy provision mentioned above, and eighty-four SSD losers won list-tier seats. Parties differed in their use of this tactic. The LDP started with a policy of adding all SSD candidates to party lists, but, in reaction to criticism that candidates were thereby taking out insurance against any possible defeat, seven top party officials, including Prime Minister Hashimoto, renounced their listtier nominations to take their chances in an SSD. The Democrats generally followed the practice of nominating all their SSD candidates first on the relevant PR list, and letting the "best loser" provision determine who would win the party's list-tier seats.

The New Frontier Party took the opposite stance, permitting only seven of its 235 SSD candidates to run on party lists. A common explanation for the NFP's decision focuses on the presence of former Komeito members in their ranks. Many of these candidates were deemed unlikely to garner enough votes to win very many SSDs because non-Komei supporters of the NFP were reluctant to support Komei candidates, so the party had to "hide" them on the party list. In order to assure that enough Komei candidates would win, however, they had to be assigned discrete, and high, positions on the party lists, which meant that the party was unable to take advantage of the "best loser" strategy.[248]

The strategic implications of this provision have yet to be fully explored, but a few effects might run as follows. First, the "best loser" provision means that supporters of likely losers have an incentive to show up and vote sincerely, even in a losing cause, in order to increase the likelihood of a list rescue. This procedure also should work against the psychological factor in Duverger's Law, which argues that supporters of hopeless candidates will vote strategically (Duverger 1954; Riker 1982b; Cox 1997). If parties are able to field candidates in hopeless districts and if voters vote sincerely, the equilibrium number of parties under MMM should be higher than under simple SSD.

Second, while MMM has eliminated intraparty competition at election time, the combination of double candidacy with the best-loser provision creates an incentive for each candidate to maximize the party vote. Even if a

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[248]   The NFP placed 34 former Komei members on its lists, 29 of whom won list-tier seats. In contrast, the NFP nominated 30 former Komei members as SSD candidates, of whom only 14 won. Almost all of the Komei SSD candidates ran in big city districts, 9 in the metropolitan Tokyo area and 10 in the Kyoto–Osaka corridor.

candidate has little prospect of winning her SSD, she has an incentive to maximize her vote—and therefore her party's vote—in order to become the best loser. Whereas SNTV channeled electoral competition into internecine struggles within the party, MMM should channel individual ambition into strategies that increase the party vote.

Once the party system stabilizes and people learn how to use the double candidacy provision, MMM should also reduce or even eliminate uncompetitive districts. In 1996 there were forty-four noncompetitive districts, defined as districts in which the winner received more than twice the votes of the second-place candidate. Almost all of these were won by an LDP or LDP-supported candidate. Eliminating uncompetitive districts should also increase turnout (Cox et al. 1998; Reed and Yokoyama 1998). MMM allows parties to recruit attractive candidates to run in hopeless SSD races by giving them a "safe" list position. Though the New Frontier Party failed to use the double candidacy provision in 1996, one exception illustrates the potential of the tactic: Mutsuki Kato was given a safe list-tier nomination in return for fighting a losing battle in Okayama 4th district against Prime Minister Hashimoto. The New Frontier Party wisely calculated that any time Hashimoto spent in Okayama defending his own seat would be time he could not spend campaigning against the New Frontier Party nationwide.

Finally, MMM may affect campaign tactics as well. The end of intraparty competition also reduces the incentive to campaign on personal and constituency service and enhance the incentives to compete on policy stances (Cowhey and McCubbins 1995). In the next election political scientists will be presented with an intriguing new phenomenon: competition between the familiar SSD incumbent and a strange new creature, the "list-tier incumbent". Incumbency has little or no meaning in most list systems that lack a preference vote, because voters choose parties, not candidates. Under MMM, however, many list-tier winners will have run and lost in an SSD. Most Japanese candidates value SSD seats more than list-tier seats. A candidate who lost his SSD but won a list-tier seat will continue to act as if he represents the SSD and plans to run there again in the next election. Both the SSD incumbent and the list-tier incumbent would prefer to win the SSD seat, and must strive to maximize their vote in order to be one of the best losers who are awarded a list seat. Under SNTV, candidates from the same party competed against each other and found it difficult to campaign on issues and easier to campaign on constituency service. Under MMM, two incumbents from different parties will often compete in SSDs. Using the same logic, these two incumbents should find it more difficult to distinguish themselves on the basis of constituency service, and easier to compete on the basis of party image and policy stances. We should not expect candidates to abandon constituency service strategies, and we should expect incumbents from a governing party to claim more credit for pork-barrel projects than can incumbents from an

opposition party. Nevertheless, the two candidates will share an incumbency advantage and be most clearly distinguished by their party labels.[249]

Implications for the Study of the Political Consequences of Electoral Laws

On the one hand, there is a great deal about the first few post-reform years in Japanese politics to hearten those who argue that electoral rules matter a great deal for political organization and behavior. The party system has shifted, as politicians seek to adapt to the new electoral rules. There is evidence that candidates have modified their tactics, with regard to factional tieups and to electioneering. Local political organizations have been revamped. And all of these changes are consistent with the expectations of institutional theories of politics.

On the other hand, it is not time for the "structure-induced equilibrium" theorists (Shepsle 1979) to declare victory and go home. There is as yet little or no evidence to support many SIE-based hypotheses. (See e.g. Cowhey and McCubbins 1995 on the role of money in politics, issue-based campaigns, and pro-consumer policies that target the median voter.) Moreover, the jury is still out on even some of the apparently more successful predictions.

The fundamental analytical challenge, as we see it, is that SIE analyses are couched in notions of equilibrium behavior that have very little to say about how exactly the players will move from one equilibrium state to another. For example, a prediction of "eventual" two-party competition in the SSD portion of the new Japanese electoral system is fairly specific, but how many rounds of disintegration and amalgamation must precede the new "steady state"? And which two parties will survive? To take the prediction that the new politics will involve issue-based campaigns, how will we get there? Will old dogs learn new campaign tricks? Or will they be replaced by newcomers

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[249] Though we have yet to see a two-incumbent contest, a byelection in Tokyo 2nd district illustrates both the potential for such races and the strategic problems they can cause for political parties. In 1996, Kunio Hatoyama of the Democratic Party of Japan defeated Takashi Fukaya of the LDP in the SSD, Fukaya being awarded a list-tier seat. When Hatoyama resigned his Diet seat to run for governor of Tokyo and a byelection was held in Tokyo 2nd simultaneous with the gubernatorial election, Fukaya insisted upon resigning his list-tier seat in order to run in the byelection. The LDP tried everything to talk Fukaya out of running, but he refused to back down until it became evident that voters did not like the idea of candidates resigning from the Diet in order to run for the Diet. The LDP could not nominate a candidate in Fukaya's district (since he planned to run again in the next election), and thus allowed the Democrats to win against a token Japan Communist Party candidate. We can be assured that Fukaya will run in Tokyo 2nd district in the next general election.

who win because they have adapted the new "best" campaign strategy? And what will the key political issues be, anyway?

Of course, any new institutionalist worth his salt would argue that, so soon after the reform, the Japanese political system is not yet in equilibrium. Things are moving in the expected direction on some fronts, and should begin to in other areas, but it will take time for the system to "settle down." Parties and candidates adapt gradually, not immediately, and voters often must wait to respond. Mistakes will be made, old strategies will stubbornly be maintained; in general, politics should be characterized by a great deal of experimentation and "muddling through." That political actors have been stirred up and induced to search for new strategies is evidence that rules do matter, so equilibrium-based theories certainly provide useful analytical starting points. That very little about the "transition" stage is predictable—including its length, or our ability to identify when it has ended—is evidence that these theories are *only* starting points, and that there is room for more theory building. One sure area of agreement among theorists and empiricists alike is that all of these post-reform polities have become much more interesting places for political scientists, and the ancient Chinese curse about "living in interesting times" notwithstanding, we look forward to the challenge of sorting it all out.

Appendix: List of Political Parties

DC	Dawn Club
DP	Democratic Party of Japan
DSP	Democratic Socialist Party
FF	From Five
JCP	Japan Communist Party
JNP	Japan New Party
JRP	Japan Renewal Party
JSP	Japan Socialist Party (renamed SDPJ)
KOM	Komeito
LDP	Liberal Democratic Party
LP	Liberal Party
NFP	New Frontier Party
NPF	New Party Friendship
NPH	New Party Harbinger
NPP	New Peace Party
RC	Reform Club
SUN	Sun Party (Taiyo-to)
VP	Voice of the People (Kokumin no Koe)

Source: Rosenbluth and Thies (2000).

18 The Legislative Consequences of MMP Electoral Rules in Venezuela

Michael R. Kulisheck and Brian F. Crisp

Venezuelans adopted and implemented their mixed-member proportional (MMP) electoral system in the midst of political, economic, and social turmoil. As the Congress rushed to replace the closed-list PR system that dated from the 1958 transition to democracy, the country was on the verge of its worst rioting in a generation. The inaugural MMP elections were held in 1993 in the aftermath of two coup attempts and the impeachment of a sitting president. Venezuelans, moreover, were expressing concern throughout this period that their elected representatives were beholden to party elites and traditional interest organizations at the expense of ties with ordinary citizens and emerging interests. Recognizing these threats to democracy, reformers promoted mixed-member electoral rules as a means to revitalizing representation as well as improving policy-making efficiency.

After electing legislators in two elections using MMP rules, Venezuelans voted in 1999 to convene a Constituent Assembly to write a new constitution. The Assembly did not debate directly the merits of specific electoral systems, although its members expressed strong personal support for the election of legislators by name in single-seat districts (SSDs) (Subero 1999). In its final form, the constitution drafted by the Assembly calls for the election of legislators by a combination of personalized rules and proportional representation (Title 5, Chapter 1, Article 186). A mixed-member system like the one adopted for the 1993 elections and used again in 1998 would fulfill these electoral criteria.

According to the MMP rules in Venezuela, approximately half of the Chamber of Deputies is elected from single-seat districts in the nominal tier of the system, and half is elected from closed party lists in the list tier. In this chapter we analyze how electoral incentives associated with the two tiers affect campaigns, elections, legislative entrepreneurship, and representation. We consider political behavior and attitudes to be responses both to the institutional incentives associated with electoral rules and party structures, and to the actions of politically active citizens and interest organizations.

The analysis in this chapter builds on research that examines the legislative consequences of electoral rules in terms of individual interest (Ames 1995a, b; Grofman and Lijphart 1986; Katz 1997; Mainwaring and Shugart 1997; Shugart and Carey 1992). These studies indicate that legislators in SSD systems position themselves for re-election by cultivating a "personal vote" with constituents by building ties with them, advertising their legislative accomplishments, and claiming credit for policies that benefit their districts (Cain et al. 1987; Lancaster and Patterson 1990; Mayhew 1974). The tendency of legislators to develop personal votes is greatest when ballot access is open, nomination rules create intraparty competition among candidates, and district magnitude is low (Chapter 2, above; see also Carey and Shugart 1995). In contrast, research on legislative behavior in multi-seat district, closed-list systems suggests that electoral rules do not create strong incentives for legislators to be personally attentive to constituents or to interests that are not aligned with their parties. Legislators elected proportionally from closed lists who wish to remain in office need to cultivate relationships with the party elites who create electoral lists rather than with the citizens who cast votes (Cox and McCubbins 1996; Weaver and Rockman 1993).

Electoral rules are also known to influence parties' coalition-making strategies and to affect the size and shape of party systems (Duverger 1954; Sartori 1986). Elections in single-seat districts require that candidates win a plurality or majority of the vote to earn legislative representation. Forming a coalition, therefore, is a way for parties, particularly small parties, to win representation when the electoral threshold is high. Party elites face fewer incentives to form pre-election coalitions in high-magnitude multi-seat district elections with proportional representation because thresholds for winning representation are lower.

To examine the consequences of MMP rules in Venezuela, we divide this chapter into three sections. In the first section we discuss effects of MMP on the interparty dimension, examining proportionality and the effective number of parties, and analyzing party strategies for joining pre-election coalitions in the nominal and list tier elections. Electoral data from 1993 indicate that party leaders react to different electoral incentives in single-seat elections and list contests, joining coalitions more in the latter than in the former. In the second and third sections we turn our attention to the intraparty dimension, analyzing distinctions between the incentives and behavior of members elected in each tier. The second section analyzes legislative entrepreneurship in the Chamber of Deputies before and after the adoption of the MMP system. Examining legislative initiative and party discipline, we encounter evidence of the beginnings of entrepreneurial activity by Venezuelan legislators. In the third section we find that legislators elected in the nominal and list tiers view campaigns and legislative representation differently. The SSD legislators are more attentive to geographic interests and issues in campaigns, while their

colleagues from lists are particularly responsive to party concerns. The adoption of MMP rules did not, however, alter the strong relationships between established interest organizations and representatives in the Congress.

The Interparty Dimension: Political Parties, Votes, and Elections

The 1993 elections mark both the introduction of the mixed-member proportional system for legislative elections and the breakdown of two-party dominance in Venezuelan politics. The social-democratic Democratic Action (AD) and the social-Christian COPEI held over 75% of legislative seats from 1973 through the 1988 elections. In the 1990s, small parties such as the Movement toward Socialism (MAS) and the Radical Cause expanded their support, and new parties such as National Convergence, Fifth Republic Movement, and Project Venezuela won large percentages of the vote. After the 1998 election, only 40% of the Chamber of Deputies was from AD or COPEI (Table 18.1 and Figure 18.1).

The MMP system also affected proportionality in the Venezuelan Chamber of Deputies. Seat allocations in Venezuela are calculated at the state level according to the share of the list vote won by each party. It is possible

Figure 18.1 Evolution of the Venezuelan Party System, 1945–98

Note: See Appendix list of Party abbreviations on p. 431.
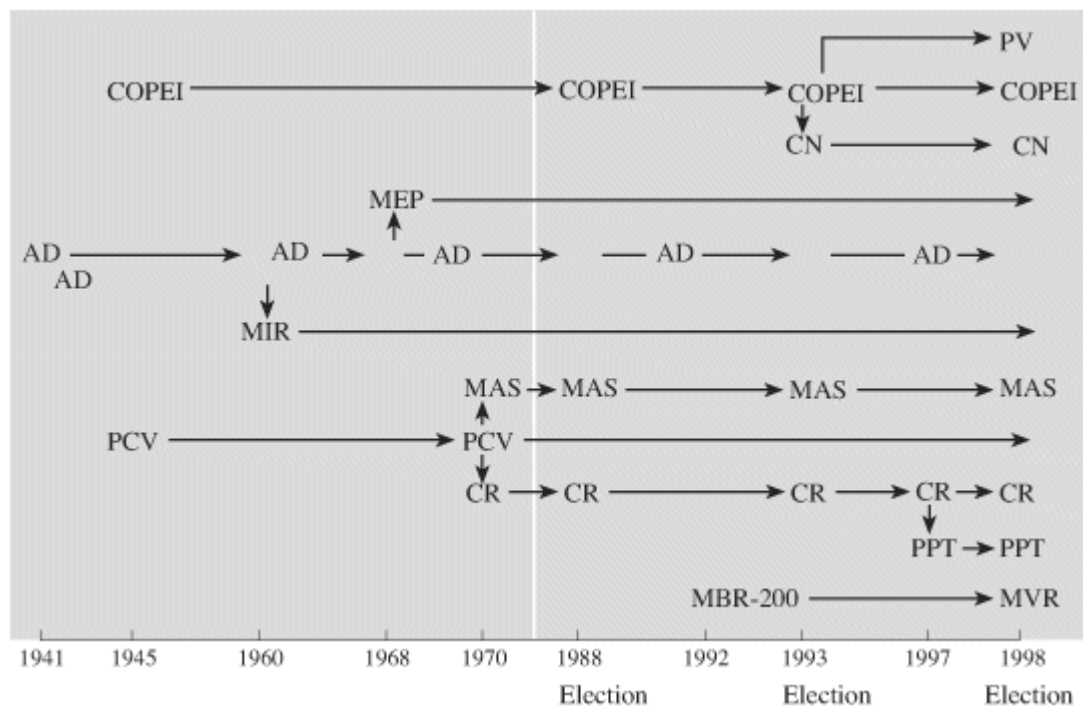
Table 18.1. Distribution of Seats in the Venezuelan Chamber of Deputies, 1988, 1993, and 1998

Parties	1988		1993				1998			
	PR	%	PR	SSD	Total	%	PR	SSD	Total	%
	seats	vote	seats	seats	seats	vote	seats	seats	seats	vote
AD	98	43.2	28	27	55	24.0	29	26	55	21.7
COPEI	67	31.1	21	33	54	22.8	17	10	27	10.7
MAS	19	10.2	15	10	25	10.8	10	7	17	8.7
Radical Cause	1	1.7	26	14	40	21.1	6	1	7	3.1
National Conver-gence			10	15	25	13.6	3	2	5	2.4
Fifth Re-public Move-ment							21	28	49	21.3
Project Venezue-la							14	10	24	12.3
Country for All							3	2	5	3.6
Other	19	13.8	8		8	7.7	16	2	18	16.2
Total	204	100.0	108	99	207	100.0	119	88	207	100.0
D	6.6%		7.2%				9.9%			
N_v	3.4		5.4				7.7			
N_s	2.9		4.9				6.0			

Sources: Consejo Nacional Electoral, Election Results, 1998; Landman (1995: 101); Rey (1994: 81).

for a party to win more SSDs in a state than it would have been allotted on the basis of its share of the list vote. In such situations, Venezuelan rules allow the party to keep its extra seats, and do not reduce its seats in other states to ensure national-level proportionality. As a result, we hypothesize that the use of plurality rules in the nominal-tier elections produced less proportional seat distributions in the legislature than would have occurred under a pure PR system.

Using the Loosemore–Hanby measure of deviation from proportionality (D), we find support for our expectation about decreasing proportionality under MMP. Deviation from proportionality in 1988 was 6.6%. It increased slightly after the implementation of the MMP system in 1993 to 7.2%, and reached 9.9% in the 1998 elections (Table 18.1). The first increase in D coincided with the adoption of MMP rules, but the second increase occurred under the same mixed-member system. This indicates that the adoption of MMP affected proportionality, but that it cannot fully explain the changes in proportionality across the past three elections.

The increasingly fragmented nature of the political environment in Venezuela in 1993 and 1998 is at least partially responsible for increasing D. As we noted above, the political and electoral dominance of the traditional parties began to wane in the 1990s, allowing many new parties to broaden their support in society. The most precipitous decline in the power and prestige of the traditional parties occurred during the 1994–9 Caldera presidency, and coincided with the 2.7% increase in D between the 1993 and 1998 elections.

As proportionality decreased in the 1990s, the effective number of parties in Venezuela doubled. AD and COPEI held 81% of the seats in the Chamber of Deputies after the 1988 elections. For the corresponding 1989–94 Congress, the effective number of parties based on the legislative vote (N_v) was 3.4, and based on seats (N_s), it was 2.9. In 1993 five parties won at least twenty-five seats in the Chamber of Deputies for the first time since 1968. The effective number of parties increased to 5.4 based on votes and 4.9 based on seats. Results from the 1998 elections confirm the trend toward multi-party competition in the Venezuelan legislature. Based on votes, the effective number of parties in 1998 was 7.7, and based on seats it was 6.0 (Table 18.1).

The increase in the effective number of parties after the adoption of the MMP system is unexpected. Theory predicts that using single-seat districts to elect legislators constrains people's votes. Relative to PR rules, plurality rules encourage the strategic voting that can solidify the dominance of a system's two largest parties and frustrate attempts by smaller parties to expand their bases of support (Sartori 1986). Unfortunately, data limitations in Venzuela restricted our efforts to measure incidences of strategic voting across the nominal and list tier elections in 1993. The Supreme Electoral Council (CSE)

did not report the list tier vote totals at the district level for the 1993 elections. Vote totals from nominal and list tiers can be compared if they are aggregated to the state level, but aggregation can hide district-level differences. For example, when analyzed at the state level, most parties received similar numbers of votes in the nominal and list tier elections, suggesting that Venezuelans do not vote strategically. Nationally the largest parties, AD and COPEI, received slightly more votes in single-seat elections than in list tier contests. Due to the aggregate fallacy, these data cannot be interpreted to mean that no strategic voting occurred at the district level.

Pre-Election Coalitions

Although it is clear that the adoption of the MMP system did not cause the splintering of the Venezuelan party system, we expect that it did affect pre-election coalition-making strategies in the parties. According to the MMP rules, party leaders had to create coalitions in both the nominal and list tiers of the electoral system. When district magnitude is high, as it is in list tier elections, and party elites believe that they can win representation under PR rules, they will not perceive advantages to joining coalitions. When district magnitude is one, such as in SSDs, party elites perceive greater advantage to participating in coalitions. If the coalition wins, then the party gains access to government that it would not have enjoyed had it run alone. In Venezuela in 1993, the average district magnitude in the list tier elections was 4.4; the maximum was 11 in Zulia, and four states elected one legislator each from the list tier.

We test two hypotheses about pre-election coalition strategy across the list and nominal tier elections. First, we hypothesize that more parties choose to run alone in list tier elections than in nominal tier contests. Second, we hypothesize that coalitions are larger in nominal tier elections than in list tier ones. We test these hypotheses using electoral data for all parties that competed in the 1993 elections to the Chamber of Deputies. To ensure that the findings are not a function of coalitional maneuvering by small parties that did not win representation, we also examine the coalition strategies of the five parties that won twenty-five or more seats in 1993 (Democratic Action, COPEI, MAS, National Convergence, and the Radical Cause).

For analyses of pre-election coalition strategy to have real-world consequences, coalitions must be shown to affect electoral outcomes. In 1993, 125 elections were held for the Chamber of Deputies (23 state-wide list tier elections and 102 nominal tier contests). In the nominal tier elections, where parties need to win a plurality of the vote to win representation and where we hypothesized coalitions to be most relevant, coalitions decided over 10% of the contests (12 out of 102). In other words, had the parties in the winning coalition not chosen to form a coalition (i.e. had run alone), a different

party/coalition would have won twelve seats.[250]Because no party won a majority of the seats in the 1993 elections, a twelve-seat swing would have undoubtedly affected legislative processes and outcomes substantially. Thereby, understanding how electoral rules shape party leaders' decisions to join coalitions is clearly relevant in Venezuela.

Our analysis of pre-election coalition-making yields several findings. First, high electoral thresholds did not inhibit parties from fielding candidates in single-seat districts relative to multi-seat districts—the average numbers of parties that competed in the list and nominal tier contests were 36.7 and 34.5 respectively. The coalition strategies of parties, however, varied across the two tiers. On average, 55.4% of parties competed alone in the list tier elections, while only 37.5% ran alone in the single-seat district races. It appears that party elites were sensitive to the different electoral incentives associated with the nominal and list tiers. The data show that party elites formed coalitions more often when electoral thresholds were a plurality of the vote than when seats were distributed proportionally and thresholds for representation were lower.

Among the parties that won twenty-five seats or more in 1993, pre-election coalition patterns generally mirrored those reported for all parties. On average, the five parties were more apt to run alone in the list tier (47.0%) than in nominal tier (39.2%). These parties, however, ran as parts of coalitions a majority of the time in both tiers (53.0% and 60.8%). It is possible that, because the five successful parties had legitimate chances to win in most nominal and list tier elections in 1993, they chose to run particularly risk-averse campaigns that included joining coalitions even when they might have been able to win running alone.

Our second hypothesis anticipates that parties form larger coalitions in elections in the nominal tier than in the list tier. The likelihood that a party will win a plurality of the vote increases when it pools votes in a coalition with other parties. We did not, however, find strong support for this hypothesis. The average numbers of parties in coalitions did not vary greatly across elections in the nominal tier (3.9 parties) and the list tier (3.5 parties). Among the five parties that won at least twenty-five seats, coalitions in the nominal tier were on average only 0.8 of a party larger than those in the list tier (5.3 and 4.5 parties). Although these findings support expectations about coalition size, the data are more interesting for their similarities than their differences.

The adoption of the MMP system did not precipitate the party system changes experienced in Venezuela in the 1990s. Nonetheless, party leaders adopted distinct coalition strategies for winning seats in nominal and list tier

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[250] Of course, any analysis of this type will be counterfactual: in this case, one cannot assume that citizens would have voted exactly the same had the winning coalition not been formed. Nevertheless, the political benefits of helping elect a legislator would have been denied to some or all members of the winning coalition if the coalition had not been formed.

elections under the new rules. The following section examines changes in legislative entrepreneurship among legislators in the pre-reform 1989–94 Congress and the post-reform 1994–9 Congress.

The Intraparty Dimension: Legislators in Office

Venezuelans adopted MMP rules, in large part, to create career incentives for legislators to cultivate personal ties with state and local-level constituencies. This expectation was based on evaluations of other countries' experiences with single-seat districts in Europe and North America. In the United States, for example, Bianco's (1994) concept and modeling of trust between a House member and her constituency requires that the House member actually have a constituency that can be defined in some tangible sense in terms of a geographic district. Furthermore, it also assumes that the House member is the only representative of that district. Explanations of legislative vote intentions and vote outcomes (i.e. "explaining one's self"), garnering distributive "goodies" for a constituency, and running political campaigns are centered on the assumption that there is one and only one representative for each well-defined single-seat district. Thus, the emergence of legislative entrepreneurship in the United States is largely predicated on the ability of politicians to determine with some degree of accuracy who is getting distributive benefits and what their "re-election constituency" looks like (Fenno 1978).

When the MMP system was adopted, the legislators, elected proportionally from closed lists, were not expected to become legislative entrepreneurs. The electoral return from entrepreneurial activities such as distributing political pork to communities and claiming credit for local programs is low for representatives elected from closed lists from multi-seat districts. Election to office for these legislators is dependent upon their placement on the lists. As a result, in the MMP system legislators from the list tier face electoral incentives to maintain close ties with the party leaders who create electoral lists rather than district-level interests and constituents.

In this section we examine the effects of MMP rules on the behavior and attitudes of Venezuelan legislators, building on Carey and Shugart's (1995) hierarchy of conditions under which legislative entrepreneurship is likely to emerge. Although legislators have exhibited distinct preferences about political processes and actors, we find that the immediate effects of the mixed-member proportional rules on legislator behavior have been limited in Venezuela. The behavioral effects have been less pronounced than the attitudinal effects for several reasons. First, only one election had been held under the MMP rules when the data for this project were collected. Legislators had no experience competing under the rules, and the political rewards for

entrepreneurial activities were likely unclear to many legislators in 1993. The Constituent Assembly that wrote the Venezuelan Constitution sought to maintain the MMP system, and legislators can be expected to become more familiar with the behavioral incentives associated with these rules over time. Second, the adoption of the MMP system did not weaken party control over election nominations and legislators' political careers. Career-minded legislators elected in both the nominal and list tier elections continued to face important electoral and career incentives to maintain ties with party leaders.

Nomination Procedures and the Electoral System

Candidate selection processes involve how candidates get their names on the ballot, and there is considerable variation across electoral systems in these nomination procedures (Gallagher 1988). Of interest for this chapter is the degree to which political parties exert control over whose name appears on the ballot. Where political parties have relatively more control over ballot access, we expect to observe stronger party discipline among legislators and a lower incentive for the emergence of legislative entrepreneurship. After all, if legislators are beholden to a political party to gain access to the ballot, then their electoral survival is more intimately linked to the preferences and reputation of the party than if they gain access to the ballot because of personal attributes and ties to district interests.

The first general hypothesis about legislative entrepreneurship centers on this issue of nomination procedures. Where parties control access to the ballot, and where political party decision making is very centralized, we expect the greatest degree of party discipline and the lowest degree of legislative entrepreneurship. Where the process is least centralized, meaning that candidates have open access to the party's ballot and party decision-making is very decentralized, legislative entrepreneurship is likely to be higher. In this case, candidates are not constrained by the need to please their party in order to gain ballot access.

Carey and Shugart (1995) distinguish among cases where party leaders have the authority to present a fixed ballot, where a ballot can be altered, and where party leaders have no control over ballot access. They argue that the first case is the most restrictive and hence presents the situation in which legislative entrepreneurship is least likely to emerge. Conversely, the third case is the least restrictive and thus provides the most incentive for the cultivation of the personal vote.

This classification is a valuable heuristic, but, from the standpoint of estimating the relationship between nomination procedures and legislator behavior, it is insufficient. Who or what comprises party "leaders" is unclear. The "type" of leaders selecting candidates bears a crucial relationship to our general hypothesis; regional party leaders may make decisions rather than

national leaders. For example, it is possible that nomination by regional or local party leaders as opposed to national ones may not affect the extent to which legislators are inclined to defect from party positions on the Chamber floor. It may, however, increase their incentives to engage in a more moderate form of legislative entrepreneurship such as casework. We divide party leadership (i.e. the locus of decision making) into three categories based on the degree of party centralization (see Table 18.2). At the centralized extreme, virtually all important party decisions, including the selection of candidates, are made by the national party leadership. In the middle are parties where important decisions are made jointly by local (provincial)-level party organizations and the national party. Finally, there are highly decentralized parties, where the central party apparatus has little impact on decisions made by party members at the state and local level.

Table 18.2. Institutional Factors That Encourage Personal Vote-Seeking Behavior, 1989–99[a]

Party	Party centralization	Median district magnitude	Overall personal vote-seeking incentive
1989–1994			
AD	0	1	1
COPEI	1	1	2
MAS	2	1	3
1994–1999			
AD, List	0	1	1
AD, SSD	0	2	2
COPEI, List	1	1	2
COPEI, SSD	2	2	4
MAS, List	2	1	3
MAS, SSD	2	2	4

[a] Party centralization: 0 = Centralized, 1 = Mixed, 2 = Decentralized; Median district magnitude: 0 = National district, 1 = four to twelve, 2 = three or less; Personal vote-seeking incentive: 1 = Low, 2 = Moderately Low, 3 = Moderately high, 4 = High.

Venezuelan parties vary quite widely in their nomination procedures. Democratic Action uses a rather closed system whereby the National Executive Council (CEN) has a great deal of influence over the choice of nominees. In 1993 the CEN was required to consult widely with national, state, and local elites and even to receive lists of possible candidates from them. The executive council, nonetheless, had the right to name one-third of each slate, despite the fact that the suggested lists already, at least in part, reflected the preferences of national leaders. Party regulations adopted in 1998 did away with the one-third restriction, giving the CEN the power to name all candidates for state and national legislative seats. COPEI is somewhat more open

in its process, with two-thirds of its list candidates being nominated by regional and local leaders alone. What is more, in the 1988 and 1993 elections, party statutes mandated that the order of candidates on the slate assure that the one-third of the candidates chosen by national leaders be distributed down the slate evenly—one nationally chosen candidate for every two regionally and locally chosen ones. In 1993 the party used primaries open to party members from each district to select its SSD candidates, and in 1998 it used primaries open to all voters. The Movement toward Socialism (MAS) has the most open nomination procedures. In 1988 it used party (closed) primaries at the state level to assemble its lists, and in 1993 it used open primaries at the state level to choose its lists and open primaries at the district level to choose its SSD candidates. In 1998 the party reverted to its pre-1988 use of regional conventions to choose all its candidates, because party elites wanted more power to construct pre-electoral coalitions. The "Party centralization" column of Table 18.2 summarizes party control over nominations across elections and parties.[251]

In Chapter 2 above, Shugart discusses the relationship between district magnitude and the incentive to pursue a personal vote.[252] District magnitude is the number of legislative seats an electoral district fills in an election. In systems that employ a closed list ballot type, where voters cannot rank individual candidates, there is an inverse relationship between district magnitude and the incentive to cultivate a personal vote. Because distinguishing oneself from copartisans makes no sense when the order of candidates on the ballot is fixed, the personal vote incentive decreases as district magnitude increases. In this case, legislators have an incentive to enhance the reputation of their party as a whole. In all other systems, meaning those where voters can distinguish among candidates from the same party, the relationship between district magnitude and the incentive to cultivate a personal vote is positive. Because individual candidates are in competition with all others, including

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[251] If there is a difference between the rules under which a legislator was chosen and the rules he or she will face in the upcoming elections, one would predict that legislators would respond to the nomination procedures and electoral systems that would be used in the future. However, in Venezuela changes to these procedures have been adopted very late in legislative terms. For example, late in the 1994–9 term, electoral reforms were adopted to allow for multi-seat districts and unlimited votes in urban areas. Not only did the change come after more than four years of the five-year term, but in addition, legislators did not know where there would be multi-seat districts and if they would be running in them. Thus, we hypothesize that legislators are behaving in accordance with the rules under which they were most recently elected.

[252] Carey and Shugart (1995) also examine how ballot type, voting pooling, and the number of votes citizens cast for parties and candidates affect the emergence of legislator entrepreneurship. For the period under consideration in this chapter, these measures did not vary across parties in Venezuela: all parties presented closed lists of candidates, votes were pooled across entire parties, and citizens received a single vote to cast for one party in elections. According to Carey and Shugart, the election attributes found in Venezuela create weak incentives for legislators to undertake a personal vote-seeking behavior.

their copartisans, establishing one's own individual reputation can make a difference. The second column in Table 18.2 reports median district magnitude for the 1998 and 1993 elections. We expect the greatest legislative entrepreneurship from legislators from parties with nomination procedures that are participatory, as they are in MAS, and from legislators elected in single-seat districts where their personal reputation is most important. The final column of Table 18.2 provides an overall personal vote-seeking incentive score under the assumption that the preceding individual characteristics are cumulative in their effects. Personal vote-seeking incentives in Venezuela range from 1 to 4 on our scale, with legislators from Democratic Action running on closed lists having the lowest incentive to engage in legislative entrepreneurship. Legislators from COPEI from lists and their colleagues from AD from single-seat districts face a moderately low incentive to cultivate a personal vote, though for different institutional reasons. Legislators from MAS nominated in a participatory fashion to lists have a moderately high incentive to engage in entrepreneurship. Legislators from COPEI and MAS nominated in single-seat districts have the highest incentive to cultivate a personal vote.

Legislative Entrepreneurship

We begin by defining indicators of legislative entrepreneurship from the rich body of literature focusing on US and UK legislators' cultivation of a personal vote. Cain et al. (1987: 9) define the personal vote as "that portion of a candidate's electoral support which originates in his or her personal qualities, qualifications, activities, and record." This section explains variation in the degree to which legislators seek to cultivate the personal vote. That is, under what conditions do legislators have an incentive to entrepreneurially highlight their personal qualities, qualifications, activities, and record? Our use of the term "legislative entrepreneurship" simply implies a legislator's desire to enhance his or her personal reputation with the goal of maximizing that part of their vote that is the personal vote. Our analysis focuses on committee membership, legislative initiative, and legislative voting.[253]

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[253] There are also out-of-legislature activities that cultivate a personal vote. The use of casework is a prominent activity in which every member of Congress engages. As many scholars have noted, casework, such as the classic example of rectifying problems with a person's social security check, is an ideal activity with which to promote the personal vote (cf. Fiorina 1989). The payoff of casework is quite high because it promotes name recognition and word-of-mouth advertising. Satisfied constituents talk to other constituents. Thus, it has been found that even constituents who had no occasion to contact a Congress member still had favorable personal evaluations of him or her (Rivers and Fiorina 1989). As Fiorina (1989) noted, "it is better to be known as an errand boy than not to be known at all." The significance legislators attach to casework for generating the personal vote is indicated by their presence in the district, including the number of district offices and staff. Other office perquisites used to grow the personal vote include franking privileges and allowances for travel to the district (c.f. Cover 1977; Cover and Brumberg 1982; Parker 1986). In Venezuela, no out-of-legislature activities of any quantity could be detected. Interviews with legislators and party leaders from a variety of parties indicated that there were no government or party resources available for personal district offices, staff, or travel.

The terms "hill style" and "home style" have been used to distinguish a Congress member's Washington behavior from his or her district behavior (Fenno 1978). In terms of describing the cultivation of the personal vote, however, a legislator's home style and hill style are certainly not independent. In Washington, members of Congress choose committee positions, in part, to pursue constituency service activities such as directing distributive goods back to the district in the form of "pork barrel", and to demonstrate to constituents they have "one of their own" on a relevant committee (Rohde and Shepsle 1973; Smith and Deering 1990). In the United States, after the onset of the Australian Ballot in the late 1800s, the importance of the reputation of the individual Congress member relative to that member's party affiliation increased greatly. As a result, tenure on legislative committees increased because longer tenure led to the accrual of greater expertise and influence in the jurisdiction or issue area of the committee. Consequently, not only did members begin to purposefully select constituency-relevant committees, they also tended to stay on these choice committees for a long time (Katz and Sala 1996). In Venezuela, legislative committee appointments are made on an annual basis. We use membership lists from a wide variety of primary sources to examine committee career paths and whether variation in longevity can be explained by personal vote-seeking incentives.

Legislative initiative is a second way a legislator can cultivate the personal vote. In the US Congress, members of the House routinely introduce legislation that is often very narrowly focused on their own legislative district. Whether this legislation is ever enacted is often irrelevant, for a major impact of legislative initiation is simply to show the "folks back home" that the legislator is engaging in activities with the constituency's preferences in mind. We coded Venezuelan bills initiated by legislators by their intended target. Bills that are individual, local, or regional in focus are more likely to serve as service to the "folks back home" or as legislative "pork". Votes that are sectoral or national in focus are unlikely to be targeted at specific geographic, electoral districts.

Finally, voting on legislative proposals can enhance one's individual reputation. Members of the US House and Senate routinely defect from party leaders' preferences if these preferences substantially deviate from their constituencies' preferences (Davidson and Oleszek 1994). Indeed, a perennial dilemma for House and Senate party leadership is to balance their own preferences with the often deviating preferences of their House and Senate membership (Rohde 1991; Davidson and Oleszek 1994; Smith 1995). Because the

need to cultivate the personal vote is so significant in the US Congress, party unity on many votes is often quite low (relative to other electoral systems, particularly parliamentary systems). There is often very little in the way of sanctions that party leaders can place on "deviant members" (Davidson and Oleszek 1994), particularly when party leaders in the US Congress are compared with party leaders in other legislative systems.

In Venezuela virtually all votes are taken by show of hands; numerical totals and individuals' votes are not recorded because discipline is assumed to be high. Legislators are assumed to have voted their party's line unless they explicitly ask that their abstention or contrary vote be noted. The process in itself discourages entrepreneurship, as a legislator's partisan infidelity must be personally acknowledged and recorded. However, there have been instances when legislators have made use of this provision. We recorded every occasion when legislators voted against their party on a bill where the Chamber was losing control of whether or not the bill became law (when the Chamber passed a bill to the Senate or when it passed a bill to the executive).

Committee Careers

The Venezuelan Chamber of Deputies maintained twenty-two permanent committees during the period 1989–99. Legislators can belong to more than one committee. Partisan composition of each committee is proportional to each party's seats in the Chamber. Seats are assigned among parties using a d'Hondt formula, and parties are free to designate which of their members will serve on each committee. Committee presidencies and vice-presidencies are also handed out proportionally among the parties. Prior to 1994 the president and vice-president were almost always from the same party, but in 1994 the Chamber adopted an internal regulation requiring that the offices be split between parties.

Committee membership assignments are made annually. The very fact that Venezuelan legislators can change committees so frequently, rather than once per legislative term for example, indicates that there may not be significant incentives to build seniority on a given committee. In addition, there is no requirement that parties respect previous service or seniority on a committee, as they make their appointments of committee members and leaders—though party faction leaders typically take into consideration legislators' requests for committee assignments. To test our hypotheses regarding institutional incentives, we have calculated the average stay of each legislator on each committee he or she was assigned to per congress.[254]The maximum stay is five years,

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[254] In 1990 the Chamber of Deputies did not report committee memberships as usual. Instead, the *Diario de Debates* listed committee membership by party. AD, the largest party in the legislature, published its committee presidents and vice-presidents but not its regular committee members. Other sources were used to find signed committee reports with members names. This still left 13 committees for which it was impossible to identify regular AD members. These legislators would have low personal vote-seeking incentives, and, thus, Table 18.3(a) underestimates the average stay of these types of legislator.

the number of years in a legislative term. We expect legislators from parties with open nomination processes and legislators from single-seat districts to try to stay on committees longer, building seniority, policy expertise, and policy influence to help them in their credit-claiming efforts.

The average stay of legislators on committees does not support our hypothesis. Where there are differences among types of legislator, those with low personal vote-seeking incentives have, on average, longer stays than those with relatively higher incentives to be entrepreneurial (Table 18.3(a)). We did sort out the five largest committees, reasoning that once legislators get on to the more important legislative committees, as indicated by their size, legislators with high personal vote-seeking incentives might try harder than other legislators to stay on these commissions. As was the case for all committees, legislators with low personal vote seeking-incentives have on average longer stays on the important committees than their colleagues with higher incentives to cultivate personal votes (Table 18.3(a)).

Table 18.3. Committee Career Lengths and Party Discipline in Venezuela

	Personal vote-seeking incentive				
	Low	Mod–Low	Mod–High	High	Average
(a) Average committee career length (years)					
All committees	2.3	2.5	1.9	2.2	2.2
Five largest committees	2.5	2.6	2.1	2.0	2.3
(b) Party discipline					Total
Broke discipline[a]	3	4	3	3	12
	(4.6)	(4.9)	(1.1)	(1.5)	
Did not break discipline[a]	119	125	26	37	307
	(117.4)	(124.2)	(27.9)	(37.5)	
Total	122	129	29	39	319

[a]   Numbers in parentheses are expected values.

Legislators have not internally organized the Chamber so that they can pursue differences in personal vote-seeking incentives. Party delegation leaders informally listen to legislators when making committee assignments, but individual members are not guaranteed that their preferences or seniority will be respected from committee to committee. What is more, the d'Hondt formula used for handing out committee presidencies, vice-presidencies, and regular seats means that party delegation size influences the ability to place members on the committee of their choice. For example, MAS legislators from single-seat districts may have wanted seats on select committees but could not get them because their party had less than 15% of the seats in the

Chamber of Deputies from 1994 to 1999. If they cannot get onto a committee that serves their entrepreneurial interests, they may not see any reason to build up a long tenure on a lesser committee.

We also looked at average committee stays across legislators from the same party, regardless of how they were nominated or elected. The larger the party, the more choices of committee seats it gets, and the longer members stay on these committees. On average, legislators from Democratic Action, COPEI, and MAS stayed on committees for 2.44, 2.35, and 2.03 years, respectively. The pattern holds for the five largest committees, with AD legislators staying an average of 2.46 years and legislators from COPEI and MAS holding their committee seats an average of 2.45 and 2.09 years.

One possible interpretation of these findings is that incentives to engage in entrepreneurial behavior have been so low in Venezuela that legislators have not organized their institutional rules to allow for it. However, variations in nomination procedures and district magnitudes may encourage legislators to behave differently from one another and to change the internal regulations of the Chamber in the future so they can better act on their personal vote-seeking incentives.

Legislative Initiative

Several actors have the ability to introduce legislation in Venezuela, including legislators. Our hypothesis is that legislators with relatively high personal vote-seeking incentives are most likely to introduce bills targeted at specific groups and places. Using the coding scheme developed by Taylor et al. (1999), we designated each bill as having a national, sectoral, regional, local, or individual focus. Just as the lack of internal Chamber regulations regarding recognition of seniority impeded personal vote-seeking in committee careers, the Venezuelan Constitution impedes personal vote-seeking through the initiation of legislation. The Constitution requires that legislators initiate legislation in groups of at least three. This makes it impossible for a legislator from a single-seat district to introduce legislation aimed at his or her district without the cooperation of at least two other legislators.

Of all the bills initiated by legislators in Venezuela, the vast majority are national or sectoral in focus. Between 1989 and 1998 legislators initiated sixty-four bills, and just over 25% of them had become law by mid-1998. Of the bills initiated by legislators, fifty-seven were national or sectoral in focus. This fits with the overall low personal vote-seeking incentives relative to other national contexts. Almost one-third of the time, bills that are national in focus were initiated by an entire partisan delegation. This was rarely the case for sectoral bills (one of twenty-two).

Of the remaining seven bills, one was targeted at an individual legal entity, two were targeted at a specific region, and four were aimed at a specific locality. Five of the seven bills were initiated in the second Congress when

incentives to engage in legislative entrepreneurship were higher for many members. The local bill initiated prior to 1994, when all legislators were elected proportionally, was designed to lower subway ticket prices for students in Caracas and its adjoining municipalities. The bill was initiated by three legislators from COPEI, all of whom were elected from the Federal District or the Caracas area. These legislators appear to have been engaging in personal vote-seeking. Initiated in 1991, the bill had still not been passed by Congress as of mid-1998, and its prospects of becoming law were minimal.

The remaining local bills were initiated by a mixture of legislators elected from lists and from single-seat districts. None of them had become law by mid-1998. One was initiated by the entire delegation of COPEI, which was composed of twenty-one members elected from the nominal tier of the MMP system and thirty-two from the list tier. An effort to reform the law governing the Federal District was initiated by five legislators, one each from AD, COPEI, and MAS and two from the Radical Cause. The legislators from AD and COPEI were elected from the list tier in Bolívar and the Federal District respectively. The legislators from MAS and the Radical Cause were from single-seat districts, two from the Federal District itself and one from Bolívar. The remaining local bill was drafted to create an investment fund for the metropolitan area of Caracas and was initiated by three legislators from COPEI, MAS, and the Radical Cause. All were from single-seat districts in the Caracas area (the Federal District or the bordering state of Miranda). These legislators from different parties worked together to sponsor legislation targeted at the geographic area they had in common.

The regional bill initiated during the first Congress was an effort to create a regional development corporation for the Amazonas region. This is a sparsely populated region with little representation in Congress, and only one of the five initiating legislators was from Amazonas or a bordering state. The other regional bill was an effort to cut electricity prices for the benefit of residents of the state of Zulia, where electric consumption is relatively high due to air conditioning needs. Seven of the eight initiating legislators were from single-seat districts in the state of Zulia. They were all from COPEI. The bill passed but was later reformed. It was the only one of the seven individual, local, or national bills to have passed by mid-1998.

The lone individually focused bill initiated by legislators during the ten-year period was designed to support a single professional society, the society of health workers. It was sponsored by six legislators from four different parties. Four of the legislators (one from COPEI, one from MAS, and two from the Radical Cause) were from single-seat districts. They represented an array of geographic entities—the Federal District, Miranda, Aragua, and Lara. The bill included funding to build a museum and other facilities, a particularly divisible reward in geographic terms.

The bills without a national or sectoral focus showed some potential for generating personal votes. They were typically targeted at groups or places within the legislators' districts. Only one bill was initiated solely by members from single-seat districts, and it was clearly designed to benefit the area in which their districts were drawn. Of the remaining bills, omitting the one sponsored by the entire COPEI delegation, initiators from single-seat districts outnumbered those from PR lists by fourteen to five, despite making up only one-half of the second Congress under study. Apparently legislators from single-seat districts were trying to be relatively more "parochial" in their focus. Only two legislators from Democratic Action, where nomination procedures are tightly controlled, initiated bills with an individual, local, or regional focus despite having a plurality of seats in both Congresses.

Party Discipline

It has always been assumed that discipline is nearly universal in the Venezuelan Congress. However, this conclusion was never based on any systematic empirical data. As part of this project, we examined every vote that was taken to move a bill from one Chamber to another or from one Chamber to the executive. We examined only votes on bills because other forms of legislative activity are not as central to policy content and because they were too numerous to count. In addition, we looked only at votes that resulted in the bill leaving a Chamber rather than votes at the end of the first discussion, when legislators knew the bill would be revisited before their Chamber lost control of it. Our reasoning was that only when the bill was leaving their control were legislators truly voting their conscience on what might actually become law.[255]

Unfortunately, roll call votes are very rare in Venezuela. In fact, while examining something close to 3,000 votes, the roll call procedure was invoked only once, and even then only the vote totals, rather than the votes of individual legislators, were reported. Instead, votes are typically taken by a show of hands, and party discipline is assumed to be universal. However, after the decision on a bill is announced, legislators can intervene in the debates to explain why they voted the way they did. This is the only mechanism available to legislators for breaking party discipline. If they have previously intervened in the debate, they can explain their decision to abstain or to vote opposite their copartisans. If they have not intervened in the debate previously, their only option is to vote against their copartisans. Our expectations are that legislators nominated through open procedures and elected in single-seat districts will be most likely to have broken discipline at some point in the legislative term.

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[255] Occasionally bills will be voted on one article at a time rather than as a unit. After the final article is approved, the entire bill is declared law. We did not count votes where legislators voted on each article individually.

Table 18.3(b) indicates that, as expected, party discipline is very high in Venezuela. Of the 319 legislators from AD, COPEI, and MAS in the two Congresses under consideration, only twelve broke party discipline.[256]However, the breakdown in discipline that did occur followed the expectations stated in our hypotheses. Legislators with low and moderately low personal vote-seeking incentives rarely broke discipline—only 2.8% (seven) of them broke discipline. On the other hand, 7.4% (five) of those with moderately high and high personal vote-seeking incentives broke discipline at least once.

A closer look at the exact list of dissenters indicates that party leaders' control over nomination may be more important than district magnitude for explaining differences in legislator behavior. In Democratic Action, the party with the most centralized nomination procedures, only three of 152 legislators (less than 2%) broke discipline. All three defections were by legislators elected from lists, not from single-seat districts. The moderately low personal vote-seeking incentive column includes AD legislators from single-seat districts and COPEI legislators from proportional representation slates. All four of the defectors in that column were legislators from COPEI nominated by a combination of national and regional party leaders to lists, indicating that perhaps AD's tight control over nominations overrode the effect of a smaller district magnitude. However, all the bills that COPEI legislators defected on were national or sectoral in nature, clouding the possibility that it was done to serve a geographically defined constituency. All five of the defectors on the right-hand side of the Table 18.3(b) were from MAS, three from lists and two from single-seat districts. Again, the bills on which all five defected were national or sectoral in character.

Thus, party discipline seems to follow the pattern we would expect. Where breakdowns in discipline did occur, they seem to support our hypothesis about the importance of nomination procedures. Legislators from Democratic Action, the most centralized party, almost never defect (less than 2%). COPEI legislators with their mixed nomination procedure defect slightly more often (3.3%). Members of MAS, where nomination procedures are very participatory, are the most likely of the three major parties to defect (approximately 10%). It should be stressed that Venezuelan legislators have faced new incentives for only a brief period, and there may be a learning process that is underway. Under the mixed-member proportional system, legislators elected from nominal tiers may learn to defect in the future.

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[256] Some of these individuals broke discipline more than once per Congress, but they are counted only once. A legislator who served both terms, from 1989 through 1994 and 1994 through 1999, was counted twice. Legislators could be nominated and elected under different rules for each Congress, and our expectations of the individual would change accordingly.

Legislators, Parties, and Representation

Venezuelan legislators had no experience competing in single-seat districts prior to the inaugural MMP elections in 1993. Nonetheless, the preceding analysis showed that the adoption of MMP electoral rules affected legislator tendencies to initiate legislation and break with party discipline. This early evidence of legislative entrepreneurship suggests that Venezuelan legislators are beginning to respond to electoral incentives to cultivate a personal vote.

Although the immediate-term effects of MMP rules on personal vote-seeking behavior have been somewhat limited, we expect to find stronger effects on legislators' political preferences and attitudes. Prior to the 1993 elections, legislators had no evidence about how citizens would cast their legislative votes in an MMP system. Their only guidance came from opinion polls, which showed strong support for rules that allowed citizens to vote for individual candidates. Moreover, facilitating conditions for behavioral effects, such as open ballot access, intra-party electoral competition, and institutional resources for individual legislators, were mostly absent in Venezuela at this time.

Because they lacked reliable information about how citizens would cast their votes in MMP elections, we expect that legislators adopted campaign strategies based on their *expectations* about how citizens would vote. For SSD legislators who can be evaluated individually, we hypothesize that they perceive incentives to build personal ties with people and groups in their districts. Legislators in the list tier had experience in closed-list PR elections and understood that they would win office solely because of their placement on lists. Therefore, we hypothesize that they react to incentives to promote the interests of the party elites who make the electoral lists rather than the concerns of local interests and constituents.

Perceptual effects might not shape policy outcomes in the short term, but, interpreted over time, they can be precursors to potentially important political shifts. Given that the politicians and activists who were elected to the 1999 Constituent Assembly have five years' experience working in a system defined by MMP rules, attitudinal changes associated with the adoption of MMP rules among legislators could have important implications for the outcomes of the Assembly's work. To analyze legislator attitudes and expectations surrounding the 1993 elections, we draw on survey data collected in the Chamber of Deputies in 1997.[257]

We are hypothesizing, in large part, that the effects of MMP rules in the 1994–9 Congress functioned through legislators' perceptions of people's

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[257] Interview data collected by M. R. Kulisheck from the Venezuelan Chamber of Deputies, March–June 1997, in connection with the University of Pittsburgh Legislator Opinion Project.

participation in political processes. We find that the two types of legislator hold distinct views on citizen participation in elections. Most legislators from single-seat districts believe that voters will hold them personally accountable for their legislative actions, while a large majority of list legislators believe that their party ties determine whether they will be elected to office. Specifically, 56% of single-seat district legislators claimed that citizens incorporate some sort of candidate evaluations into their vote decisions, while 91% of legislators from lists claimed that Venezuelans think of politics in terms of parties.[258] Given that 1993 was the first year Venezuelans elected representatives from single-seat districts, this finding suggests that legislators' campaign strategies were shaped by what they *thought* citizens expected from single-seat district legislators, rather than by tangible experiences.

Based on the effect that MMP rules had on legislators' perceptions of elections, we hypothesize that legislators from single-seat districts sought ties with local interests to bolster their personal reputation among voters, and that list legislators were primarily attentive to party elites. We use a sub-sample of legislators to test these hypotheses. The subsample comprises the 91% of list legislators who believe that citizens evaluate parties when they vote and the 56% legislators from single-seat districts who believe that citizens evaluate candidates in elections. Analyzing a subset of the sample does not guarantee support for the hypotheses. The importance of parties in Venezuelan politics is an incentive for both types of legislator to adopt similar strategies to achieve their career goals. Therefore, even when legislators think voters will evaluate them personally, it is likely that they will also perceive stronger incentives to cultivate ties with party elites than with state and local-level interests and constituents.

The first opportunity for electoral rules to shape legislators' political strategies and goals arises during campaigns. In campaigns, legislators build ties with political actors and interests that can help promote their careers. Because legislators will be particularly responsive to the demands of the groups they believe helped them win election, the effects of electoral rules on legislators' attitudes during campaigns can be early indicators of later patterns of representation and clientelism in the Congress.

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[258] According to the Venezuelan electoral law, candidates may be nominated simultaneously in the nominal and list tiers. Approximately one-third of the candidates that won election to the 1994–9 Chamber of Deputies was dual nominated. In the sample, all of the dual-nominated legislators claimed that citizens voted for parties rather than candidates, regardless of whether they ultimately won office in a single-seat district or on a list. It appears that the process of cultivating the support among party elites that is necessary to be dual-nominated affects how legislators conceive of electoral politics more than competing in a single-seat district. When single-seat district legislators who were dual-nominated are removed from the analysis, 69.7% legislators from single-seat districts believe that citizens evaluate candidates when they cast their votes.

We asked legislators about which issues and interests were most important during their campaigns in 1993. Overall, 63.9% (30.6% + 33.3%) of all legislators claimed that emerging interests promoting state-level issues were important in the 1993 legislative campaign. We find, however, that legislators from the nominal and list tiers had distinct experiences in their campaigns for office. Eighty percent (40.0% + 40.0%) of legislators from single-seat districts claimed that state-level issues were slightly or much more important than parties in campaigns (Table 18.4(a)). Legislators from lists, on the other hand, were attentive to both state-level issues and political parties; nearly one-third (31.3%) believed that state and party issues were equally important during their campaigns. Among list legislators, 43.8% (18.8% + 25.0%) indicated that state-level issues were more important than parties, and 25.1% (6.3% + 18.8%) claimed that parties were more relevant to their election than was responsiveness to state issues (Table 18.4(a)).

Campaign data offer insights into political processes, but for electoral rules to shape politics, they must also influence how legislators approach procedures inside the Congress. When all legislators are examined together, we find that 38.8% (19.9% + 19.9%) indicate that they represent a city, while 25.9%

Table 18.4. Legislator Perceptions in Venezuela of the Relative Campaign Importance of Parties Versus State-Level Issues, and Representation of Parties Versus Cities (%)

	List deputies	SSD deputies	Total
(a) Importance to campaigns			
Parties much more important	6.3	15.0	11.1
Parties slightly more important	18.8	0.0	8.3
No difference	31.3	5.0	16.7
State issues slightly more important	18.8	40.0	30.6
State issues much more important	25.0	40.0	33.3
Total[a]	100.2	100.0	100.0
N	16	20	36
χ^2_4	9.95**		
(b) Deputies represent:			
Parties much more than cities	14.3	0.0	6.5
Parties slightly more than cities	35.7	5.9	19.4
No difference	28.6	41.2	35.5
Cities slightly more than parties	7.1	29.4	19.4
Cities much more than parties	14.3	23.5	19.4
Total	100.0	100.0	100.0
N	14	17	31
χ^2_4	9.61***		

[a] Does not total to 100.0% due to rounding.

** $p < 0.05$

*** $p < 0.10$

Source: interview data collected by M. R. Kulisheck from the Venezuelan Chamber of Deputies, March–June 1997, in connection with the University of Pittsburgh Legislator Opinion Project.

(6.5% + 19.4%) claim to represent a political party. As was the case when we asked about campaigns, the two types of legislator held different impressions of representation in the Chamber. Among SSD legislators, 52.9% (29.4% + 23.5%) claimed to represent local interests more than political parties; 50% (14.3% + 35.7%) of legislators from the list tier reported to be stronger representatives of parties than local interests (Table 18.4(b)).

The findings in Table 18.4 support our general hypothesis that legislators elected from single-seat districts believe that personal attentiveness to local interests and issues will promote their political careers. It is possible that political parties encouraged their candidates to be attentive to state and local-level issues. Yet the fact that single-seat district legislators were particularly concerned with state-level issues indicates that electoral rules affected legislators' perceptions of campaigns and representation in Congress, independent of party pressures.

We also asked legislators about the nature of their contacts with local-level interests. Because legislators elected from lists were particularly attentive to their parties, we expect that they would not work as hard to provide services to constituents as their counterparts from SSDs. All legislators, however, report that constituent service is one of their duties as an elected official. Legislators from SSDs are more likely to claim that they often promote projects that aim to help constituents (91%) than legislators from lists (75%), but the difference is insignificant. The remaining legislators engage in constituent service off and on.

Legislators appear to believe that they must maintain some level of regular involvement with state and local-level interests and issues to sustain a political career. This may be the case because Venezuelans tend to view elected officials as *palanca* (political pull or leverage) that exist to help citizens. For legislators this expectation is an implicit threat: if they do not appear to be concerned with local issues, voters will not vote for them or their parties in the future. In personal interviews and conversations, both types of legislator discussed making calls to government agencies and officials at the national, state, and local levels on behalf of constituents.

The comments of several legislators illustrate the different conceptions of representation and constituent service held by legislators from the nominal and list tier elections. In interviews with the authors, a single-seat district legislator who left COPEI to join the legislative party Independents for Venezuela stated bluntly, "In Congress, I fight for resources to arrive and be invested in my state" (May 15, 1997). A single-seat district legislator from the Radical Cause maintained that his primary role as a legislator was to "channel [through the political process] the thoughts, demands, and legislative interests of the people in my district in the state of Bolívar" (May 6, 1997). These legislators clearly ranked attentiveness to constituents higher than party issues. On the other hand, a party-list legislator from Democratic

Action identified competing incentives regarding representation in the Chamber of Deputies: "One of the serious problems involving popular representation in Venezuela is that legislators are unable to dedicate themselves exclusively to representing their states. . . . This occurs basically because of interference from political parties" (May 8, 1997). Even though each of these legislators expressed desires to represent constituents as well as local interests and issues, parties appear to shape more how legislators from the list tier view representation in the Congress than how their colleagues from the nominal tier view it. The message from this section is clear: the adoption of MMP rules created incentives that shaped legislators' strategies for winning elections and participating in legislative processes. Empowering citizens to cast votes for candidates rather than just for parties in the MMP system created incentives for legislators from the nominal tier to be attentive to local issues and interests. The legislators from the list tier of MMP system continued to face incentives to be attentive to their parties during campaigns and in the Congress. Irrespective of whether legislators from the nominal and list tiers differ because locally oriented candidates now run for office or because senior legislators changed their political strategies when they were forced to compete in single-seat districts, it is evident that adopting MMP electoral rules affected legislators' perceptions of campaigns and legislative procedures.

Interest Organizations and Clientelism

Ties between interest organizations and the government occurred primarily through party channels for the first generation of democracy in Venezuela. The vertical organization of the major Venezuelan parties facilitated representation by linking masses to elites, the interior of the country with the capital, and established interests with the bureaucracy and government. Party offices in the smallest towns were contact points between citizens, party machines, and the government. Citizens, often representing interests that were integrated into the party, would bring their complaints or demands to local party organizers. The local party leaders would pass requests to the state-level party organization, and, assuming the requests had merit, they would eventually reach Caracas and be acted upon by loyalists in the government or bureaucracy (Karl 1997: 107).

Representation was reasonably efficient because parties encapsulated nearly all relevant organizations and interests in society. Groups that expressed political demands were quickly integrated into party structures and became almost corporative parts of Democratic Action and COPEI (Salamanca 1995: 200). Party activists, particularly from AD, were instrumental in the mobilization of, among others, trade unions, peasant groups, teachers' associations, and student and professional organizations. These established interests used their party ties to sustain their advantageous policy positions in formal political processes.

Inside Congress, party machines were also the primary mediators of representation (Rey 1972: 205). Legislative leaders in Democratic Action and COPEI maintained tight relations with established interests, and demanded strict obedience to party lines from their legislators (Coppedge 1994: 23; Martz 1992: 113). Legislators could present opinions about issues and interests freely as long as their parties had not announced official positions on them. Once a party line had been set, legislators who openly disagreed with it faced swift actions from their parties' disciplinary tribunals (Rey 1972: 202).

Because Democratic Action and COPEI occupied over 75% of legislative seats from 1973 to 1993, organized interests had few alternatives but to deal with the two parties if they wanted to shape policy. The stiff disciplinary procedures created strong incentives for individual legislators to be attentive to the established interests aligned with the party, and to avoid undertaking independent actions to represent competing interests outside of their parties. Therefore, emerging interests such as those with ties to geographic and civil society issues were disadvantaged in legislative processes because they had to compete with the established organizations for party attention.

At the same time that candidates were beginning to campaign for themselves in single-seat districts, emerging interests at the state and local levels were establishing contacts in the formal political process. We have already shown that SSD legislators believe that local interests and issues are more important than parties in campaigns. When asked about who was responsible for organizing their campaigns, 56% of these legislators answered that they organized their campaigns entirely and another 27% indicated that they organized their campaigns with only some help from their parties. Earlier we found that legislators elected in the list tier expressed concern about party-related issues during campaigns and in the Congress. When asked about who organized their campaigns, list legislators indicated that their parties were pivotal: 27% of list legislators said that their parties were entirely responsible for campaign organization, while another 50% claimed that they organized their campaigns with help from their parties.

The adoption of MMP rules did not eliminate the importance of parties in Venezuelan politics. We expect, however, that the incentives that MMP created for legislators to build personal ties with emerging interests in society were stronger for legislators from SSDs than for their colleagues elected from lists. Specifically, we hypothesize that SSD legislators were more attentive to emerging interests than legislators from lists. The SSD legislators claimed to build their campaign organizations independent from their parties and to have incentives to cultivate ties with new interests that are uncommitted to specific parties. Relatedly, we hypothesize that the relationships between list legislators and organized interests resemble pre-reform ties between Congress and society. List legislators claimed to rely on good relations with party leaders for high placement on electoral lists. Therefore, we expect that party discipline

encouraged more legislators from lists than from SSDs to maintain relationships with established interests (e.g. labor, business) and the traditional issues that have always been closely linked with Venezuelan parties.

Data from the Chamber of Deputies do not support our hypotheses. Legislators elected from the nominal tier are more attentive to established interests and traditional issues than are legislators from the list tier. Even though SSD legislators do not count on parties to promote their candidacies and are elected by name in local districts, they built more ties with established interests than legislators from lists. Seventy percent of legislators from single-seat districts claimed to have ties with lobbyists from established interest organizations, while only 44% from lists claimed ties with the same groups (Table 18.5(a)). Accordingly, the legislators from lists were more attentive to emerging interests than SSD legislators: 50.0% of the former reported to have had lobbying contact with new interests, while 23.3% of the latter claimed to maintain ties with emerging interest organizations (Table 18.5(a)). The same pattern exists for legislators' areas of issue expertise. Legislators from SSDs were more knowledgeable about traditional issues than were legislators from lists (62.5% to 46.7%), while list legislators claimed to be experts on new issues more than their cohorts elected from single-seat districts (53.3% to 31.3%) (Table 18.5(b)). These data suggest that the electoral incentives associated with the list tier of the MMP system, rather than the nominal tier, promote political relationships that have the potential to alter clientelistic ties in the Congress and to give a wider variety of interests (i.e. emerging as well as

Table 18.5. Lobbying Contacts and Issue Area Expertise Among Venezuelan Legislators (%)

	List deputies	SSD deputies	Total
(a) Lobbying contacts			
Established interests	44.4	70.0	60.4
New interests	50.0	23.3	33.3
Other	5.6	6.7	6.3
Total	100.0	100.0	100.0
N	18	30	48
χ^2_2	3.64		
(b) Issue area expertise			
Traditional issues	46.7	62.5	57.4
New issues	53.3	31.3	38.3
Other	0.0	6.3	4.3
Total[a]	100.0	100.1	100.0
N	15	32	47
χ^2_2	2.68		

[a]   Does not total to 100.0% due to rounding.

Source: interview data collected by M. R. Kulisheck from the Venezuelan Chamber of Deputies, March–June 1997, in connection with the University of Pittsburgh Legislator Opinion Project.

established interests) access to the legislative process. This finding runs counter to the general justification put forth by Venezuelan reformers for adopting an MMP system.

In summary, the use of SSDs to elect representatives seems to have unintentionally reinforced the historical tendency of Venezuelan legislators to be attentive to established interests and traditional issues. We expected that SSD legislators would be attentive to emerging interests at the state and local levels, but instead found tentative evidence that nominal-tier legislators built ties with the established interests that have been integrated into party machineries since the 1958 transition to democracy. They appear to have calculated that ties with established interests with demonstrated political clout are more valuable to their careers than links with emerging, politically untested, interest organizations. On the other hand, the list-tier legislators whom we expected to be solely attentive to the established interests aligned with their parties were found to be more responsive to emerging interests and issues than their SSD cohorts; because of the party support they receive in elections, these legislators appear to feel freer to build ties with interests in society without having to carefully calculate the political and electoral utility of these relationships. Overall, emerging interests are represented in the Congress, but established interests remain particularly influential among most legislators.

Conclusions

Mixed-member proportional rules affected political participation and legislative representation in Venezuelan politics. While single-seat districts generally created awareness among legislators of the potential importance of constituent ties to their careers, the electoral reform did not fulfill all of the expectations of reformers. It did not lead to significantly closer ties between citizens and their elected representatives, or weaken the influence of political parties in politics and society. Parties continue to direct candidate nominations for both the nominal and list tiers of the MMP system, as well as to enforce strict discipline over legislative votes and committee assignments in the Chamber of Deputies. In the end, party powers acted as strong counter-incentives to electoral rules regarding legislator willingness to actively engage in the high degree of personal vote-seeking behavior that reformers predicted.

Our analysis of the effects of mixed-member proportional rules on Venezuelan politics yielded three major findings. First, party elites adopted distinct coalition strategies in the nominal and list tier components of the MMP system; in particular, elites in Democratic Action and COPEI. Parties formed coalitions more often in SSD elections, where a plurality is needed to win representation, than in PR list elections, where district magnitude is higher.

Second, we found evidence of legislative entrepreneurship in the Chamber of Deputies. Our analyses of legislative initiative and party discipline reveal tentative attempts by legislators to build personal votes with constituents and geographic interests. Party control over candidate nominations, however, continued to be an important incentive for legislators elected from the nominal as well as the list tiers to be attentive to party leaders. This finding stems from the fact that adopting MMP electoral rules changed only a narrow set of rules and institutions; it did not alter some of the institutions that most directly shape legislators' career strategies and goals. If the Constituent Assembly does not change the electoral law, legislators might be expected to push for reform of the institutional organization of the Chamber to better allow members to pursue personal vote-seeking incentives.

Finally, attitudinal data indicate that legislators hold distinct attitudes about political processes and actors based on whether they were elected from single-seat districts or proportionally from lists. The behavioral implications of this effect will be understood over time as legislators gain more experience competing in personalized elections. Claims by the two types of legislator about their ties with organized interests, on the other hand, indicate that the new SSD electoral rules did not promote attentiveness to emerging political interests. As a result, the established interests that have had access to the Congress since 1958 continue to exert strong influence over policy processes. In this way, the MMP reform did not fully achieve the political expectations set by reformers in the late 1980s and early 1990s. Whether political attitudes and behavior in Venezuela eventually conform to reformers' expectations depends greatly how drafters of a new electoral law interpret the new Constitution's reference to the use of both personalized and proportional representation rules to elect legislators.

Appendix: List of Political Parties

Party Acronyms	Party names in English
AD	Democratic Action
CR	Radical Cause COPEI Christian Democratic Party
CN	National Convergence
PCV	Venezuelan Communist Party
MBR-200	Revolutionary Bolivarian Movement-200
MAS	Movement Toward Socialism
PPT	Country For All
MEP	People's Electoral Movement
MVR	Fifth Republic Movement
MIR	Movement of the Revolutionary Left
PV	Project Venezuela

19 The Mixed-Member Proportional System and Its Consequences in Bolivia

René Antonio Mayorga

Given that Bolivia's mixed-member proportional (MMP) system was established only in 1994 and was applied for the first time in the elections of June 1997, it is not possible to definitively assess its impact on the country's political system. What follows is a discussion of the specific immediate effects it had. I will focus on the effects on the representation of parties and the structure of the party system, on the relations between deputies and constituents, and on governance.

In order to assess the effects of electoral reform on representation and the party system thus far, it is necessary to make a brief reference to the previous electoral system and the distinctive presidential system of Bolivia. My contention is that the MMP system has mainly reinforced the preceding effects of the constitutional provision regarding the congressional election of presidents. This key mechanism has substantially furthered consensual decision-making in crafting legislative majorities, thereby bringing about undivided governments and securing a stable interaction of executive and legislative powers. Thus, the MMP system had no far-reaching consequences on the government system, but, as we will see, it has already had some noteworthy consequences for the party system.

Parliamentarized presidentialism had strong reductive and centripetal effects on parliamentary parties by stimulating pre-electoral and above all post-electoral coalition practices and political pacts. The fundamental mechanism of parliamentary selection of presidents, along with the channeling effects of the moderate party system, account for both the concentration of votes in five relevant parties and the reduction in the number of parliamentary parties. Furthermore, one can argue that in the case of Bolivia the combination of a relatively feeble electoral system of proportional representation and a relatively structured party system channeled votes, thereby counteracting the potentially centrifugal effects of the proportional representation system.

Effects of the Mixed-Member Proportional System on Parties

Did the mixed-member proportional system result in any significant change to the party system? Bolivia is in a transitional period and it will take time for the electorate and the political actors to come to terms with the new MMP system. The 1997 results mainly bolstered the already prevailing features of the party system, although clearly a relative process of personalization and territorialization of the party system has been encouraged by the introduction of the SSDs in the mixed-member system.

The Interparty Dimension

Between 1985 and 1997, despite the surge of new parties like the Civic Solidarity Union (Unión Cívica Solidaridad: UCS) and Conscience of the Fatherland (Conciencia de Patria: CONDEPA), the number of parties legally registered with the Electoral Court and participating in general elections fell from 18 to ten. Both the years of transition to democracy (1979–82) and the first constitutional term (1982–5) were times of intense party fragmentation, making the net drop in the number of electoral parties all the more impressive. Looking only at the number of parties that gained congressional representation, Table 19.1 shows that there were ten such parties after the 1985 election, five in 1989, and eight in 1993. The electoral reform, with its 3% threshold and the d'Hondt formula, would lead us to expect a decrease in the number of parties represented in 1997: and in that election the number of parties winning representation was seven, down by one. Despite this decrease in the number of parties in congress, the effective number of parties increased quite substantially, from 3.71 in 1993 to 5.36 in 1997, compared with an average of 4.32 between 1985 and 1997. The primary reason why the effective number of parties increased is that the size of the largest party declined from 40% of seats in 1993 (the MNR) to under 25% in 1997.

Table 19.1. Party System Characteristics in Bolivia, 1979–97

Election	No. of parties participating	Effective no. of parties, votes	No. of parties with seats	Effective no. of parties, seats
1979	8	4.45	7	. . .
1980	13	4.16	11	
1985	18	5.67	10	4.32
1989	10	5.97	5	3.92
1993	14	4.51	8	3.71
1997	10	5.93	7	5.36

Source: author's calculations based on NEC figures.

For years, the most noteworthy feature of the Bolivian party system was the lack of dominant political parties. But majority formation between parties' winning pluralities became possible within a political center dominated by the National Revolutionary Movement (Movimiento Nacionalista Revolucionario: MNR), the Nationalist Democratic Action (Acción Nacionalista Democrática: ADN), and the Movement of the Revolutionary Left (Movimiento de Izquierda Revolucionario: MIR), each of which became the heart of governing coalitions. Within the core of five major parties arising around the late 1980s, MNR, ADN, and MIR could develop coalition-building potential, whereas parties like the UCS could play only a secondary partner's role. In the last four general elections, the major parties won a cumulative vote share of between 57% and 65%.

Table 19.2. General Elections in Bolivia, Chamber of Deputies, 1997

Party	Votes (%)	Seats	Seats (%)	Disproportionality[c]
ADN	22.3	32[a]	24.6	+2.99
MNR	18.2	26	20.0	+1.80
CONDEPA	17.2	19	14.6	−2.56
MIR	16.8	24[b]	18.5	+1.66
UCS	16.1	21	16.2	+0.04
IU	3.7	4	3.1	−0.63
MBL	3.1	4	3.1	−0.01

[a]   Includes three SSDs won by candidates of the Nueva Fuerza Republicana and one SSD won by a candidate of the Falange Socialistia Boliviana in alliance with ADN.
[b]   Includes one SSD won by a candidate of the Frente Revolucionario de Izquierda in alliance with the MIR.
[c]   Loosemore–Hanby index.
      Source: author's calculations based on NEC figures.

The results of the 1997 election by party are shown in Table 19.2. A close analysis of the results shows that the MMP system has benefited three types of party:

1.   small and/or medium-size parties with local and regional strongholds, such as CONDEPA, which could benefit from the support of voters in single-seat districts;
2.   minor local parties like the New Republican Force (Nueva Fuerza Republicana: NFR) and the Front of the Revolutionary Left (Frente Revolucionario de Izquierda: FRI), which were able to take part in alliances with major parties because of their influence in single-seat districts; and
3.   major parties with national constituencies (ADN, MNR, MIR, UCS) which could rely both on list tiers and on local constituencies.

The mixed-member proportional system was therefore detrimental only to very small parties running independently, such as the Bolivian Democratic Party (Partido Democrático Boliviano: PDB), which had neither national support nor a local stronghold. These parties were the absolute losers in the general elections, failing to pass the 3% threshold or to win a SSD. Conversely, under the former PR system with the Saint-Laguë formula, the Socialist Vanguard (Vanguardia Socialista: VSB), could have won one seat with just 1.39% of the votes.

The MMP system did not alter the predominant national pattern of party competition between two party blocs, nor did it lead to any significant party realignment. The ADN and MNR—and, to a lesser extent, the MIR—are still the prevailing parties in most regions of the country. UCS can also rely on a national constituency. However, the MMP system has strengthened minor regional parties, above all the NFR in the capital city of Cochabamba and the FRI in the region of Tarija. These parties made pre-electoral alliances with ADN and MIR, respectively. MMP also made it possible for independent candidates of social organizations such as the Chapare peasant movement, which defends the interests of coca growers, to win four SSDs in the Chamber of Deputies by running on the slate of the United Left (Izquierda Unida: IU).

Under the prevailing political and social conditions, the new electoral system led to an increased regionalization of party representation, as well as the strengthening of representation of corporate and ethnic interests (at least in the case of the Quechua peasants of the Chapare region). MMP has strongly stimulated party regionalization because its nominal tier clearly favors parties with local strongholds. Thus, the MIR has entrenched itself as a regional party in three departments of the country (Tarija, Chuquisaca, Potosí) where it obtained the greatest number of SSDs; CONDEPA has also temporarily strengthened its position as a regional party in La Paz, and the NFR has contributed to the plurality victory of ADN with the votes of its local stronghold in the city of Cochabamba.

One of the most significant features of this general election was the vote fragmentation within the core of major parties. However, this result was no direct consequence of the electoral system. The vote fragmentation in the general elections of 1997 was due to a combination of two factors: the dissatisfaction of voters with the government performance of the MNR provoked its electoral defeat, while at the same time the opposition parties (ADN, MIR, CONDEPA) could not take advantage of this defeat. Thus, the difference between the first and the fifth largest parties was only 4.2%, as shown in Table 19.2. The plurality winner, ADN, became the heart of the new coalition government after post-electoral negotiations. These elections reaffirmed the competitive nature of the party system by bringing about an alternation in power between the two competing party blocs.

In short, the prevailing features of Bolivian electoral competition in a multiparty system have not been altered by the new electoral system. Indeed, no dramatic change on the interparty dimension would be expected, given that essentially one form of PR has been replaced with another. It is true that the d'Hondt formula and the legal threshold of 3% have brought about the disappearance of three very small parties, while it also lessened the representation of another two minor parties. The multiparty system that emerged before the electoral reform was thereby reinforced, notwithstanding the fact that the effective number of parties increased as a result of the decline in votes for the largest parties. This decline cannot be attributed to the electoral system per se. The most distinctive impact of the electoral reform thus far is that a stronger tendency to pre-electoral alliances took place. ADN and MIR responded to the presence of SSDs in the new system by entering alliances with small parties in the expectation that by doing so they could take advantage of these parties' regional strongholds. The ADN formed an alliance with NFR and the PDC; MIR allied with the FRI. Nevertheless, despite a strong voter mobility within the hard core of major parties, the party system remains consolidated around four parties (MNR, ADN, MIR, UCS), whereas CONDEPA and MBL are going through a critical decomposition process for different reasons.[259]

Effects on the Intraparty Dimension

A distinctive effect of the MMP system has been the reinforcement of a previous tendency in some parties toward openness. In particular, MIR and MBL focused on the idea that parties should transform themselves into "citizen movements" and tried to tackle existing anti-party sentiment by touting political outsiders in the electoral campaign, such as personalities coming from national theater, folk music, and above all from the media. However, none of these outsider candidates was successful. In the end, winning candidates in single-seat districts were mostly party members, and no noteworthy personalization of representation took place. Also, the establishment of the MMP system has not had any impact on party control over candidate selection and nomination. Hyper-centralized features of the party system (as defined in Shugart's chapter) have remained unchallenged, so that candidates in both list and nominal tiers have been nominated by party leaderships from among party members closely linked to the presidential candidates. In fact, party leaderships have bolstered the dependence of candidates on party organizations, thereby securing parliamentary discipline in legislative decision-making.

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[259] After the death of CONDEPA's charismatic leader, Carlos Palenque, the party began to disintegrate. The MBL in turn seems unable to recover from its heavy electoral defeat, and many members have abandoned the party.

Following the anti-party trend, the media have argued that the predominance of parties tends to destroy the democratic potential of the MMP system.[260]After the 1997 elections, many district deputies complained about their heavy dependence on party organizations.[261]Yet, as the access of four leaders of the peasant union of the Chapare province has demonstrated, the electoral system has also furthered the tendency of minor parties (admittedly, just labels) to transform themselves into "parties for rent" (Mayorga 1995). In this case, the district deputies, nominally deputies of IU, are responsive only to the interests and demands of their peasant union.[262]

In sum, it can be said that the important intraparty effects of the mixed-member system so far have been twofold: (1) strong parties have taken into account new nomination criteria by nominating candidates meeting the requirement of being district-bound candidates; (2) the electoral system has made it possible for social organizations to place their candidates under the slates of political parties.

The new electoral system has broadened the possibilities for independents and outsiders to field their candidacies. Under prevailing conditions of the Bolivian party system, there is no doubt that the MMP system tends to foster unstructured, personalist parties like NFR and CONDEPA which can count only on local mainstays. It also encourages strategies of organized parties like the MIR to incorporate independent candidates on the grounds that they are well-known "representative" citizens, or important members of social organizations which could help enhance the party's local reputation. However, the MMP system has stimulated some small parties to become "parties for rent". This term was introduced to define a central feature of the Brazilian party system defined by strong anti-party tendencies in which most parties are not institutionalized and have no control over candidate nomination or congressional representatives. In Brazil, political leaders and legislators often switch parties at their convenience. Based on their personal political strength, they treat parties just as labels they can "rent" in the political market (Mainwaring 1995: 380, 1991: 21–43; Kinzo 1993: 20).

In short, the mixed-member system has pushed personalization trends mainly within weak and small parties, while strong parties have tried to resist them—maintaining tight control over nominations in both the list and nominal tiers. Thus, the personalization of representation has gained only limited ground so far.

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[260] E.g. a leading article of *Opinión,* April 3, 1998.

[261] E.g. statements of several deputies in "Desazón de los Uninominales" in *Presencia,* February 9, 1998.

[262] The Bolivian Constitution explicitly allows candidates of social organizations to run for the presidency and congress by making alliances with legally registered parties or by being nominated by them.

On the other hand, the traditional voter behavior, centered on presidential candidates rather than policies, was not altered by the electoral system. Certainly, the representativeness of the political system depends not only on the electoral system but also on the performance of parties in government, which has been affected by patronage-based politics and logrolling. The MMP system has not weakened this feature at all, since parties still rely heavily on the control of state resources for their own survival.[263]The Bolivian electorate has consistently expressed strong demands for governments to solve the basic problems of health, education, and unemployment. It has then tended to make voting decisions based on a negative assessment of the mediocre or even disappointing performance of governing parties in dealing with poverty and poor living conditions.

However, the dissatisfaction with the performance of parties, which has directly encouraged the personalized orientation of voter behavior, paradoxically did not affect the electoral performance of the major parties. Although voters saw "constituency-deputies" as more representative and accountable, the nominal vote did not differ greatly from the list vote due to the key role of presidential candidates. Hence the personality of SSD candidates, with very few exceptions, played no role for voters. These candidates, even the "independent" ones, attracted voters not on account of their own political strength but rather due to their attachment to presidential coattails.

The parties winning the biggest shares of votes, especially ADN and MNR, did not field independent candidates on their nominal vote slates. On the other hand, only the IU, which did not present a presidential candidate, could successfully place independent candidates of the Chapare Peasant Union into the Chamber of Deputies, while most independent candidates of the MIR and the MBL did not win any seats. As shown in Table 19.3, only ADN in Cochabamba and MBL in Chuquisaca have obtained a higher percentage of nominal votes. And as Table 19.4 demonstrates, only ADN and CONDEPA have a significantly higher number of nominal-tier deputies. Notwithstanding the predominant campaign style of SSD candidates, who often acted as if they were candidates for municipal councils, party-list votes attached to presidential candidates influenced the votes in single-seat districts, and the percentage of vote-splitting was rather low at no more than 7% of the total votes. In the end, most parties (MNR, UCS, MIR) won almost the same number of seats

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[263] While people and the media criticize persisting and dangerous clientelistic patterns of party government and distribution of patronage spoils, a merciless struggle among parties for access to resources of national, regional, and local governments has shaped Banzer's ruling coalition. One of the causes of this intensified patronage-based politics seems to be the fact that spoils in state enterprises disappeared as a result of the privatization of Sánchez de Lozada's former government. Moreover, incentives for corruption in local politics have been enhanced due to the fact that a decentralization policy implemented in April 1994 allocates 35% of the national budget to municipalities.

Table 19.3. List Vote and Nominal Vote in Bolivia by Department and by Party, 1997 (%)

	ADN		MNR		CONDEPA		MIR		UCS		IU		MBL	
	List	Nom.	List	Nom.	List	Nom.	List	Nom.	List	Nom.	List	Nom.	List	Nom.
La Paz	20.72	17.68	12.52	14.56	42.03	36.15	11.60	15.26	9.90	8.09	1.32	1.87	1.91	6.39
Santa Cruz	24.68	23.32	25.72	24.56	2.19	2.03	16.19	18.80	28.36	26.13	0.49	0.18	2.37	4.98
Co-cha-bam-ba	26.22	34.01	13.69	13.28	3.97	2.99	20.35	15.32	15.44	12.67	17.86	17.77	2.47	3.95
Chu-quisa-ca	20.33	20.90	19.60	19.44	9.82	5.70	20.97	19.22	14.18	10.15	1.97	4.87	13.14	19.72
Tarija	11.27	14.11	26.80	22.93	3.51	2.81	42.96	39.60	10.68	9.25	0.61	0.56	4.18	10.73
Potosí	20.46	18.79	19.55	18.48	12.80	9.83	23.08	25.55	15.34	15.41	2.79	2.94	5.97	9.00
Oruro	23.91	22.01	17.43	15.49	21.55	17.50	17.76	20.12	15.85	16.74	1.77	3.08	1.74	5.06
Beni	34.37	36.11	32.76	33.60	1.50	1.35	9.34	7.87	18.31	17.06	1.23	1.02	2.49	2.98
Pando	40.96	41.61	28.08	26.73	2.78	7.50	14.58	11.83	9.69	8.43	0.43	0.02	3.49	3.89

Source: author's calculations based on NEC figures.

Table 19.4. Nominal and List Seats Won by Party: Bolivia, 1997

Party	Nominal	List
ADN	18	14
MNR	12	14
CONDEPA	12	7
MIR	12	11
UCS	5	16
IU	4	—
MBL	4	—

Source: NEC.

through party-list votes as through nominal votes, and only CONDEPA and ADN obtained more SSDs.

Unlike the German case, but similar to what Crisp and Rey (Chapter 8 above) summarize for Venezuela, the MMP system in Bolivia has led to a thorough confusion of the parliamentary role of nominal-tier deputies. The Bolivian parties established the new electoral system mainly as a mechanism to reinforce the personalization of local politics. However, given the underlying motivations of the electoral reform and the campaign strategies used by nominal-tier candidates pretending more legitimacy, local politics came to be exclusively perceived in terms of municipal politics rather than in terms of the local impact of national policies. Responding to the pervasive demands of voters from mainly poor areas, single-seat district candidates developed a campaign style which stressed their future role as constituency-serving deputies, responsive to basic neighborhood problems and demands like water supply, construction of roads, sewage systems, etc.

As a consequence, representation and legitimacy turned out to be linked primarily to local politics. Nominal deputies conceived their role as more like municipal councilors than as local representatives acting within the larger context of national issues.[264] They claim not only to be more representative, but also more legitimate deputies, capable of playing a crucial role as constituency-serving members of Congress. It was therefore not surprising that the electoral reform produced two classes of deputies and two different parliamentary roles. In short, a trend toward locality-centered politics, constituency-serving "retail politics" (and perhaps also corporative politics) has been strengthened at the expense of national politics.

Most district deputies inevitably had to cope with the duality of functions. As both roles seem to be incompatible, they are uncertain about which role

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[264] See the statements of various SSD deputies in *Opinión*, April 3, 1998; *Estrella del Oriente*, April 5, 1998; *Hoy*, February 2, 1998; and the survey of *Presencia*, February 8, 1998.

they should really play—the role enacted in the Constitution, or the role of de facto municipal councilors. In the electoral campaign, some candidates tried to face this problem by defining their future role as articulators of national, regional, and local politics.[265]But many deputies elected in SSDs claim that this role goes beyond their capacity and resources. They complain about social demands exceeding their capacity to meet them and have asked the Congress to clearly redefine their role.[266]The most important consequence of these interwoven roles so far has been not only a swift expansion of parochial politics at the expense of national policy, but also a marginalization of SSD deputies. Except in a handful of cases, most SSD deputies have played only a marginal role in legislation and other parliamentary activities (Cámara de Diputados 1997–8). Thus, the president of the Chamber of Deputies has recently pointed to the necessity of "incorporating them into the legislative dynamic".[267]As the performance of nominal deputies has shown so far, they have yet not been able to articulate and reconcile the role of national deputies with the role of constituency-serving deputies (Cámara de Diputados 1997–8). However, forced by their constituencies to pay attention mainly to local politics, they seem to be aware of the need to face the key problem of how to link "retail" politics with national politics.

Despite these institutional problems, it is beyond doubt that the MMP system has triggered a qualitatively new development. New expectations and demands of social organizations are emerging, with significant behavioral implications and effects on the intraparty dimension and the relationship between Congress and society. In fact, SSD representatives are subject to an enduring pressure from their constituencies (neighborhood and grass-roots organizations) to play the role of municipal councilors and be responsive to local demands of urban development.[268]This new dynamic could be seen as a budding success of the reform, and is a direct outcome of voter expectations stemming from the personalization of the electoral system. However, the expectations regarding a higher level of representativeness have not yet been met. As interviews with some SSD deputies and surveys have revealed, the perception of the gap between voters and representatives continues to be strong.[269]In fact, voters regularly denounce the detachment of district deputies, arguing that they are mostly unknown, follow party lines and do not worry about their interests and problems.

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[265] See the article "Uninominales: de legisladores a articuladores," in *El Mundo,* June 12, 1997.

[266] "Uninominales a sus electores: pidan leyes, no servicios basicos," *Hoy,* December 16, 1997; "Promesas incumplidas caracterizan a la mayoría de los diputados uninominales," *Hoy,* February 9, 1998.

[267] "Agresivos cambios en el reglamento de debates," *La Razón,* LaPaz, August 24, 1998.

[268] See about this demand in articles in *El Mundo,* December 25, 1997; *Presencia,* January 4, 1998.

[269] "Diputados uninominales: ruido y pocas nueces," *Presencia,* September 27, 1998.

Due to the fact that party leaderships still have a great control on candidate nomination, there has been no remarkable change in the parliamentary behavior of SSD deputies. They have not acted in a different way in legislative decision-making from that of deputies elected from party lists. To be sure, as noted above, local politics tends to be a priority for them, but party cohesion and discipline in Congress have not become more difficult. Although the participation of SSD deputies was negligible, a close examination of legislative debate and the passing of significant laws like the law of the Constitutional Tribunal shows that they voted according party lines (Cámara de Diputados 1997–8). These patterns conform to what Kulisheck and Crisp found in the Venezuelan case (Chapter 18).

In short, the MMP system has not given rise to deputies who are independent of their parties, but the new rules have affected the intraparty dimension by substantially changing parties' nomination behavior and the relationship between parties and localities. The hyper-centralized control over candidate nomination and the electoral campaign was not limited by party-independent, single-seat district candidates. However, its influence on party internal reorganization and democratization cannot be disregarded. In fact, parties are at present involved with mixed success in an internal democratization strategy aiming at reorganizing their structures from the bottom up, taking into account territorial factors and the possible introduction of primaries.

Effects of the MMP System on Governance

The crafting of parliamentary majorities and coalition-building for government formation has been the Bolivian presidential system's bottom line. As I have previously argued (Mayorga 1991, 1994a, 1997a), these key elements of Bolivian democracy can be traced to three key factors: (1) a learning process deriving from a dramatic experience of ungovernability in the first government after the transition to democracy; (2) the development of a moderate party system; and (3) the constitutional mechanism for presidential elections. The general elections of June 1997, in which the mixed-member proportional system was applied for the first time, did not change this basic pattern of democratic politics. On the contrary, despite electoral volatility and vote fragmentation among the major parties, coalition-building has become an even stronger imperative. As the new electoral system favors minor parties with local and regional leverage, it has enhanced the incentives for all parties to cooperate and has undoubtedly encouraged minor parties to form pre-electoral coalitions. The primary political motivation has been office-seeking and patronage-based distribution of power resources rather than policy-seeking motivations, because the main goal of

these parties has clearly been survival and strengthening through the control over the state apparatus.

The electoral results have not eroded the overall legitimacy of the party system, nor have they affected coalition building and government stability. In fact, they did not weaken the coalition potential of major parties or impair the capability of coalition governments to govern. Whereas in former elections two parties were necessary for building a majority government, vote fragmentation and pluralities of parties in the last two general elections have called for power-sharing among at least three parties in order to attain a parliamentary majority and to build a coalition government.

Several disruptive effects on the party system and governance predicted by opponents and critics of the mixed-member proportional system have not been proved to date. First, the party system has not undergone any serious fragmentation process and party factionalism has not arisen, although the effective number of parties is higher than before. Second, the coalition-building capacity of the party system was not jeopardized by large numbers of party-independent deputies or fragmented representation. Third, legislative majorities were not undermined despite the negative effects of patronage politics on the efficiency of the executive (SUNY 1997).

The electoral system, then, has not affected the stability of executive–legislative relations, which has been the remarkable feature of coalition governments since 1985. Although Banzer's coalition formed by four parties broke up after one year in office (CONDEPA was ousted in August 1998), the coalition could sustain the compatibility of parliamentary majority and executive power.

Further Electoral Reforms at Issue?

Some political leaders in governing and opposition parties are not satisfied with either the degree of personalization of Bolivian politics or the role of SSD deputies, and have highlighted the need of further electoral reforms (Fundemos 1999). They point above all to the requirement that single-seat district candidates should not be nominated by party leaders as if they were party-list candidates. Some party leaders demand that SSD candidates should have a profile of their own and are worried about the ambiguity of electing constituency-based party candidates or party-independent candidates. Should the MMP system ever reinforce the links between parties and voters, it will have to take on a middle way between these extreme alternatives. This is clearly going to be a very protracted process over several elections, in which both parties and voters will have to adapt to the new rules. Such a process is particularly necessary given that that the most serious pitfall of the party

system is the internal party organization which is still heavily dependent on leaders of the caudillo sort like Banzer or Paz Zamora. The electoral system contains incentives for a change of relationships between party leaderships and rank-and-file. The personalization of politics fosters not only the development of internal democratic procedures but also a territorial reorganization of party structures on the basis of single-seat districts, thereby reducing the traditional centralist structures of parties.

Hence some leading members of the governing coalition argue that it is of a paramount importance to further strengthen the party system's representativeness and legitimacy by bringing candidates closer to voters. They do not hold, however, that the MMP system is capable of achieving this goal, and call instead for a radical shift to a plurality system for the allocation of all seats in the Chamber of Deputies (Fundemos 1999: 13, 19).

This proposal for adopting an American-style electoral system rests on the anti-party argument that representative democracy based on political parties establishes unacceptable constraints on democratic citizen participation and is not sufficiently legitimate. Therefore, it argues, against the constitutional provision of political representation by parties, that political representation should no longer be a "party monopoly" but instead should be open to broad, non-partisan citizen participation. To be sure, this is a dangerous point. Any change in this direction would undermine political parties as necessary intermediate institutions in a representative democracy. Aiming at a complete personalization of politics, many single-seat district deputies and the presidency of the Chamber of Deputies have called for a switch to plurality in the allocation of seats in the Chamber of Deputies in order to overcome the duality of roles noted earlier, and to break the control of parties over candidate nomination.[270]

One of the explicit goals of such a reform proposal is to achieve a substantial reduction of the number of parties, thus facilitating the formation of a three-party or even a two-party system. Nevertheless, experience demonstrates that a plurality system does not inevitably lead to a two-party system, as for example in the case of India. Conversely, because of existing regionalist and personalist trends in Bolivian politics, an increase in the number of parties, and consequently the fragmentation of the party system, might be well expected.

Unaware of the high risks of such a shift to plurality, however, the party leaders fighting for such a system do not take into account the probable negative effects on the moderate multiparty system in Bolivia. First, in the context of a multiparty system that continues to see the emergence of new parties, the vote fragmentation would be higher due to regional and local party fief-doms,

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[270] "Todos los parlamentarios deberán ser uninominales," in *Presencia,* September 29, 1998; Fundemos (1999).

with disruptive consequences on party representation. As I argued earlier, there are several small parties (NFR, FRI), and even major ones (MIR, CONDEPA), that have predominantly local and/or regional roots. Second, a stronger regional territorialization and personalization of party leaderships would occur at the expense of national leaderships and organizations, as it did already in regions of the country like Cochabamba. Third, an electoral system based on plurality would foster party fragmentation and parochialism in Congress, making it more difficult to create parliamentary majorities. It is quite probable that a plurality system would increase the number of players in coalition-building. The trend toward party fragmentation would be enhanced if a shift to plurality took place. Finally, as the crafting of parliamentary majorities and coalition-building would become a more difficult and unpredictable affair, policy-making and government performance would inevitably be affected. Fortunately, however, this electoral reform proposal is not an official proposition of the governing parties and has not been endorsed by the MNR, the main opposition party, which favors keeping the MMP system.

Conclusion

Given the preceding institutional development of parliamentarized presidentialism and a moderate party system, the effect of the electoral system has not resulted in any significant governmental or party system change thus far. Regarding the crafting of parliamentary majorities and coalition-building for government, the electoral system has not impaired this fundamental feature of governance. In fact, it did not weaken either the coalition potential of major parties or the compatibility of legislative–executive relationships and the capability of coalition governments to govern. Thus, several disruptive effects on party system and governance predicted by opponents of the MMP system turned out to be unjustified.

From my point of view, the MMP system has the potential to reinforce the main features of the government and party system. Although it is too soon to draw conclusions from a very limited experience, some trends at the level of the party system have become evident. First, the electoral system has helped reduce the actual number of parties, as well as the disproportionality of the previous electoral system. Second, it has encouraged the dynamic of territorialization of party representation which benefits both major and minor parties with local and regional strongholds. Third, a process of change in the intraparty dimension has been fostered, i.e. a localization of representation which is influencing in turn a reorganization of party structures along municipal boundaries. Although party leaderships exerted a firm control over

candidate nomination for the general elections of 1997, the rules of the electoral system are pushing the major parties toward introducing internal democratic procedures like primaries.

Fourth, the implementation of the MMP system has initiated some significant changes regarding the ties between nominal deputies and voters. Expectations and demands of voters in the SSDs are exerting great pressure on nominal deputies, thereby driving them to assume their political responsibility mainly as constituency representatives and not as party members. In the end, the overall voter perception as well as the self-perception of SSD deputies have contributed to the emergence of two conflicting types of deputy (local-oriented and national although this has had no influence over legislative behavior and party discipline in Congress. Finally, in a context of increasing anti-party sentiment, the personalization bias of the MMP system and citizen dissatisfaction with the level of personalization of politics achieved so far seems to be pushing parties toward a more radical personalization of politics.

20 The Consequences of Mexico's Mixed-Member Electoral System, 1988–1997

Jeffrey A. Weldon

Mexico has experimented with mixed-member systems for many years. It is probably the second oldest mixed-member system after Germany, and undoubtedly it has modified its mixed system more than any other country. The purpose behind the electoral reforms has always been the same: to open up the system enough to satisfy political demands, but not so much that the hegemonic party loses control (Molinar Horcasitas 1991a). Although to a large extent the latter could be controlled by electoral fraud, the former objective still had to be addressed. Over the last thirty-five years Mexico has seen a gradual but consistent expansion of proportional representation. By 1997 the electoral laws, together with electoral preferences and the general democratization of the country, had led to the end of majority control by the official party in the Chamber of Deputies. Now Mexico has a strong two- or three- party system.

There have been seven fundamentally different electoral systems in Mexico this century. This makes for a wonderful zoo of mixed-member electoral systems for scholars to gawk at.[271]However, the constant turnover of electoral rules makes for a poor laboratory, as there has been a different electoral system for each of the last five elections, making it impossible to distinguish the effects of electoral rules from those of voter preference. Furthermore, most of the reforms are highly endogenous with the party system, as the political actors tend to have a very good idea of how they expect to do in the next election, and so attempt to design an electoral system that will improve their chances. This is not uncommon in electoral reforms in any country, but whereas in other places the original factors are cancelled out in subsequent elections, and the electoral rules usually lead to specific equilibria, in Mexico, the rules have changed for every election, so the endogenous factors have remained extremely important.

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[271] All 32 states have had two or three different mixed-member electoral systems over the last 20 years. The total number of different mixed-member systems in Mexican history must be more than 80.

The Party Deputy System (1964–76)[272]

Before 1964, elections for the Chamber of Deputies used strictly single-seat district plurality rules. The Chamber of Deputies was renewed in its entirety every three years. The official party (Institutional Revolutionary Party, PRI, since 1946) won between 90% and 97% of the seats with between 75% and 90% of the vote. Much of its success was probably due to electoral fraud, but fraud does not have to exist in all elections for the lessons to be learned by the voters and the opposition parties.

By 1964 it was necessary to open up the system so that the opposition parties would continue to compete, even though they expected to lose. The "party deputy" system was introduced, which granted seats to small parties on the basis of their national vote. The SSD plurality system was maintained, but minority parties would get additional seats, which made the system more proportional. This reform originally granted five seats to parties that won at least 2.5% of the vote, and an additional seat for every additional 0.5%, up to a total of twenty seats. Single-seat district (SSD) victories were deducted before the party deputies were assigned. Parties winning twenty SSDs or more were ineligible for this increased representation. These minority deputies were designated from among the losing candidates of the party that had won the most votes. For the 1973 election the threshold was reduced to 1.5%, and the maximum was increased to twenty-five seats.

This was a restricted mixed-member majoritarian system, because the allocation of list seats was restricted to parties that won fewer than a certain number of SSDs. This allowed the majority party to win all or nearly all SSDs and still give seats to the small parties. It had the strange effect of over-representing certain districts. Since the list seats were distributed to the best losing candidates in the SSDs, it was possible for a large district, or one with high turnout, to elect more than two candidates. In fact, in the first election under these rules (1964), four candidates were elected from the twentieth district of the Federal District: the winning PRI candidate as well as candidates from three losing parties (Lujambio and Marván Laborde 1997: 74–5). The rules were not followed exactly with the smallest opposition parties. These parties frequently received more seats than they deserved by their vote, and very often the lists of losing candidates were tampered with so that some losing candidates with more votes were passed over in favor of "preferred" candidates lower on the list (Lujambio 1987, Lujambio and Marván Laborde 1997). Therefore, the competition among copartisans to see who could be the "best losers" in their own SSD races was substantially cancelled by the capricious decisions of the electoral authorities.

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[272] The years in all cases refer to the elections under which the electoral rules were used, not the year that the law was approved.

The Minority Representation System (1979–85)

The party deputy system was abandoned in 1977 for a new electoral law that guaranteed one-fourth of the seats in the Chamber of Deputies to the opposition. At the same time, party registration rules were relaxed, so that the median number of parties competing in elections increased from four to eight.

The new electoral law increased the number of SSDs from 237 to 300 and created at first three, and then four, multi-seat districts (MSDs) with a total of 100 deputies. These list seats were distributed to parties that won at least 1.5% of the vote, but fewer than 60 of the 300 SSDs (making this a restricted MMM system). The regional lists were closed, so there was no intraparty competition. This was the only electoral system in Mexico without vote linkage: voters were given two votes, a nominal vote and a list vote. It was rumored that PRI voters were instructed at times to vote for the PRI candidate in the SSD election and for one of the several PRI satellite parties in the list tier.[273] Table 20.1 demonstrates that there is some credence to these rumors. The PRI's share of the nominal vote is nearly five points higher than its list vote. The main independent opposition parties—the PAN, the PSUM (former communist party), and the PMT (another independent party on the left)—did not vary between their nominal and list votes. The parties that were usually identified as PRI allies all received more votes, and only the PRT reached the threshold, because of ticket-splitting.

There were curious distribution rules for the minority parties, described below in the 1988 and 1991 laws, which gave special consideration to the smallest qualifying parties. The PRI continued to win nearly all of the SSDs (296 in 1979, 299 in 1982, and 289 in 1985).

Table 20.1. Nominal Votes and List Votes in Mexico's 1985 Federal Election

Party	Nominal V_i (%)	List V_i (%)	List V_i − nominal V_i	List seats
PRI	64.85	60.07	−4.78	0
PAN	15.50	15.48	−0.02	32
PSUM	3.22	3.29	0.07	12
PDM	2.73	2.77	0.04	12
PST	2.46	3.24	0.78	12
PPS	1.95	2.41	0.46	11
PARM	1.65	2.27	0.62	9
PMT	1.55	1.59	0.04	6
PRT	1.26	1.58	0.32	6

Source: Comisión Electoral Federal (1985).

[273] Author interviews with PAN leaders and candidates in Guadalajara and Morelia, July 1985.

This law was successful in increasing the number of parties contending in federal elections, but electoral legitimacy was not yet guaranteed. In 1986, after several notably fraudulent state elections, the government ceded more space to the opposition parties. The list tier was increased to 200 seats, and the majority party was now given access to the list deputies. Thus the first true mixed-member majoritarian system was born in Mexico. It was followed by three other electoral laws that "perfected" the original system. Today the electoral rules are nearly mixed-member proportional, at least in effect if not on paper.

This chapter will examine in detail these four electoral laws as well as possible reforms in the next election round in 2000. It will then describe the effects that the different laws have on electoral competition, on proportionality, and on the shape of the party system. It will also discuss the marginal effects that the electoral systems have on legislator behavior.

The 1988 Law

Since 1988, the Mexican Chamber of Deputies has been made up of 300 single-seat districts and 200 closed-list seats, which are divided into five multi-seat districts of $M = 40$. The party that wins the greatest number of SSDs, regardless of its vote, is granted extra list seats to attain 251 seats, which is a bare majority in the Chamber of Deputies. We will call this party P_1. When there is a tie between two or more parties with the same number of SSD victories, the party that has the most votes gets the majority of seats in the Chamber.

If P_1 gets more than 50% of the "effective national vote", it is guaranteed its proportional share of the Chamber ($V_1 \times$ 500, rounded to the nearest whole number). The effective national vote is the total of votes for all parties that have reached at least 1.5% of the total vote. This concept is used in all electoral rules, though the terminology differs in each law.[274] If P_1 wins 251 or more SSDs, and this is greater than its proportional share, it does not lose these seats, nor does it win more list seats. No party can win more than 350 seats. (Thus, the proportional faucet for the winning party shuts off at 70%.)

The list seats for the winning party are distributed among the five MSDs, which are more or less contiguous regional groupings of states. No state is divided into two or more MSDs, and there is no guarantee that the MSDs have equal population or the same number of SSDs. The quota of P_1 is its total vote divided into the number of list seats that it wins (using the Hare

[274] The term "effective vote" comes from the Mexican electoral code and is not related to Laakso and Taagepera's (1979) "effective number of parties",

quota). Each MSD is divided by the quota, and the Least Remainder (LR) rule is used *across* the MSDs until all of the seats for P_1 have been assigned. In all of the laws under consideration, the deputies are chosen in list order, and voters cannot alter the lists.

Under the 1988, 1991, and 1994 electoral rules, up to thirty candidates in each party could run simultaneously in a SSD and on the list tier. However, the votes that such candidates could win in the nominal tier would not affect their position in the list. These double candidacies were typically reserved for party leaders, so that their election to the chamber was guaranteed either through a safe district or through the even safer list.

The separate ballots for the nominal and list tiers, used between 1979 and 1985, were abandoned in favor of a single ballot to be used in both tiers.

After the winning party is assigned its list seats, the other parties that had reached the 1.5% threshold gets their share. In each MSD the vote for each of the parties, excluding P_1, is totaled, and the new quota is the total vote divided by *twice* the number of seats in the MSD remaining after P_1 takes its share (vote divided by $2M$). The vote of each party is divided by the quota, and each party gets one seat for every quota up to a maximum of two per MSD. This rule is called *primera proporcionalidad,* or first proportionality.[275] After the two rounds of half-quotas are applied, if there are any seats remaining, these are distributed to the parties using LR–Hare among parties *within* the MSDs.[276] The total number of votes in this last assignment excludes those used to assign the first one or two seats, though the cost to the parties for these seats is also halved.

This law is strongly majoritarian. The race to win the most SSDs overshadows any proportional aspects. For the first time in Mexican electoral law, the 1988 rules included a "governability clause", a rule that guarantees a parliamentary majority for the party that wins the most SSDs, regardless of its share of votes. The winning party should be strongly over-represented except when it wins between 60% and 70% of the vote. The law is somewhat proportional in the assignment of seats to the losing parties, but even then the small parties are over-represented relative to the larger minority parties. The system of *primera proporcionalidad* effectively decreases the natural threshold for

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[275] More than half of the states in Mexico today have similar minimum representation rules. Usually each party that has reached the minimum threshold receives one list deputy. (Sometimes only parties that did not win SSDs get a list deputy in the first round.) Then LR–Hare is applied for the remaining list deputies, with or without compensation for SSD seats won. Since the median size of the MSD in the state electoral systems pool is 12, this minimum representation rule consistently over-represents the smallest parties. Nohlen (1994: 247) has got the federal first proportionality formula wrong, dividing the effective vote by M + 2: the actual formula for the first two seats in each MSD is $2M$.

[276] Mexican electoral laws, including the state rules, only use Hare quotas—or, in the case of *primera proporcionalidad,* half Hare quotas—with largest remainders. Other LR quotas or largest average procedures are not employed, except in Guanajuato.

winning seats in any MSD, which otherwise could frequently be higher than the legal threshold of 1.5%.[277]

The assignment of the list seats is not entirely proportional. Simulations demonstrate that frequently a minority party that wins fewer votes than another will end up with several more seats. This is due to two factors: the unpredictability of LR, and the effects on the pool of list seats available after the first assignment to the winning party. A large variance among the number of seats won in each MSD by P_1 is likely, due to both the variation in electoral strength of the party and the differences in turnout among the MSDs. The worst scenario is a relatively large minority party that concentrates most of its strength in the same MSD where the winning party is especially strong, and in which that MSD has the highest turnout. The electoral strength and high turnout will give the winning party a disproportionate share of seats in that MSD; then each of the small parties will take a couple of seats, leaving very little for the larger minority party. Furthermore, the LR seats will probably go to any number of small parties.

It is curious to note that LR is applied differently for P_1 than it is for the other parties. The LR rule is used across MSDs in assigning a fixed number of seats to P_1. Thus, a remainder won by P_1 in an MSD only decreases the number of seats available to the other parties in that MSD; P_1 competes with no other party over the remainders. On the other hand, the LR rule is used among parties within each MSD in assigning remainders to the opposition parties. This means that a remainder won by one party is unavailable for another. Each MSD is fixed at $M = 40$, regardless of the number of votes won in the district by all parties. The use of two very different LR rules will later cause confusion in the 1997 law.

The 1991 Law

The law imposed in 1991 follows the same basic framework as the 1988 law, except that the winning party gets bonus seats above a majority, so long as it has won at least 35% of the vote. This fortified governability clause assures not only a majority to the winning party, but a large enough majority to make the party more immune from defections or absenteeism.

The "winning" party (P_1) is defined as the party that has won the most SSDs. If this party has won at least 35% of the effective vote, it is guaranteed at least 251 seats. Furthermore, for every whole percentage point above 35%,

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[277] Without *primera proporcionalidad,* Lijphart's (1994: 27) average effective threshold would be 1.8% if all 40 list seats were available, 2.4% if 30 seats were available, 3.6% if 20 seats were available, and 7.0% if P_1 left only 10 seats in an MSD. With the *primera proporcionalidad* rule, these thresholds are halved.

P_1 is guaranteed two additional seats beyond 251. For example, if P_1 wins 35.5% of the vote, it will get 251 seats; at 36.5% of the vote it will get 253 seats; at 37.5%, it will get 255 seats; and so on. This escalating assignment of bonus seats runs between 35% and 60% of the vote. Between 60% and 70% of the vote, P_1 will get its proportional share. No party can win more than 350 seats.

If the winning party does not receive 35% of the vote, then all seats are assigned proportionally, using a LR–Hare, with a quota based on $M = 500$. Seats won in SSDs are deducted from the totals, and the remaining 200 seats are assigned in the MSDs.[278]Therefore, this system is perfect MPP if no party wins at least 35% of the vote, but it shifts dramatically to MMM if the winning party breaks this threshold. If the MMP rule is used, the total vote of each party is divided by the number of PR seats to be assigned to it, and the resulting quota is used to assign seats to parties in each MSD. LR is used to assign remainders to parties among the MSDs. Thus, the LR rule discriminates among MSDs, not among parties. The number of deputies assigned by each MSD might vary according to which MSDs end up with more remainders or, more likely, because of variance in population or turnout. The law does not fix the number of seats per MSD at 40 in this case.

When the MMM system is in effect, the assignment of seats to P_1 is identical to the rule used in 1988 (and the same rule used should the MMP rules apply). The assignment of seats to the minority parties is identical to the 1988 rules, including the two half-quotas of *primera proporcionalidad*. The legal threshold for winning list seats is 1.5%.

Assuming that the winning party won at least 35% of the vote, the rules are identical to the 1988 law, except for the bonus seats. These bonus seats will have a dramatic effect on the distribution of power after the assignment of seats, but the basic dynamics of the electoral rules have not changed. The bonus seat rule will almost always decrease the number of list seats available to the minority parties, thus increasing the natural threshold, which makes the *primera proporcionalidad* rule even more useful for the smallest parties. Parties should compete to be the largest party, which gets not only a majority, but a fortified majority. It remains a strongly majoritarian system. In fact, when the winning party gets at least 35% of the vote, it is the most majoritarian system of the four electoral laws in this study. Curiously, however, if no party wins 35% of the vote, the system is converted into what is by far the most proportional system ever in effect in Mexico.

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[278] The law did not consider the possibility that a party could win more SSDs than the total number that it should be assigned by the rule: see Andrade Sánchez (1991: 251–60).

The 1994 Law

This law abandons the explicit governability clause but replaces it with a rule that under most circumstances should manufacture a majority to the largest party without an explicit clause assuring a majority. On the other hand, if the election is very close, or if the largest party has a low share of the votes, it is unlikely that any party will win a majority.

This law introduces the two-pool system in which the SSDs and MSDs assign seats in parallel, but with some restrictions on over-representation. The country remains divided into 300 SSDs and 5 MSDs of $M = 40$. The MSDs are assigned proportionally among all of the parties that have won at least 1.5% of the vote. The total vote of all parties is divided by 200, and each party wins seats equal to the number of Hare quotas, with remainders assigned by LR. The rule that distributed the first two seats by a quota based on $2M$ has been abandoned.

No party can win more than 300 seats if it has won less than 60% of the vote. For vote totals between 60% and 63%, the party will get a proportional share of seats ($V_i \times 500$). An absolute ceiling is established at 315 seats, which is a reduction from the 350-seat limit of the 1988 and 1991 laws. The difference is significant, because constitutional amendments require a vote of two-thirds of each chamber, and with a limit at 63%, no party alone can ever reform the Constitution.

The number of seats assigned to each party is prior to and independent of the assignment of deputies to these seats among the MSDs. Thus, M is really 200, not 40. The seats are assigned in the same fashion as the 1991 law when MMP is in effect. (The vote of each party is divided by the number of deputies to be assigned, and the quota is assigned in each MSD, with the largest-remainder procedure defining which MSD gets the additional seats.) The total number of deputies assigned in each MSD can vary.

If a party wins more than 300 seats by adding its MSDs to its SSDs, but wins less than 60% of the vote, it is assigned MSDs until its total reaches 300. We will call this party P_r (restricted party). The other parties get their share of seats by a quota which is equal to the total vote of all qualifying parties except the party restricted by the 300-seat rule, divided by 200 minus the number of seats assigned to P_r.

This rule is less proportional than the 1988 or 1991 rules if the largest party wins between about 40% and 60% of the vote and there is some distance between it and the second-place party. It is more proportional, however, if the race is very close, or if no party wins about 40% of the vote. In close elections it is unlikely that a majority will appear unless the winner has close to 50% or more of the vote.

This rule always over-represents the largest party, and often will over-represent

other large parties if they win almost as many SSDs as the winner. It will almost always yield fewer seats to the small parties. A party that has just barely passed the legal threshold will get about half as many seats as it would have got under the previous rules.

The number of seats that a party wins depends greatly on the number of its SSD victories. Once a party wins about 160–165 SSDs, it is very unlikely that it will not have a majority in the Chamber.

The 300-seat rule makes this a very inelastic electoral formula. Given at least a four- or five-percentage-point advantage over the next party, the winning party will win exactly 300 seats with a vote total ranging anywhere from about 40% up to 60% of the vote. Moving from 45% to 50% of the vote will not change the seat total for the winning party. On the other hand, when a party is not at the limit, the swing ratio is often very high, strongly dependent on the number of SSDs that it picks up.

The 1997 Law

This is a reformulation of the 1994 law with three key differences. First, the legal threshold to win PR seats has been increased from 1.5% to 2%. Second, the absolute ceiling on the number of seats that a party could win has been reduced from 315 to 300. The practical effect is that the winning party is likely to have to negotiate with a substantial minority party (one that has won more than 34 seats, and thus probably more than 15% of the vote) in order to approve constitutional reforms. Third, and by far most important, the margin of over-representation for the largest party has been reduced to 8% (40 seats). This means that no party can get a majority in the Chamber of Deputies unless it wins at least 42.2% of the effective vote ($(0.422 + 0.08) \times 500 = 251$). However, that party must also win at least 167 of the 300 SSDs, because 42.2% of the vote will yield only 84.4 seats from the MSD pool.[279] If two parties have more than 42% of the vote, and they split the SSDs fairly evenly, then it is unlikely that any party will have a majority of the Chamber.

Otherwise, the 1997 rules are very similar to those used in 1994. If a party is restricted by either the 300-seat or the 8% rule, it is assigned seats according to the method used by P_r above. If a party wins more SSDs than it is allowed by the 8% rule, it is allowed to keep those seats and receives no additional list seats.

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[279] Some *priístas* mistakenly thought on election day that the "8% rule" was a bonus system, used in fact in some states, which would guarantee the winning party exactly 40 seats above its proportional share.

The minority parties are assigned seats in the same manner as in 1994, where the votes of all unrestricted parties are totaled and divided by 200 minus the number of seats assigned to the restricted party.

The regional allocation of deputies requires that each of the MSDs have exactly 40 seats, although the total number of seats given to each party depends on its national vote, not its regional vote. In each MSD, the total vote is divided by 40, and candidates win seats according to the number of quotas won by their party, plus LR. There will be inconsistencies if population, turnout, or LR effects give more or fewer seats to a party in the assignment of deputies than it is supposed to receive by the original Hare quota based on $M = 200$.[280]The latter rule is constitutional and should be supreme, but this would mean that the number of seats assigned per MSD should be flexible, averaging 40. But the law is inflexible in this regard, so the problem remains.[281]

On the other hand, parties that happen to be restricted by the 300-seat or the 8% rule are allocated seats among the MSDs according to the old rules. Unrestricted parties are assigned list deputies within an MSD according to the new rules. (The votes and seats of the restricted party are first deducted from the numerator and denominator of the Hare quota in each MSD.) This inconsistency makes the allocation problem even worse.

A better way of assigning deputies would be to follow the constitutional mandate on assigning seats to parties, based on $M = 200$, or $M = (200 - P_r$ seats). Then each party could be assigned seats according to the rule used in 1994. Its vote would be divided by the number of seats that it will eventually receive, and this quota would be used across MSDs. The total number of deputies in each MSD would vary, but in a relatively fair manner: those with larger electoral rolls, or greater turnout, would be likely to get more seats.

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[280]   See the discussion in Balinski and Ramírez González (1996, 1999). Their solution, the bi-proportional method of simple rounding, which requires matrices "and an hour or so to do the additions and multiplications" (1996: 335), is impractical for an electoral system in which the results should be obvious to all and simple to calculate.

[281]   The General Council of the Federal Electoral Institute (IFE) in 1997 faced such a situation. It used the law to assign quotas to parties *within* each MSD, based on each MSD's own Hare quota; but it interpreted LR to mean that the remainders for each party, if it had fewer deputies assigned by quotas than constitutionally mandated, would be assigned *across* MSDs. Thus, each party competed with itself over which deputies would get the remainders, and did not compete with other parties for remainders within an MSD. This would create problems if two or more parties received their final seats in an MSD that had already reached its limit, so the IFE decided to resolve the question party-by-party in decreasing order based on share of the vote. (This agreement was proposed the morning of the election day, with an explicit "veil of ignorance," so that no party would know which deputies would be affected by the arbitrary rule.) This system would work if no party won more quotas than it constitutionally deserved, which would be possible if a party concentrated its vote in an MSD that had relatively low population or turnout, or where a restricted party had already taken too many seats.

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The maximum over-representation clause tests the limits on standard definitions of MMM and MMP. Consider that MMP is equal to MMM with a maximum over-representation of 0%. If there is no limit on over-representation we have parallel MMM. A limit of 8%—or any percentage limit, for that matter—splits the difference to some degree. So the current Mexican formula could be considered as an MMM system with maximum over-representation, or as an imperfect and expansive MMP system.

Beyond the obvious effect of limiting the likelihood of a majority in the Chamber of Deputies, this rule does soften other odd effects of the 1994 law. For example, the law is much more elastic for the winner than the 1994 rules, unless a party has reached the 300-seat limit with 52% of the vote.[282] A 1% increase in the vote should yield about five seats. It is less dependent on winning SSDs than the 1994 rule. If it wins more than five seats in a 1% increase in its vote, it will have to give up other list seats that it otherwise would have won.

The 1997 law also increases the number of candidates per party that can appear in both the nominal and the list tiers from 30 to 60. The practical effect of this change is that more party leaders can be assured a place in the Chamber.

Senate Formulas (1994–2000)

Before 1994, each state elected two senators in separate nominal tiers by plurality rule every six years. Between 1940 and 1988, the senate elections in a state were held simultaneously with the presidential election. In 1988 the terms were split, so that half of the senators would be elected in the midterm elections.

Between 1929 and 1988 all senators were members of the PRI. In the latter year, four opposition senators were elected for the first time (two each from the Federal District and Michoacán). Nonetheless, the Senate remained overwhelmingly *priísta*.

The electoral reforms for the 1994 election introduce for the first time minority senators. The size of the Senate has been doubled to 128 seats, and 96 members were to be elected for the 1994–2000 term. (The other 32 senators had been elected by plurality rule for the 1991–7 term.) Each state elects three senators from plurality lists in which the parties run slates of two candidates. The winning party wins two seats in the Senate, while the second-place party sends the first member of the list. Under this system, a party can win up to

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[282] Therefore, the inelastic zone is reduced to the range between 52% and 60% of the vote.

three-fourths of the seats, more than the proportion required for constitutional amendments.[283]

For 1997, the Senate formula was adjusted again. The remaining 32 senators were to be elected from a single national PR district (LR–Hare, with $M = 32$). In 1997 only these 32 senators were elected (for three-year terms), while the other 96 were to continue to serve until 2000. For the 2000 election, all 128 senators will be elected by the following formula: two for the party winning a plurality in each state, one for the second-place party in each state, and 32 by LR–Hare independently in a single, parallel national district. There are no limits on over-representation, so this is a perfectly parallel system. According to this formula, no party can win two-thirds of the seats without winning two-thirds of the vote.[284]

This system is much more proportional than the old plurality formula. However, there have been many complaints from constitutional scholars that this formula breaks the federal bonds that are supposed to define the Senate, since a quarter of the membership does not represent any state.

Consequences of the Mixed-Member Electoral Laws

Effects on Competition

The four laws differ in how they affect competition among the parties. I measure competition effects as the marginal gains in seats for a party as it transfers votes from another party to itself.

The 1988 rule is inelastic for the winning party that has less than 50% of the vote—no matter what, it will receive 251 seats. This should force the leading party to pursue votes until a plurality is guaranteed, but afterwards marginal gains are null up to 50.4% of the total vote, and afterwards the gains are minimal. On the other hand, a large minority party does better by stealing votes

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[283] This constitutional reform actually called for lists of three candidates, with three seats going to first place and one seat for second, but, because of the 32 leftover senators from the 1991–7 term, a transitional clause called for a 2–1 split. The PRI could not win three-fourths of the seats in 1994 because a *panista* had won in Baja California for the 1991–7 term. In 1994 the PRI did win pluralities in all 32 states, ending up with 95 of the 128 senators.

[284] If a party won a plurality in all states, for 64 seats, it would still need 22 of the 32 seats from the PR pool to get two-thirds of the seats. The formula for winning an absolute majority in the Senate is also relatively simple. Let R_i be the share of seats won by LR–Hare, and F_i the number of states where the party placed first and T_i the number of states where it finished third. The majority of the Senate is 65. Therefore, $65 = R_i + 2F_i + (32 - F_i - T_i)$, which simplifies to $R_i + F_i - T_i = 33$. Therefore, if a party wins about 40% of the vote, and gets 13 list seats (R_i), then it must also place first in at least 20 of the 32 states, assuming no third-place finishes.

from other minority parties so long as it remains distant from the largest party. This is because the marginal gains in taking SSDs from the largest party are canceled because the latter will wind up with 251 seats regardless. What the largest party loses in SSDs will be compensated in MSDs; this leaves fewer list seats available for the minority party. On the other hand, if the minority party picks up votes and SSDs from another minority party, these seats are not reduced from the MSD pool.

These perverse effects are particularly strong for very small parties. If a party does not have its full compliment of ten half-quotas, then any gains in its vote should quickly pick up these seats in each of the five MSDs. But gaining the eleventh seat is much more difficult. Furthermore, small parties should never try to win votes from the largest party. Votes gained by the small party from the large party are unlikely to translate into SSD wins for the small party. On the other hand, they could well lead to SSD losses for the largest party to one of the larger minority parties. This violates the principle of monotonicity, in which vote gains should lead generally to seat gains, but certainly not to seat losses. The largest party will be compensated for each SSD loss from the MSD pool, which leaves fewer seats available for the small party. This could actually lead to a loss of seats with a marginal gain in the vote. On the other hand, if it takes votes from a large minority party, the largest party may end up winning some of the SSDs lost by the minority party, thus increasing the pool of seats available in the MSDs for the small party. Therefore, the marginal gains of a small party are by far superior if it avoids attacking the largest party and concentrates on the second- or third- place parties.

The same perverse competition effects apply to the 1991 law, but to a lesser degree. For example, if the largest party is reduced from over 43% of the vote to under 43%, its total seat share decreases from 267 to 265, leaving—ceteris paribus—two more seats in the MSD pool. When the "winning" party loses SSDs these are fully compensated, given the same vote level, but a loss in votes will lead to a loss in seats.

These competition effects also appear in the 1994 law when the largest party is expected to win 300 seats. For example, if P_1 has 49% of the vote and 240 SSDs, it will be given 60 list seats. If it loses 1% of the vote to P_3 (the third-place party), it may lose 15 SSDs to P_2 (the second-place party). P_1 will have 48% of the vote, 225 SSDs, and 75 list seats. Assume that P_3 had 25% of the minority vote. Before, it received 35 list seats (0.25×140). With a 1% gain in the total vote, and no additional SSDs, it will end up with about 26.4% of the minority vote, but only 33 list seats (0.264×125). P_3 will suffer a net loss of two seats. On the other hand, had it attacked P_2, then P_1 might have won more SSDs; however, since P_1 is at the ceiling, it must give back some list seats, thus increasing the pool for P_3. The losses of SSDs of the P_2 are not compensated. Therefore, P_3 will gain at least 1.4 list seats (0.01×140). It is

clearly in the interest of P_3 to try to take votes away from P_2 instead of from P_1. The same is true, though to a lesser degree, for P_2.

The 1997 law reduces this effect considerably. If a party that is restricted by the 8% rule loses one percentage point to any other party, it may or may not lose SSDs, but it will certainly lose five total seats, which will increase the MSD pool. (This is not the case for parties with over 52% of the vote, because they will be affected by the 300-seat rule, which still has the perverse competition effects.) Only if the largest party lost many more than five SSDs is it likely that the minority parties would suffer by attacking it. On the other hand, stealing votes from other minority parties is a sure way to increase seat shares.

Duvergerian Effects

Duverger's law, which states that plurality systems with single-member districts should eventually create two-party systems, has never applied in Mexico. Between 1917 and 1964, when there were no corrections to the majoritarian consequences of SSD plurality rule, there was virtually no move toward a two-party system. This was due to the widespread electoral fraud, which guaranteed that no party could arise from the opposition to challenge the official party in any meaningful way.

Between 1917 (when the current Constitution went into effect) and 1929 (when the official party was founded), the party system in Mexico was highly fractionalized. Informal coalitions formed and reformed constantly in Congress (Garrido 1982). The parties that mattered were the hundreds of local machines, usually operating at the municipal or state level. Even the few parties with national organizations, such as the Partido Laborista Mexicano or the Partido Nacional Agrarista, faced separate local machines as opposition in congressional races, so there were no pressures at the time to form a national two-party system.

Probably the best moment to begin to build a national two-party system would have been during the presidency of Álvaro Obregón (1920–4), who faced a majority coalition in opposition in the Chamber of Deputies in the first half of his term, and a plurality opposition in the second half. Only a small proportion of Obregón's bills passed the Chamber of Deputies (Molinar Horcasitas and Weldon forthcoming). He had to resort to emergency decree powers to legislate, and Congress even tried to withdraw this power (Weldon 2000). It is possible that a two-party system could have developed from the pro- and anti-administration forces during this period, but the de la Huerta rebellion in 1923–4 forced many of Obregón's congressional opponents into open military rebellion, and the experiment of divided government in Mexico was finished.

The Partido Nacional Revolucionario (PNR) was formed by outgoing president Plutarco Elías Calles in 1929 as a coalition of all incumbents at all

levels of government (Lajous 1979; Alvarado Mendoza 1990). This temporarily left some *callistas* (supporters of Calles, now the national party boss) as the local opposition to the PNR, and it took a few years for the "revolutionary" politicians to sort themselves out. The PNR maintained a monopoly over all seats in Congress. No national opposition to the PNR formed because virtually all local office holders were members of the PNR. Therefore, there were no resources available from which local parties could be built, much less a national organization.

Lázaro Cárdenas reformed the PNR into the Partido de la Revolución Mexicana, incorporating the military, peasant, and worker sectors into a corporatist party. The Partido Revolucionario Institucional (PRI) is the latest version of the official party, founded in 1946. Thus, challenges from the left were either co-opted into the official party, or outlawed (as in the case of the Mexican Communist Party). The Partido Acción Nacional (PAN) was founded in 1939 on the center–right, with Catholic and liberal elements. It remained relatively inactive in elections for the next two decades, and was not a force to challenge the PRI until the 1970s. Other very small parties were permitted to participate in elections, such as the Partido Popular Socialista (PPS) and the Partido Auténtico de la Revolución Mexicana (PARM), which never won more than a few percentage points of the vote.

Between 1946 and 1964, the PRI won nearly all seats in the Chamber of Deputies, with only a handful of victories going to the PAN and other small opposition parties. Electoral fraud and an uneven playing field for finances and organization, among other reasons, prevented a two-party system from developing under the plurality rules.

In fact, the plurality formula was an important factor in maintaining the hegemonic party system. If the PRI was usually expected to win the presidency and nearly all seats in Congress, then there were few incentives for opposition parties to challenge this hegemony, and little reason for voters to be attracted to the opposition. Perhaps Duverger's law should be amended to state that the SSD plurality rule promotes two-party systems, *except* that it can also help prolong the survival of a hegemonic party system, such as in the US South (Key 1977). Riker (1976, 1982b) suggests such a reformulation with his example of the Congress Party in India. He states that plurality rules lead to two-party systems except where third parties are local and where one party is the Condorcet winner everywhere (Riker 1982b: 760–1).[285]In fact, the Indian exception appears more like the Canadian exception to Duverger, where the largest party wins because it faces different opposition parties in distinct regions. In Mexico, similarly, the incipient opposition parties tended to be geographically divided.

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[285] See also Rae's exception (1971: 95) and the discussion in Cox (1997: 166–7).

The minority deputy system, covering the elections between 1964 and 1976, did not grant enough seats to the opposition to make an opposition vote really worthwhile. This system gave incentives to the opposition parties to present more candidates (Molinar Horcasitas 1991a), but did not lead to more competitive elections. In fact, Molinar (1991a: 79) demonstrates that in 1973 the districts with greater electoral competition had on average more voters on the rolls, so districting worked against the interests of the nascent opposition.

The introduction of MMM rules for the 1979 election certainly increased the number of parties participating in the election, as well as the effective number of parties (by votes and by seats). Nonetheless, the PRI's hegemony was not challenged until 1988. The *primera proporcionalidad* rule, used between 1979 and 1991, led to the relative over-representation of the smallest parties at the expense of the larger opposition parties. The effective number of parties increased during the first few years, but this was due to the proliferation of small parties, since the PRI maintained strong majorities.

The electoral systems in place for the elections between 1988 and 1997 should be considered mixed-member majoritarian but with convincing tendencies toward proportional representation. The 1988 and 1991 elections maintained the *primera proporcionalidad* rule, which favored the smallest parties, and both systems also employed the governability clause, which guaranteed at least half of the seats to the party winning the most SSDs. The 1994 and 1997 rules brought in parallel systems, but with limits on over-representation that created seat linkage and bounded the independence of the two pools.

The Duvergerian pressures in these four electoral laws work against each other. The 1988 and 1991 laws allow for reasonably proportional representation among the opposition parties, but the number of seats won by the winning party (the party that wins the most seats) is fixed. The winning party is guaranteed a majority (or more) of the Chamber, which should add pressure for an eventual two-party system. It makes sense for opposition parties to fuse in order to win a plurality of the SSDs and thus get a majority of the seats.

The only true MMP system would emerge if no party won at least 35% of the vote under the 1991 rule. However, no one expected the PRI to win less than 35% of the vote in 1991, so there was no reason to build up third-place or lower opposition parties in the expectation that they would get a fair share of the votes.

We should expect the 1988 and 1991 electoral laws to have predominantly majoritarian features. However, these majoritarian pressures were decreased in the 1988 election, which permitted parties to cross-endorse candidates. Four parties, which historically had never won more than 6.3% of the vote individually in any election, jointly ran candidates for the Chamber of Deputies and the Senate and endorsed as their presidential candidate

Cuauhtémoc Cárdenas, who placed a strong second in the balloting. This allowed for a general proliferation of small- to medium-sized parties in the 1988–91 legislature. The electoral laws after 1988 have made it almost impossible for parties to cross-endorse candidates.[286] In the long term, this prohibition should generally reduce the number of parties competing, and probably the effective number of parties winning votes and seats.

The 1994 and 1997 electoral laws have fewer majoritarian aspects. Winning the most votes or SSDs no longer guarantees winning a majority of seats in the Chamber. The larger parties are over-represented by the number of SSDs that they win, and three-fifths of all seats are SSDs. However, in very close races, or when the largest party has less than about 40% of the vote, the results are relatively proportional for the larger parties. Small parties are always punished by the 1994 and 1997 rules, while larger minority parties are under-represented when they are more than a few points behind the leader. Since it is not very difficult to manufacture majorities under the 1994 rules, there are incentives for minority parties to consider fusing together. Since it is more difficult to win a majority under the 1997 rules, in which a party needs at least 42.2% of the vote plus at least 167 SSDs, there can be several robust mediumsized minority parties. These parties will get enough votes to deny a majority to the largest party, and share among them the 40-seat disproportionality.[287]

To conclude, we assume that the governability clause should increase Duvergerian pressures toward a two-party system. The 1988 and 1991 laws include this mechanism to manufacture majorities. The 1994 system tends to manufacture majorities, but the 1997 rules permit over-representation only by 40 seats. We assume that greater district magnitude should also tend toward greater proportionality, ceteris paribus, and thus toward greater likelihood of survival for smaller parties. The 1988 and 1991 rules had five MSDs of $M = 40$, while the 1994 and 1997 rules had one national district of $M = 200$. However, the 1988 and 1991 rules over-represent the smallest parties by the half-quota *primera proporcionalidad* rule, which cancels out the bias against them from the lower district magnitude. A higher legal threshold should decrease the effective number of parties. The 1997 rules raised the hurdle from 1.5% to 2%. This will decrease the number of small parties winning seats, but there should be little effect on the overall shape of the party system.

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[286] For example, if parties want to run the same candidate for the presidency under current rules, they must run coalition candidates for all nominal and list tier candidates for the Chamber of Deputies and the Senate. They also must collectively limit their free media access to the levels of the largest party in the coalition. And they must limit their representation in the electoral process to one observer for the whole coalition.

[287] An early draft of the committee report would have split the 40 seats disproportionality equally among all minority parties, so that all would be equally under-represented in the Chamber. This rule would have especially favored the third-place party, which is the one usually most punished by the current rules.

There are also interesting competition effects as described above. In general, the 1988, 1991, and 1994 rules are biased against the second-place party, which will decrease the likelihood that a two-party system will emerge. The leading party under all rules is best off if it concentrates its campaign against its nearest challenger. This will increase the number of SSDs that it wins. This is important under the 1988 and 1991 rules because the party that wins the most SSDs is the one that gets the majority. It is also important under the 1994 rules, because this is where most of the marginal seat gains will come from. The other minority parties are also better off if they lay off the leading party and attack the party in second place under the 1988 and 1994 rules. When the largest party is restricted at some limit (such as 251 or 300), the small parties will increase the pool of list seats available to them if the large party wins more SSDs. This can happen most effectively if the small parties run negative campaigns against whoever is in second place.

On the other hand, if minority parties attack the leader instead of one another, the largest party will lose SSDs, but will be compensated from the MSD pool, leaving fewer seats available to the minority parties. Even if the minority party wins an SSD outright from the leader, if the leader is at the limit this does not translate into a whole seat gain for the minority party, because there will be a proportionate loss for that party in the MSD pool, depending on the strength of the minority party with respect to the other small parties. The marginal gains for larger minority parties are in fact smaller (since they would have received a higher proportion of the seats lost from the MSD pool). On the other hand, it is more likely that the SSD lost by the largest party will end up in the hands of the larger minority parties. The smallest parties under these rules will likely *lose* some seats if they attack the largest party too much.

These competition effects occur under the 1988 law when P_1 has fewer than 251 SSDs. Any loss of an SSD will be compensated from the MSD pool. Under the 1994 rules, this occurs when P_r is stuck at the 300-seat ceiling, which should be relatively common. With the 1991 and 1997 rules, the ceiling for P_1 or P_r is variable according to its total vote, so transferring votes away from that party increases the MSD pool, while taking SSDs away from those parties decreases the MSD pool. A one-point loss for P_1 when $0.35 < V_1 < 0.60$ translates into a two-seat increase in the MSD pool (1991 rules). A one-point loss for P_r when the 8% rule is applied leads to a five-seat increase in the MSD pool (1997 rules).[288] A one-point loss for the leading party in the 1988 and 1994 rules does not increase the MSD pool at all. Therefore, I classify the 1988 and 1994 rules as having high competition effects, the 1991 rule as medium, and the 1997 law as low.

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[288] If P_r is restricted by the "300-seat rule," then the effects are identical to the 1994 rules, but this will only happen if P_r has won more than 52% of the vote.

Figure 20.1 Marginal Seat Gains for Medium-sized Parties, 1994 Law
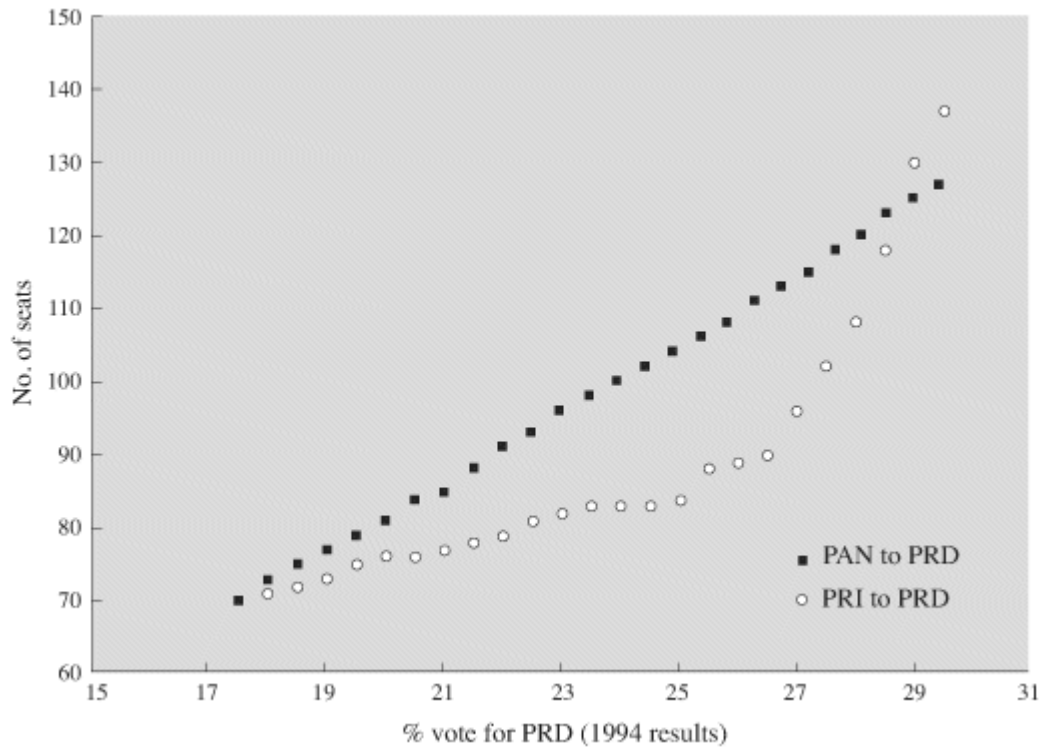
Figure 20.1 demonstrates how P_3, in this case the PRD in 1994, would increase its share of seats by taking votes either from P_1 (PRI) or from P_2 (PAN) under the 1994 law. It is remarkable to see that its marginal gains are much lower if it attacks the PRI. In fact, there is a zone near 24% of the vote where it actually loses seats. This is because the PRI loses more SSDs to the PAN than the PRD gains in shares of MSDs relative to the PAN. The PRI remains at 300 seats regardless. Had the PRD taken votes from the PAN, it would have had a steady gain in seats. The intersection of the two curves requires a shift of nearly 12% of the vote in favor of the PRD, up to 29% of the total vote. It is clear that under most circumstances it was more profitable for the PRD to take votes from the PAN than from the PRI.

In Figure 20.2 we follow the competition effects for a very small party, in this case the PT, which had about 2.5% of the vote in the 1997 election. We assume that it takes votes from P_1, which received about 39% of the vote. Under the 1988 law, the marginal gains are flat. It gains seats until it has its two deputies per MSD, then it goes nowhere. In fact, at about a 13-point shift from the PRI to the PT, the latter begins to lose seats. This is because the PRI will remain the "winning" party, and will be fully compensated for any loss in seats so that it could maintain its 251 seat majority. Under the 1994 and 1997 laws, the PT gains steadily as it gets a larger share of the list pool, with $M = 200$. Under the 1991 law, the PT follows the path of the 1988 law until the PRI

Figure 20.2 Marginal Seat Gains in Mexico for Small Party Transferring Votes from Largest Party
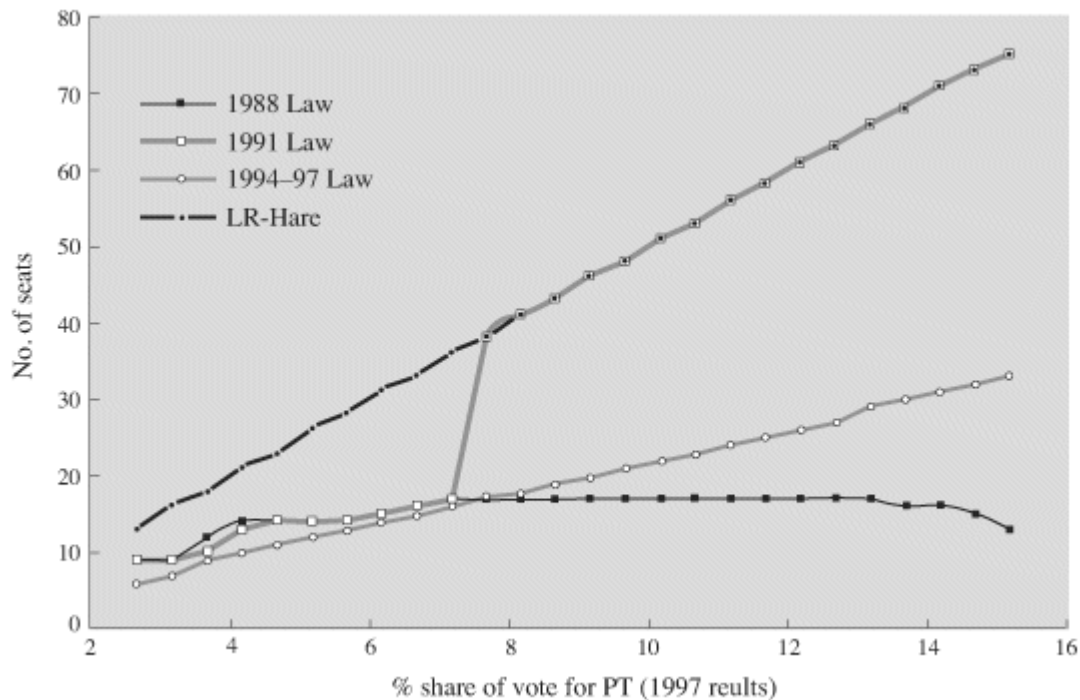
falls below 35%. Then the gains of the PT shoot up, and it follows a more inclined path upwards, increasing its shares of a list pool with $M = 500$.

Table 20.2 summarizes the Duvergerian and proportionality aspects of the four electoral laws. "High competition effects" means that all parties will seek to lower the vote of the party in second place. This should decrease Duvergerian pressures toward a two-party system.

Evidence of Duvergerian Effects

Unfortunately for researchers (fortunately for the minority parties), there have been five electoral laws in the past five elections.[289] Each law had exactly one observation, and each law includes several variables that might influence Duvergerian effects, so it is impossible to determine exactly what effects each electoral law has had on the shape of the party system. At the same time, the PRI in general has been losing electoral support, but this process was somewhat uneven among the states. Also, elections have been cleaner than in the

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[289] Lijphart (1994: 52–3) cites Nohlen (1984*b*: 218) in claiming that fundamental changes in electoral laws are very rare. Electoral laws are stable, though Lijphart then examines the frequent changes in the formula used in his countries. In Mexico, change itself must be characterized as a fundamental aspect of the system, and certainly no other country has so confounded the researchers of its electoral system by amending it after every experiment.

Table 20.2.Duvergerian and Competitiveness Effects of Electoral Laws: Mexico, 1988–97

	Majority assuring?	Require-ment for majority	Cross endorse-ments permitted?	No. of party candidates that can be doubly included[a]	M	Legal threshold (%)	Special quota for small parties	Competi-tion effects
1988	Yes	Most SSDs	Yes	30	40	1.5%	Yes	High
1991	Yes	Most SSDs, plus vote > 35%	No	30	40	1.5%	Yes	Medium
1994	No	Vote 40%–45%, SSDs 160–79	No	30	200	1.5%	No	High
1997	No	Vote 42.2%, SSDs 167	No	60	200	2%	No	Low

[a]   Doubly including candidates means nominating them in the nominal and list tiers simultaneously.

Table 20.3. Proportionality of Mexican Electoral Laws, 1949–97

	Parties competing	N_v	N_s	N_v/N_s	D (%)	System
1949	3	1.13	1.07	1.06	2.9	Plurality
1952	5	1.72	1.14	1.51	20.0	”
1955	4	1.23	1.12	1.10	5.8	”
1958	5	1.27	1.12	1.13	6.6	”
1961	5	1.21	1.07	1.13	6.3	”
1964	4	1.32	1.37	0.96	4.6	Restricted MMM
1967	4	1.40	1.43	0.98	3.4	”
1970	4	1.40	1.41	0.99	4.8	”
1973	4	1.59	1.42	1.12	6.4	”
1976	4	1.36	1.46	0.93	3.7	”
1979	7	1.76	1.77	0.99	1.6	Restricted MMM
1982	9	1.94	1.73	1.12	7.7	”
1985	9	2.02	1.86	1.09	6.5	”
1988	8	3.22	3.06	1.05	3.1[a]	MMM
1991	10	2.39	2.21	1.08	3.9	MMM/MMP
1994	9	2.87	2.29	1.25	9.7	MMM
1997	8	3.42	2.86	1.20	8.6	Limited MMM

[a]   Aggregates all four parties of the FDN.

Sources: Lujambio (1995); Molinar Horcasitas (1991a); Gómez Tagle (1997).

past, so each subsequent election should also be reflecting a decrease in PRI support, which is merely the consequence of counting the votes better. Therefore, it is impossible to separate Duvergerian pressures from the electoral system from changes in general voter preferences from reductions in "measurement error".

The evidence that we do have is incomplete, but we can get some idea from the traditional measures of party systems. Table 20.3 demonstrates that the effective number of parties (N_v) gradually increased over the years, and increased when there was a major change in the electoral system. The restricted MMM party deputy system increased N_v slightly, and the restricted MMM system of 1979–85 increased N_v significantly more. The effective number of parties as measured by seats in the Chamber of Deputies (N_s) follows very closely. There are two measures of how well votes translate into seats. One is the ratio of N_v to N_s. A higher ratio means that the effective number of parties is reduced by the electoral system. We find that between 1949 and 1991 there is very little reduction in the effective number of parties. What is even more remarkable is that sometimes the electoral system seems to increase the effective number of parties. (The N_v/N_s ratio is less than 1.) Of course, N_v was less than 2 until 1985, and N_s was under 2 until 1988, so these "proportional" systems were not pluralistic.

Another measure of proportionality is the Loosemore–Hanby (1971) index (D). This measures the percentage of disproportionality that is due to the over-represented parties. This index remained relatively low for most years until 1994.[290]

After full mixed-member rules were implemented in 1988, the year with the fewest effective number of parties was 1991, but this was due mostly to the very high share of the vote won by the PRI in that election (over 62%). The reasons for the high N_s in the other years vary, however. In 1988 there were many small parties (from Cárdenas's coalition) that won an abnormally high number of votes. All of these parties won representation (over-representation by the 1988 rules), so the effective number of parties by seats won barely decreases. The 1994 election resulted in a 52–27–17 split of the vote. It was easy to believe that the country was heading toward a two-party system. The effective number of parties in 1997 increased because the PRI won under 40% of the vote, and the two main opposition parties split most of the rest at 25%–26% each. It appeared that the country was heading toward a genuine three-party system, plus two small parties.

The N_v / N_s ratio and D are low for 1988 and 1991, not because these electoral laws are proportional—they are not—but because the PRI just happened to get votes at specific levels in which the disproportional rules did not apply. For example, in 1988 it received 50% of the national vote and 52% of the effective vote. Its share of seats was proportional, based on the effective vote (260 seats), so the outcome looks proportional. Had the PRI won less than 50% of the vote, the over-representation would be more obvious. Also, had the PRI won more than 260 SSDs, the result would have appeared less proportional. In 1991 the PRI won over 60% of the vote, so the escalating bonus seats were not used, and it received its proportional share. Had the governability clauses been used in either election, the results would have been much more skewed.

In 1994, the over-representation of the PRI is much more obvious: the N_v / N_s ratio moves up to 1.25, and D increases to 9.7%. Had the PRI not hit the 300-seat ceiling, its over-representation would have been even greater. In 1997 we see a small decrease both in the ratio and in D, described perfectly by the 8% limit on over-representation.

The shape of the party system is better portrayed in the N_v of the three largest parties. (For the purposes of 1988, the parties of the *cardenista* coalition have been considered as a single party in this measure.) The 1991 results look like a hegemonic party system, while the results from 1988 and 1994 show some Duvergerian convergence due to the presidential elections, where the opposition split itself about 60–40 each time.

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[290] The 20% D for 1952 was due to concentrated electoral efforts against a particularly strong opposition party that year. It received almost 16% of the vote but only 1.2% of the seats.

Table 20.4. Three-Party Effective Number of Parties: Mexico, 1988–97

	N_v	N_s	N_v / N_s
1988	2.55	2.57	0.99
1991	1.84	1.81	1.02
1994	2.48	2.20	1.02
1997	2.88	2.69	1.07
2000	3.00	2.55	1.18

Sources: Lujambio (1995); Molinar Horcasitas (1991a); Gómez Tagle (1997).

However, the 1997 electoral rules are much more effectively proportional, which does not put pressure on the opposition parties to coordinate their efforts, especially given a midterm election. Furthermore, both opposition parties feel themselves within the reach of the PRI, which has lost a great deal of its electoral support. Also, most states have developed two-party systems of either PRI–PAN or PRI–PRD. (Only a few states have three-party systems, most notably the states of México, Michoacán, and Colima, and in none is the PRI now a hegemonic party.)[291] Therefore, local majoritarian pressures end up increasing the national effective number of parties, as in Canada. The 2000 elections increased the spread between the two main opposition parties as many voters decided to coordinate their votes (see below). However, both parties ran their own candidates, believing that they could defeat the PRI independantly, so the Duvergerian shakeout could take another six years.

There has been a convergence toward a two-party system in the states. Table 20.5 demonstrates that there has been a consistent move away from a hegemonic or dominant system in each state toward a two- or sometimes three-party system. For legislative races, the states have variations and combinations of each of the four most recent national laws.[292]

It is unlikely that the national party system will converge toward a two-party system, despite the majoritarian factors found in the presidential election and the congressional electoral formulas, unless state politics coordinates on the same two parties. The PAN and PRD have strong regional bases today, so we should expect Mexico to look more like Canada or India than Germany for the foreseeable future.

[291] Some states, such as Veracruz and Sonora, have regional two-party systems within their borders, so the state-wide vote looks very much like the national vote, with one party receiving near half of the vote, and the other two splitting the opposition evenly.

[292] All states have governors elected by the plurality rule for six-year terms. Legislative elections are held every six years. (Some states have simultaneous elections, while others do not.)

Table 20.5. Party Systems in the Mexican States: Proportion of the Vote in Federal Deputy Elections, 1991–7

State	1991 Election				1994 Election				1997 Election			
	MSD	PRI	PAN	PRD	MSD	PRI	PAN	PRD	MSD	PRI	PAN	PRD
		(%)	(%)	(%)		(%)	(%)	(%)		(%)	(%)	(%)
Aguasca-lientes	2	**67**	20	3	2	**51**	38	9	2	**42**	36	13
Baja Cal-ifornia	4	**46**	45	3	4	**52**	38	8	1	36	43	14
Baja Cal-ifornia Sur	4	**66**	25	1	4	**59**	34	5	1	**50**	19	12
Campe-che	3	**79**	4	4	3	**58**	18	22	3	**47**	8	36
Coahuila	2	**63**	21	8	2	**54**	31	12	2	**49**	30	14
Colima	4	**66**	14	10	4	**58**	27	13	1	37	**39**	20
Chiapas	3	**76**	6	6	3	**51**	12	35	3	**51**	13	30
Chihua-hua	2	**58**	32	2	2	**61**	29	6	2	**42**	41	10
Distrito Federal	1	**46**	20	12	1	**43**	29	23	4	24	18	**45**
Durango	2	**62**	16	6	2	**52**	26	9	2	**38**	24	11
Guana-juato	2	**53**	33	5	2	**57**	33	9	1	34	**43**	13
Guerrero	5	**63**	3	25	5	**52**	11	36	5	**46**	6	42
Hidalgo	2	**72**	8	9	2	**65**	17	16	4	**50**	16	27
Jalisco	4	**63**	24	3	4	**46**	44	8	1	36	**45**	12
México	5	**53**	17	10	5	**49**	28	20	5	**35**	20	34
Michoa-cán	4	**54**	9	31	4	**46**	16	36	5	36	18	**40**
Morelos	5	**66**	8	12	5	**55**	22	20	4	36	16	**40**
Nayarit	4	**71**	4	13	4	**61**	17	17	1	**51**	23	21
Nuevo León	3	**68**	26	1	3	**50**	43	2	2	40	**49**	3
Oaxaca	5	**74**	5	9	5	**56**	13	29	3	**50**	13	31
Puebla	1	**70**	15	5	1	**56**	27	15	4	**49**	26	18
Queré-taro	2	**70**	21	2	2	**60**	33	5	2	37	**45**	9
Quintana Roo	3	**76**	12	6	3	**57**	29	13	3	**47**	23	23
San Luis Potosí	2	**64**	30	1	2	**63**	26	9	2	**44**	38	11
Sinaloa	4	**67**	23	5	4	**56**	30	14	1	**43**	30	23
Sonora	4	**69**	24	3	4	**49**	34	14	1	**38**	31	27
Tabasco	3	**73**	2	19	3	**59**	6	34	3	**52**	5	41
Tamauli-pas	3	**63**	15	4	3	**55**	26	17	2	**48**	19	27
Tlaxcala	1	**74**	8	6	1	**58**	24	16	4	**43**	20	24
Veracruz	3	**75**	5	6	3	**57**	16	25	3	**44**	22	27
Yucatán	3	**62**	36	0	3	**55**	42	3	3	**51**	38	7
Zacate-cas	2	**76**	9	7	2	**63**	23	10	2	**50**	26	14

[a]   Figures in bold are for party winning plurality. MSD is the multi-seat district to which the state belonged in that election.

The main question is whether Mexico reaches an equilibrium (assuming no more electoral reform) at a two-and-a-half party system or a three-party system. The most likely result will be a combination of the two. Presidential elections are held at the same time as every other legislative election, and under most circumstances we should expect Duvergerian convergence during presidential years. The midterm elections, however, under an MMM system with thresholds on over-representation, should expand the number of parties.

It can be assumed that the two main parties of the future will be the PRI and the PAN, and that the PRD is more likely to remain at half-party status. The 1997 elections were anomalous in that Cárdenas of the PRD was running what amounted to a national campaign for mayor of Mexico City. This brought more votes to the PRD than it would normally expect in a midterm election. Therefore, the 1997 elections appeared to create a three-party system, but this was probably only temporary.

In the elections of 2000, Cárdenas repeated as a candidate for president, but a two and a half party system emerged. In 2003, however, Cárdenas will not be candidate for any federal office (unless he decides to run for Congress); we might expect the PRD to fall to the single-digit levels of support that it received in 1991, the only other time that Cárdenas was not a candidate. The election of 2003, therefore, should provide the first real evidence of where the party system in Mexico is headed. If the PRD continues to build strong regional support in the south, as the PAN has in the north, we may end up with an Indian Congress Party model, where the PRI is squeezed regionally and both opposition parties remain robust. If not, then Duvergerian pressures will probably win out over time, and there will be something close to a two-party system in Mexico.

Effects on Legislative Behavior

The possible effects of a mixed electoral system on the behavior of the deputies themselves is overwhelmed by two other institutional factors which give Mexico probably the highest party discipline in Latin America: the prohibition on the immediate re-election of deputies, and the centralization of party nominations (see Weldon 1997a).

Mexico has moved over time from a plurality system to a MMM system. This should lead to a greater dependence of deputies on their parties because the MSD list tier should put greater emphasis on party discipline. Candidates on PR lists do not even need to run for office. The SSD candidates, on the other hand, should try to distinguish themselves more in campaign and in office. Up to now, the SSD candidates and the MSD lists are both selected in a controlled and centralized manner by party leadership, though there is

probably greater influence of the national party leadership in the MSDs, and state party leaders perhaps have greater influence in choosing candidates for the SSDs. However, it is usually accepted that the national party leaders can veto candidacies at any level, and any difference between the incentives provided by each tier is partly cancelled by the double inclusion of candidates.[293]Thus, the candidate nomination procedures are equally closed for both ballot types, so we should expect minimal differences in legislative behavior from this factor.

However, all three major parties are planning open or closed primaries for their presidential candidates for the 2000 election.[294]It is very likely that there will be primaries of some sort for deputies from one or two of the parties in the 2000 election, and from two or three of the main parties for the 2003 election. There is no doubt that greater decentralization of candidate selection will lead to greater autonomy of the legislators from their party leadership.

Whatever differences in the origin of deputies that might exist are further overwhelmed by the rule that prohibits the immediate re-election of deputies (Nacif 1995; Weldon 1994, 1997a). Mexican legislators know that they will not be rewarded or punished by the electorate no matter what they do in office, so they ignore their constituents once they get into office. With no local cues to attract them, they follow the cues provided by party leadership. Their parties can get them nominated to other electoral candidacies in the future. The president can reward loyal deputies with administrative posts; if he is also the head of the party, he can reward deputies with electoral nominations as well. Therefore, we should expect very high party discipline among all members.

There is little direct evidence of party discipline, because roll calls are not published, and electronic votes were not recorded before September 1998. Preliminary results from an incomplete set of votes shows that the party cohesion of PRI deputies is above 99%, while that of PAN and PRD deputies is between 90% and 95%.[295]Alejandro Moreno (1998) has found that MSD deputies are more likely to state that they will vote party line than SSD deputies. However, the survey by far overestimated the likelihood of actually voting against the party (since we know that party discipline is close to 100%).[296]There was no significant variation by party on this response (which

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[293] In 1997 20% of candidates could be doubly included.

[294] The PRI in May 1999 decided to hold an open primary in November 1999, where any voter would be allowed to vote. The PAN decided that same month to hold a closed primary in September 1999, where anyone who had registered membership with the party by March 1999 would be allowed to vote. The PRD held a semi-closed primary in the fall of 2000 in which registered members could vote, as could any voter who registered with the party at the polling votes.

[295] Calculations by author from a partial set of electronic vote reports (Sept. 1998–Oct. 1999).

[296] Moreno finds that one-third of deputies claim that they sometimes vote against their parliamentary group, a highly exaggerated figure.

runs against the conventional wisdom that the PRD is somewhat less disciplined). Moreno found that those elected in SSDs claim to be more independent, and also that the left wings of each party claim greater likelihood of voting against the party line.

Mexican deputies have not demonstrated strong clientelistic behavior since the mid-1930s. Before the re-election prohibition was enacted in 1933, deputies often submitted supplemental budget appropriations for projects in their states. Between 1917 and 1929, on average nearly thirty pork bills were introduced in the Chamber of Deputies every year. The mean number of budget requests of this type fell to 6.5 per year during the first eight years of unified government after the PNR was formed. However, in the first two fiscal years that went into effect after the no-re-election reform, only one and two pork bills were introduced. The deputies knew that their constituents could not reward them, so they immediately began to ignore them (Weldon forthcoming).

There have been several proposals in the current Congress to bring back reelection for federal deputies. Currently three proposals are under consideration: one by the PAN, another by the PRI, and a third by all four opposition parties jointly (PAN, PRD, PT, and PVEM). All three would permit a total of four consecutive terms for SSD deputies, for a total of twelve years. The three bills would also permit a single re-election of senators elected by plurality or second-place lists, also for a total of twelve years. The PAN's bill would permit re-election of MSD deputies and the PR senators for a total of twelve consecutive years as well. The PRI bill, on the other hand, prohibits re-election of MSD deputies and senators under the same formula, arguing that these representatives should "go down" to the districts for competitive races before they return to the Chamber. This would obviously hurt the minority parties, because many of their deputies, and most of their leadership, is elected through the MSD lists. All of the PVEM and all but one of the PT deputies are elected through the MSD system, so they would have zero reelection under the system proposed by the PRI, and all of their deputies would be rookies. The joint opposition bill limits MSD deputies to one reelection (for a total of six years), reflecting some of the resentment that the opposition deputies have toward their leadership, which is predominantly elected in the MSDs.[297]Although all of the parties have now declared in favor of some sort of re-election, reform is still unlikely, because public support remains weak, and it is not a strong preference of any of the parties.[298]

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[297] MSD senators are not restricted in this bill beyond that of the plurality senators.

[298] An informal survey by the PAN, reported in *Reforma* (Mexico City, October 6, 1999), shows that, among deputies of all five parties, 85% favor the re-election of members of Congress. Nonetheless, it is unlikely that the bills can be placed on the agenda in the last year of this legislature.

Whether or not re-election is reintroduced, the most important factor in increasing legislator autonomy will be decentralizing the candidate selection process. The latter reform is also much more likely to occur. Once it does, we should expect dramatic differences in legislator behavior between the legislators elected in nominal tier and those elected from the list tier.

Prospects for Further Electoral Reform in the Future

When President Zedillo presented the final version of the electoral reform bill in the summer of 1996, he claimed that it was Mexico's "definitive electoral reform". This was a dubious claim, since the reform itself appeared somewhat half-baked, with obvious halfway compromises (the 8% rule for the Chamber of Deputies, the strange first- and second-place plurality rule plus PR for the Senate). By 1999 the opposition begged to differ, and offered an extensive electoral reform bill in the form of amendments to the electoral law. They elected to change the electoral code instead of the Constitution, because they knew that they would not have the support of the PRI, which would be necessary to achieve the two-thirds majority in both Chambers.

One of the reforms would have eliminated the over-representation in the Chamber of Deputies, creating a true MMP system. The proposal would have used a Hare quota based on 500 instead of 200 seats, and the SSD seats would have been deducted from the total number of seats allocated to each party. The opposition argued that a constitutional amendment was not required, because Article 54 of the Constitution states that the electoral law defines the formula to be used. On the other hand, the same article also mentions that the list seats would be distributed "independently and additionally" to the plurality seats won by each qualifying party, with the restrictions of 8% over-representation and the ceiling of 300 seats. There is no doubt that the intent of Congress in 1996 was that the Hare quota should be based on 200 rather than 500 seats. The 8% exception would make no sense otherwise. In any event, the PRI majority in the Senate is defeated the reforms twice during the summer of 1999, effectively ending any opportunity for electoral reform before the 2000 election.

Further reform may come from the courts. A federal Supreme Court decision in September 1998 invalidated the governability clause in the state electoral law of Quintana Roo.[299]The justices used Sartori's (1994) definition of proportional representation to exclude the section of the law that gave bonus seats to the winning party in a manner similar to the 1988 and 1991 federal

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[299] The governability clause in Quintana Roo would have been relatively mild. The party that wins at least half of the fifteen districts and at least 40% of the vote gets list seats until its total reaches 13 out of a total of 25 seats.

electoral formulas. The federal Constitution mandates that all states use a mixed-member system of some sort. The state law claimed that the electoral system was mixed plurality and PR, though the electoral rules assigned the list seats in a mechanism that was not proportional. However, the federal Constitution has over the years defined the electoral system for the Chamber of Deputies as being mixed plurality and PR, including those with governability clauses, or the 8% rule and the 300-seat limit of the more recent laws. The Constitution currently states that the Federal District electoral system should be based on plurality and proportional representation. But the Constitution then creates a governability clause with a moving escalator for the Federal District. It was curious to see the Court cite an academic as the authority on the meaning of proportional representation, considering that the Constitution itself has defined it. It is unlikely that this ruling will be applied to the federal electoral rules, because the 8% clause is in the Constitution.

Will there be electoral reform in the near future? Perhaps. Everyone prefers something to the status quo. But it is unlikely that they can find a two-thirds majority in Congress to overturn the status quo in favor of something better. The PRI would prefer to eliminate the list tier altogether in the Senate and reduce it by half or entirely in the Chamber of Deputies. Some members of the opposition parties would also prefer to remove some of the list deputies because they tend to dominate the leadership positions in their parliamentary groups. But opposition leadership will veto moves towards less PR.

The 2000 elections were a watershed in Mexico's democratization, with the PRI defeated. An opposition candidate, Vincente Fox, nominated by a centre-right coalition led by the PAN, won with 43.5% of the vote to 36.9% for Francisco Labastida of the PRI and 17.0% for Cuauhtémoc Cárdenas of a PRD-led centre-left alliance. Unusual for Mexico, there was some ticket-splitting, as some voters apparently voted for the PRD-led alliance for Congress and Fox for president. Fox's alliance won 39.2% of the valid votes for deputies—about the same share that the PRI had obtained in 1997. However, unlike 1997, the clause limiting overrepresentation to eight percentage points was not invoked because the PAN-led alliance won only about 47% of the SSDs. Thus seats were allocated strictly in parallel, and the centre-right won 222 seats (44.4%). Deviation from proportionality (D) increased to 9.4% (from 8.6%). In the senate, the PRI's voting plurality in 16 states netted it the largest share of seats, but not a majority. In Mexico's first federal election in which the PRI did not win a plurality of votes, the Chamber electoral system functioned like a normal MMM system: providing an advantage to the largest party, but retaining sufficient representation to other parties that no political force emerged with an overall majority.

21 Evaluating Hungary's Mixed-Member Electoral System

Kenneth Benoit[300]

The electoral system adopted by Hungary in 1989 represents a monument to the potential for institutional design through bargaining to produce complex yet stable institutions. The key compromise reached during this bargaining process was the decision to use a mixed-member system, electing a roughly even number of representatives from both majoritarian single-seat districts (SSDs) and from multi-seat, list proportional representation (PR) districts. This decision established Eastern Europe's first mixed-member electoral system, a format that was to become common in post-communist electoral systems. In its ten-year existence, Hungary's mixed-member system has operated in three elections and seen three different governments come to power. In this chapter I evaluate the consequences of the institutional choice of the mixed-member system, examining its role in Hungary's contemporary political system, discussing its perception by both elites and voters, and finally pointing to its long-term prospects.

The unusual complexity of the Hungarian electoral law warrants a brief description before we begin assessing its consequences. Hungary's "mixed mixed-member" system combines three essentially distinct systems to elect its unicameral 386-member parliament: voting for single candidates from SSD contests, list voting for parties in larger territorial districts using proportional rules to award seats from party lists, and proportionally allocating compensation seats from national compensation lists. The first two levels each require a ballot, while the national compensation list uses "surplus" votes not used at the primary levels.

In each SSD candidates compete directly, and each voter chooses his or her most preferred candidate on the ballot. Candidates may be nominated by parties or may run as independents. The candidate with the most votes wins, although if no candidate obtains more than half of the votes in a first round

of voting then a runoff election is held two or three weeks later. The top three candidates and any candidate with more than 15% of the vote compete in the runoff election, in which the top vote-getter wins the seat.

Hungary's electoral map is also divided into twenty electoral territories which correspond to county borders. Voters elect a maximum of 152 candidates from the territories, with specific seat awards made to candidates according to their rank on lists submitted by parties in each territory. The number of seats available in each territory varies from four to twenty-eight, with a median of six. Ballots in territories are counted according to party, and seats are then distributed using a largest remainder proportional representation (PR) formula, subject to the restriction that qualifying remainder votes must be at least two-thirds of the Droop quota calculated in that district. The Hungarian method places a limit on the allocation of remainder seats that excludes parties whose remainder votes are less than two-thirds of the quota calculated in that district. Known as the "two-thirds limit", this inevitably results in some seats in the territory remaining unawarded; these are then added to the pool of seats to be awarded from the national list.

Finally, the electoral law reserves fifty-eight national list seats for allocation to qualifying parties using a compensatory mechanism which distributes seats based on "surplus votes", i.e. votes not used to obtain a seat in the two primary tiers. The principle of the national list is to make the results more proportional globally by rewarding the losers from primary electoral levels. Votes for the national list come from the transfer of surplus votes from the SSD and territorial procedures. For each qualifying party, the surplus votes will be its registered candidates' votes from the first SSD round who did not win the contest, plus any unspent (remainder) votes left over from the territorial allocations, summed nationally. Seats unawardable in territories (because of the two-thirds limit) are also added to the fifty-eight national list seats, which in the past two elections has swelled to around ninety seats. All of these national pool seats are distributed proportionally using the d'Hondt procedure.

This complicated system originated in the regime change of 1989, when it was designed in a series of Roundtable negotiations between the ruling Hungarian Socialist Workers' Party and the newly formed parties of the opposition. Those negotiations used a mostly SSD system as a point of departure, reflecting the initial preferences of the Socialist Party. Opposition parties, however, strongly desired some form of proportional representation that would mitigate their relative lack of nationwide exposure and organizational capacities (see Chapter 11 above). The most visible birthmark of the electoral law produced in the end was therefore the mixed-member system which emerged as a compromise among the two major bargaining sides.

Consequences Among the Electorate

The decision to provide each voter with two separate ballots, cast simultaneously yet counted according to different rules, provided a valuable opportunity to electoral systems researchers in the form of a controlled comparative experiment. If institutions do influence the behavior of voters, then, provided that the rules for each ballot are sufficiently different, we should expect different voting decisions even though the set of preferences for the political parties remains the same. Observationally this phenomenon is referred to as "split" or "split-ticket" voting, defined as the situation in which an individual votes for a different party on her first ballot from the one she supports on her second ballot. In the specific context of the Hungarian case, a "split" vote is one in which the party sponsoring the candidate that the voter marks on her nominal ballot is not the same as the party named on her list ballot.[301]

Three phenomena might explain split voting in the Hungarian context. First, a voter may be forced to split his vote because his most preferred party has not registered both a list and a candidate in his voting district. Since the registration barriers to establishing candidacies are much lower than those for lists, for example, many small parties field candidates without also establishing lists. As the section on consequences for parties demonstrates, even larger parties found themselves in this situation due to either an inability to field candidates in every district, or a decision not to field candidates because of non-competition pacts with other parties.

Second, a voter may cast a list ballot for a party to which he feels closest, yet cast his other ballot for an especially favored candidate of a different party, possibly even an independent candidate not eligible for a list. In this case the voter has a clear party preference, yet in the specific choice of candidates votes on criteria more personal than partisan.

A third source of split voting could be for reasons of strategy, whereby a voter's first preference was for both the list and candidate of a single party, yet she gave her vote on either the list or candidate to a less preferred party after considering the probability of the outcome. The strategic choice could in theory be made on either ballot, depending on the expectation of the vote for the party in both types of constituency. In the first type, the list ballot reflects the sincere choice and the vote for the candidate is strategic. In a general sense this means voting for a less preferred candidate whose chances of victory are deemed higher than a those of a first-ranked candidate. Yet two

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[301] The analysis that follows considers the split vote defined in terms of first-round ballots only. In addition, it looks only at parties that in a given observational unit (e.g. polling station or voting district) had both a list and a party-sponsored candidate. This sets the cutoff point to whether a party has won any parliamentary seats, meaning that parties with consistently less than 5% of the vote are not examined.

caveats specific to the Hungarian context deserve mention. First, Hungary's runoff format mitigates this situation, since the prize of the first-round contest is in fact advancement to a second-round for the top three candidates. Yet advancement to the second round, as the 1998 election proved, may represent a substantial political prize as bargaining leverage with another party, even for parties whose candidates do not win the second round contest. This suggests that it is still likely that strategic voting will take away votes from the first-round candidates with the least likelihood of winning, since, "as a more general rule, top-M runoff elections can have at most M + 1 viable candidates" (Cox 1997: 137). The second caveat concerns the compensatory national list. Because SSD votes that are not cast for the winning candidate in the district are collected for the national compensation list, the disincentive to "waste" votes at this level might also be mitigated. The extent to which this is true is difficult to confirm, although it has been repeatedly confirmed that the working of the national list is the least understood aspect of the electoral system. Finally, the newness of the Hungarian democracy might imply that the learning period of Hungary's electorate is not yet over, since strategic voting requires experience. Evidence presented below shows that split-ticket voting appears to be increasing with each election.

In the second type of strategic voting, a party's candidate may have a high probability of winning in a specific district, perhaps because of the candidate's special popularity or concentration of support in a district, yet the party's list is deemed unlikely to meet the 5% threshold necessary to qualify for both direct list and compensation list seats. The voter therefore votes for the candidate of his most preferred party, since candidates are not subject to the minimum vote threshold, and then votes for the list of a lesser preferred party which is more likely to meet the threshold, so that his list vote is not wasted. In the election of 1998 there was strong evidence that voters and parties alike were aware of the critical role of the vote threshold. One example was provided by the Workers' Party, a party consistently just under 5% in the polls. A widely circulated campaign poster simply featured party leader Gyula Thurmer next to a large numeric expression of the party's primary electoral objective: "5%". Another example could be found in the warning of the Council of Bishops, addressing the electorate of the Christian right, potential voters of the Christian Democrats which had consistently reached only 2% or 3% in a year of polls. The Council warned voters not to waste their votes on a party list that could not reach the 5% threshold.[302]

The search for evidence of split-ticket voting may begin by comparing the aggregate percentages won on each ballot by each party at the district level. For the same electoral unit, the difference in aggregate vote percentages will indicate the minimum level of split-ticket voting, although without more

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[302] Roman Catholics Bishops circular, reported in *MTI News,* April 19, 1998.

Table 21.1. Mean District Vote Percentages in Hungary, by Ballot Type

Party	1990		1994		1998	
	List	SSDs	List	SSDs	List	SSDs
HDF	23.6	23.8	11.0	12.1	2.9	*10.65
Free Demo-crats	20.2	22.1	19.7	18.8	7.0	10.1
Smallholders'	12.9	12.1	9.7	9.0	14.0	13.9
Socialists	10.4	10.5	32.5	31.2	32.8	29.9
Civic Party	8.3	9.7	7.2	7.9	29.9	*25.6
Christian Dem-ocrats	9.1	9.6	7.4	8.0	2.6	3.6
Justice and Life	n/a	n/a	2.0	3.2	4.5	5.5
Workers'	4.1	4.8	3.5	3.8	4.2	4.0
Mean other	1.0	4.4	1.1	2.9	0.8	2.0
Mean effective number of electoral parties	6.7	6.0	5.5	5.6	4.5	4.9
Standard devia-tion	0.9	1.5	0.6	1.1	0.3	0.8
n	20	176	20	176	20	176

* Indicates that figure includes the party's own candidates running jointly.

information it is unreliable to make inferences about the maximum level of split voting in the individual units from only aggregate data. For instance, in a district where the Free Democrats won 23.6% of the list vote and 10.1% of the SSD vote, at least 13.5% of the voters split their tickets. Table 21.1 presents information about split voting collected at the district level. Each figure represents the mean percentage won by each party at the district level, where district is defined as the 20 list districts or the 176 single-member constituencies. In no case is the minimum split vote more than two percentage points, except for the curious election of 1998.[303]The result in this election of joint candidacies between the Civic Party (Fidesz, formerly the Federation of Young Democrats) and the HDF was to bring down the Civic Party's SSD average relative to its list average, and to raise dramatically the HDF's average in SSDs relative to its own list average. In the 1998 election the Free Democrats also appeared to do more poorly as a party than its candidates fared on average, while the Socialist candidates did slightly worse than their party list average. In all three elections, the mean "Other" scores indicate that other party lists always fare more poorly than small party and independent candidates, probably because voters shy away from wasting their votes on lists almost certain to miss the 5% list vote threshold. Finally, the summary comparison of the effective number of parties in the electorate, a measure that counts

[303] This election was complicated by the existence of joint candidacies between the Civic Party and the HDF. The Civic Party ran 52 of its candidates jointly with the HDF, while the HDF ran 26 of its own jointly with the Civic Party. The SSD mean results in the last column of Table 12.1 consider a party's joint candidates equivalent to its non-joint candidates.

Figure 21.1 Mean District Vote Percentages by Party, Lists v. Candidates
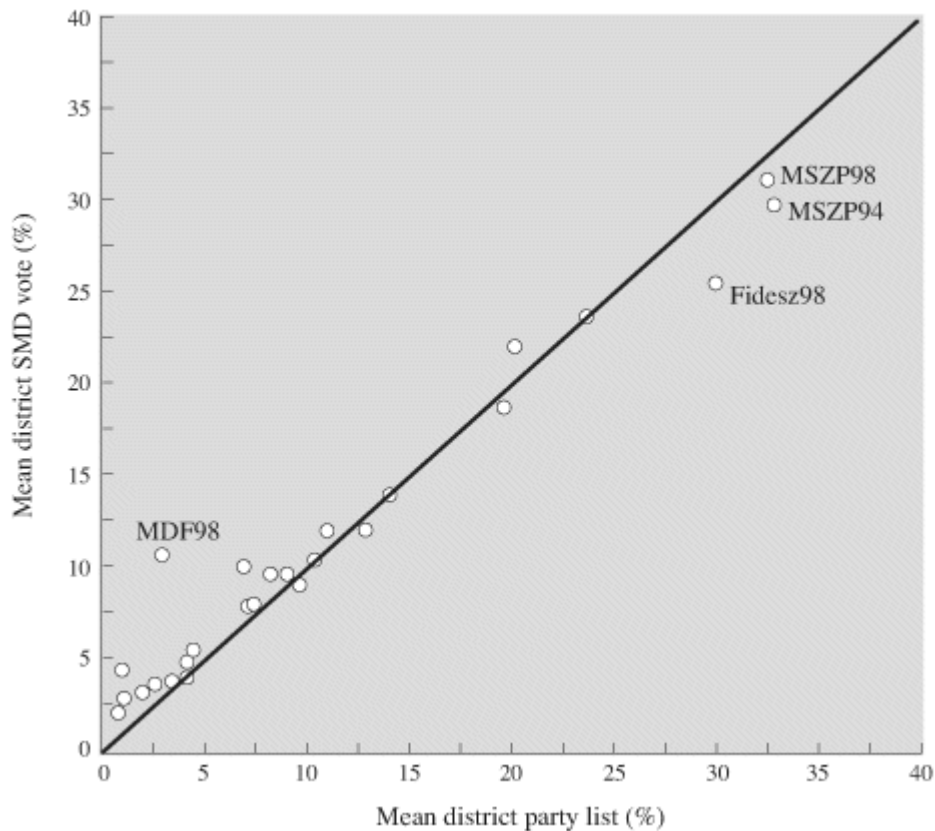
parties according to their vote shares,[304]indicates a very close correspondence between the concentration of support among voters between the two ballots. It also indicates an interesting trend: the average number of effective parties in the electorate appears to be decreasing by one per election.

Figure 21.1 graphs the relationship between list vote percentages and SSD vote percentages. Each point on the graph represents a district mean percentage for a single party in one election, taken from Table 21.1. The dashed line on the diagonal represents the perfectly corresponding case of no split voting, although aggregate results falling on this line do not necessarily mean there was no split voting. Nonetheless, the results at the district level do not suggest a widespread pattern of split voting.

A finer look at the problem can be gained by looking at smaller units: 10,822 polling stations recording aggregate information about both ballots, with an average of 413 valid votes cast in each polling station (1998).[305]Table

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[304] This quantity is commonly used in electoral studies to weight parties' counts by their vote shares. It is calculated as $1/v_i^2$ for all parties eligible to receive votes, where v_i represents party i 's proportion of the vote (Laakso and Taagepera 1979).

[305] Of course, these are aggregate data, when we are really interested in observing an individual-level phenomenon.

Table 21.2.OLS Estimates of Split-Ticket Voting in Hungary, Polling Station Level[a]

Party	1990		1994	
	Intercept	Slope	Intercept	Slope
HDF	−0.04	1.12	−0.01	1.10
Free Democrats	−0.01	1.07	−0.03	1.11
Smallholders'	0.00	0.92	0.00	0.93
Socialists	−0.02	1.13	−0.02	1.00
Civic Party	−0.01	1.06	−0.01	1.21
Christian Democrats	0.00	1.02	0.00	1.02
Workers'	0.00	0.93	0.00	1.10
Justice and Life	—	—	0.00	1.26
S.E.E.	0.034			
R^2	0.91			
N	136,235			
Just Years	−0.01	1.02	0.00	0.95
S.E.E.	0.036			
R^2	0.90			
N	136,235			

[a] All non-zero coefficients significant at $p > 0.001$ level.

21.2 presents the results of a regression model charting the deviations from the dashed unit slope of 1.0. The results are from a polling-station level OLS regression of party SSD vote percentage on party list vote percentage, with dummy variables to distinguish each party and each year. For each party in each election, therefore, there are two estimated parameters, an intercept and a slope. The intercept estimate indicates the party's average candidate vote when its list vote was zero or very near zero. The slope coefficient indicates the degree to which a party's SSD vote corresponds to its list vote. A pattern consistent with a lack of split voting would occur where a party's intercept was zero and its slope estimate was 1.0. Slopes of less than 1.0 indicate that a party's candidates were less attractive than its list; conversely, a slope greater than 1.0 indicates that a party's candidates fared better than its lists. Since all units are proportions, the numerical values of the coefficients are straightforward to interpret.

In 1994, for example, the Civic Party's average list did 21% better than its average candidate did, based on the estimate of 1.21; the average Smallholders' Party (FKGP) list did about about 7% worse than its average candidate. Both cases, however, indicate the opposite of the rough evidence provided by the district averages in Table 21.1, probably indicating the hazards of using aggregated voting results to make inferences about individual ballots. The 1994 results for the Party of Justice and Life (MIÉP) and the Workers' Party are consistent with Table 21.1, however, indicating that candidates fared better than lists, possibly because of voters' (justified) concerns that these parties' lists would not exceed the minimum threshold. Because of

the ecological inference problem, however, these results should be viewed with circumspection.

The second half of Table 21.2 eliminates the party dummies from the regression model to contrast the two years. It indicates that more split-ticket voting took place in 1994 than in 1990, based on the observation that the aggregate difference indicates the minimum split voting that occurred. The estimate of 0.95 indicates that the average party did better on its list than with its candidates.

A final empirical method available for the investigation of split-ticket voting is to examine opinion polls taken immediately after the election. This has the benefit of avoiding the ecological problem by drawing on individual-level data. Table 21.3 presents a breakdown of poll responses to two questions asked in a survey taken the week of May 24, 1998: For which party's candidate did you vote [in the first round]? and For which party's list did you vote?[306]

The off-diagonals in Table 21.3 provide direct evidence of split voting in the 1998 election. Each of the cells contains two percentages, one each for the row and the column. These percentages on the diagonal have an easily interpreted meaning. When the row percentage is less than 100, it indicates how many list voters for that party did not also choose its candidate. When the column percentage is less than 100, it indicates how many of the voters choosing that party's candidate did not also give that party their list ballots. The two figures are therefore quite useful in sorting out the two different kinds of strategic voting identified earlier. Row diagonal percentages less than zero would provide evidence consistent with the classic Duvergerian equilibrium associated with single-member districts. The Party of Justice and Life result of 67.8%, for instance, indicates that approximately one-third of the voters preferring this party on the list shunned the party's candidate in the SSD vote. The diagonal row percentages in fact drop to 80% and less after the fourth largest party, indicating tentative support for the $M + 1$ thesis. When the column diagonal percentage is less than 100, it most likely indicates the relative share of voters deterred from their preferred party's list because that party seemed unlikely to meet the minimum threshold. For example, voters choosing the HDF candidates reported their most common list to be Fidesz—47.1%—while only 24.3 of these voters reported they had cast their list ballot for the HDF. The Party of Justice and Life and the Workers' Party, both widely expected in opinion polls to be just under the 5% threshold, both had approximately one in five of their candidate-voters choose the lists of other parties. Finally, this type of strategic logic also potentially explains many of the "Other" voters whose first-choice parties either did not have lists or did not have lists that were expected to meet the threshold.

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[306] Although the cell entries are presented as integers, the results were actually weighted according to demographic characteristics to correct slight variations in the sampling procedure. This explains why some columns do not appear to sum correctly.

Table 21.3. Post-Election Survey Evidence of Split-Ticket Voting in Hungary, 1998

List vote	Candidate vote									
	Fidesz	Socialists	Small-holders'	Free Dems	Justice	Workers'	HDF	Christian	Other	Total
Civic Party	**325**	5	11	3	1	1	12	4	5	367
Row%	**88.5%**	1.5%	2.9%	0.9%	0.4%	0.3%	3.2%	1.1%	1.2%	
Column %	**93.6%**	1.9%	12.9%	5.6%	7.3%	6.7%	47.1%	26.7%	33.3%	
Socialists	6	**277**	1	13	0	1	2	0	3	304
Row %	2.1%	**91.0%**	0.4%	4.3%		0.4%	0.8%		1.0%	
Column %	1.9%	**95.2%**	1.4%	21.7%		8.4%	10.0%		20.0%	
Small-holders'	6	3	**69**	0	1	0	2	0	1	82
Row %	7.0%	2.8%	**84.1%**		1.2%		2.6%	0.5%	1.8%	
Column %	1.6%	0.9%	**83.3%**		5.0%		8.6%	2.9%	6.7%	
Free Dems	1	2	0	**42**	0	1	0	0	0	46
Row %	1.2%	5.4%	0	**91.9%**		1.6%				
Column %	0.2%	0.9%		**71.0%**		5.0%				
Justice	4	0	2	1	**16**	0	1	0	0	24
Row %	17.4%		8.3%	4.2%	**67.8%**	0	2.3%			
Column %	1.2%		2.4%	1.7%	**83.1%**		2.3%			
Workers'	1	2	0	0	0	**12**	0	0	0	15
Row %	5.6%	15.4%				**79.0%**				
Column %	0.2%	0.8%				**79.9%**				
HDF	0	0	0	0	1	0	**6**	0	1	8
Row %					12.0%	0	**80.6%**		7.4%	
Column %					4.6%		**24.3%**		6.7%	
Christian	4	0	0	0	0	0	0	**10**	0	15
Row %	27.2%							**70.0%**		
Column %	1.1%							**70.4%**		
Other	0	1	0	0	0	0	2	0	5	8
Row %		12.5%					25.0%		62.5%	
Column %		0.3%					7.7%		33.3%	
Total	347	291	82	80	20	15	25	15	8	868
Row %	40.0%	33.5%	9.5%	6.9%	2.3%	1.7%	2.9%	1.7%	1.5%	100%
Column %	42.3%	35.0%	9.4%	5.3%	2.8%	1.7%	0.9%	1.7%	0.9%	100%

Source: Századvég/TARKI Post-election poll.

Overall, the results indicate minor but not widespread split voting, most likely due to a combination of strategic concerns of the two types outlined previously. This phenomenon is difficult to differentiate from voters with genuinely different preferences between candidates and parties as lists, however, since from the data presented here these are observationally equivalent. The picture is further complicated by the runoff format in the SSDs and by the knowledge that first-round SSD votes cast for losing candidates will count for a compensation list. Nonetheless, the results indicate rough support for the $M + 1$ thesis in terms of strategic voting, in addition to the 5% threshold apparently playing some role in voter decisions on their list ballots.

Finally, based on the aggregate results from Table 21.1 and the survey results from Table 21.3, split voting—at least the minimum split voting—appears to have increased with each election. This could be evidence of an increasingly sophisticated, and therefore increasingly strategic, electorate learning what sort of rewards and punishments are built into Hungary's electoral rules.

Consequences for Political Parties

Assessing the consequences for political parties of the different incentives offered by the rules associated with the two ballots is a somewhat simpler task. The differential effect could occur in two ways. First, party decisions for entry may differ according to whether the constituency is an SSD or a list PR district. Second, the mechanical effect of the rules will differentially affect how parties win legislative seats, according to whether it was an SSD or list PR district. This section discusses each potential consequence in turn.

Cox (1997) argues that the equilibrium for party entry in a district is also $M + 1$. If M is taken as the three places available in the runoff election, and we consider that the minimum list PR district magnitude is 4, then we would always expect the number of parties entering lists to be greater than the number of parties entering candidates. In fact this is not the case, because of the linkage of SSD candidacies with the requirement for establishing lists in PR districts, and because of the compensatory national list, which makes even losing SSD votes desirable. The electoral law states that for a party to establish a list in a PR district, it must first establish candidates in one-fourth of the SSDs contained in the larger PR district (with a minimum of two). Combined with the knowledge that losing party candidates in SSDs will still contribute valuable votes for allocation on the compensation list, this gives parties an incentive to establish candidacies in every district possible. This automatically leads to their establishing as many lists as possible, something that is also necessary to collecting sufficient nationwide votes to meet the 5% threshold. This

is why we observe nearly full candidacies and lists for the major parties, with the exceptions explained by either small parties experiencing some organizational problems, or parties intentionally withholding candidates because they have agreed with another party to do so in advance (Table 21.4). For these reasons, the Hungarian district level makes a poor case for observing Duvergerian psychological effects on party entry. The only exception might be the effect on very small parties, which are often unable to qualify for list seats, and independent candidacies, which are categorically ineligible for list seats. As shown in the last three columns of the "Mean other" row of Table 21.4, small party and independent candidacies have been steadily decreasing with each election.

Table 21.4. Registered Lists and Candidates in Hungary, 1990, 1994, and 1998

Party	Total lists			Total candidates (R1)		
	1990	1994	1998	1990	1994	1998
HDF	20	20	20	174	174	120
Free Demo-crats	20	20	20	173	174	175
Smallholders'	20	20	20	163	158	175
Socialists	20	20	20	171	176	176
Civic Party	20	20	20	86	173	147
Christian	15	20	20	105	164	146
Justice and Life	—	11	20	—	66	173
Workers'[a]	19	20	20	95	155	163
Median other	3.5	12.0	7.0	2.0	4.0	2.0
Mean other	7.83	9.8	8.3	21.5	19.5	16.6
Total	228	259	218	1,623	1,876	1,606

[a] Hungarian Socialist Workers' Party (MSZMP) in 1990 counted as Workers' Party.

One unambiguous difference that the two-ballot system produces in Hungary lies in the different mechanical effects produced by the two sets of vote conversion rules. The majoritarian single-seat districts, not surprisingly, elect far fewer parties than the proportional mechanism of the larger-magnitude PR districts. Table 21.5 compares the effective number of parties elected from the SSD ballots with those elected from the list ballots.[307]The results indicate that for Hungary's first two elections, the effective number of parties elected from SSDs was three fewer than the effective number of

[307] These results are at the national level, since it would hardly be illuminating to point out that the average effective parties elected from the SSDs was 1.0. To calculate the list results, I re-ran the elections without the two-thirds remainder limit which in practice limits the allocation of list PR seats. My experiences in simulating a variety of elections under the Hungarian rules indicate that there is almost no difference whether the list seats are allocated completely at the list district level or whether the unused surpluses and unallocated seats are added to the national compensation list allocation.

parties elected from the lists. This dropped to one fewer in 1998, although the result was still nearly twice as many parties from the list system as from the SSD system. Finally, just as we saw in the case of the effective number of parties in the electorate, the effective number of parliamentary parties has been generally decreasing with each election.

Table 21.5. Mechanical Effects by Ballot Type in Hungary, 1990, 1994, and 1998

	1990		1994		1998	
	List	SSDs	List	SSDs	List	SSDs
Effective parties elected	5.1	2.2	4.3	1.4	2.6	1.6
Least-squares disproportionality	6.8	30.5	6.0	40.0	14.0	25.0
Loosemore—Hanby disproportionality	15.8	42.3	13.1	53.8	14.0	48.1

The last two rows in Table 21.5 compare the disproportionality of the outcomes at the aggregate level. Depending on the election and measure used, the list results range from five to almost seven times less disproportional than the SSD results. Election results for the system as a whole took a value within these extremes, because of the compensatory effect of the national list based on votes from candidates and lists that did not win in the primary electoral tier. The result is quite unequivocal: the SSD ballot and the way it is counted is the primary source of disproportionality in the Hungarian system, mitigated by the proportional list vote and the the extra compensation list.

Systemic Consequences

The final type of consequence of Hungary's mixed-member system that remains to be assessed concerns the various effects it has on national politics and the system as a whole.

Although the Hungarian electoral rules are established on the principle that the SSD and territorial districts should yield roughly the same representation per seat, in practice the ratio of seats to registered voters in the SSDs tends be higher than in the list PR districts. By law, the SSDs each contain approximately 60,000 residents. The twenty PR districts for list allocation, on the other hand, are assigned district magnitudes according to population, and would require reapportionment of these numbers to adjust for future population shifts. In the 1998 election, for example, the number of eligible voters per seat in SSDs was about 45,700, compared with about 52,700 per territorial list seat. The SSDs ratios also tend to vary much more, a few having less than 28,000 eligible voters in a district. In addition, because of the "first-pastthe-post" character of the second SSD round, it is possible to win a seat with

far fewer votes than is required by the Hungarian largest-remainder PR rules (which state that no remainder seat will be awarded to a party whose remainder is less than two-thirds of the quota). This meant, for example, that in 1998 the "cheapest" SSD seat was won with just 6,973 votes, although the lowest remainder with which it was possible to win a seat in the list PR allocation was 12,878. This difference is purely a product of the two-thirds limit on PR remainder allocation, however.

A more subtle consequence of the two-ballot system is the different types of candidacy that each ballot encourages. The tendency in SSD contests is for parties to place their most electable candidates for election in SSDs, and to fill the territorial (and national) lists with party faithfuls with less direct popularity or voter appeal. The law also permits candidates to run simultaneously in a SSD, in a district list, and on the national compensation list, giving parties a triple chance to secure the election of their leaders. In 1994, for example, fewer than 10% of all candidates ran only in an SSD, while 40% ran on at least one list, and 30% ran in SSDs and on both regional and national lists. Parties therefore tend to place the members whose election they consider most crucial at the top of both their territorial and national lists, as well as running that candidate for election in a SSD.

In the case of prominent candidates for whom a loss in an SSD would be too embarrassing to risk, however, parties may choose to place them only on the lists. For instance, in the hotly contested 1998 election, voters had no chance to choose directly either then-prime minister and Socialist leader Gyula Horn or the Civic Party leader and current prime minister Viktor Orbán. These parties learned from the painful example of ex-communist Imre Pozsgay—widely favored in 1989 to become the first elected president of Hungary—who lost his 1990 SSD race and entered parliament only because of the party list. Of the 33 total seats won by the Hungarian Socialist Party in 1990, only one came from an SSD contest. Likewise, the Young Democratic Alliance and the Christian Democrats each won 21 seats in 1990, yet only one and three respectively came from SSD contests. In both cases, candidates who lost their individual contests became MPs because of the list mechanism. The lists, whose order and membership voters may not change on the ballot, are often criticized for just this reason: they give parties the power to elect candidates who would probably not have won a direct contest with other candidates.

The national lists submitted by each party almost perfectly reflect the top leadership of each party, rather than the most popular political figures. While list placements tend to be the least transparent and most party-driven, even candidate selection at the SSD level reflects a significant amount of party strategy driven by national rather than local concerns, with parties searching "methodically for the best tactics and the best candidates, having learned from their own experience and from that of other parties both national and

foreign" (Ilonski 1999). Even the legal hurdles to establish SSD candidacies tend to punish small or independent organizations lacking the capacity to recruit candidates and collect 750 signatures per candidate.

Some mixed-member electoral systems—those of Russia and the Ukraine, for example—commonly result in the election of many independent candidates in the SSDs, in contrast to the lists seats which only parties are eligible to contest. In Hungary, by contrast, this phenomenon is virtually nonexistent because the structure of political competition is dominated by political parties, a legacy that dates back to the transition itself, negotiated by political party representatives in closed meetings. These parties also designed the electoral rules to heavily favor parties and to discourage independent candidacies, disqualifying non-party candidates from well over half of the seats. This includes legislative rules allocating committee positions and other privileges to parties only, meaning that independent MPs are powerless in the legislature until they join a party faction, which they invariably do once elected. In addition, parties have a strong incentive to recruit potential independents in order to gain additional compensation votes even if these candidates lose their SSD contests. Finally, individuals running as party lists have a triple chance of being elected—assuming they compete in an SSD and on both regional and national lists—whereas running as an independent leaves only the SSD option available. As a consequence, independent candidacies since the first election in 1990 have been steadily declining. In the 1990 election only 199 of 1,623 candidates ran as independents, and only six independents won their contests. These levels dropped to 103 independent candidates in 1994 with no victories, and to just 53 in 1998 with just one gaining a seat.

It remains to be tested whether legislators elected from SSDs behave differently from those elected from lists. My non-systematic assessment of legislative behavior is that legislators tend to respond to their parties more than to their particular districts, although this should be tested against evidence such as individual voting records or scores of constituency service. On the whole, Hungarian parties tend to maintain a good measure of party discipline, although personality disputes have divided and even crippled some parties, particularly those of the right. For example, the Hungarian Democratic Forum, following its election defeat in the 1994 elections, in 1996 split nearly in two when 15 of its 38-member parliamentary delegation left to form the Hungarian Democratic People's Party (HDNP). The next year the Christian Democratic People's Party (Christian Democrats) also split when the leaders could not agree on whether to form an electoral alliance with the Democratic Forum. Eleven of its 22-member delegation left to form the Christian Democratic Alliance, which later ran on HDF lists in the 1998 election (and were generally successful as a consequence, while the remaining Christian Democrats won no seats in 1998). In principle, we could examine whether the leaders of the breakaway parties were more often than not elected in SSDs

rather than from party lists, suggesting possibly more independence and closer identification with a constituency than with a national party organization. In practice, however, the parties experiencing splits tend to have too few members elected from SSDs to make such analysis conclusive. For example, the HDF had five members elected from SSDs in 1994, and two of these left with the HDNP, although the leader Iván Szabó had been elected from the Budapest list. In the case of the split of the Christian Democratic Party, which had elected only three SSD candidates in 1994, only one left the party. On such evidence, therefore, it is difficult to conclude that SSD-elected candidates are less likely to follow party discipline.[308]

Legislators could also be compared, of course, on the basis of constituency service according to whether they were elected in single-member districts or from party lists. Certainly there exists informal evidence to indicate that SSD-elected MPs are loaded with small tasks that are difficult for government or central office officials to fulfill (Ilonski 1999: 100–1). To date, however, there has been no systematic evidence gathered on constituency service by Hungarian MPs, making this proposition also impossible to quantify or even verify.

The effect of the mixed-member system on the organization of political competition has if anything served to reinforce the patterns present at the system's inception. All six of the parties that have repeatedly held legislative seats were key players in the Roundtable negotiations of 1989 which produced the mixed-member system. And the only new party to win seats—the Party of Justice and Life, passing the list threshold by just half a percentage point in 1998—was formed from former members of the largest opposition force at the Roundtable talks, the HDF. The system sometimes operates in unexpected ways, but together its majoritarian and proportional pillars have managed to maintain the electoral existence of nearly all of the original parties who designed it, alternatively rewarding them and salvaging them. The Socialist Party, whose 1994 legislative majority was due to the disproportional bonus from the SSDs, for example, was saved from virtual non-representation in the 1990 elections by the proportional system—which, ironically, it had initially opposed in the Roundtable talks. The current governing party, the Civic Party, won the 1998 election by forming alliances in the single-member district contests whereas its legislative presence in the previous two elections had rested nearly entirely on the proportional lists. The party

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[308] Nonetheless, the size of the breakaway factions underscores the power of parties relative to candidates, a theme reflected at nearly every level of the system, from parliamentary rules to the regulations governing candidacies at the local levels. Before the 14-seat victory by the Justice and Life Party in 1998 led this rule to be challenged, parliamentary rules required a party to hold 15 seats in order to be judged an official faction in parliament, a distinction carrying numerous procedural privileges including entitlement to representation on committees.

system and the electoral system's fortunes have thus been closely linked since the beginning, and a significant change in one is likely to occur only in response to a significant change in the other. The final section of this paper examines the prospects for such a change.

The Future of the Mixed-Member System

Most electoral laws adopted during the Eastern European transitions from state-socialism have been significantly amended or changed entirely. Hungary is one of the few exceptions, and this has to do with the mode of its adoption and the party interests whose operation it reinforces. The law is not without its critics, mostly those citing its complexity and its ability to produce counterintuitive results, such as giving the most total seats to a party that came in second place in the total votes (as it did with the Civic Party in 1998). Yet the only substantive modifications since 1989 have been minor, aimed either at slight modifications of existing parameters—such as raising the original 4% threshold to 5% in 1993—or at better ensuring the fair operation of existing procedures such as candidate registrations and ballot-counting. Elites seem satisfied with the system, perhaps even taking pride in its complexity (as do Hungarian lawyers in the complicated Hungarian legal system, and Hungarian accountants in their Byzantine tax law). The public by now seems habituated to a system in which votes are straightforward to cast, if a bit baffling to track in their complex conversion into seats. And party leaders, as I discuss in these final comments, find themselves facing a fairly stable equilibrium institution. No party with the power to significantly change the law has an incentive to do so, and no party who would benefit from a real change holds sufficient power.

One manipulative electoral law change successfully passed in 1997 by the Socialists and Free Democrats was to change the requirement for joint lists, in response to rumors that the opposition might form a grand coalition in the 1998 elections. Whereas formerly a two-party joined list needed 10% of the nationwide votes, the amended rule required each party on the joined list individually to poll 5% for the joined list to be valid.[309] This of course eliminated the primary incentive for creating a joined list, and possibly explains why the Civic Party and the HDF, while fielding 78 joint candidates, did not establish a single joint list.

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[309] At the time of the passage of this law in the summer of 1997, I was working on a project in the Hungarian National Election Office. I pointed out that, if a list were joined, it would be impossible to know how many votes were assigned to each "individual" party. After a few days I received a sober reply that, yes, this was a deficiency in the law, but they had devised a complicated procedure to work around this.

Neither this measure nor any other proposed measure, however, was aimed at altering the mixed-member system. Other proposals have included eliminating the second SSD round, adding 13 guaranteed seats for national and ethnic minorities, and further complicating the vote counting by linking the list distributions to the number of SSD seats a party wins (Benoit 1997). This last proposal, put forward by the Free Democrats in 1997, was aimed at redistributing the spoils from larger to smaller parties by adding further linkages between the SSD and list results; the effect, however, would have been to reinforce the mixed-member system rather than to weaken it. None of these measures appears to be poised to pass any time soon, however, and it is not coincidental that these calls for modification surfaced during an election year. In the discourse on electoral system reform, the mixed-member system has never been a direct issue. The complexity to which it contributes has long been a general issue, but this discussion concerns the multiple tiers and the vote-counting rules rather than the mixed-member system per se.

One of the stated programs of the government elected in 1998 is to reduce the size of parliament from its current 386 to between 200 and 250. This proposal is being considered alongside the need to formulate new regional administrative units for Hungary's planned accession to the European Union, which the current government considers a convenient vehicle for also redefining the electoral map. The move does not appear to be one of electoral manipulation; indeed, the parties backing the move appear to have few specific plans for the new electoral law beyond the stated goal of preserving the basic character of the system. This is likely to mean that they will keep the mixed-member system and simply reduce the number of existing districts. The reform will be difficult to pass, however, since the ruling coalition is far short of the two-thirds majority necessary to amend the election law. After three elections, each part of the multifaceted Hungarian election law has provided some value to nearly every parliamentary party, while successfully excluding most challengers from the monopoly spoils. It would therefore be a highly unexpected result if Hungary were to abandon its mixed-member system in the foreseeable future.

22 The Consequences of Russia's Mixed-Member Electoral System

Robert G. Moser

Russia introduced a mixed-member majoritarian system in the fall of 1993 during a period of violent struggle between President Yeltsin and the legislature. There was hope in Russia and the West that a new stage of democratic consolidation would ensue after the triumph of Yeltsin and his reformist allies over anti-reformist communists and nationalists in this constitutional crisis. Much of this hope was pinned on new elections which were expected to produce a legislative majority supportive of Yeltsin's agenda of free market reform. Institutional design was a big factor in this attempt to remake Russian politics and place it on a path toward democratic consolidation. A new president–parliamentary constitutional order was introduced to provide stability to the system and place the reins of policy-making into President Yeltsin's hands. A new electoral system was designed to refashion the party system by stimulating the formation of national parties, consolidating the dozens of small fragmented parties into larger ones, and producing a legislature with a reformist majority.

The mixed-member majoritarian system introduced by executive decree in 1993 and passed into law in 1995 did not produce the outcomes expected by its designers; nor have electoral system effects in Russia followed expectations in the electoral systems literature. Russia has been rather exceptional in the degree of fractionalization allowed under its MMM system. Moreover, there has been a great disparity in electoral support for parties in the list and nominal tiers of the system and a proliferation of independent candidates with no partisan affiliation in the single-seat districts. These unexpected outcomes might lead one to consider the MMM system to be a failure. Indeed, President Yeltsin thought so when he tried to change the system in a more majoritarian direction after the 1993 results. However, I argue that the intraparty effects of the system, namely the incentives promoting the formation of national parties with strong grass-roots organization, make the current MMM system ideal for Russia.

The purpose of this chapter is to lay out the effects of Russia's MMM system and offer some explanations for its unexpected outcomes. The first

section provides a brief description of the system. In the second section I look at the interparty dimension. After a description of the emerging party system in Russia, I examine the effects of the MMM system on the number of electoral parties in Russia. An analysis of voting at the district level will show that majoritarian elements of the system did not have their expected constraining effects. Parties did not seem to consolidate in the face of the 5% legal threshold in the list tier. More surprisingly, plurality elections in the nominal tier did not produce the two-party competition expected by Duverger's Law even at the district level (Duverger 1954). I then look at the impact the MMM system has had on the success of particular parties. Due to the lack of party identification, there was a great disparity in the performance of parties in the list and nominal tiers. I go on to show how the MMM system has influenced the number of parliamentary parties in the system. In the third section I examine the intraparty dimension. I show how the PR party-list tier has promoted the formation of parties as the central mechanism for nomination and election to public office while single-seat district (SSD) elections in the nominal tier have encouraged party-building at the local level. I argue that this combination of intraparty incentives makes the MMM system the best electoral arrangement for the development of Russia's nascent party system. In the final section, I offer some conclusions and implications of the Russian case for the study of electoral systems.

Russia's Mixed-Member Majoritarian System

More than any other mixed-member system, Russia's strives to combine PR and SSD elections equally in one system. There is an equal number of deputies elected from the nominal and list tiers—225 elected in SSD contests and 225 elected from party lists—allocated in parallel with no linkage between the nominal and list tiers of the system. The two tiers of the system operate separately, allocating to each party the full number of seats won in each of the two tiers.[310] The Russian voter casts two ballots, one for a candidate in his local single-seat district and one for a party list in a single nationwide district. Candidates are allowed simultaneously to run in a SSD contest and to be on a party list in order to increase their chances. Candidates in the SSDs are elected according to the plurality rule in which the candidate winning the most votes is elected, regardless of whether or not the vote total is a majority of votes cast. List seats are distributed from one nationwide district. In order to win any seats in the list tier, a party must gain at least 5% of the list vote.

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[310] For a fuller description of the system, see Ch. 12   above on the origins of Russia's MMM system.

Mixed-member systems provide a unique opportunity to study the effects of electoral systems. Since these systems offer voters separate votes in each tier of the system, one can analyze MM systems as two separate electoral arrangements operating side by side. This allows one to study the effects of PR and majoritarian elections while holding constant other possible intervening variables such as culture, social cleavages, and the level of socioeconomic development. Russia's MMM system offers a number of other advantages as well. Being a parallel system with equal-sized list and nominal tiers, both the PR and SSD tiers affect the final distribution of seats in the legislature to an equal degree. In mixed-member systems with compensatory seats, one tier—the list tier—is set up as the final determinant of the distribution of legislative seats. This not only affects the mechanical distribution of seats but could influence voter behavior by making one vote in the two-ballot format more important than the other. A similar dynamic occurs in MM systems in which one tier contains significantly more seats than the other(s). Finally, Russia's system combines two tiers that are based on very contradictory principles of representation—majoritarian and proportional. Russia's nominal tier is extremely majoritarian, based on the plurality rule, which is deemed by the literature to be the electoral system with the strongest constraining effect on the number of parties and highest degree of disproportionality. Russia's list tier is quite proportional (theoretically), employing the largest district magnitude possible (a single nationwide district) with only a 5% legal threshold to constrain party fractionalization.

The Interparty Dimension

It was argued in the origins chapter that intraparty rather than interparty goals were the primary concern for designers of Russia's MMM system, particularly in 1993 when designers operated under a veil of uncertainty over how electoral systems would affect the party system. Yet, it is precisely the interparty dimension that is perhaps most interesting and surprising in the Russian case because the system has defied so many expectations of the designers and the literature on electoral system effects. Of course, it could not be expected that electoral system effects would reach an equilibrium during the initial transitional elections, particularly in Russia, which was so politically unstable. But, the outcomes produced in the PR and SSD tiers marked such a departure from expectations that they are noteworthy. Moreover, while the effects of PR and plurality elections in Russia may change over time as parties and voters adapt to the new rules of the game, it is also possible that these initial outcomes may produce path-dependent legacies that outlast the conditions in which they were originally formed.

The electoral system in Russia has operated in a very fluid political context. Most importantly, Russia's party system has been very weakly institutionalized. Party institutionalization is a complex process involving many different components, including the organizational continuity of parties, the relative stability of party support over time, ideological consistency over time, party legitimacy, and party control over nominations. Unlike consolidated democracies, most developing democracies have party systems that are lacking in one or more of these properties (Mainwaring 1998). But emergent parties in Russia represent an extreme case of a weakly institutionalized party system since they are lacking in virtually all of the characteristics of party institutionalization. Table 22.1 shows the major parties and their electoral fortunes in the 1993, 1995, and 1999 parliamentary elections.

Signs of the weakness of Russian parties abound. As Table 22.1 demonstrates, there has been a parade of new parties preceding each electoral campaign as old parties fade and new ones emerge. Only three out of the seven parties that overcame the 5% legal threshold in the list tier in 1993 managed to repeat that feat in 1995. In 1999, these same three parties again overcame the legal threshold in the list tier along with three new parties. Parties commonly lose half of their electoral support or more between elections. New parties form and can immediately lead in the polls if they have the right combination of leaders and message. There have been few signs of party consolidation from 1993 to 1999. Rather, there was an explosion of parties between the first and second election suggesting a setback in the evolution toward a more consolidated party system. The number of parties running in the list tier dropped from forty-three in 1995 to twenty-six in 1999, but this remained well above the thirteen parties on the PR ballot in 1993. Naturally, this lack of organizational continuity undermines voters' attachments to parties. With the partial exception of the Communist Party, there is little evidence of long-term party identification. However, as will be shown below, party identification has been growing in Russia, promoted in large part by the PR tier of the MMM system.

Finally, the acute nature of party underdevelopment in Russia can be seen in the high degree of nonpartisanship in the single-seat districts. In Russia, officially nonpartisan candidates gained 58% of the vote in 1993, 34% of the vote in 1995, and 44% in 1999. Independents in Russia not only made up a large proportion of candidates competing for office; they also accounted for the largest proportion of the winners: 60% of winners in the SSDs were independents in the 1993 Russian elections, 34% in 1995, and 48% in 1999. Nonpartisanship in other post-communist states with mixed-member systems pale in comparison. In Lithuania's 1996 parliamentary election independents won only 3% of the vote. In Hungary the vote for independent candidates dropped from 7% in 1990 to only 2% in 1994. No independents won election in Croatia in 1995. Only in Ukraine, which like Russia experienced the full

Table 22.1. Electoral Results for the Russian Parliamentary Elections of 1993, 1995, and 1999

Party[a],[d]	1993				1995					1999				
	% list vote	List seats won	% nominal vote	SSDs won[b]	Party[a],[d]	% list vote	List seats won	% nominal vote	SSDs won[b]	Party[a],[d]	% list vote	List seats won	% nominal vote	SSDs won[b]
Reformist														
Russia's Choice	15.5	40	8.3	25	Our Home is Russia	10.3	45	5.8	10	Union of Right Forces	8.6	24	3.3	7
Yabloko	7.9	20	4.2	7	Yabloko	7.0	31	3.6	14	Yabloko	6.0	16	5.1	4
PRES	6.7	18	3.2	3	DVR	3.9	0	3.0	9	Our Home is Russia	1.2	0	2.5	7
Centrist														
Women of Russia	8.1	21	0.7	2						Unity	23.3	64	2.4	9
DPR	5.5	14	2.5	5						Fatherland–All Russia	13.1	36	8.2	32
Leftist														
Communist Party	12.4	32	4.1	9	Communist Party	22.7	99	13.8	58	Communist Party	24.3	67	13.5	47
Agrarian Party	8.0	21	6.4	16	Agrarian Party	3.9	0	6.2	20					
					Power to the People	1.6	0	2.1	9					
Nationalist														
LDPR	23.0	59	3.6	5	LDPR	11.4	50	6.1	1	LDPR	6.1	17	1.4	0
					KRO	4.4	0	3.2	5					
Independents	—	—	58.3	136	Independents	—	—	38.2	77	Independents	—	—	43.6	103
Other[c]	8.6	0	8.7	15	Other[c]	30.9	0	18.0	22	Others[c]	12.3	0	8.2	9

[a]   Includes only those parties that received at least five seats in either the nominal or list tiers.
[b]   Does not includes nonpartisan candidates who joined parliamentary faction after election.
[c]   Includes all parties not receiving at least five seats in either tier for that election.
[d]   DVR: Democratic Russia's Choice; DPR: Democratic Party of Russia; PRES: Party of Russian Unity and Accord; LDPR: Liberal Democratic Party of Russia; KRO: Congress of Russian Communities

Sources: Moser (forthcoming).

weight of Soviet rule, was there such a proliferation of nonpartisan candidates in SSD elections (Moser 1999a).

Majoritarian elements in Russia's MMM system were supposed to constrain the endemic party proliferation found in Russia. But the 5% legal threshold and plurality elections failed to do so. The main reason for this lies in the underdeveloped nature of the party system itself. Cox argues that certain preconditions need to be met before voters and candidates behave strategically in reaction to electoral system incentives. Voters need to be driven by short-term instrumental considerations and to have adequate information regarding the relative support of competing candidates. In plurality elections these conditions are met consistently enough to produce a dearth of real-world exceptions to Duverger's Law, especially when this hypothesis is properly understood to operate at only the district level (Cox 1997: 221). But in Russia the situation was different. The transitory nature of party organizations provided no continuity between electoral periods. Thus, voters had little opportunity to cultivate lasting preferences for one party or another, leaving most of them uncommitted to any party. Survey research has put the number of independent voters at 78% compared with 13% for the United States and 8% for Great Britain (White et al. 1997: 135). Thus, Russian voters were left with few cues on how to cast their vote other than the personal characteristics of candidates and patronage. Moreover, in the face of such a large contingent of uncommitted voters Russian politicians did not have adequate information to determine probabilities of success, particularly in the single-seat districts, and thus failed to strategically withdraw when they faced overwhelming odds against winning an election. In the absence of well-developed parties, strategic behavior by voters and elites was unlikely to occur.

MMM and the Number of Parties in Russia

Designers expected majoritarian features in both tiers of the MMM system to curtail the number of parties in Russia. Comparative experience suggests that the list tier, with its large district magnitude but relatively high legal threshold, should have constrained the number of parties to some degree, making it similar to what Lijphart has called moderate PR systems as found in Germany or Sweden (Lijphart 1994: 35–6). The plurality elections in the nominal tier should have been a much greater constraint on the number of parties. Designers expected the emergence of two-party competition in this tier with some allowance for a contamination effect from the list tier by which the number of parties would be increased somewhat beyond the two major parties. However, neither the legal threshold of the list tier nor plurality elections

in the nominal tier constrained the number of parties in Russia. Table 22.2 reports the effective number of electoral and legislative parties coming out of the list tier; the average effective number of candidates per district and the effective number of legislative parties coming out of the nominal tier; and the level of disproportionality in both tiers for the 1993, 1995, and 1999 parliamentary elections.[311]

Table 22.2. Effects of the List and Nominal Tiers of Russia's MMM System

Election	Effective number of parties for system	Effective number of parties in list tier	Effective number of parties in nominal tier	Least-squares index of disproportionality	Loosemore–Hanby index of disproportionality
1993	$N_v = 7.14$	$N_v = 7.58$	$N_v = 7.06$[b]	List: 4.94	List: 10.83
	$N_s = 8.16$[a]	$N_s = 6.40$	$N_s = 6.13$[a]	Nominal: 8.35	Nominal: 4.27
1995	$N_v = 10.00$	$N_v = 10.68$	$N_v = 7.36$[b]	List: 20.56	List: 46.71
	$N_s = 5.71$[a]	$N_s = 3.32$	$N_s = 5.00$[a]	Nominal: 11.09	Nominal: 46.6
1999	$N_v = 7.94$[a]	$N_v = 6.76$	$N_v = 5.57$[b]	List: 7.23	List: 17.8
	$N_s = 7.58$[a]	$N_s = 5.65$	$N_s = 6.21$[a]	Nominal: 11.95	Nominal: 21.2

[a]   Based on membership in parliamentary factions formed after the election.
[b]   Average effective number of candidates per district.
       Source: Moser forthcoming.

The Number of Parties in the List Tier

Party proliferation was endemic in PR elections in Russia. In 1993 thirteen electoral blocs managed to collect the 100,000 signatures necessary for inclusion on the ballot. In 1995 authorities doubled the signature requirement to 200,000, yet forty-three blocs were able to collect the necessary signatures required to get on the ballot. In 1999, twenty-six parties were on the ballot in the list tier.

The biggest reason for the large increase in the number of parties in 1995 had little to do with the electoral system, which did not change significantly. Rather, it was the nature and length of the electoral campaign that produced the proliferation of parties in 1995. The 1993 election was a snap election called without notice, providing a much shorter period for collecting the necessary signatures to get on the ballot. Moreover, signature collection was hindered by the tense conditions following the constitutional crisis of October. Several parties were banned following these events and some citizens must have felt uncomfortable giving their signature and passport numbers under such conditions, particularly to opposition organizations. Quite simply,

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[311] Because of the high number of independents in the nominal tier, the most accurate measure of party fractionalization in the SSDs is the effective number of *candidates* per district rather than the effective number of parties.

many aspiring parties and blocs did not have the time to establish the grass-roots organization necessary to collect 100,000 signatures distributed across Russia.

In contrast, 1995 was a scheduled election. Electoral organizations had two years to build the organization necessary to overcome the signature requirement. Moreover, in those two years private enterprise intervened, in the form of private signature collection firms which would collect the necessary signatures for a price. By 1995, therefore, parties had had the time to build their own signature-gathering infrastructure or could simply purchase the necessary signatures if they had the money. In short, the 1995 campaign removed the exogenous factors unique to the political context of Russia's founding election that curtailed the number of parties able to register in the list tier. Given more time and a more open political environment, the number of parties exploded.

Nevertheless, the emergence of forty-three electoral blocs in 1995 represented a failure of elites to heed the constraints of the electoral system. Why did so many blocs that clearly had no chance of overcoming the 5% barrier spend the time and money to contest the election? Some have argued that there was a lack of rational behavior among party leaders (White et al. 1997: 199–204). But I argue that this phenomenon was due partly to conflicting incentives of the electoral system, which encouraged party proliferation and partly to poor information—many parties simply overestimated their chances of overcoming the legal threshold.

The PR contest provided more rewards for parties than simply legislative seats. Being on the PR ballot entitled an electoral bloc to government financing as well as free television and radio airtime. Thus, a party with little or no chance of winning legislative representation still had incentives to enter the race in order to get its name and message out, largely at the government's expense. This free access to mass media produced an interesting dynamic between the list and nominal tiers of the election. Clearly, some parties in the list tier existed primarily to promote the electoral chances of their leaders in single-seat district races. Leaders of the Pamfilova–Gurov–Vladimir Lysenko bloc, Common Cause, and the Party of Economic Freedom definitely owed their victories in the plurality election in large part to the name recognition and exposure they received as leaders of a PR bloc (McFaul 1996: 17). Rather than Russian elites acting irrationally, party proliferation in the PR tier seems in part to have been a case of hidden rationality due to the many competing incentives of the MMM system. Scholars usually assume that the PR tier will promote greater party proliferation which may contaminate majoritarian elections, producing more parties competing in SSD elections in the nominal tier than would have existed otherwise. However, it seems that the opposite was true in Russia—contamination producing party proliferation ran from SSD elections to the PR race, not vice versa. Some individual politicians

hoping to enhance their prospects in an SSD race formed a party to compete in the list tier that had no chance of overcoming the 5% legal threshold.

Second, part of the explanation for party proliferation in the list tier, particularly in 1995, was the uncertainty of the potential support that parties would enjoy. In 1993 no one imagined that Vladimir Zhirinovsky's LDPR would win the PR contest with almost 23% of the vote. Russian opinion polls, while continually improving, still produce conflicting and often inaccurate predictions. Thus, many parties using their own survey research or impressions of the electorate clung to the belief that they would be the exception that would defy the odds and overcome the 5% threshold.[312]Of course, there was also a strong element of personal ambition involved in the failure of parties to consolidate, because ambitious party leaders did not want to give up leadership positions to rivals or to relinquish precious top positions on the party list. This competition was exacerbated in 1995 when the electoral law forced parties to divide their lists into a national list and a series of regional lists. Uncertainty over the regional distribution of a party's vote was high, so landing one of the top twelve spots on the national list, which were assured election if the party overcame the legal threshold, became even more essential.

Thus, although producing an irrational outcome (the emergence of dozens of parties failing to overcome the legal threshold), elite ambition also had a rational basis. There was a strategic tradeoff between a top spot on a marginal party's list that may not overcome the legal threshold and a marginal spot on a major party's list that will overcome the threshold but may not get a large enough share of the vote to elect members in lower positions on its list.[313]

The decline in the number of parties running in the list tier in 1999 was due to two factors. First, there was a change in the electoral law. Hoping to keep ambitious politicians from forming PR blocs as a vehicle to further their personal campaigns in the nominal tier, politicians occupying top spots on PR lists were not allowed to use free airtime if they were also running in a single-seat district (McFaul 2000: 4). Second, electoral experience and better information pushed some marginal parties to consolidate. In particular, there was a concerted effort among reformist parties to consolidate in order to avoid splitting the reformist vote as they did in 1995. Despite these institutional incentives, many parties that had virtually no chance of gaining seats ran in the list tier.

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[312] McFaul cites the example of the Republican Party (the Pamfilova–Gurov–Vladimir Lysenko bloc), which claimed its surveys showed that the bloc enjoyed 6% support. The bloc ended up with less than 2% of the vote (see McFaul 1996: 17 and n. 58).

[313] These dynamics are analogous to party behavior found in other democratizing states. Gunther (1989: 853–4) found that party elites in Spain sometimes failed to follow the incentives toward consolidation provided by the electoral system because they had other goals that were given greater priority than maximizing the number of seats in the legislature, such as ideological purity or leadership positions within the party.

The difference in the number of parties competing in 1993 and 1995 made for drastic differences in the disproportionality produced by the 5% legal threshold. In the relatively less crowded field of 1993, the distribution of the vote was such that eight electoral blocs managed to overcome the legal threshold and a relatively small proportion of the popular vote (about 9%) was wasted on unsuccessful parties. The Loosemore–Hanby index of deviation from proportionality for the list tier in 1993 was 10.83%, which although higher than the 1993 plurality election (8.35%) was much lower than the disproportionality found in either the PR or plurality elections of 1995. In comparison with other countries, the 1993 Russian PR system produced an above-average degree of disproportionality for a PR system with a moderate effective threshold. However, the much more crowded field in the list tier in 1995 produced dramatically different results. Deviation from proportionality for the list tier in 1995 was 46.71%, which far outweighed the disproportionality found in either tier in 1993.[314]

The 1999 election occupied a sort of middle ground between the experiences of the two preceding elections. The least-squares index of disproportionality was 7.23. Wasted votes accounted for about 18% of the vote, which was a significant drop from 1995 but still double the amount found in 1993. With twenty-six parties on the ballot, the level of disproportionality in 1999 lay between the extremely high level of 1995 and the relatively low level of 1993. Although the lower number of parties on the ballot played a big role in the decline in disproportionality from 1995 to 1999, one must also acknowledge the role of strategic voting. Voters were less willing to support parties with little chance of overcoming the legal threshold. Unlike in 1995, no party narrowly missed overcoming the 5% threshold. In 1995 six parties won between 3% and 5% of the vote in the list tier, while no party was a near miss in 1999. Of the twenty losing parties in 1999, only four won over 1% of the vote. Voters in 1999 seemed to more clearly identify those parties that were out of contention and defected to larger parties. In this sense, voters showed signs of learning the incentives of the electoral system.

Proportional representation has had conflicting effects in Russia. In the electoral realm it has allowed for the proliferation of parties in all three post-communist elections. The 5% legal threshold designed to deter the proliferation of small parties seemed to have little impact on the number of elective parties, although there were signs of strategic voting in 1999. In the transformation of votes into seats, the mechanical effect of the 5% legal threshold was conditioned by the degree of party proliferation in the electoral realm.

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[314] A similar pattern is found when using Gallagher's least squares index of disproportionality. The list tier produced higher levels of disproportionality than the nominal tier in both elections and much higher levels in the crowded PR field of 1995 (see Table 22.2).

The Number of Parties in the Nominal Tier

The nominal tier of Russia's MMM system has provided the biggest surprises for electoral studies. The plurality system is considered the electoral system with the strongest constraining effect on the number of parties. Invariably, this system has tended to produce two large parties and a high incidence of parliamentary majorities even in social conditions of high pluralism. However, in Russia plurality contests did not have these effects.

It is difficult to count political parties in the nominal tier because so many candidates did not have a partisan affiliation. The most accurate measure of party proliferation in the plurality tier is the average effective number of candidates per district. This measure counts the number of candidates competing in each district taking into consideration the weight of each candidate's vote using the same mathematical technique as the effective number of parties index. This measure shows how thoroughly fractionalized the elections in the nominal tier have been even at the district level. The average effective number of candidates was consistently high across the three elections: between five and six.

The plurality tier also did not produce the high level of disproportionality one might expect. Failures of strategic coordination in plurality systems typically produce high levels of disproportionality, which penalize smaller parties and reward large parties. This mechanical effect tends to produce parliamentary majorities even when the vote distribution does not warrant it. This was not the case in Russia's transitional elections. The level of disproportionality for the plurality tier in 1995 was half that of its PR counterpart. In fact, the plurality election allowed far more representation to small parties than the PR tier. If a 5% national legal threshold had been applied to the vote totals for parties in the nominal election in 1995, only four parties would have gained representation. But with the effective threshold in each district as the only barrier to representation, no less than twenty-three parties managed to win at least one seat in the nominal tier. The result was a multi-party system arising out of plurality elections in Russia.

Party fragmentation in single-seat districts continued in 1999. However, there was one significant change from the previous two elections. This election was the first time disproportionality in the nominal tier was significantly higher than disproportionality in the list tier. This suggests that, despite the continued proliferation of candidates at the district, the mechanical effect of plurality elections ie beginning to reward large parties and punish small ones. Fatherland–All Russia, a new party formed by regional executives, was greatly over-represented in the nominal tier, receiving 15% of the seats in the nominal tier based on 8% of the vote (see Table 22.1). Conversely, small parties were less successful at electing their leaders in single-seat districts. In 1999 only seven parties won at least one seat in the nominal tier after failing to

overcome the 5% threshold in the list tier, while in 1995 nineteen parties did so. The underlying cause of this development may be a change in the electoral law (discussed earlier) that removed incentives for prominent politicians to form their own personal PR blocs. Many well-known candidates who affiliated with a marginal party in 1995 may have run as independents when they could no longer use the PR campaign to benefit their SSD candidacies.

What accounts for these outcomes in Russia's SSD elections? One factor commonly emphasized in the literature as undermining Duverger's Law is the absence of linkage between district and national level of competition (Cox 1997). But this factor can be eliminated easily. Plurality elections in Russia did not produce two-party competition at the district level that simply failed to be manifested at the national level. The high effective number of candidates per district attests to that. Rather, the proliferation of candidates at the district level seems to be the product of a non-Duvergerian equilibrium that Cox ascribes to the absence of the conditions necessary for strategic behavior (Cox 1997: 76–80). The most compelling reason for a lack of strategic behavior in Russia is the lack of information. The lack of party identification means that candidates could not accurately estimate the level of support for themselves or their competitors, making strategic entry and exit difficult. Similarly, voters did not know who was "out of the running", making it difficult to defect from marginal candidates. This dynamic has a way of building upon itself by changing expectations. If candidates and voters expect the vote to be distributed among a half dozen or more significant candidates, then the vote share necessary for victory in any one district is very low. Consequently, any candidate who appeals to a significant minority in the district or has high name recognition has an incentive to enter the race. Voters also have less reason to defect from little known candidates if the vote is fragmented enough to allow a candidate to win a seat with one-third of the vote or less.

Party Success in the List and Nominal Tiers

President Yeltsin and his inner circle of advisers introduced an MMM system with the intention of engineering the victory of reformist parties that would support Yeltsin's agenda of economic reform. However, the designers of the system were hindered in achieving this goal by a lack of information on how PR and plurality rules would affect the electoral success of parties. Their assumption that the list tier would favor reformist parties turned out to be wrong. The nationalist Liberal Democratic Party of Russia (LDPR), led by the charismatic Vladimir Zhirinovsky, won the PR vote in 1993, while the Communist Party won in the list tier in 1995. It was the nominal tier that produced more legislators willing to support President Yeltsin. However, their loyalty to the President usually was bought with patronage rather than based on ideological allegiance. In retrospect, it may not be surprising that reformist parties did not receive a large share of the party-list vote, given their

identification with an economic reform program that caused so much economic dislocation. By 1993 the voting public was sufficiently disillusioned with market reform to turn against those deemed responsible. What is more interesting about the Russian case is the discrepancy in the level of success individual parties experienced in the two tiers of the system.

Two factors are usually deemed responsible for the impact electoral systems have on individual party success: the level of popular support, and the geographic distribution of that support. Small parties with support that is geographically dispersed should be penalized by single-seat district elections and should benefit from PR elections with low thresholds. Large parties should be over-represented in SSD elections, especially plurality elections (Brady and Mo 1992: 404–29). This follows from assumptions of strategic voting. A voter's party preferences are not changed by electoral systems. Rather, incentives to stay with or defect from one's first preference are influenced by the disproportionality produced by the electoral system. PR systems with low disproportionality do not increase the number of voters who prefer smaller parties: they only allow strategically minded voters who support small parties to vote for their first preference without fear of wasting their vote. Majoritarian elements of electoral systems—legal thresholds and single-seat districts—provide such voters with incentives to defect from smaller parties to larger ones.

Russia's electoral experience, particularly in 1993 but also in 1995, suggests a very different dynamic. Russian voters tended to split their vote between the PR and plurality tier of the election at a very high rate. It is estimated that 70% of Russian voters cast a split-ticket vote in 1993 (White et al. 1997: 139). This would not necessarily run counter to the strategic voting hypothesis if the shift in the vote from the PR to the plurality tier ran from smaller parties with little chance of winning a plurality in a single-seat district to larger parties with better chances of winning. Indeed, such a shift from smaller to larger parties in Germany's mixed-member system is seen as evidence supporting the existence of strategic voting (Fisher 1974: 293–9; Jesse 1988: 109–24; Bawn 1993: 965–89; Cox 1997: 82–3). However, in 1993 the party most hurt in the plurality tier was none other than the Liberal Democratic Party of Russia (LDPR), which won the most votes in the PR tier. I argue that this outcome was not due to strategic voting as defined in the literature. Rather, in the absence of well-developed party identification in Russia, electoral systems influence individual parties' success by demanding different electoral resources, resources that Russian parties possessed at very different levels.

The LDPR provides the most dramatic example of how the electoral system has shaped the success of individual parties. Without the list tier of Russia's MMM system, the LDPR would not exist as a significant player in Russian politics. In 1993 the LDPR gained 59 seats (26% of the 225 available) for its 23% of the PR vote. However, the same party managed only five seats

(2%) of the 225 plurality seats contested in the same election. The same trend away from the LDPR in plurality races can be seen in the 1995 election. Although Zhirinovsky's party lost more than half its support in the PR tier, it still made a respectable showing, garnering 11% of the PR vote, second only to the Communist Party. This provided the LDPR with 50 seats (22% of the PR total) due to the high level of disproportionality produced by the 5% threshold in 1995. Meanwhile, the LDPR again performed dismally in the SSD races, managing to capture only one seat (see Table 22.1). In 1999 the trend remained the same. The LDPR lost support in the list tier but still managed to win representation. The party won no seats in the SSDs. If one takes the PR vote as the best indicator of party strength nationwide, the strategic voting hypothesis would expect a completely opposite trend. Russian voters should have been defecting away from minor parties and independents toward the largest party (LDPR) out of concerns of wasting their vote.

The Agrarian Party of Russia (APR) represents the opposite case. In 1993, the Agrarian Party easily cleared the 5% barrier, finishing with 8% of the PR vote and 21 seats. In the nominal tier candidates running officially under the Agrarian label won 16 seats, giving the APR the second highest total of plurality winners following Russia's Choice. (An additional 18 deputies who won as independents or under another party's label in an SSD race would later join the Agrarian Party faction in the State Duma.) By the second parliamentary election in 1995, the APR's survival as a parliamentary party was sustained only because of its prowess in the nominal tier. The Agrarian Party failed to pass the 5% threshold in the PR election but gained 20 seats in the SSDs. With some additional independent deputies and "donor" deputies from its ally the Communist Party, the Agrarian Party managed to form its own legislative faction after the 1995 election. In 1999 the APR did not run as a separate party in the list tier but a number of its members won as independents in single-seat districts.

Why did the electoral systems have such divergent effects on individual political parties? The reasons seem to have less to do with the geographical distribution of support and more to do with the resources necessary to achieve success in each tier of the system. The PR contest was a national election. Success required either a well-defined social constituency, such as the Communist Party has among the older generation, or a charismatic leader who can appeal to the large group of undecided voters. Thus, the PR system has offered opportunities to political entrepreneurs, especially the charismatic Vladimir Zhirinovsky but also the liberal Grigory Yavlinsky.

Elections in the plurality tier had a much more local character. Survey research suggests that voters paid greater attention to candidates' personal characteristics and ability to address local needs in the plurality tier (Colton 1994). Voters rewarded candidates who combined long-standing regional ties, name recognition, and a prominent occupational status. Members of the

regional political and economic elite (e.g. regional government officials, enterprise directors, collective farm chairmen, and private entrepreneurs) had an advantage over political newcomers from the professional classes (academics, doctors, lawyers) and Moscow-based politicians (Moser 1999b). Thus, widespread success in SSDs could not be attained without some grass-roots organization and a cadre of well-known local politicians.

Given the different resources necessary for success in the two tiers of the system, the discrepancy in performance of parties in the PR and SSD elections can be explained in large part by the ability of their individual candidates in single-seat districts to exceed the performance of their party in the PR tier. Some parties nominated "overachieving" candidates who tended to attract more voters than supported the party in the PR tier; some parties had candidates who basically maintained their party's PR support; and some parties consistently fielded "underachieving" candidates who could not match their party's success in the PR tier. The Power to the People bloc and the Agrarian Party nominated candidates that averaged two and three times their party's PR vote, respectively; while LDPR candidates in single-seat districts could attract only about half of their party's PR vote. Most of the other parties, including Russia's Choice and the Communist Party, which captured the most plurality seats in 1993 and 1995, respectively, fell somewhere in between these two extremes, only managing to maintain their PR vote in the plurality tier (Moser forthcoming).

Thus, it seems that success in the plurality tier depended on a combination of a threshold of party support and the ability to nominate well-known local elites. Some major parties like Russia's Choice in 1993 and the Communist Party in 1995 and 1999 managed to capture a significant number of SSD and PR seats because they attracted a critical mass of voters in a large number of districts despite having relatively dispersed support. Some parties like the Agrarians and Power to the People won most or all of their seats in the plurality tier by nominating "over-achieving" candidates who captured more votes than the party itself. Finally, some parties, most notably the LDPR, could win only PR seats because they could not translate their relatively high PR support into a plurality of votes in SSD races due to fielding a slate of "under-achieving" candidates.

What made for over-achieving and under-achieving candidates in the SSD contests? The answer lies, first and foremost, with social status. Winning candidates in the nominal tier tended to come from the political elite at the national or regional level and secondarily from the economic elite. The intelligentsia, who performed rather well in the first competitive elections under Soviet rule, were much less successful with each iteration of the electoral process. There is a clear difference between the profile of the LDPR and the other parties that found more success in the plurality races. In 1993 the LDPR had no winning candidate who came from the political elite at either the

national or regional level. The party's five winning candidates in 1993 were little known activists in the LDPR—workers, journalists, and the leader of the bloc, Zhirinovsky himself. Conversely, those parties that did well in SSDs managed to recruit candidates from the political power structure. Over 40% of the winners from the Agrarian Party had political positions at the national or regional level in 1993. In 1995 the impact of incumbency (members of the State Duma winning re-election) produced an even greater proportion of the Agrarian SSD contingent (73%) winning national and regional elected office. Power to the People, which was a new party in 1995 and thus not as large a beneficiary of incumbency, also displayed a predominance of political elites among its successful SSD candidates. Over 55% of this party's winning candidates were national or regional office-holders (Moser 1999b: 154–9).

Success in the plurality tier was not solely dependent on the local prominence of the candidates nominated by a party. One would expect the party closest to executive power to have the greatest advantage in this situation, given its access to regional political elites. As one might expect, the parties closest to President Yeltsin, i.e. Russia's Choice in 1993 and Our Home is Russia in 1995, had distinct advantages in recruiting national and regional governmental elites as candidates. Both parties had a significantly greater percentage of their elected candidates come from the political elite than the average for all deputies (Moser 1999b). This may account for the success of Russia's Choice in single-seat districts, which helped the party overcome its relatively poor performance in the PR tier and become the largest faction following the 1993 election. However, Our Home is Russia did not do as well in 1995, winning only ten seats in the nominal tier, and neither party had the success it expected. This suggests that, despite the primacy of candidate characteristics in gaining election in the nominal tier, parties could not completely overcome other disadvantages (most notably association with failed government policy) by fielding prominent local elites.

The discrepancy in the level of success that parties enjoyed in each tier of Russia's MMM system has had a major effect on its party system. The largest parties in the State Duma were those that could combine success in both tiers of the system. Since Russia's mixed-member system is a parallel system, the advantages granted by each tier are fully realized in the distribution of seats and those parties that can combine the resources necessary for success in each tier are doubly rewarded.

MMM and the Number of Parliamentary Parties

What happened when the list and nominal tiers were combined to elect the 450 members of the State Duma? Obviously, the number of electoral parties was not constrained in either tier of Russia's MMM system. In fact, when combined to elect the 450-member legislature, the two halves of Russia's mixed-member system actually produced more fractionalization in the State

Duma than would have occurred under either a PR or majoritarian system (assuming that the dynamics found in each tier had remained unchanged if an "extreme" electoral arrangement were employed). In 1993 this difference was quite stark. The effective number of legislative parties for the whole system (both tiers) was 8.16, which was substantially greater than the 6.40 effective number of legislative parties produced by the list tier or the 6.13 effective number of legislative parties produced by the nominal tier. The difference between the system as a whole and the individual tiers was less significant, but still present, in 1995—5.71 effective legislative parties (both tiers), 3.32 (list tier), and 5.00 (nominal tier). In 1999 the trend continued. The two tiers combined to produce 7.58 effective legislative parties, which was considerably higher than the list or nominal tiers (see Table 22.2).

Why was the number of parliamentary factions produced by Russia's MMM system greater than either of its tiers taken separately?[315] The answer lies in the institutional design of the system and the differential success of parties in the two tiers of the election. The fact that Russia's mixed-member system was a parallel system meant that both tiers had an independent influence over the distribution of seats in the legislature, unlike the compensatory systems in Germany or New Zealand, which prioritize the list tier to gain greater proportionality and in the process diminish the importance of the SSD tier.

The effects of a parallel system were exacerbated by the differential success of parties in the two tiers. Except for the Communist Party in 1995 and 1999, no party enjoyed significant success in both tiers of the election. Thus, those parties that received substantial numbers of seats in the PR tier gained far fewer seats in the SSDs. Other parties such as the Agrarian Party in 1995 managed to survive in parliament on the basis of their success in the nominal tier even though they failed to overcome the 5% threshold in the nominal tier. Moreover, independents from the nominal tier tended to form their own parliamentary factions rather than join a faction emerging out of the list tier. Consequently, the distribution of seats among parliamentary factions emerging out of each tier looked very different from one another and when combined together in the same legislature created even greater fractionalization.

The Intraparty Dimension

Designers of Russia's MMM system were as interested in the intraparty effects that the system would produce as in the interparty effects that might

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[315] The term "parliamentary faction" is commonly used to refer to legislative parties in Russia because some factions are formed after the election and have no connection with an electoral party. I use the terms "parliamentary faction" and "legislative party" interchangeably in this chapter.

emerge. They decided to introduce an element of proportional representation to Russian elections to promote the formation of parties. While the assumptions regarding interparty effects were often mistaken, the assumption that a mixed-member system would promote the formation of national parties turned out to be correct. Due to the positive impact of these intraparty effects on party formation in Russia, I argue that the MMM system adopted in Russia has been the most beneficial electoral arrangement possible for Russia.

The MMM System and the Formation of Russian Parties

Comparison of the two tiers of Russia's mixed electoral system clearly shows that the PR tier established parties as the central institution organizing the election by providing them with sole access to the ballot. To get onto the ballot, elites were forced to form party lists. Voters were forced to make a choice between party blocs. Nonpartisanship was not an option.

Conversely, the plurality elections in the nominal tier undermined this central position of parties by allowing independent candidates on the ballot. In Russia's polarized political environment nonpartisanship was a very attractive option, because affiliation with either the pro-reform or anti-reform ideological camps automatically alienated a large portion of voters from the other side. Moreover, the parochial nature of the single-member district races worked against elite partisan affiliation because of the necessity to portray oneself as a candidate willing and able to fight against Moscow for the district. Given the Moscow-centric nature of Russian parties, partisan-ship gave the impression that one was tied in with central authorities in Moscow and thus was more likely to sell out the district's interests. Finally, the parties themselves have been so organizationally weak that they had little they could offer candidates in the form of material or symbolic benefits. Consequently, the strongest candidates, particularly members of the regional executive branch, were likely to run on their own name recognition and personal appeal as independents rather than adopt a partisan label that could as easily undermine their chances for election as strengthen them (Moser 1999b).

Put in the language of new institutionalism, party formation faced many more transaction costs in the nominal tier than in the list tier of Russia's mixed-member majoritarian system. Ambitious elites seeking election were faced with more incentives to run under a partisan label in the PR tier (in fact it was their only way to get onto the ballot) than in single-seat districts which allowed equal access to places on the ballot for partisan and non-partisan elites. By requiring a party affiliation for ballot access, PR also enabled potential party-building elites to overcome obstacles that retarded partisan affiliation in the SSD races. The issue of anti-party sentiment could be a meaningful deterrent to elite partisanship only if the option of nonpartisanship existed.

Such an option existed only in the plurality tier, and thus elites wishing to avoid partisan attachments, to take advantage of the general mistrust of parties, could do so only in the single-member districts. Attempts to field an electoral bloc of independents in 1995 drew very little support.[316]

Similarly, the issue of resources that parties can offer candidates is vastly different in PR and plurality elections. All parties registered for the PR election received free TV and radio airtime. The same publicly funded media coverage could not be provided to all candidates in the single-seat districts. But, most importantly, PR provided parties with the ultimate benefit to potential candidates—an electable position on the party list. A popular politician running in the list tier had the choice of joining a pre-existing party likely to overcome the 5% barrier and negotiating a high place on its list in exchange for the prestige they lent to the list or heading their own party list with the corresponding risks and burdens that entailed. Both options entailed a certain amount of investment in an electoral organization. Parties did not provide such concrete benefits to candidates in the SSD elections. Of course, parties could provide candidates with necessary organizational and financial support to collect signatures for registration and to conduct a campaign. Some parties like the Communist Party, which had the most stable constituency of any party, and pro-government parties (Russia's Choice and Our Home is Russia), which had the greatest financial resources, performed these functions better than others. But in the absence of widespread party identification, a newly formed Russian party could not provide the "brand name effect" that assures the support of a significant portion of the electorate like well-developed parties do (Aldrich 1995: 89).

While the institutional design of proportional representation with closed party lists forced elites to adopt party labels, this did not necessarily mean that there would be a greater connection between these nascent parties and voters. In fact, many observers have maintained that competition among PR electoral blocs has been based more on the personality of party leaders than on any symbolic attachments to the blocs themselves or differences in the policy programs advanced by them (Reddaway 1994: 13–19; Rose 1995: 549–63). If the nascent parties emerging from the PR tier were nothing more than the personal vehicles of their leaders, then the PR election really has done little more than graft the candidate-centered nature of electoral politics found in Russia's single-seat districts onto a nationwide constituency under the guise of party labels. This guise seemed rather indiscreet in 1995, when electoral blocs headed by Ivan Rybkin and Stanislav Govorukhin simply adopted the name of their prominent leaders.

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[316] The Bloc of Independents contested the PR election in 1995 and received less than 1% of the PR vote. One of the bloc's leaders, Viktor Mashinsky, won election in a single-seat district.

Despite the influence that charismatic individuals have had on PR elections in Russia, there is evidence that the list tier has done more for party development than merely force elites to adopt meaningless party labels. When asked in 1995 on what basis they cast their vote in PR elections, Russian voters listed interest representation and policy programs above attraction to party leaders. This varied among nascent Russian parties in the way one would expect. The Communist Party, with its longer history and greater organizational activity, attracted a greater share of its support based on the representation of social interests than did newer parties; while attraction to party leaders was more important for parties with charismatic leaders like Zhirinovsky's LDPR (A. H. Miller et al. 1998). The few empirical data on vote choice in single-seat districts suggest that partisan affiliation and policy programs were less important considerations for voters in the nominal tier. Colton found that voters in the 1993 single-member district election based their decision on three major bases (each reported by 19% of respondents): personal qualities of the candidates, a candidate's attention to the needs of the region, and a candidate's policy program. Party affiliation was listed by only 3% of respondents as a basis for their plurality vote (Colton 1994: 41).

Based on the evidence we have and the results of three parliamentary elections, one can make a plausible argument for the connection between PR and the development of political parties at both the elite and mass levels. Russian parties are far from being institutionalized, but the progress they have made is due in large part to the introduction of a PR party-list vote for half the seats to the lower house of the legislature. It is possible that Russian elites would have managed to aggregate their efforts in national electoral blocs in the absence of PR, and that Russian voters would have come increasingly to identify with these blocs. However, the existence of a PR tier in the MMM system removed many barriers that would have hindered this process in a majoritarian electoral system. Moreover, the individual-level data that we have on vote choice in single-seat districts in Russia suggest that voters are more inclined to choose candidates on the basis of their personal characteristics and regional issues in SSD elections, both of which are hardly conducive to the development of a national party system. This relationship between PR and party development is only further supported by the fact that, absent PR, parties would have had a much weaker presence in Russian elections. The failure of strong national parties to emerge in elections under majoritarian rules in the late Soviet period prompted designers of the MMM system to push for an element of proportional representation in the first place. Moreover, parties have also failed to play a dominant role in Russian gubernatorial and presidential elections, which, of course, have been held under majoritarian electoral arrangements (Solnick 1998).

Up to now, I have emphasized the positive effects of PR for the formation of parties in Russia and the detrimental effects of plurality elections. This

would suggest that a PR system rather than a mixed-member system might have been preferable for Russia if the main objective had been to promote party development. Yet this conclusion would neglect the beneficial incentives for party formation found in the single-seat districts and the drawbacks of PR elections for intraparty development. The benefits for party institutionalization of plurality elections lies in the incentives to build grass-roots organizations and national networks of well-known local elites. Plurality elections parochialize the competition for seats to the Duma, enhancing the role of regional elites and counteracting the dominance of the Moscow-based elites on the PR lists. Parties must build a local presence around the country to win a large number of seats in the SSD tier. The failure of the LDPR in the nominal tier is the most glaring example of this process. Elections in single-seat districts have forced parties to focus on grass-roots organization, recruitment of local talent, and appeals to regional interests. These are items that are essential if parties are to serve an integrative role in Russia, bridging different levels of the federal system (Ordeshook 1996). These are also issues that are not necessary for success in the PR party-list tier of the system.

The value of Russia's MMM system for the intraparty dimension therefore lies in the complementary combination of incentives for party development provided by both tiers of the system. By combining these two very different electoral arrangements in a single system, Russia's MMM has forced party leaders, candidates, and voters to engage in a more complete process of party formation that includes national-level peak organizations and regional grass-roots mobilization. Such a system moderates the ideological polarization and Moscow-centricity of PR while establishing the basis of a party system that is lacking in the endemic nonpartisanship of Russian SSD elections. If democracy survives in Russia and competitive elections continue to be held, the two tiers of the MMM system may cross-fertilize over time. Over the long term, a process of attrition should produce Russian parties that possess characteristics that make them successful in both tiers, strengthening the role of political parties in representation and national integration. Leaders of PR blocs have already been forced to turn their attention to developing grass-roots organizations and recruiting quality local representatives if they ever hope to be competitive in the election for the other half of the seats to the Duma. Likewise, powerful regional elites have begun to establish their own PR blocs or to join established parties in order to translate their regional clout into success in the PR half of the election. There is already evidence that such a process of convergence between the two tiers is under way. List-tier parties like Yabloko have devoted considerable time and resources into developing their grass-roots organizations.

The emergence of the Fatherland–All Russia bloc in 1999 represented an attempt by regional elites to enter national party politics. The party did not perform as well as expected in the list tier due to the popularity of Prime

Minister Vladimir Putin and his endorsement of the pro-Kremlin Unity bloc. However, the bloc partially compensated for this in the nominal tier, winning 32 seats, second only to the Communist Party. meanwhile, the Unity bloc, which nearly doubled Fatherland–All Russia's vote in the list tier, won only 9 SSDs. While the future of Fatherland–All Russia remains tenuous, its success in the nominal tier and Unity's failure highlight the necessity of co-opting regional interests to ensure success in both tiers of the MMM system.

Although it is still too early to make definitive judgments, the MMM system has also had significant effects on governance as well. Analyses of roll-call voting do not show a statistically significant difference in voting patterns *within* parliamentary factions between legislators elected in the PR tier and their counterparts elected in single-seat districts. However, there is a significant difference in the level of cohesion *between* factions. PR-based factions (those legislative parties that overcame the legal threshold in the list tier) show significantly greater cohesion than factions formed after the election by SSD deputies who either belonged to parties that failed to overcome the legal threshold or had no partisan affiliation (Haspel et al. 1998). The PR tier again seems to be the key to party development in this facet of the intraparty dimension. But there also seems to be some convergence in the behavior of PR and SSD deputies within legislative parties with significant numbers of deputies from each tier.

The MMM system also surely affects relations between the legislature and the president. It was argued in Chapter 12 that some advisers to President Yeltsin wanted a greater number of SSD seats because they assumed that legislators from the single-seat districts would be more susceptible to executive pressure. Although conclusions are necessarily tentative, this dynamic seems to be a central feature of the interaction between the MMM system and executive–legislative relations. President Yeltsin has been able to cobble together ad hoc coalitions on key issues, particularly the federal budget, based on the promise of personal perks, constituency benefits, and rumors of outright bribes (Huskey 1999). Deputies elected in the nominal tier, particularly those who formed their own faction rather than join a PR-based legislative party, have been the key members of these coalitions (Thames 1999).

Conclusions and Implications

Thus far, my argument highlighting the positive effects of Russia's electoral system on the intraparty dimension has not differentiated Russia's particular version of the mixed-member system from others. As this volume shows, there are many ways to combine PR and SSD electoral arrangements. Perhaps variations other than Russia's MMM system would provide even

greater benefits for party development. I will address the potential advantages and disadvantages of three possible changes to Russia's current electoral arrangements.

First, Russia could adopt a linked system of compensatory seats that prioritizes the list tier in the final distribution of seats to the State Duma. In consolidated democracies like Germany and New Zealand, linked systems are used to promote greater proportionality between seats and votes. That would not necessarily be the outcome in Russia, given the disparity of success for parties in the two tiers and the proliferation of nonpartisan candidates in the SSD tier. Perhaps linking the two tiers of Russia's mixed system would curb these problems, producing greater correspondence in the vote between the tiers. But I doubt it. The disparities between the two tiers are based on the failure of major PR parties to build adequate grass-roots organizations that are competitive in the SSDs, and they will not be resolved until this has been accomplished. Most importantly, a linked system would be ill-advised for Russia because it would weaken the influence of the SSD elections on party development. If the system were linked, the PR tier would gain ascendance over the SSD tier, weakening the incentive for parties to concentrate on party-building at the grass-roots level. If a party's list-tier seats only compensate it for failing to win its proportional share in the nominal tier, there is much less incentive for the party to invest resources into winning SSDs.

A second potential change to the Russian mixed system would be the replacement of its single nationwide PR district with a number of smaller regional PR districts. This innovation would provide another mechanism for constraining the number of parties by lowering the district magnitude in the list tier. Besides the potential consolidating effect on the party system, regional PR lists could also combat the Moscow-centric orientation of parties, forcing parties to cultivate regional leaders to populate regional lists. In fact, Russia did implement a change in its 1995 electoral law along these lines to promote greater regional representation in the PR tier. Every party was required to have a national list of twelve politicians and then to divide the rest of the list according to regional designations of their choice and distribute seats past the initial twelve according to their regional distribution of the vote. This reform was part of a compromise between the State Duma, which was determined to maintain the status quo of an even split between PR and SSD seats, and President Yeltsin and the Federation Council, who wanted a greater share of SSD seats. District magnitude in the PR tier did not change because the number of seats awarded to parties in this tier was still based on the national PR vote. The change is usually seen as having produced more cosmetic than substantive changes in regional representation since parties were given full control over how they divided up their regional lists.

Regional PR lists are also not a good idea for Russia because they could encourage the emergence of regional parties that might surpass the effective

threshold of a regional PR district even if they could not have cleared the existing 5% nationwide threshold. Thus, regional districts could undermine national integrity. Russian parties are beset by difficulties when building a following and organizational structure in all regions of this vast country. Regional party-like formations headed by governors with little or no ties to national party organizations often dominate regional politics. For example, Edward Rossel and his Transformation of the Fatherland electoral bloc dominated the Sverdlovsk region in the 1995 parliamentary elections, winning the most votes in the region's PR race and one SSD seat. However, the bloc performed so poorly in all other regions of the country that it fell far short of the 5% legal threshold. Over time the nationwide district should compel regional party formations such as Rossel's Transformation of the Fatherland to consolidate into national electoral blocs, improving national integration. Regional lists might retard this process by encouraging such regional parties or encouraging intraparty competition within national parties that could contribute to the further disintegration of Russia's federal structure.

A third possible innovation is the introduction of two-round majority–plurality elections in the nominal tier similar to the system currently used in the nominal tier of Hungary's mixed-member system. Runoff elections would pose some problems. They promise to prolong legislative elections and to make them more costly, two significant concerns in a polity as unstable and cash-strapped as Russia. Moreover, by encouraging more viable first-round candidates, the change would probably produce even greater candidate proliferation in the nominal tier. However, the potential benefits of runoff elections for party building may outweigh these costs. Two-round majority–plurality elections would mean that legislators from single-seat districts would enter office with a much higher percentage of votes than the small plurality most now enjoy. (Average winning vote percentage was around 30% in 1995.) This may add a measure of popular legitimacy to these representatives. More importantly, a runoff between the top finishers could be an institutional mechanism to produce the type of coordination at the elite and mass levels that currently has not been found in plurality elections in Russia. While the plurality system has not produced the two-party system many expected, a two-round majority–plurality race could help promote the development of two large electoral blocs in Russia through the necessity of second-round negotiations between like-minded parties struggling to ensure the election of ideological allies and to thwart the election of despised enemies. This could be a beneficial innovation for the system.

No electoral system is perfect, and electoral systems are just one of a myriad of factors that will help determine the future character of Russia's nascent party system. But the combination of incentives produced by the mixed system currently in place provides Russian parties with the best possible institutional environment to develop. Except for the minor reform of runoff

elections, the parallel MMM system adopted in 1993 seems to be best suited to these purposes for Russia.

Russia and the Study of Electoral Systems

It is crucial to note what this study does and does not imply about the effect of electoral systems and institutions writ large in a transitional regime like Russia. This study reinforces the central dictum of new institutionalism: institutions matter. Electoral systems have had a number of very important effects, which have shaped the character of the transitional regime currently in place and promise to influence the future trajectory of democratization in Russia.

At the same time, this study calls attention to the interaction between institutions and the social context in which they operate. Electoral systems have produced unique outcomes that have run counter to international experience because they were operating in a social context unlike most of the countries that were the empirical bases for the theoretical assumptions in the literature. This was particularly true for the interparty dimension: expectations of party consolidation and assumptions on who would be the winners and losers in the system were dashed. However, expectations of effects on the intraparty dimension were largely met. There was greater development of national parties under the MMM system, as expected. These effects have made Russia's mixed-member system a relative success.

Mainwaring has argued that weakly institutionalized party systems are one of the greatest obstacles to democratic consolidation (Mainwaring 1998: 67). If so, then Russia's MMM system is preferable to extreme PR or majoritarian systems because of the complementary incentives they provide for the full development of national political parties. Over the long term, Russia's MMM system may also provide the most conducive environment for interparty consolidation, even though other electoral arrangements have produced greater constraints on the number of parties in consolidated democracies. By encouraging national party development, the MMM system may encourage the conditions necessary for strategic behavior. Thus, over time the MMM system may produce a more consolidated party system in Russia through a two-step process—(1) encouragement of well-developed parties, that (2) then provide the necessary conditions for the psychological and mechanical effects of the majoritarian elements of the system to take effect.

Part IV Prospects for Reform in Other Countries

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23 The United Kingdom Comes of Age: The British Electoral Reform "Revolution" Of the 1990S

David M. Farrell[317]

In the field of electoral systems Britain has long held out as a bastion of stability, as the country seen as least likely to undergo fundamental electoral reform. After all, it has never had the kinds of electoral earthquakes that shocked countries like Canada (in part, raising questions about its electoral system); it has avoided the kinds of corruption scandals (albeit not entirely; Farrell et al. 1998) that have fed the reform debates in Japan and Italy; its leading politicians have studiously avoided raising the hare of possible reform which New Zealand politicians entertained in the mid-1980s and arguably lost control of in the 1990s. There was every reason to believe that Britain would continue to hold out with its existing plurality system, referred to colloquially as "first past the post". The Conservative Party, which held office for an uninterrupted eighteen years (1979–97), remained steadfastly opposed to any reform of the system (and, indeed, to any wider proposals for constitutional reform). The only possible alternative government, headed up by the Labour Party, while happy to talk generally about constitutional reform, looked unlikely to include the voting system for the House of Commons in its deliberations. Its dynamic new leader, Tony Blair, was on record as being "not persuaded of the case for PR."[318]The only other national party, the Liberal Democrats, which had long clamored for reform, were largely ignored on this issue given that, in part due to their falling on the wrong side of a very disproportional system, their parliamentary party was of pipsqueak proportions.

The picture of Britain as a country never likely to embrace electoral reform was rudely shattered in the late spring of 1997, with the election of a new Labour government. The central argument of this chapter is that the current

[318] Tony Blair, interviewed in the *New Statesman,* July 1996.

debate over British electoral reform should be viewed as part of a wider process of British politics "coming of age". A review of the historical debate reveals a series of failed initiatives to reform the electoral system, suggesting that the matter has never been entirely put to rest; there has always been the prospect of its re-emergence. The current episode, dating from the election of the new government in 1997, provides reason to expect that electoral reform may really happen this time; and certainly it must be stressed that electoral reform has *already* happened in a number of British electoral arenas.

The first section of the chapter summarizes the historical record to date, providing plenty of evidence of a political elite willing to at least countenance the idea of experimenting with change, even if not yet prepared to embrace it. The subsequent section explores possible explanations for why the issue re-emerged in the 1990s. This is followed by an outline of the deliberations and proposals of the Independent Commission on the Voting System (the Jenkins Commission), which was established by the new Labour prime minister, Tony Blair, in December 1997, and whose report was published in October 1998. The chapter concludes with a discussion on current prospects for electoral reform in the UK.

A Century of Debates Over British Electoral Reform: 1860–1970

Of course, it would be entirely wrong to paint a picture of Britain as a country that has never considered electoral reform. History reveals that the political establishment did experiment with alternative systems. Indeed, one significant feature of the British debate was access to colonial laboratory sites in which to experiment, where the system being tested was the single transferable vote (STV) system. The origins of this system in Ireland and Malta, for instance, can be traced back to this.

There was also a phase of experimentation with alternative electoral systems for Britain toward the end of the last century and in the first part of this century (Bogdanor 1981; D. Butler 1963; Hart 1992). Much like their European counterparts, the British political elite seemed prepared, at least initially, to embrace electoral reform as part of the general process of mass enfranchisement and the development of representative democracy (Carstairs 1980). The first big push came with the Reform Act of 1867, which saw the adoption of the limited vote (a multi-seat plurality system, where voters had one less vote than the number of seats to be filled) for thirteen three-seat districts and one four-seat district.[319] Prior to this, most parliamentary districts

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[319] Another electoral system experiment around this time was the introduction of cumulative voting for school board elections in 1870 (Bowler et al. forthcoming).

elected two legislators with two votes per voter, which tended to exaggerate the bias in favor of larger parties. The intention of the limited vote was to help give minorities a chance. This it did with only limited success (Lakeman 1970: 81–2); it was also seen to have helped develop party electoral machines, which was not a popular development (Bogdanor 1981: 104).

The Third Reform Act of 1884–5 abolished the limited vote, and with it went most of Britain's multi-seat districts. The single-seat districts date from this period. One main consequence of the experiment with the limited vote was that it weakened the case for further attempts at electoral reform. There was little appetite for another experiment. It was not until 1908–10 that the issue re-emerged with the appointment of a Royal Commission on Electoral Systems. However, its recommendations for the Alternative Vote (AV)[320]were overshadowed by the internecine war between the House of Commons and the House of Lords and the death of King Edward VII, and the matter was never brought before Parliament.

Next there was the 1916–17 Speaker's Conference, which proposed STV for urban districts—about a third of the districts—and AV for the remaining (predominantly rural) districts. It was the STV proposal that attracted the bulk of attention. Here was a clear attempt to protect the minority elite from the dangers of mass enfranchisement, particularly in urban areas where the Labour Party stood to make great gains. The proposal attracted widespread support in the subsequent parliamentary debate, particularly among those members not affected by it. Ultimately it was rejected, but only after a series of votes in the Commons and the Lords in which the proposal was repeatedly rejected and re-introduced. Indeed, its initial rejection, in the first House of Commons vote, was by only a narrow margin. Just eight votes prevented the adoption of STV for one-third of districts. The result could hardly have been closer. With the rejection of the proposal, and "as a rather picturesque anomaly" (Bogdanor 1981: 129), STV was introduced in only four of the seven university districts (representing university graduates—see Blackburn 1995: 70–1). Otherwise the electoral system remained unchanged.

There was one final push in 1931, when a vulnerable Labour government offered AV in return for Liberal support to retain it in office, but this proposal unraveled in the worldwide financial crisis of that year, and the government fell. In the following decades Britain settled into a comfortable pattern of adversarial two-party politics, with only Conservatives and Labour being in a position to form single-party administrations, and the Liberals passing into the shadows of tiny third-party status. The issue of electoral reform seemed dead and buried.

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[320] AV is the system used for Australian lower house elections, where it is referred to as "preferential voting". It entails SSDs with voters rank-ordering as many candidates as they like (though in Australia they must rank-order all the candidates).

Table 23.1.British Election Results, 1945–97: Votes and Seats (%) [a]

	Conservatives			Labour			Liberals/Liberal Democrats[b]		
	Vote	Seat	Diff.	Vote	Seat	Diff.	Vote	Seat	Diff.
	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)	(%)
1945	36.8	31.1	−5.7	48.0	61.4	+13.4	9.0	1.9	−7.1
1950	43.4	47.7	+4.3	46.1	50.4	+4.3	9.1	1.4	−7.7
1951	48.0	51.4	+3.4	48.8	47.2	−1.6	2.6	1.0	−1.6
1955	49.7	54.8	+5.1	46.4	44.0	−2.4	2.7	1.0	−1.7
1959	49.4	57.9	+8.5	43.8	41.0	−2.8	5.9	1.0	−4.9
1964	43.4	48.3	+4.9	44.1	50.3	+6.2	11.2	1.4	−9.8
1966	41.9	40.2	−1.7	48.0	57.8	+9.8	8.5	1.9	−6.6
1970	46.4	52.4	+6.0	43.1	45.7	+2.6	7.5	1.0	−6.5
Feb. 1974	37.9	46.8	+8.9	37.2	47.4	+10.2	19.3	2.2	−17.1
Oct. 1974	35.8	43.6	+7.8	39.3	50.2	+10.9	18.3	2.0	−16.3
1979	43.9	53.4	+9.5	36.9	42.4	+5.5	13.8	1.7	−12.1
1983	42.4	61.1	+18.7	27.6	32.2	+4.6	25.4	3.5	−21.9
1987	42.3	57.8	+15.5	30.8	35.2	+4.4	22.6	3.4	−19.2
1992	41.9	51.6	+9.7	34.4	41.6	+7.2	17.8	3.1	−14.7
1997	30.7	25.0	−5.7	43.2	63.4	+20.2	16.8	7.0	−9.8

[a] Percentages do not add up to 100 because not all parties are included. In the "Diff." columns a positive sign implies that the party gained a greater share of seats than its share of the vote, a negative sign implies it received a lesser share of seats.
[b] Includes the Social Democratic Party in 1983 and 1987.
    Sources: Mackie and Rose (1991); election results.

In the early 1970s a number of factors conspired to drive electoral reform back onto the agenda. The most significant of these was the growing volatility of the British voter, and the re-emergence of the Liberals as a third force, at least in terms of their electoral support. For many, the 1974 elections (see Table 23.1) were a watershed. The patently unfair result in that year for the Liberal Party, whose large votes in both elections were not translated into large numbers of seats, and the disproportionate benefit in seats for Labour in February 1974 (when the party received more seats than the Conservatives despite having fewer votes), once again raised questions about the electoral system. There were three further developments in the 1970s that added fuel to the fire for electoral reform: the collapse of the devolved political system in Northern Ireland, Britain's accession to the European Community, and the debate over Scottish and Welsh devolution.

It was the outbreak of the "troubles" in Northern Ireland that was to see the first real move toward PR in the UK. As part of its effort to reduce communal tensions in Northern Ireland (which was now under direct rule from London for the first time since 1920), the British government reintroduced STV for all elections other than Westminster elections. In the original Government of Ireland Act 1920, STV had been proposed for the newly created

Northern Ireland state, but in the late 1920s the Northern Ireland government had replaced it with plurality. At least partially in consequence, the electoral history of Northern Ireland from the 1920s to the 1960s was one of consistent electoral dominance by the Unionist majority, facilitated by the electoral system. In 1973 STV was reintroduced for local elections and for elections to the new Assembly established in the lead-up to the Anglo-Irish talks at Sunningdale. Subsequently in 1979 STV was further extended to European Parliament elections in Northern Ireland.

The accession of Britain (together with Denmark and Ireland) to the European Community coincided with discussions about the introduction of uniform electoral procedures in the first (1979) direct elections to the European Parliament. For a while, in the mid-1970s, it looked as if the matter would be resolved in favor of some form of PR, and therefore the issue attracted much attention in the House of Commons. In 1977 a free vote was held on Britain's system for European Parliament elections, in which legislators were asked to choose between a regional list system (the Finnish quasilist system) or plurality (Bogdanor 1981: 163–8). The list system was proposed because STV was too closely associated with the Liberal Party and therefore it was believed that Labour legislators would not support it. In the event, Labour divided roughly in half and the Conservatives, under their new leader, Margaret Thatcher (who was stridently against PR), voted overwhelmingly against. The motion was lost and plurality became the chosen system.

The third push for PR was associated with the debates over Scottish and Welsh devolution. The 1973 Report of the Kilbrandon Commission on the Constitution had recommended STV, together with AV for sparsely populated parts of Scotland. The regional parties and the Liberals favoured STV; the Labour government—understandably, given that both Scotland and Wales are Labour strongholds—did not. In consequence, the subsequent 1977 devolution bill did not include PR for the proposed new assemblies, and ultimately the devolution proposals were defeated (albeit by a technicality) in a referendum.

The coincidence of electoral instability, and the regional and EC debates, meant that electoral reform was high on the political agenda. In 1975 the Hansard Society established a Commission on Electoral Reform, chaired by the historian and Conservative peer, Lord Blake. Its Report in the following year proposed a (single-vote) version of MMP, with three-quarters of the Commons elected in SSDs and the remainder elected on regional lists. The fact that this Commission was self-appointed, that its membership was not seen as representative of the different political groupings, and that it was financed by industrialists affected the reception of its Report, but it managed to attract considerable attention nonetheless. Coinciding with the Report, an all-party National Committee for Electoral Reform was established, chaired

by Lord Harlech. This was designed to coordinate the various organizations calling for reform, and it too attracted a great deal of attention. After several years of appearing neutral as to which PR system to promote, it eventually came down in favor of STV.

Largely as a result of the activities of the National Committee and its influential backers, electoral reform remained on the agenda of British politics into the 1980s, fed by electoral trends throughout the decade. Of particular note was, in 1983, the highly disproportional election result of the SDP–Liberal Alliance, whose vote was only fractionally less than that for Labour, yet it was awarded with far fewer seats (Table 23.1). The fact remained, however, that for the most part electoral reform was the concern of smaller parties and small minorities within the larger parties. Neither the Conservative nor the Labour hierarchies were prepared to embrace electoral reform, fearing that this would endanger their chances of forming single-party majority governments.

The British Electoral Reform Debate of the 1990S

Given the history, there is no particular reason why electoral reform should not have raised its head again. But the question still needs to be asked: "why now?" At least part of the answer to this question is provided by this volume, for it is possible to see the British case as part of a growing international "wave" of fundamental electoral reform in a post-Cold War era.

But there are also factors specific to the UK that help explain why electoral reform is now placed high on the political agenda. One of these is based on the significance of Margaret Thatcher's arrival on the political stage at the end of the 1970s. She was stridently opposed to any talk of changing the electoral system, and her dominance over British electoral politics (and the concomitant internal strife within the Labour Party) ensured that the issue of electoral reform was to remain on the political back-burner for the best part of two decades. Might things have been different if the Conservatives had not dominated British politics for this length of time? There is no easy or obvious answer to that question, but what is certain is that *by* their dominance the Conservatives provoked a reaction within Labour in favor of change, which in turn led to high-level negotiations between Labour and the Liberal Democrats.

According to critics of the existing system, it was only a matter of time before the political elite would adopt a more favourable position on PR. To many, the two decades of Conservative rule provided plenty of evidence of the "failings" of the plurality system (Dunleavy 1991; Linton and Southcott 1998; in general, see Farrell 1998: 26–9). For instance, here we had a series of

governments dogmatically pursuing a neo-liberal macroeconomic agenda despite never having once secured anything remotely approaching 50% of the popular vote. As Table 23.1 shows, the highest vote received by the Conservatives during this period was less than 44% in 1979. Of course, this is perfectly consistent with Britain's status as a "pluralitarian" democracy (Chapter 2), but, given the sharp shift to the right in macroeconomic policy (consistent with Finer's description of the system as one of "adversary politics"; see Finer 1975), to say nothing of some notably controversial local taxation and privatization policies, it was only to be expected that such developments would, in time, drive more people into the electoral reform camp.

The first stage in the process of change within Labour was the decision by the then party leader, Neil Kinnock (who with hindsight is now known as a supporter of electoral reform) to establish a working party to consider proposals for a new electoral system. Under the chair of the leading political theorist (and since ennobled) Raymond Plant, the working party met from 1990 to 1993, by which time Kinnock had been replaced as leader by John Smith (who was far more skeptical of change). The Plant Reports (there were several) proposed PR systems for European Parliament elections and for envisaged new devolved assemblies in Scotland and Wales. It also proposed a new electoral system for the House of Commons, the Supplementary Vote (SV; billed as a simplification of AV in that voters would declare only two preferences and all but the top two candidates would be eliminated after the first round of counting, thereby ensuring a majoritarian result) (Labour Party 1993). John Smith was not enthused, and the matter was diffused by a vote at the subsequent party conference not to adopt the SV proposal but instead to move for a referendum on electoral reform.

As we moved into the mid-1990s, the momentum started to build. The sudden death of John Smith in 1994 propelled Tony Blair into the party leadership. On the basis of the Plant Reports, the conference vote, and a growing mood within the party in favor of wider constitutional reform, it was inconceivable that electoral reform would not feature on the party's agenda in the lead-up to the 1997 general election. This also fed into Blair's very public agenda of trying to move British politics away from its traditional adversarial nature, toward something more consensual. A central part of this agenda has involved an evolving process of ever-closer cooperation between Labour and the Liberal Democrats (something that, it should be noted, has been viewed with not a little concern by activists in both parties).

Labour and the Liberal Democrats had already been involved, during the previous decade, in joint discussions on matters relating to UK constitutional reform, specifically with regard to the issue of Scottish devolution. Both parties, together with a wide range of non-party organizations (churches, civic societies, etc.) and all other Scottish parties except for the Scottish Conservatives (and, after a certain point, the Scottish Nationalists), took part

in the Scottish Constitutional Convention, which aimed at achieving a consensus position with regard to proposals for a new Scottish assembly. Among other things, this was to result in the proposal for MMP for the new assembly (see below). On the heels of this success, in 1996 the two parties established a high-level Joint Consultative Committee, to consider a raft of proposals for British constitutional reform, including electoral reform. Among the various topics dealt with in its report, published on the eve of the 1997 election, the Committee was unequivocal with regard to the matter of electoral reform:

> Both parties believe that a referendum on the system for elections to the House of Commons should be held within the first term of a new Parliament. Both parties are also agreed that the referendum should be a single question offering a straight choice between first past the post [plurality] and one specific alternative. (Joint Consultative Committee 1997)

The Committee also supported moves to adopt PR for British European Parliament elections, and for elections to the proposed new regional assemblies. In the subsequent 1997 election, the Labour Party manifesto included promises consistent with all of these proposals. Even if, as we saw above, the party leader may have publicly expressed doubts over the issue of electoral reform for the House of Commons, in the light of these policy developments within the party it would have been difficult to exclude the House of Commons from the general package of proposed electoral reform.

An alternative explanation as to why electoral reform is now so prominently on the agenda of British party politics is based on a somewhat more cynical review of the matters just discussed.[321] It could be argued that Blair's constitutional reform agenda (of which electoral reform is just one part) is designed as a means to perpetually wrong-foot the Conservative opposition, much like Labour itself had been constantly caught off-guard and on the defensive throughout much of the Conservative period of government, due to the Conservatives' busy agenda of privatization of public utilities. Labour had had great difficulty producing a credible response, particularly as many of the privatizations were perceived to have been successful, or were certainly pretty popular with the voting public. In similar fashion, the Conservatives have had great difficulties coming up with a credible response to the busy package of constitutional reforms that the Blair government introduced in its first two years of office. Among other things, these have included: the establishment of new assemblies in Scotland, Wales, and London (all passed by referendums; as part of the ongoing peace process a new assembly was also

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[321] Much of this argument represents a poor rendition of a stimulating presentation by Patrick Dunleavy during a round-table on "constitutional reform", at the annual meeting of the Elections, Public Opinion and Parties specialist group of the Political Studies Association, University of Essex, September 1997.

established in Northern Ireland); a new mayor for London (who will arguably be one of the most powerful political figures in the land); a commitment to reform the House of Lords (a Royal Commission produced its report in 1999); and the establishment of an Independent Commission on electoral reform for the House of Commons, with a commitment to bring their proposals forward to a referendum.

At this point it is worth noting that, whatever may happen with regard to the House of Commons, electoral reform is already very much a reality. The current picture is summarized in Table 23.2, which reveals a host of new electoral systems across the UK. The Northern Ireland STV system was used in 1998; the Scottish and Welsh MMP systems got their first outing in summer 1999, as did the new list system for the Euro elections; and the London Assembly and Mayor were elected in Summer 2000.[322]

As this table shows, Britain has already travelled some considerable way toward embracing electoral reform, to the extent that the country now probably competes with Australia and Italy (see Chapters 5 and 15 above) for the accolade of country with the most different types of electoral system for its various electoral arenas. In itself, this may be suggestive of a further trend, not only toward mixed electoral systems but also toward a mixing of electoral systems. But, of course, the big question remains as to what may happen with regard to the House of Commons.

The Emergence of "Av Plus" As the Proposed New Electoral System for the British House of Commons

The Independent Commission on the Voting System (the Jenkins Commission) was established in December 1997, with a remit to report within a year. While free to recommend any "appropriate system or combination of systems," it was made clear that the following four criteria had to be observed: "broad proportionality", "stable government", extension of "voter choice", and "the maintenance of a link between MPs and geographical constituencies",[323]The rationale behind, and precise meaning of, these criteria were not explained, but it is pretty evident that they reflected a certain inbuilt tension between a largely Liberal Democrat-inspired desire to change to a

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[322]   The London electoral system legislation includes a 5% threshold.

[323]   The members of the Commission were: Lord Jenkins of Hillhead (chair), Lord Alexander of Weedon, Baroness Gould of Potternewton, Sir John Chilcot, and David Lipsey (political editor of *The Economist*). The decision to place Jenkins, a prominent Liberal Democrat, in charge of the Commission was consistent with Blair's desire to develop closer, more cooperative, arrangements between the two parties.

Table 23.2. The New British Electoral Systems

Arena	No. of seats	System	No. of districts	DM	Proportional list seats[a] (%)	Electoral formula	List ballot structure	District ballot structure	Legal threshold
European Parliament[b]	84	PR list	11	7.6	n.a.	d'Hondt	Closed	n.a.	No
Northern Ireland Assembly	108	STV	18	6	n.a.	Droop	Open	n.a.	No
London mayor	1	SV[c]	1	1	n.a.	Droop	n.a.	Can rank 2	No
Scottish Assembly	129	MMP	73/8[d]	1/7	43	Plurality/d'H.	Closed	Categorical	No
Welsh Assembly	60	MMP	40/5	1/4	33	Plurality/d'H.	Closed	Categorical	No
London Assembly	25	MMP	14/1	1/11	44	Plurality/d'H.	Closed	Categorical	Yes[e]
House of Commons[f]	659	AV+	544/80	1/1.4[g]	17.5	Majority/d'H.	Semi-open[h]	Preferential	No

[a] List seats as a proportion of total seats.

[b] The new system for EP elections in Britain. The three Northern Ireland MEPs will continue to be elected under STV (i.e. with a DM 3). The average British DM of 7.6 reflects a range of different district sizes, from 4 in the North East region to 11 in the South East region.

[c] Supplementary Vote (SV) is a "simplified" version of AV, where, instead of ranking all candidates, the voter can indicate a preference for just two. If no candidate achieves a majority of the votes in the first count, then all bar the top two ranked candidates are eliminated and their second preferences are transferred, thereby producing a majoritarian result in the second round.

[d] The first figure indicates the number of SSDs; the second figure indicates the number of list districts.

[e] Given the relatively low "effective electoral threshold" it was decided to set a 5% legal threshold.

[f] This is a summary of the system proposed by the Independent Commission. They propose two possible regional "top-ups," 15% and 20%. This summary takes the middle ground, of 17.5%.

[g] A mix of one-member and two-member "top-ups" is proposed.

[h] The "Belgian" system. The candidates are ranked by the parties. Voters can declare either a "party" vote, or a "personal" vote for one of the party's candidates. The order in which candidates are elected is not determined solely by personal votes, making it very difficult for a candidate to "leapfrog" over other candidates ranked higher by the party.

"fairer" electoral system (broad proportionality; voter choice), while retaining certain largely Labour-inspired core elements of the "British" system (stable government; the constituency link).[324]In short, the first two criteria suggested a *proportional* tension, the second two a *majoritarian* tension.

The Jenkins Commission deliberated from January to October 1998, reporting two months before the deadline. It held a series of public meetings throughout the UK, received more than 1,500 written submissions (a sample of the more influential ones are published in volume 2 of its Report), commissioned focus group research, and went on fact-finding missions to Australia, Germany, Ireland, and New Zealand. The locations of these visits provide an early clue to the types of electoral system that were given serious consideration by the Commission. As is made clear in the Report, pretty early on the Commission ruled out pure majoritarian systems (on the grounds that they failed the "broad proportionality" criterion; and also because of a feared anti-Conservative bias in the case of AV, a point much stressed by Patrick Dunleavy and his colleagues 1997), and pure list systems (on the grounds that they failed the "constituency link" criterion).[325]

The ultimate choice was between the single transferable vote and some form of mixed system. STV is dealt with in chapter 6 of the Report, where it is described as "the system which commands the enthusiastic support of most of those who have devoted their minds and their energies to the cause of electoral reform" (Jenkins 1998: 29). Given the position of STV as quintessentially an "Anglo Saxon" form of PR, it would have been strange had Jenkins not given it due consideration.[326]Pretty familiar points were raised to indicate the shortcomings of STV for Britain, among them: the likelihood in such a populous country of very large, "far-flung" electoral districts; long and unwieldy ballot papers; an "excessively complicated" counting process; the fact that a number of Irish politicians want to drop STV (though is that so surprising?); its tendency (in Ireland) to produce "excessively parochial" legislators. It was also felt that "voter choice" has its limits. In the typically colorful, if English-centric, prose of Roy Jenkins, the point was made as follows: "where the choice offered resembles a caricature of an over-zealous American breakfast waiter going on posing an indefinite number of unwanted options,

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[324] It is interesting to note how the Labour government set far tighter criteria than had been set for the New Zealand Royal Commission of the 1980s, indicative perhaps of the extent to which the government was determined not to give up too much control over this agenda.

[325] There is no evidence that the Commission considered small regional open lists systems, which would have allowed for the maintenance of the constituency link.

[326] Lijphart's observation of "a perfect social science law"—that when "Anglo-American countries use PR, they always choose STV" (1987: 100)—has already been breached by New Zealand's decision to opt for MMP in 1993.

it becomes an exasperation and an incitement to the giving of random answers" (Jenkins 1998: 29).[327]

One "hybrid" option that was entertained was to follow the proposal of the 1917 Speaker's Conference, by implementing AV in rural districts and STV in large town and city districts. The purported elegance of this solution was that it would reflect the fact that, unlike rural areas, "big-city constituencies [districts] are often more floating kidneys than natural communities" (Jenkins 1998: 32). Against that, however, were the dangers of voters being confused by the mix of systems, and of Labour (whose support is concentrated more in urban areas) being placed at an electoral disadvantage to the Conservatives (whose support is concentrated more in rural areas). Ultimately, STV was regarded as "too big a leap from that to which we have become used, and it would be a leap in a confusingly different direction from the other electoral [*sic*] changes which are currently being made in Britain" (Jenkins 1998: 33).[328]

This left, as the only conceivable option, some form of mixed electoral system. It was felt that, by finetuning some of the features of a mixed system, the Commission could come closest to squaring the circle between the proportional and majoritarian tensions of their four criteria. Several advantages of this system were noted, among them: its flexibility in terms of how the ratio of "top-up" members can be set; its widening of voter choice due to its two-vote element; and its record (citing Germany) of governmental stability even when in a fully proportional form. The issue of a mixed system producing two categories of legislator was not seen as too problematic, particularly in the light of British historical tradition; where for instance, in the nineteenth century there was "a considerable difference of category between county and borough members" (Jenkins 1998: 36). Mention was also made of the old "university seats" (some of which were elected by STV; these persisted until the 1950s). "Furthermore there has long been a difference of practice, if not of theory, between those who entered Parliament primarily to seek a national role, . . . and those who sprang out of a particular locality, [and] found their greatest satisfaction in representing and serving it" (Jenkins 1998: 36).

Of course, the principal virtue of a mixed system is that it can be tweaked to suit the circumstances of different countries. Among the "bastardizations" (to paraphrase Sartori 1997) of the German model have been: variations in electoral formula (usually on the list vote, though Hungary has replaced the

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[327] Of course, just as most American diners, faced with such a vast menu, tend to opt for "fixed breakfast" options, equally there are choice-shortcuts available to voters under STV (e.g. voting exclusively for the candidates of one party).

[328] Given the special circumstances of Northern Ireland, and in particular the fact that, since the 1970s (and also during the 1920s), STV has been used there for all non-Westminster elections (with the exception of the 1996 Forum—see Sinnott 1997), there was good reason to expect that it would treated as a special case (see O'Leary 1998). However, the Jenkins Commission found the arguments in favor of a uniform electoral system across the UK more compelling.

plurality formula in the nominal tier with the French two-ballot system); reductions in the ratio of list members (to date the most extreme case in Europe being Italy's 25%); removal of the two-vote element (the Italian Senate; and also proposed for the UK by the 1976 Hansard Commission); and, most significantly, removing the correctional element of the list election (and thereby turning the system into an MMM system such as that now used in Japan and Russia). As Table 23.2 shows, in the design of electoral systems for the new regional assemblies of London, Scotland, and Wales British electoral engineers have already experimented with ratios of list members ranging from 33% to 44%. Given the four criteria that the Jenkins Commission was obliged to take account of (and, indeed, the particular interpretations they placed on these criteria), there is little surprise to discover a preparedness to range a bit further from the "German" model.

The system ultimately chosen by the Jenkins Commission—called variously "limited AMS", "AV Top-up", or "AV Plus"—differs from German MMP in three main respects (Table 23.2), thus earning it the label of "British AMS" (Dunleavy and Margetts 1999).[329]First, the proposed proportion of list (or "top-up") members is between 15% and 20%, thereby making this the least proportional of the correctional mixed systems currently in operation—and, indeed, raising a question mark over whether this system is indeed worthy of being categorized as MMP (see chapter 1). This element, designed to achieve the middle ground between the criteria of "broad proportionality" and "strong government", had been widely expected. Journalists were speculating about such a low ratio of list seats months in advance of the publication of the Jenkins Report. Indeed, first mention of a system called "AV Plus" was made within weeks of the start of the Jenkins Commission's deliberations (see e.g. Mann 1998; Parker 1998). There is little doubt but that the Commission would have seen the advantages of this system in terms of offering the best (or, at least, most obvious) compromise between those wanting to hold onto the status quo, and those wanting change. Soon after the

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[329] AMS stands for "Additional member System", which is the common title given in the British debate to the MMP system. It is pretty clear that one additional factor motivating the Jenkins Commission to range freely from the "German" blueprint was so as to be able to sell this system as distinctly British, thereby preventing any criticism of it as a foreign import. There are a number of other more minor respects in which AV Plus differs from German MMP. It is assumed (though nowhere stated in the Report) that the list electoral formula will follow the general British trend in favor of the least proportional d'Hondt highest average system. There is no need for a legal threshold given the very high effective threshold in the list tier. Byelections will be held in the case of district seats. In the case of the list seats, the next candidate on the party list will take the seat; however, if there are no candidates left on the list, the seat shall remain vacant. Consistent with all the other British forms of PR, there is no provision for "supplements" (candidates to take the place of any seats that become vacated during the term). There is also no provision for *apparentement* : indeed, only parties with candidates in at least half of the SSDs in a region will be allowed to put forward candidates for the list seats.

Commission started its work, a group of Labour backbench legislators formed a "Keep the Link" campaign promoting AV because of its virtue in not breaking the much-loved single-seat district link.[330]More than eighty Labour backbenchers signed up, as did some junior government ministers (with the permission of Downing Street). Senior ministers, such as Home Secretary Jack Straw and deputy prime minister John Prescott, briefed journalists on how resistant they were to *any* form of PR, however diluted.[331]A major part of their objections to change was focused on the apparent shortcomings and dangers of coalition governments.

The Commission had the difficult balancing act of trying to produce a system that would achieve a sufficient amount of proportionality, while at the same time minimizing the possibilities of a coalition government being formed and preserving the cherished "link". (By now this latter criterion was being widely interpreted as implying a single-seat district link.) The solution of AV Plus was offered to them on a plate in the form of a report by Patrick Dunleavy and his collaborators, published by the Democratic Audit, in early March (Dunleavy et al. 1998). Dunleavy and his colleagues repeated the mock-ballot simulation exercises they had carried out to coincide with the 1992 and 1997 general elections (Dunleavy et al. 1992, 1997; for a critique, see Allard 1998), only this time the systems they were testing were AV Plus and SV Plus.[332]The publication of this Democratic Audit report attracted considerable media interest, and not long after, Dunleavy and his principal coauthor, Helen Margetts, were invited by the Jenkins Commission to provide specialist advice on the design of an AV Plus system that would produce the magical formula of single-party governments with as little as 42% of the vote.[333]

After some deliberations (guided by further commissioned research carried out by Dunleavy and Margetts), the Jenkins Commission came up with the proposal that, spread among groupings of between eight and twelve single-member districts, there should be eighty top-up areas for the whole of the UK.

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[330] Quite apart from the obvious fact that the legislators wanted to keep their seats, it is likely that one other factor encouraging many Labour legislators to sign up to this campaign were fears of a more rigorous selection process under a PR system. The new European Parliament list system meant that the party's sitting European legislators were more beholden to the party's selectorates (and leadership) than ever before, and House of Commons legislators were anxious to avoid the same fate.

[331] "Cabinet Split Over Poll System Reform," *Independent,* March 10, 1998.

[332] The SV in "SV Plus" is the supplementary vote system first proposed by the Plant Commission (see above). Dunleavy and his colleagues were on record as supporters of SV as an appropriate simplification of AV. Other scholars were not so enamored. See e.g. the discussion in Butler (1998).

[333] Patrick Dunleavy is a professor of politics at the London School of Economics; Dr Helen Margetts lectures in politics at Birbeck College, London. Another political scientist who was also taken on as adviser to the Jenkins Commission was Professor John Curtice of Strathclyde University.

(And, depending on whether the government would choose a top-up ratio of 15% or 20%, this would determine what mix of one-seat and two-seat top-ups there would be overall.) Two of these would be in Northern Ireland, eight in Scotland, five in Wales, and the remaining sixty-five would be distributed across England with the intention of, where possible, matching metropolitan areas and preserving county lines in rural areas.

The strong advantage . . . of this devolved county/city allocation is (i) that it would help to restore some cohesion of representation to the recently weakened traditional localities of Britain; and (ii) that one or two additional members locally anchored to quite small areas comprising a maximum of 12 and an average of eight current constituencies [districts] put together are, we believe, more easily assimilable into the British political culture and indeed the Parliamentary system than would be a flock of unattached birds clouding the sky and wheeling under central party directions. (Jenkins 1998: 40).

Table 23.3. The British General Elections of 1992 and 1997: Plurality Results Compared With Simulated AV Plus Results

	No. of seats in 1992[a]		No. of seats in 1997	
	Plurality	AV +	Plurality	AV+
Conservative	336	316	165	168
Labour	271	240	419	368
Liberal Democrats	20	74	46	89
Scottish/Welsh Nationalists	7	11	10	15
Northern Ireland parties	17	18	18	18
Others	—	—	1	1
Total	651	659	659	659
Required for majority	326	330	330	330
Deviation from proportionality[b]	18.0	9.0	21.0	13.2

[a]   The number of legislators was increased after 1992. For the purposes of this AV Plus simulation, 1992 voting figures were superimposed onto the larger parliament.

[b]   The Loosemore–Hanby index.

Source: Jenkins (1998: 46–7).

According to the estimates provided by their academic advisers, the Jenkins Commission predicted that their proposed system was likely to produce single-party majority government much more often than multi-party coalition, thereby meeting their interpretation of the "stable government" criterion. Looking back over the previous four election results, the simulations by Dunleavy and his colleagues suggested that single-party governments would have been formed in 1983 (Conservative majority of 30), 1987 (Conservative majority of 20), and 1997 (Labour majority of 38). As Table 23.3 shows, in 1992, however, the Conservative leader John Major would not have been able to form a single-party government; and, given the antipathy at

that point between Conservatives and Liberal Democrats, and the fact that a Labour–Liberal Democrat coalition was not available because of a lack of sufficient seats between them, this would likely have resulted in an early second election, "for which there have of course been several precedents under FPTP [plurality]. It could easily be argued, however, that this might have been preferable from the point of view of decisive government than the five years of uncertain power which followed" (Jenkins 1998: 46).

As we have seen, the decision to adapt the "German" system by having only a small number of "top-up" list legislators was expected long before the publication of the Report. Also much touted was the second main deviation from the "German" model: namely, that the nominal tier should be elected by AV rather than the more conventional plurality system. Given the small size of the list tier, and therefore the fact that the bulk of legislators would continue to be elected on a district basis, it was felt important to address the issue of so many legislators being elected with a bare plurality of support. In addition, the criterion of voter choice required a reduction of "wasted votes because voters will be able to influence outcomes through second and sometimes third preferences and thus correct one of the mischiefs of the current system which is effectively to disenfranchise voters whose first preference is for small parties or independent candidates" (Jenkins 1998: 39). Clearly, the issue of AV was a bone of contention in the Commission's deliberations, as revealed by the minority report of Lord Alexander, rejecting AV as an unnecessary addition, as increasing the likelihood of tactical voting, and as giving too much influence to lower preferences (Jenkins 1998: 53–5).

The third main variation from the "German" form of MMP was the least expected. Given the importance of the "voter choice" criterion, the Commission felt it "desirable that the voters should be able to discriminate between the candidates put forward for the list by the party for which he or she [*sic*] wishes to cast the second vote" (Jenkins 1998: 42). This resulted in the Commission proposing the "Belgian" flexible-list ballot, in which the parties rank the candidates, and the voter either declares a "party" vote or a "nominal" vote for one of the party's candidates. As is well known (Marsh 1985), in Belgian elections, this system results in very few cases of candidates low down the list "leapfrogging" into winnable positions. This is because the order in which candidates are elected is not determined solely by nominal votes. It takes a certain threshold of personal votes before any given candidate can "leapfrog" over others who are given higher rankings by the party. It would be interesting to see whether the same limitations on candidates' leapfrogging will apply in the case of such short-lists, where there are unlikely to be more than two candidates ranked by the parties.

As we have seen, Tony Blair was on record as being "not persuaded" of the case for changing the system. In the weeks leading up to the release of the Jenkins Report, therefore, there was much speculation over how he was likely

to react to it. This issue was complicated by the fact that not only were there doubts over what Blair felt about the *principle* of change, there was also the more vexed question of the *timing* of change. The party's 1997 election manifesto had promised a referendum after the publication of the Jenkins Report. The question now was whether this should be held in the lifetime of the current parliament, as Liberal Democrat leader Paddy Ashdown and his supporters fervently wanted, or whether it could be held over until after the general election. Blair refused to be drawn on the issue in advance of the publication of the Report. In the event, he was let off the hook by the advice given in the Report that the move to a new system could not be achieved before the election after next (i.e. well into the new millennium), thereby taking the pressure off the government to call an immediate referendum. The current line is that the referendum shall be held at the earliest opportunity, with few now thinking that it will be this side of the next election. With the removal of timing as a problem, all that was left was for Blair to give his views about the principle of the proposed system, taking care to choose a form of words that would not upset his Labour ranks, while at the same time trying not to upset the sensibilities of the Liberal Democrats (which might have threatened the leadership of Paddy Ashdown). In the event, Blair pronounced that he "warmly welcomed" the Report (White 1998).

Given Blair's apparent embracing of the case for change and the fact that so many of the details of the proposed system were so accurately predicted by the media long in advance of the publication of the Commission's Report, a question arises over just how "independent" was the Independent Commission on the Voting System. Arguably one of the characteristics of the electoral reform process in at least some of the recent cases (see Chapters 14 and 15 on Italy and New Zealand in this volume) is an effort to take it out of the exclusive control of the political elite. In this British case, however, if the media knew what was going on, then clearly so also did the party politicians. Indeed, there was much speculation of secret meetings between the Jenkins Commission and Tony Blair and Paddy Ashdown. Writing in late September, the political editor of the *Observer* indicated that, while "Downing Street confirms that Jenkins's team has been in *discussions,* not *negotiations,* with Blair's staff" (my emphasis), nevertheless, he suggested, the Jenkins plans had been "scaled down on Blair's insistence, to make them acceptable to the Cabinet" (Wintour 1998a, b; see also Brown 1998a). Despite such speculation, any accusations of party political interference in the deliberations of the Jenkins Commission have been emphatically denied by one of its members:

> Any suspicion that our conclusion resulted from secret negotiations between Lord Jenkins, Tony Blair and Paddy Ashdown . . . is unfounded. Not wanting our report to join the ranks of previous reports on this subject gathering dust on library shelves, we did establish the parameters of Mr. Blair's and Mr. Ashdown's thinking as well as that of the Conservative Party. But in the end, we all rather piously agreed that we should

recommend not what was most expedient but what was right. And so, believe it or not, we did. (Lipsey 1998)

Will Britain Change Its Electoral System?

For the first time in over eighty years a proposed new electoral system for Britain is on the table. Whereas in the case of the 1917 Speaker's Conference the issue of whether to adopt the AV/STV mix came down to the wire, ultimately defeated by a narrow vote in the Commons (a free vote, reflecting divisions in the Conservative–Liberal coalition—see Bogdanor 1981; Hart 1992), on this occasion the decision looks likely to be made by the people in a referendum. The Labour government has made a manifesto commitment to bring the matter forward to the vote. The issue now is one of timing.

The battle lines are already drawn, at present with the expectation that the fight will be over the Jenkins proposals. Well funded campaign organizations have formed on both sides of the argument. The pro-reform lobby is being led by the Make Votes Count coalition, which brings together such organizations as Charter88, the Democratic Audit, the Liberal Democrats, the Labour Campaign for Electoral Reform, and the Electoral Reform Society (which balloted its members to obtain permission to campaign for a non-STV system). Other like-minded organizations are associated with this coalition. Various sources of funding have been provided, the lion's shares of it coming from the Rowntree Reform Trust (a reported £100,000 to date). The coalition is also attracting growing support from prominent business people. This coalition has already been in operation for some time, and played a key role in lobbying the Jenkins Commission in favor of the AV Plus system (see Linton and Southcott 1998).

On the anti-reform side there is the Labour Party First Past the Post group, led by Stuart Bell MP, which includes a membership of more than 100 Labour legislators, assorted cabinet and junior ministers, such Labour luminaries as Lords Callaghan and Hattersley and Lady Castle, and a number of trade unions (Percival 1998; Brown 1998b). Negotiations are underway to form a cross-party alliance with the Conservative party. To date it is known that they have received a donation of £10,000 from the country's third largest trade union, Amalgamated Engineering and Electrical Union (which previously had supported electoral reform). Another powerful trade union, the Transport and General Workers Union, has also announced its firm opposition to any move toward electoral reform.

Despite this level of activity by proponents and opponents of reform, in the months that have followed the publication of the Jenkins Report, the issue of electoral reform has all but disappeared from the headlines. Indeed, it was

noticeable how, after a brief flurry of media interest for a week or so after the publication of the Report, the issue quickly died, reflecting both an apparent lack of political commitment and little by way of media interest.

As we have seen, initially the decision was taken to kick the matter "into the long grass," ostensibly for two reasons: first, to give some time for the details of the Jenkins system to percolate among the chattering classes, campaign organizations, and ultimately the wider public; second, and more significantly, to give the government breathing space to make up *its* mind over whether AV Plus is the system it wants to push. The issue has since been further complicated by three major developments: the decision in early 1999 to establish a Royal Commission to consider reform of the House of Lords, the sudden announcement by the Liberal Democrat leader of his imminent retirement, and growing disquiet in Labour Party ranks. The first two of these points explain why electoral reformers may have to play a very long and patient game; the last point may give electoral reformers more cause for concern over the whole future of the project.

Reform of the House of Lords muddies the electoral reform waters because, should the unelected upper chamber be replaced by something that is either fully or partly elected, this could lead to inevitable questions over the relationship between the electoral systems for both houses. The Royal Commission reported in January 2000, proposing that up to one-third of the membership of the House of Lords should be elected (most likely under a flexible-list system). In the meantime, since establishing the Royal Commission the government has already proceeded with its "first phase" of reform of the Lords: in mid-1999, hereditary peers (those inheriting their peerage by birth) lost the right to sit in the Upper House, leaving only life peers (those appointed to the House by successive governments) behind. Having achieved this, the Labour government has since given a clear signal that further reform of the House of Lords is off the agenda this side of the general election. Assuming that it re-emerges after the election, it does raise significant questions for the Jenkins proposals: these could end up being amended, or even shelved; and certainly there is little likelihood of the Blair government making a move on this issue of House of Commons electoral reform until the uncertainty over Lords reform has first been resolved.

Another area of uncertainty was caused in January 1999 by the dramatic and unexpected announcement by the long-standing Liberal Democrat leader, Paddy Ashdown, that he would relinquish his leadership after the local and European elections in June 1999. In part, this announcement reflected the pressure he had come under from his own ranks over the growing high-level links between the Liberal Democrats and Labour. His successor, Charles Kennedy, has shown clear signs of wishing to maintain a more discrete distance between the two parties than did his predecessor. An important plank in Blair's rationale for electoral reform—as a means of facilitating

some kind of electoral alliance between the two parties as a buttress against future Conservative threats—has been weakened.

One more factor that must certainly be setting alarm bells ringing in the minds of electoral reformers are developments inside the Labour Party itself. As has been outlined above, a powerful and growing lobby of ministers, back-bench Labour legislators, rank-and-file party members, and trade union barons has been calling on the Prime Minister to drop the proposals for change, or at the very least to considerably water them down. While Blair has proved in the past to be not afraid of pushing an agenda despite internal party opposition, there are limits to this, and it is also worth remembering that he himself remains decidedly lukewarm over the issue. In early 2000, Blair signaled his cooling ardor for the Jenkins proposals, and the current speculation is that he may seek some means of quietly dropping them, if at all possible.

Even assuming that electoral reformers manage to surmount these hurdles, particularly the latter, there is still the matter of a referendum, where they will need to swing the hearts and minds of the British voting public. If a referendum is eventually held, what is likely to be the response of British voters? As ever, this is the $64,000 question, for how can we arrive at a true measure of public attitudes toward an issue that attracts minimal attention, much inaccuracy, and confusion? Of course, this has not prevented analysts from trying to gauge public opinion, usually through a secondary analysis of existing data sets, in which the single electoral reform question was little more than an aside in a larger project (Weir 1992). A case in point is Peter Kellner's review of the poll evidence during the 1992 election, which led him to conclude, pretty definitively that "reform is less popular with the public than its advocates supposed" (Kellner 1992: 10). Patrick Dunleavy and his colleagues (1993) have sought to get around the problem of little public interest in, or understanding of, electoral reform. As part of their testing of alternative electoral systems on a sample of voters in the 1992 general election, they posed a series of election system-relevant statements, in particular asking their respondents whether they agreed or disagreed with the following: (1) "This country should adopt a new voting system that would give parties seats in Parliament in proportion to their share of the votes", (2) "We should retain the current voting system as it is more likely to produce single-party government". The rationale was to assess the consistency of support for change or for the status quo. This produced the finding that 43% of voters consistently supported PR, while 32% did not, leading Dunleavy et al. to conclude that "We find no evidence of any across-the-board shift against electoral reform" (1993: 181).

A much bigger stride toward solving the problem of little public engagement with the issue of electoral reform was taken by Dunleavy et al. in their subsequent mock-ballot survey of British voters in the 1997 general election (1997; see also Farrell 1998: 31–3). Respondents were first required to complete a series of mock ballots for re-runs of the election using four alternative

electoral systems: SV, AV, STV, and MMP. On the basis of their experience of using these different systems, the respondents were then asked what they thought about them. MMP emerged as the most popular system, with 54% of respondents stating that they "liked" it. The other systems were liked by the following proportions: SV 53%, AV 37%, STV 24%. With MMP emerging as the "most acceptable candidate for the 'reform' option" (remember, this research was being carried out long before Jenkins was on the horizon), Dunleavy et al. next held a mock referendum with their sample of voters, offering them a choice between the current plurality system and MMP. This produced a fairly even balance, with 41% backing the current plurality system and 44% backing MMP (see also Dunleavy and Margetts 1999: 31–2).

Of course, the issue of whether one alternative electoral system is preferred over another is less important that the mere fact that there is a constituency of support among the voting public for change. This point was reinforced by recent focus group research which demonstrated that, once voters have been exposed to alternative systems and have been given some time to accustomize themselves to them and understand them, there is a perceptible shift in attitudes away from the status quo and toward embracing electoral reform (Farrell and Gallagher 1999). This provides strong support for the argument that, given time, a good publicly funded education campaign, and active informative campaigning on both sides by relevant interest groups, there is a fair chance that the public might support the adoption of a new electoral system, once it has been finally determined whether and when to ask them, and what system to ask them about.

Britain has come a long way since 1997. The country's constitutional map has been, and continues to be, radically redrawn; a range of new representative assemblies (each with its own particular electoral system) clutter the landscape; the unelected House of Lords, the embodiment of the political establishment, faces fundamental overhaul if the proposals of the Royal Commission are implemented. Hidden in among all of this lies the Jenkins Report, with its proposals for a brand new electoral system for the House of Commons in this new Millennium. At some point in the not too distant future, the government of Tony Blair is going to have to make up its mind whether to run with Jenkins, or with some alternative to it. Arguably, like New Zealand in the late 1980s, the issue has now gone too far to simply drop it. Status quo no longer seems available as an option.

24 Electoral Rules and Electoral Reform in Canada

R. Kent Weaver[334]

The rules used to select members for Canada's Parliament have remained largely unchanged since that legislature was established by the British North America Act of 1867. The BNA Act established a bicameral legislature for what were originally four Canadian provinces.

Over the past 130 years, six new provinces and three territories have been added to the roster, but its selection mechanisms remain largely unchanged—and doubly anachronistic. The lower chamber, the House of Commons, is elected by plurality elections in single-seat districts (SSDs) of (very) roughly equal population size. Canada's upper chamber, the Senate, is even more anachronistic. The Senate was originally established to guard against unchecked popular majorities in the House of Commons (there was a property qualification for membership) and to represent the interests of Canada's regions. (Quebec, Ontario, the four western provinces and the four Atlantic provinces have delegations of roughly equal size.) What makes the Senate truly an anachronism, however, is the way that it is selected: all of its members are appointed by the federal prime minister to serve until age 75. (Until 1965, appointment was for life.) Thus, the Senate lacks legitimacy as a vehicle representing regional or provincial interests, serving instead primarily as an honorific sinecure for a collection of distinguished and not-so-distinguished ex-politicians and party workers.

Not surprisingly, these institutional coelacanths have spawned numerous calls for change over the years. A wide variety of alternative arrangements have been suggested, ranging from mixed-member majoritarian (MMM) arrangements to pure proportional representation.[335]But only very rarely has a major change in electoral rules made it out of the rarified atmosphere of academic

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[335] For two recent collections, see the special issue of *Policy Options,* vol. 18, no. 9, October 1997, and Milner (1999).

debate to gain the endorsement of real politicians. Moreover, only Senate reform has made it to politicians' "action agenda"—the realm of proposals under serious consideration for change—and no change has resulted.

Three possible explanations of the absence of substantial electoral reform activity in Canada can be dismissed at the outset. First, this lack of reform activity cannot be attributed to weak societal divisions or to general satisfaction with the institutional status quo. In fact, no other Western industrial country has faced such persistent threats to its territorial integrity as Canada. A government committed to the political sovereignty of the province of Quebec has won four of the last six provincial general elections, and held provincial power for fourteen of the past twenty-two years. Two referenda have been held on sovereignty for Quebec, and the second fell only a few thousand votes short of a sovereigntist victory. Regional discontent in western Canada, although only rarely taking a separatist form, has also been a persistent pattern of recent Canadian politics. Political scientists and even many politicians have consistently implicated Canada's electoral rules as important contributing factors in its regional discontents.

Second, the weakness of electoral reform activity cannot be explained by the absence of opportunities for pursuing reform. Indeed, over the past thirty years Canada has been through five major rounds of constitutional reform negotiations between the federal and provincial governments. (Most amendments to Canada's constitution require approval from a super-majority—and in some cases, all—provinces to win approval.) Only one of these rounds, in 1980–2, resulted in amendments to Canada's constitution; the others either failed to win the necessary degree of consent from the provinces or, in the case of the 1993 Charlottetown Accord, were voted down in a nationwide referendum (Russell 1993). The agendas in all of these rounds of constitutional negotiations were generally quite broad, incorporating issues as diverse as the distribution of federal and provincial powers, reform of the Senate, constitutional amending formulae, and symbolic declarations about the nature of Canada, and about Quebec's distinct place within that country. Yet what is most striking about all of these rounds is how little discussed electoral reform for the House of Commons was, and its absence from all of the final agreements between Ottawa and the provinces—both the 1982 package that was adopted (over the objections of Quebec's government) and those that were rejected.

Third, the absence of electoral reform from the agenda cannot be attributed to insurmountable constitutional obstacles to changing electoral rules. In fact, most electoral reform proposals for the House that involve increased proportionality could probably be enacted by a simple act of the federal Parliament, so long as those reforms adhered to the principle of representation of the provinces in the House proportionate to population. (Proposals that altered that principle would require approval of two-thirds of the

provincial legislatures comprising 50% of Canada's population.[336]) But proposals nevertheless have not made it onto the agenda.

The puzzle addressed by this chapter, therefore, is why electoral reform for the Canadian House of Commons has so rarely made it to the agenda, let alone to adoption, despite the existence of widely recognized problems with the electoral system, the experience of several rounds of constitutional reform in which the issue could have been raised, and relatively weak constitutional barriers to reform.

The first section provides background on how the Canadian party system has evolved under the current set of SSD plurality electoral rules. The second section examines why electoral reform for the House of Commons has so rarely been on the political agenda. The final section discusses conditions under which electoral reform might come onto the agenda in the near future, and whether it is likely to do so.

Electoral Rules and the Party System

As students of Duverger's Law and Downsian median voter models might predict, Canada's political system—at least at the federal level—has historically been dominated by two large "brokerage" parties that held an effective duopoly on power. Only the Liberals and Conservatives (since 1942, Progressive Conservatives) have ever held governmental power at the federal level in Canada.[337]The Liberal and Conservative Parties have had distinctive regional, religious, class, and ethnic bases that changed over time, but each has sought to make appeals to voters across these lines (Johnston et al. 1992: 35–77; Johnston et al. 1996).

More than just stability, for the past eighty years the federal political system in Canada has been characterized by the dominance of a single political party, the Liberals. From 1920 to 1999, the Conservatives held power in Ottawa for just twenty-three years. Liberal electoral dominance was not the result of sweeping vote majorities: the Liberal party managed to win the support of half the electorate only twice (in 1940 and 1949; they fell just a few thousand votes short in 1953) in this period. Instead, Liberal seat majorities in the House of Commons were usually manufactured by the SSD electoral

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[336] Section 42 of the *Constitution Act, 1982* requires that "amendments to the Constitution of Canada . . . in relation to . . . the principle of proportionate representation of the provinces in the House of Commons prescribed by the Constitution of Canada" be made in accordance with the main (7/50) amending formula. For a discussion of constitutional restrictions on electoral reform, see Irvine (1985: 103–6).

[337] A partial exception occurred in 1917, when the Conservative and Liberals outside of Quebec ran together under the "Union Government" label.

Table 24.1. Government Type and Vote–Seat Conversions in Recent Canadian Elections

	Government type	Governing party seat share	Governing party vote share (%)	Official opposition party vote share (%)
1940	Liberal super-majority	178/245 = 72.7%	54.9	30.7
1945	Liberal majority	127/245 = 51.8%	41.4	27.7
1949	Liberal super-majority	193/262 = 73.7%	50.1	29.9
1953	Liberal super-majority	172/265 = 64.9%	50.0	31.0
1957	Conservative minority	112/265 = 42.3%	39.0	42.3
1958	Conservative super-majority	208/265 = 78.5%	50.0	33.8
1962	Conservative minority	116/265 = 43.8%	37.3	37.4
1963	Liberal minority	128/265 = 48.3%	41.7	32.8
1965	Liberal minority	131/265 = 49.4%	40.2	32.4
1968	Liberal majority	155/264 = 58.7%	45.5	31.4
1972	Liberal minority	109/264 = 41.3%	38.5	35.0
1974	Liberal majority	141/264 = 53.4%	43.2	35.4
1979	Conservative minority	136/282 = 48.2%	35.9	40.1
1980	Liberal majority	147/282 = 52.1%	44.3	32.5
1984	Conservative super-majority	211/282 = 74.8%	50.0	28.0
1988	Conservative majority	169/295 = 57.3%	43.0	31.9
1993	Liberal majority	177/295 = 60.0%	41.3	13.5[a]
1997	Liberal majority	155/301 = 51.5%	37.8	19.4

[a]   The Bloc Québécois, while the second-place finisher in number of seats in 1993, finished fourth place in the popular vote. The second-place party in popular vote was the Reform Party, with 18.7% of the vote.

system out of pluralities in voter support. Election results since 1940 are shown in Table 24.1.

After governing with uninterrupted parliamentary majorities from 1935 to 1957, Liberal hegemony has been substantially weaker since then. They lost power to the Conservatives between 1957 and 1963, and governed with a minority of seats in the House for most of the 1963–74 period. Indeed, the Liberals have won successive majority governments only once since the 1950s, in 1997. Until 1984 Liberal dominance was based on an extraordinarily strong political base in Quebec among both anglophone and francophone voters. For most of this period, the Liberals won 70% or more of the seats in Quebec, giving them close to half of the seats that they need to form a majority in the House of Commons (Bakvis and Macpherson 1995).

A second characteristic of the Canadian party system is the persistence of minority parties. Durable third parties in Canada have always had a strong regional base, notably the Progressives and the social democratic Cooperative Commonwealth Federation (CCF) and its successor the New Democratic Party (NDP) in the west and (to a lesser extent) Ontario; Social Credit in Alberta and Quebec; and, in the 1990s, Reform in the West and the

Bloc Québécois in Quebec. Quebec nationalists have also run candidates in Quebec provincial elections for much of this century; since the 1960s parties seeking some form of sovereignty for Quebec have been an important part of the political landscape of that province. Only since 1990, with the formation of the Bloc Québécois, have these parties enjoyed any success running at the federal level.

A third important characteristic of the Canadian party system, closely related to the second one, is its regionalized nature. In both federal and provincial elections, the number of parties that have a realistic chance of winning seats has, as we would expect under SSD plurality electoral rules, been reduced to no more than two in most constituencies. But the identity of those two parties varies across constituencies, and at the aggregate level across provinces. Moreover, the identity and relative strength of parties competing in federal and provincial elections frequently differs across levels within the same province. Only in the four Atlantic provinces (Newfoundland, Nova Scotia, New Brunswick, and Prince Edward Island) have electoral contests at both the federal and provincial levels largely remained a Conservative–Liberal duopoly. (The New Democratic Party finally made an electoral breakthrough at the federal level in Nova Scotia and New Brunswick in 1997.) In several other provinces, the tipping and displacement of at least one of the dominant parties in provincial and/or federal election contests occurred well before the 1993 federal election that devastated the federal Progressive Conservative Party.

As noted earlier, Quebec was dominated at the federal level by the Liberal Party through most of the twentieth century, and then swung solidly into the Conservative camp in 1984 and 1988. Since 1993, the Bloc Québécois has won the most House of Commons seats in Quebec, although it has not attained the dominance achieved earlier by the Liberals. At the provincial level, the Quebec situation is quite different. The Conservatives have not competed at all in Quebec provincial elections since the 1930s. Political competition has centered around two-party competition between the Liberals and Quebec nationalist parties: the conservative Union Nationale until the mid-1970s, and the pro-sovereignty Parti Québécois since then. Ontario was for many years the site of the closest three-party (Liberal–Conservative–New Democratic) competition in Canada in both federal and provincial elections. In the past two elections, however, Ontario has swung solidly into the Liberal camp at the federal level: the Liberals won 98 of 99 seats in the 1993 general election, and 101 of 103 in 1997. At the provincial level, the last four Ontario elections have seen successive manufactured majority governments by the Liberals, the New Democrats, and two by the Progressive Conservatives.

The four western Canadian provinces have seen yet another pattern develop: the Liberals went from being the dominant party in most provinces prior to the 1950s to being virtually shut out in the 1970s and 1980s. The

Progressive Conservatives emerged as the dominant party in much of the region in the late 1950s, with two-party competition being primarily between the Conservatives and the CCF and its successor, the NDP. As in Quebec and Ontario, however, the 1993 federal election was a watershed election in the West, with the conservative Reform Party supplanting the Progressive Conservatives as the dominant party in the federal elections, winning 51 of 86 seats in 1993 and 60 of 88 in 1997. The Liberals have faded even more at the provincial level in the West, with the NDP emerging as the dominant party in Saskatchewan, Social Credit and later the Progressive Conservatives in Alberta, Social Credit in British Columbia, and a more even interparty competition in Manitoba. (The Reform Party has not run candidates in provincial elections, but a separate Reform Party of British Columbia does run candidates in BC provincial contests.)

The regionalization of the party system in Canadian federal and provincial elections has had several important impacts on political party competition in Canada, and indirectly on prospects for electoral reform. Most importantly, it has helped to sustain minor parties, even though, as will be noted below, they never shared governmental power in Ottawa. Third parties enjoyed substantially greater success at the provincial level, winning power at least once in every province outside the Atlantic provinces and becoming the dominant power provincially in several. This pattern helps to explain the muted enthusiasm of third parties in Canada for moving to a more proportional electoral system. Even if implemented only at the federal level, it would probably cause both the NDP and Reform to lose seats in regions where they have effectively eliminated one or more federal parties from competition from seats under SSD plurality rules.

A final important characteristic of the Canadian party system at the federal level is its informal but universally followed norm against coalition governments. Governing parties that lack a majority of seats in the House of Commons have sometimes exchanged programmatic concessions for more or less formal support from smaller parties, but they have never shared cabinet positions with them. In general, governing parties have believed that rewarding third parties by offering them cabinet posts or explicit rewards for their support would encourage voters to continue support for those parties.

Explaining the Limited Electoral Reform Agenda in Canada

To understand why a move to a mixed member electoral system (or indeed any other form of electoral reform) for the House of Commons has seldom been on the agenda in Canada, let alone come close to being adopted, it is helpful to think in terms of three sets of conditions that are likely to help

propel electoral reform onto the agenda.[338]First, there must be a perception that there is a problem (e.g. of inequity, or instability, or susceptibility to scandal) with the current system. The definition of that problem should be widely shared and persistent over time. Second, a set of reformers must be available who can develop concrete proposals for a mixed member system, and those proposals must be seen as responsive to the problem without having serious side effects of their own. Third, either some elements of established political party elites must back those reform proposals, or an alternative process (e.g. referendum, constituent assembly, military fiat) must be available that allows imposition of those reforms over the opposition of existing party elites. As we will see below, none of these conditions—consensus on problem definition, concrete proposals with widespread support, or political will and positioning—have existed to facilitate transmission of electoral reform onto the agenda in Canada or to help the issue to stay on the agenda when it did get there.

Changing Problems

As might be expected from the brief overview of the Canadian party system given above, plurality electoral rules have come under criticism on a number of grounds in recent years. These grounds can be divided roughly into three categories: questions of fairness and representativeness, questions about the impact of the system on regionalism, and questions regarding governmental capacity.[339]

Fairness and Representation

Critiques of the representativeness of plurality election rules are of course myriad, and virtually all of them have been leveled at the way that SSD plurality elections work in Canada. The most common critique of plurality electoral rules is that it they lead to inequitable vote–seat conversions—because plurality rules convert vote pluralities into seat majorities and bare vote majorities into legislative landslides. Small parties are almost always under-represented. Canadian elections clearly fit this pattern. Vote-to-seat translations have generally been highly disproportional relative to those in proportional representation and mixed electoral systems in other advanced industrial countries. Disproportionality has been even stronger within Canada's regions than at the national level, because disproportional outcomes that disadvantage a party in one region may be offset by similarly dis-proportional outcomes benefiting that party in another region. Moreover, the

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[338] For a parallel analysis, see Kingdon (1995).

[339] This does not exhaust the list of criticisms made of SSD plurality elections in Canada. Henry Milner (1997), for example, argues that plurality elections have had the effect of depressing turnout in elections at all levels.

Table 24.2. Ratio of Share of House of Commons Seats to Share of Popular Vote for Individual Political Parties in Canadian Elections, 1965–97

	Party vote–seat conversion ratio					
	Liberal	PC	CCF/NDP	Reform	Social Credit/ Creditiste	Bloc Québécois
1945	1.24	1.00	0.73		1.29	
1949	1.49	0.53	0.37		1.03	
1953	1.32	0.62	0.77		1.06	
1957	0.97	1.09	0.88		1.09	
1958	0.55	1.46	0.32		0.0	
1962	1.01	1.17	0.53		0.97	
1963	1.17	1.09	0.49		0.76	
1965	1.23	1.13	0.44		0.64	
1968	1.29	0.87	0.49		1.19	
1972	1.07	1.16	0.66		0.74	
1974	1.24	1.02	0.39		0.82	
1979	1.01	1.34	0.52		0.46	
1980	1.18	1.13	0.57		0.00	
1984	0.51	1.50	0.57			
1988	0.88	1.33	0.72	0.00		
1993	1.45	0.04	0.44	0.94		1.36
1997	1.36	0.35	0.63	1.03		1.39

Sources: Seidle (1996: 284) and Weaver (1997a: 502).

1993 and 1997 elections were extremely disproportional, even by Canadian standards (see Irvine 1988; Weaver,1997a)

Not only does the SSD electoral system create disproportional outcomes, it also discriminates among types of parties. Table 24.2 shows the ratio of percentages of votes cast to percentages of votes won by individual parties in recent Canadian elections. As the table illustrates, parties that are not either very large or concentrated in a particular regional base—that is, those that appeal to diffuse nationwide interests—tend to do poorly in seat-vote conversions (Cairns 1968; Seidle 1996; Weaver 1997a). In the Canadian context, the Cooperative Commonwealth Federation and its successor New Democratic Party—social democratic parties with a strong political base in western Canada but running candidates nationwide—have been consistent losers in vote–seat conversions in federal elections. Smaller parties, like the Greens and the anti-free trade National Party, which are not seen by voters as likely to win pluralities in any riding (SSD), have done even worse, winning few votes and no seats at all.[340]

A third and related criticism leveled at plurality electoral rules is related to the prior ones, namely that they lead to the election of a government holding

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[340] The National Party won 1.37% of the valid votes in the 1993 election. The Greens won 0.24% of votes in the 1993 election and 0.43% in 1997.

a majority of legislative seats that was not chosen by a majority of the electorate. In fact, only two governments in the past forty-five years—Diefenbaker's in 1958 and Mulroney's first in 1984—won the support of a majority of valid votes.

A related consequence of disproportionality in vote–seat conversions in SSD plurality systems is that the party with the most votes nationwide may fail to win the most seats. Given the Canadian norm that the party winning the most seats forms the government, a plurality vote winner could therefore be excluded from the government.[341]

This has occurred twice in recent Canadian political history at the federal level, in the general elections of 1957 and 1979. On both occasions the Progressive Conservative party received fewer (more than 200,000 fewer in the first case, 480,000 fewer in the second) votes than their Liberal rivals, but won a plurality of seats and formed minority governments. However, both governments were very short-lived: in the first case Diefenbaker's Conservatives called an election after less than a year and won a smashing victory; in the second case Joe Clark's government was swept aside after nine months by the resurgent Liberals in an election called following a defeat in the House of Commons. Because neither government was very long-lived or (as a minority) very powerful, they did not spark the strong resentment against the plurality system that successive National victories in New Zealand over a Labour Party that had won more votes sparked in that country.

At the constituency level, plurality electoral rules have been criticized for the frequency with which they eliminate Condorcet winners—i.e. candidates who would defeat any other candidate in a head-to-head contest. While the actual extent to which this occurs is difficult to ascertain in the absence of direct evidence on voters' preference rankings, there is some striking anecdotal evidence. Supporters of the Liberals and the NDP, for example, complain that in the 1988 federal election, which was fought largely on the issue of the Canada–US Free Trade Agreement (CUFTA), their two parties, which opposed the agreement, together won more votes than the ruling Progressive Conservatives—but fewer seats, because they split the anti-CUFTA vote in individual ridings. In 1993 and 1997 supporters of the two parties of the right, the Reform and the Conservatives, complained that both were virtually shut out of Ontario (Reform won one seat in 1993 and none in 1997; the Conservatives won none in 1993 and one in 1997) despite the fact that they had jointly outpolled the Liberals in many Ontario constituencies.

A final critique of Canada's SSD plurality electoral system on representativeness grounds is that it has failed to promote gender equality and representation

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[341] Canadian constitutional and political practice allows enormous flexibility with respect to who gets to form a government after an election in which no single party wins a clear majority in the House of Commons. In the recent past, however, the party that has won the most seats has formed the government. See the discussion in Courtney (1980).

by visible minorities and aboriginal peoples in the House of Commons (Dobrolowsky and Jenson 1993; Canada, Royal Commission on Electoral Reform and Party Financing 1991; Milen 1991; Schouls 1996). In the 1993 and 1997 elections, for example, only 18% and 21% of candidates elected to the House were women—the latter figure nevertheless pulling it ahead of both the UK and the USA among advanced industrial democracies with plurality electoral rules (Bashevkin 1996, Studlar, 1999).

Exacerbating Regional Tensions

Plurality electoral rules pose distinctive disadvantages in countries like Canada that have intense regional cleavages. It is the interaction with, and effect on, regionalism that has been the primary focus of Canadian analysts. As Alan Cairns has noted, parties with a broad national appeal but not enough support to win pluralities in any region may be severely punished by the electoral system, while regionally concentrated parties may be rewarded disproportionately by the electoral system if they are able to win plurality victories throughout their region. In the Canadian context this effect has often led to punishing the second largest party nationally, and has always disadvantaged the CCF/NDP, especially in Ontario. In the 1993 election, for example, the Reform Party (running for the first time outside the West), the Progressive Conservatives, and the NDP all won lower percentages of seats than votes. Reform suffered only slightly because its concentration of votes in the West offset a very low vote–seat ratio elsewhere, but the Tories and the NDP were devastated.

The potential rewards of a regionally oriented strategy and a regional concentration of votes were clearly demonstrated in Canada's two most recent elections. In 1993 the Bloc Québécois won the second largest number of seats and formed the official Opposition, despite presenting candidates in only one province and finishing fourth in the popular vote. In 1997 the Reform Party, which won 60% of its votes and all of its seats in the four Western provinces, formed the official Opposition. The tendency of the Canadian electoral system to reward regionally concentrated parties in recent Canadian elections should not be overstated, however. In only four out of the thirteen elections since 1958 (Social Credit in 1968, the Bloc Québécois in 1993 and 1997, and Reform in 1997) has a regionally concentrated party won a greater share of seats in the House of Commons than it won of the popular vote. Indeed, in only seven times since 1958 (the four aforementioned plus Social Credit in 1962 and 1974 and Reform in 1993) has a regionally concentrated party achieved a conversion ratio of vote share to seat share above 0.80 (see Table 24.2 and Seidle 1996).[342]

Canada's plurality electoral system also makes parties seem much more regionally concentrated than they in fact are. In the 1993 federal election, for

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[342] Canada's electoral system historically rewarded the Social Credit Party with a higher vote–seat conversion ratio than the CCFNDP, and high vote–seat conversion ratios for regionally concentrated parties have become more common since the fragmentation of the Canadian party system in 1993. But, as Johnston and Ballantyne (1977) have noted, having a regional concentration of votes works well only for small parties; for larger parties contending to form a government, a broader distribution of votes is optimal. In strategic terms, while it is possible to win a foothold in the House of Commons with region-specific appeals, cross-regional appeals are needed if a party is to have any chance to win a majority of seats in the House. And, as Wiseman (1991: 269–70) has argued, it is the CCF and NDP, rather than the more explicitly regionally focused parties, that have enjoyed longevity, and the greatest policy influence, in the Canadian House of Commons.

example, the Reform Party received just over 1.2 million votes in Alberta and British Columbia, for which it won 46 seats in the House of Commons; it received only about 23,000 fewer votes cumulatively in the four Atlantic provinces, Ontario, and Manitoba, but it won only two seats in those provinces.

An even more serious problem associated with plurality electoral rules in countries like Canada with severe regional cleavages is that, because the system requires winning pluralities in individual districts, even political parties that win a majority of seats in the legislature overall may be shut out entirely from regions where their popular support is relatively weak (Cairns 1968; LeDuc 1987). This electoral system effect is particularly troubling when it involves the governing party, for weak representation of a region in the caucus of the governing party may feed a vicious cycle in which a region's perceived under-representation in government further exacerbates regional alienation. The Canadian electoral system has produced severe under-representation of one or more regions much of the time, most notably of the Conservatives in Quebec prior to 1984 and of Liberals in the West. These patterns are evident in Table 24.3, which shows the share of seats in each region won by the party forming the government after each election. (British Columbia and the Prairies are counted as separate regions; the Yukon and Northwest Territories, which have very few seats, are not shown.) Regions in which the governing party won either less than 25% of the seats, or at least a 25% lower seat share than the governing party's nationwide seat share are indicated in bold as "under-represented". In only two of the last ten elections (Mulroney's two victories in 1984 and 1988) has no region been heavily under-represented. And in some periods the under-representation in the governing party caucus has been spectacular. In 1979, for example, the Progressive Conservative Party under Joe Clark won only two of 75 seats in Quebec in the lead-up to an expected 1980 referendum in that province on sovereignty for Quebec.[343]

The election of the Clark government with minimal representation from Quebec briefly led to a renewed sense of urgency for electoral reform. But

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[343] Weak representation of a region in the governing party caucus also leaves the governing party with very few qualified and/or experienced MPs available for putting together a regionally balanced cabinet. Joe Clark's Progressive Conservative government of 1979–80 had only two Quebec MPs to draw upon, and Pierre Trudeau had only two western MPs (both from Manitoba) to tap as cabinet ministers after the 1980 election. In both cases, they were forced to make cabinet appointments from the non-elected Senate to create a more regionally balanced Senate.

Table 24.3. Percentages of Seats Won in Specific Regions of Canada by Parties Forming the Government[a]

	Canada-wide	British Columbia	Prairies	Ontario	Quebec	Atlantic
1949	73.7	61.1	58.5	67.5	93.2	76.5
1953	64.9	**36.7**	**35.4**	58.8	90.7	81.8
1957	42.3	31.8	29.2	71.8	**12.0**	63.7
1958	78.5	81.9	97.9	78.8	67.7	75.8
1962	43.8	27.3	87.5	41.2	**18.7**	54.5
1963	48.3	31.8	**6.3**	60.0	62.7	60.6
1965	49.4	31.9	**2.1**	60.0	74.7	45.5
1968	58.7	69.6	**24.4**	72.7	75.7	**21.9**
1972	41.3	**17.4**	**6.7**	40.9	75.7	31.3
1974	53.4	34.7	**11.1**	62.5	81.1	40.6
1979	48.2	67.9	77.6	60.0	**2.7**	56.2
1980	52.1	**0.0**	**4.1**	54.7	98.7	59.4
1984	74.8	67.9	79.6	70.5	77.3	78.1
1988	57.3	37.5	66.7	46.5	84.0	37.5
1993	60.0	**18.8**	38.9	99.0	**25.3**	96.9
1997	51.5	**17.6**	**13.0**	98.1	34.7	**21.9**

[a] Bold type indicates that a region is "underrepresented" in the governing party caucus, meaning that that the governing party won either less than 25% of the House of Commons seats in that region or at least a 25% lower seat-share than the governing party's nationwide seat share.

Clark's minority government was defeated in a new general election three months before the referendum. Although it was replaced by a Liberal government with the same representation (2 seats of 77) in the four western provinces, western alienation did not pose the same threat to territorial integrity that Quebec sovereignty did—and Trudeau's Liberals won 74 of 75 Quebec seats. Even more important in dampening concerns about regional alienation was the sweeping victory of Brian Mulroney's Conservatives in the 1984 general election: with a bare 50% of the vote, they won 211 of 282 seats, including 58 of 75 in Quebec, the area where they had traditionally been weakest. The Liberals' weak showing outside of Ontario in 1997 (21.9% of seats in the Atlantic provinces, 34.7% in Quebec, 13% in the Prairies and 17.6% in British Columbia) has once again sparked concerns about regional exclusion. However, these concerns were partially mitigated by the fact that the party's performance in Quebec improved over its 1993 performance and it elected members from all four western provinces.

Just as the governing party caucus may under-represent some regions, so to may it over-represent others. Indeed, a single region of Canada may dominate

that caucus. The most extreme case of this phenomenon in recent years occurred after the 1997 general election, with more than 65% of the governing Liberal Party caucus coming from the province of Ontario. As Table 24.3 shows, substantial over-representation of a single region in the governing party caucus is a frequent feature of recent Canadian politics: in four elections out of the last ten (1972, 1980, 1993, and 1997) a single region has contributed more than half the members of the governing party caucus in Ottawa. Again, such patterns can spark regional alienation in parts of the country that have few MPs in the governing party caucus.

Governmental Capacity

Canadian political scientists have made two apparently contradictory criticisms of the effects of the SSD plurality electoral system on governmental capacity: that it may lead to weak minority governments incapable of addressing important national problems, and that it may lead to unchallengeable governments with very weak oppositions. As Alan Cairns (1968) has shown, plurality electoral rules in single-seat districts can (and has) led to both kinds of government in Canada, depending on the level of popular vote won by the party winning the most seats.

Where support for the leading party is low (generally below about 40% of the popular vote), the Canadian electoral system does a relatively poor job of turning pluralities of votes for the most popular party into single-party majorities in the House of Commons. In fact, it did so on only six of twelve occasions between 1921 and 1965 when the party winning the election did not receive a majority of votes.[344]The most notable failure is the 1962–5 period, when three successive elections failed to produce single-party seat majorities in the House of Commons. At the other end of the spectrum, when the largest party does win 50% of the votes, as in 1958 and 1984, it dominates the legislature with three-quarters or more of all seats. In the nine most recent general elections, however, the record has been fairly good: the electoral system turned a vote plurality into a single-party seat majority in six elections, plus one in which Conservatives won a bare majority of votes of seats (1984). Given the short duration of the majority governments elected in 1972 and 1979, the overall record in the 1970s–1990s is fairly good: a single party held a majority of seats in the House twenty-six out of twenty-nine years in the period 1968–97, with another (slim) majority elected in 1997—the fifth in a row.

This review suggests no shortage of governance problems engendered or exacerbated by Canada's plurality electoral system. Canada's electoral system

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[344]   Cairns (1968: 56). Assessments of the relative efficacy of majority and minority government by politicians, academics, and the public have been neither unanimous nor stable, however. See Wiseman (1991: 267) and LeDuc (1977). For cross-national evidence on the effectiveness of single-member plurality electoral rules in producing majority governments, see Blais and Carty (1987, 1988).

has persistently led to problems in representation, regionalism, and governmental capacity, with stimulation of regional alienation being the most critical. However, *specific* problems have been intermittent rather than constant: the nature of the most widely identified problem has shifted over time from minority governments (1962–74), to regional alienation and polarization (1972–84) and single party dominance (1958–62 and 1984–8), to the regionalizing fragmentation of the party system (1993 to present). This shifting "nature of the problem" associated with the Canadian electoral system has had important consequences for the electoral reform agenda: it has prevented specific critiques of the electoral system from becoming generally accepted. And without a generally accepted critique of the status quo, it is unlikely that support will crystallize around a specific electoral reform alternative.

The fact that Canadian electoral rules produce single-party seat majorities most but not all of the time has had a second important consequence for electoral reform: because of the relative dominance of single-party majority governments, Canada has not developed formal or informal procedures for the establishment of coalition governments when no party wins a majority of the seats. Indeed, the opposite has occurred: a norm has developed that, although smaller parties may develop agreements to support a minority governing party in exchange for enactment of some pieces of legislation they favor, formal sharing of governing authority in coalition cabinets *never* occurs in Ottawa and very rarely occurs at the provincial level. Thus, for Canada to move to an electoral system like MMP in which coalition governments are the norm would be a much bigger leap than for a country where coalitions are already the norm and politicians and the public are used to thinking of governance in those terms.

Policy Proposals

Canada is not entirely without experience in electoral systems other than the single-member plurality system. The alternative vote was used in provincial elections in Alberta from 1926 through 1955, and in Manitoba from 1927 through 1957 in rural constituencies, while the single transferable vote (STV) was used in the cities in those provinces (see Flanagan 1999; Pilon 1999; Wiseman 1997). British Columbia instituted the alternative vote in the 1952 provincial election as a mechanism to keep the social democratic Cooperative Commonwealth Federation from winning power; the theory was that Liberals and Conservatives would list each other as their second choice, preventing a CCF victory. Unfortunately for those parties, the reform did not work as intended: enough voters chose the upstart Social Credit party as their alternative for the latter to win a minority government. Having established itself as the dominant provincial alternative to the CCF, Social Credit then

reverted to plurality rules after winning a majority in the 1953 election, remaining the dominant force in provincial politics for another thirty years. Indeed, the fact that the Alternative Vote in BC provincial politics led to displacement rather than consolidation of the position of the two major parties may have contributed to the coolness of major party elites toward electoral reform.

Since the early 1980s, debates on reforming Canada's electoral system have been carried out almost exclusively within the academic community, with occasional participation by journalists and almost none by politicians. A wide variety of approaches have been outlined, ranging from two-round elections on the French model to the Alternative Vote and the Single Transferable Vote (see for example Flanagan 1999; Blais 1993; Lemieux 1997). Proportional representation on a provincial basis has also been proposed, although more frequently for the Senate than for the House of Commons (Carty 1997). None of these proposals, however, has acquired the political patrons needed to be debated seriously.

Many variants of MMP and MMM have been suggested in recent years, the New Zealand reform in particular sparking increased interest in MMP (see e.g. Milner 1999; Arseneau 1999). However, Canadian critics of the New Zealand MMP experiment have argued that, even if it were a politically viable option for Canada, it would likely encourage further fragmentation and regionalization of the party system, and increase uncertainty over the formation of governments (Simpson 1997).[345]

Several mixed-member majoritarian (MMM) proposals have also been offered that are intended to lessen problems of regional over- and under-representation, while preserving some prospect for single-party majority government. Weaver (1997a, b; 1999), for example, has proposed a 10% increase in number of seats in the House of Commons, with those seats distributed among the provinces according to population. The additional seats would be awarded as compensation seats on the MMP model, but priority in awarding compensation seats within each province would be given to the party that finishes first in the nationwide vote, until giving that party another compensation seat would take its provincial seat share over that of its provincial vote share, at which point it would pass to the second party in national vote share, then the third largest. Thus, parties would have a strong incentive to make cross-regional appeals to increase their odds of moving up in the compensation

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[345] Other problems associated with MMP flow from Canada's geography: with the world's second largest land mass and a population of only about 27 million, the attachment to place is extremely strong. Even under the current single-member district system, some House of Commons constituencies are extremely large. If Canada moved to a German-style MMP system, keeping constituencies of the same size would require doubling the size of the House from its current 301 members; keeping the same sized House would require doubling the size of constituencies.

seat queue. The Pepin–Robarts Commission report (Canada, Task Force on Canadian Unity 1979) recommended reforms that would have similar outcomes, although using a more convoluted allocation mechanism.

This review of electoral reform proposals suggests once again that the ever-changing nature of electoral-system-induced problems is a major obstacle to arriving at any elite consensus on a specific proposal for reform of Canada's electoral system, let alone a consensus on a mixed-member system. For example, a reform that addresses perceived problems with minority government by making the system more pluralitarian would reduce representational proportionality, while most proposals that try to address problems of regional over-representation and exclusion in the governing party caucus would make single-party majority government much less likely. The multiple changing dimensions of Canada's regionalized party system and the fundamental tradeoff between proportionality and stable majority government have (1) led to a plethora of proposals that concentrate on one or more problems, and (2) meant that almost any reform proposal can be attacked as making one or more dimensions of fairness, governmental capacity, or regional representation worse rather than better.

A second major factor preventing a consensus on a particular electoral reform proposal for Canada's House of Commons is the concentration of analytical and political effort on Senate reform. While the House certainly has shortcomings as a governing institution, its defects are dwarfed by those of the Senate, and critics (especially among Western regional interests) have focused on Senate reform as a solution to their own problems. Exactly what form this Senate should take has been the subject of much dispute, however. In the late 1970s, Alberta's powerful premier Peter Lougheed was a strong advocate for turning the Senate into a body representing provincial governments, on the model of Germany's Bundesrat. However, when Lougheed left the political scene, the Bundesrat model withered away.[346]More recently, the strongest advocate for Senate reform has been the Reform Party, which has argued for a "Triple E" (popularly Elected, Effective in the sense of having powers similar to those of the House, and providing Equal representation to all provinces) Canadian Senate, modeled more on the US Senate. A Senate elected by proportional representation has also gained support among some outside the Reform Party, as a means of checking the power of the manufactured majority in the House of Commons. A reformed Senate was included in the Charlottetown Accord, a package of constitutional reforms that Canadian voters rejected in a referendum in 1993, but it was not explicit about a particular method of election. In fact, the Accord provided that

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[346] The Bundesrat model was also supported in the Pepin–Robarts Commission report and resurfaced as a "House of the Federation" in the Mulroney government's 1991 constitutional proposals (Canada 1991). For a history of Bundesrat-style proposals for Senate reform, see Janda (1992).

provinces could choose between having senators elected (a) by provincial or territorial assemblies or (b) by popular vote (with the method to be specified later by federal legislation) (Russell 1993: 214–15).[347](Among Canadian voters, the most favored Senate reform is simply its abolition.) But debate on various proposals for Senate reform has essentially "crowded out" debate on electoral reform for the House of Commons.

The Interests of Politicians

Explanations of the failure of Canadian political leaders to embrace a move to a more proportional set of electoral rules generally center on political culture (especially elite political culture) and the absence of popular demand for change. And both of these factors undoubtedly do exist. Canada's political development within the British Empire and Commonwealth has limited the scope of debate on alternatives. Within Canada's anglophone political elite, reference tends to be drawn almost exclusively to other English-speaking countries.[348]It is also true that most Canadian voters support plurality electoral rules in what Donley Studlar has called a "permissive consensus": the public is largely ignorant of the effects of the current system, unaware of alternatives, passive in its support, and may be willing to embrace a strong leadership initiative for change although unlikely to initiate it on their own (Studlar 1998: 77).

More direct explanations of the reluctance of Canadian politicians to embrace electoral reform can be found, however, in the incentives and opportunities that those politicians have to increase proportionality. Perhaps the most important constraint on any electoral reform proposal that would substantially increase proportionality in vote–seat conversions in Canada is the resistance from political parties that either hold power under current plurality rules or believe that they are likely to hold power in the future. Even mixed-member proportional rules on the Germany/New Zealand model, if implemented in Canada's highly regionalized political environment, would almost certainly stimulate additional parties and make it highly unlikely that a single party would win a majority of seats in the House of Commons. Thus, adopting MMP would require leaders of the governing party to be complicit

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[347] The Accord directed that "federal legislation . . . be sufficiently flexible to allow provinces and territories to provide for gender equality in the composition of the Senate" (p. 243). The Mulroney government's September 1991 constitutional proposals (Canada 1991), had called for direct election of the Senate simultaneously with House elections, on the principle that "the size of Senate constituencies should be large enough to allow for proportional representation and, in the larger provinces, numerous enough to represent different regions within the province" (p. 18). See also Seidle (1992).

[348] On the role of political culture as a constraint on electoral reform in Canada, see Wiseman (1997) and Studlar (1998). Studlar focuses on both political culture and the incentives approach employed in this section.

in a reform that would make it almost impossible for them ever again to hold a monopoly on political power. It is therefore not surprising that no such proposal has been forthcoming.

Evidence from past Canadian electoral reform initiatives, and from the experience of other countries that have switched from SSD plurality rules to other systems, suggests that such reforms are most likely to move forward in the political process under one of five conditions. *First,* elites in the governing party may become convinced that their own political fortunes are threatened by the operation of the plurality system. For example, a rural-based conservative party that finds itself threatened by urbanization and the growth of an urban working class might prefer to have an opportunity to share power under more proportional electoral rules than face virtual extinction under plurality. *Second,* a political party or parties that generally have suffered from plurality rules may gain power temporarily and use that opportunity to institute a change in electoral rules. *Third,* minor parties may extract a pledge to change the electoral rules from a governing party in exchange for its support during a period of minority government. This is the scenario that was long talked about as the most likely scenario for electoral reform in the United Kingdom: a minority Labour government agreeing to introduce proportionality in exchange for support in confidence votes from the Liberals and/ or Social Democrats. *Fourth,* electoral reform could emerge as part of a broader package of constitutional reforms in the repeated rounds of constitutional negotiations that Canada periodically undergoes. A fifth and final scenario is that governing elites may temporarily lose control of the electoral reform agenda—most likely in a situation in which the current electoral system has completely lost its credibility and legitimacy. This situation roughly approximates what happened in New Zealand, Italy, and Japan. Let us consider each of these situations in turn, and explain why, even when some of these scenarios have occurred in Canada, those actors whom we might expect to press for electoral reform have either been unwilling or unable to do so.

The first scenario—a dominant party that is losing its political base and trying to save itself from extinction—clearly must come to grips with the experience of the Liberal Party, which has been the dominant party federally in the twentieth century. While the Liberals have faced serious threats over this period, they have never been threatened with extinction. Indeed, the party has shown a remarkable ability to reinvent itself when its existing regional bases of support have been threatened. Only occasionally, and half-heartedly, has it considered electoral reform. In the 1920s a special committee of the House of Commons, faced with pressure from the Progressives for proportional representation, recommended implementing the Alternative Vote instead. The Liberal government introduced bills embodying this proposal in 1924 and 1925, but neither proposal passed second reading (Seidle 1996). Prime Minister Trudeau promised an electoral reform study after returning to

power in 1980, but the matter was dropped when parties could not reach a consensus—and the threat of Quebec sovereignty declined after the 1980 referendum (Studlar 1999). Liberal enthusiasm for electoral reform has understandably been especially muted in the 1990s, when the collapse of the Progressive Conservative Party left the Liberals as the only political party with a (tenuous) claim to have substantial support throughout the country, the only party holding more than 20% of the seats in the House of Commons, and thus the only political party with a realistic prospect of forming a government.

What is somewhat more surprising is that political parties and other groups that are usually disadvantaged by the plurality electoral system have also failed to act as consistent advocates of reform. The reasons differ significantly across groups, however. The Progressive Conservative party is the closest approximation to the second scenario: a party normally disadvantaged by plurality electoral rules that might use a temporary period in power to change the electoral system to its own advantage by introducing greater proportionality. In fact, however, they have never done so. The reason is fairly simple: at least until their crushing defeat in 1993, the Conservatives hoped to regain the dominant party status that they had held for thirty years after Canada's Confederation in 1867—or, at a minimum, to hold office as often as the Liberals in the future. And this hope was not entirely unreasonable: the two most overwhelming general election victories in recent Canadian political history, in 1958 and 1984, were both by the Progressive Conservatives (PC). If the party could solve its long-standing Quebec problem (which Brian Mulroney appeared to have done in 1984), plurality electoral rules could indeed work to their advantage. Equally important, it was far from clear that a more proportional system, making single-party majority governments a thing of the past, would work to their advantage. In the pre-1993 party system, the most probable scenario for a formal or informal coalition arrangement in the absence of a single party majority government was for cooperation between the Liberals and the NDP, with the Conservatives likely to be on the outside looking in for most if not all of the time.

Beginning with the 1993 electoral debacle, the Conservatives became the biggest losers in vote–seat conversions under plurality electoral rules. Then PC leader Jean Charest did make some comments favorable to electoral reform after the 1997 election (Studlar 1998: 75). Moreover, one of the candidates in the 1998 PC leadership race to succeed Charest issued vague calls for electoral reform, but he was not elected (Fraser 1998). But the Conservatives have not taken up the cause of electoral reform, probably for one or a combination of the following reasons: (a) it has neither strong public support nor any chance of being adopted; (b) it would be perceived as self-serving for the party; (c) it would be seen as a strong indicator that the party has given up on recovering major party status. And even if the Conservatives

did embrace electoral reform, they now have no bargaining leverage to implement it.

The third scenario—that of a third party needed to prop up a minority government using bargaining leverage to win electoral reform—is most likely when three conditions exist simultaneously: (1) the third party must have very strong leverage with the major party forming the government: (2) the third party must not believe that it has a strong prospect of supplanting one of the major parties in a duopoly, and thus benefiting itself from plurality electoral rules; (3) the third party must not have a strong stake in preventing a move away from plurality rules in another electoral (notably provincial) arena. These conditions have not existed simultaneously in Canada. On several occasions (1963–8 and 1972–4) the New Democratic Party has propped up Liberal governments in exchange for important policy concessions; but their leverage was never strong enough to force concessions on electoral rules. First, the Liberals were unwilling to make concessions on electoral rules because they viewed minority government as an aberration that would end with their return to their "natural" position as the majority governing party (and indeed, that is what happened in both 1968 and 1974). Second, the prospect for cooperation between the Conservatives and the NDP—parties at opposite ends of the ideological spectrum—were slim. Specific policy concessions from the Liberals was likely to be the best deal that the NDP could get.

Moreover, the NDP's position on getting rid of plurality electoral rules was somewhat ambivalent. NDP leader Ed Broadbent proposed the introduction of proportional representation for House of Commons in 1979, but this proposal was rejected by the NDP convention in 1981. By the early 1980s, with the Liberal Party appearing to be in strong decline in the waning years of Pierre Trudeau's leadership, NDP leaders hoped that they could supplant the Liberals in a two-party duopoly in Canadian federal politics, thereby benefiting in the future from plurality rule. In any case, the era of Liberal minority governments had already ended in 1974, dashing any hope that the NDP could force a change in the electoral "rules of the game".

The NDP may also have been influenced in its reluctance to move away from plurality electoral rules by the fact that the party has frequently benefitted from just those rules, and a split in the "anti-NDP vote", at the provincial level.[349] Of the three NDP provincial governments in power in late 1999, only one (in Manitoba), won more than 40% of the popular vote, and the other two (in British Columbia and Saskatchewan) actually had won fewer votes than the largest opposition party in the most recent election. Illustrating the

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[349] Nelson Wiseman (1997: 16) has pointed out that "PR almost certainly would not have produced NDP governments in Ontario, Manitoba or British Columbia. Even in its Saskatchewan stronghold, where politics have long been polarized in a left-right two-party dynamic, the CCF–NDP has won only three majority votes in its 10 victories through the 14 elections since 1944."

tradeoff between a party's *capacity* to institute reform and a party's *willingness* to institute reform, the Ontario provincial NDP proposed in 1998 proposed that proportional representation be adopted in Ontario provincial elections. This proposal occurred after an unpopular NDP government elected with a manufactured majority in 1990 had been dumped by the voters of that province and faced political oblivion; the *Toronto Star* characterized it as "a desperate attempt by the party to remain relevant in Ontario politics" (Girard 1998; see also Ontario New Democratic Party 1998).

Two additional out-groups in Canadian politics that might be thought to have an interest in a more proportional electoral system in Canada are the forces of regional protest in western Canada and the Quebec nationalists, including proponents of a sovereign Quebec. Although these forces have never been able to hold a minority government hostage to force reform (scenario three) they have sometimes have had important bargaining leverage in constitutional negotiations (scenario four). In fact, however, neither group has emerged as advocates for reform for several reasons, some of which are common to the two groups and some of which are different.

The most important common reason why these two factions have not pressed for electoral reform is that they have lacked incentives to do so. Both groups have done reasonably well under plurality electoral rules and, as noted earlier, have sometimes done extremely well. Because their votes tend to be concentrated in specific regions, they can pick up pluralities in many constituencies in their home regions. The Bloc Québécois was able to form the official opposition after the 1993 without contesting a single constituency outside Quebec, and Reform became the official opposition after the 1997 election without winning a single seat (although it contested many) outside Western Canada.

Beyond this common ground, there are important differences between alienated westerners and Quebecers who favor sovereignty for their home province. The relatively young Bloc Québécois has consistently benefited from plurality electoral rules since its inception. Moreover, the party has little incentive or interest in devoting scarce resources to the reform of electoral institutions for a country it is trying to leave. To the extent that the Bloc is interested in the reform of Canadian institutions, it has primarily been in regard to limiting the federal government's spending power in sectors that are constitutionally under provincial jurisdiction and allowing provinces to opt out with compensation from federal programs and use those funds to run their own parallel provincial programs. Moreover, because its pro-sovereignty stance makes it "uncoalitionable", there is no plausible reform that would allow the Bloc to share in governmental power. That same unique position also limits the bargaining leverage of the Bloc: a governing party that was seen as making electoral reforms at the behest of or in the interests of the Bloc would probably be punished for doing so outside of Quebec.

The emergence of the Bloc Québécois complicates a move to increased electoral proportionality in another way, however. Because the Bloc is, along with the governing Liberals, the biggest beneficiary of the SSD plurality system, it would probably be the biggest loser in reform. And the Bloc certainly would protest an electoral reform that disadvantaged it as another example of Ottawa using its powers to downgrade Quebec's influence in Parliament (Flanagan 1999: 87). In an atmosphere where another sovereignty referendum could be just around the corner if the Parti Québécois government believed that "winning conditions" existed, changing the electoral system is just the sort of "grievance" that the federal government is likely to try to avoid.

The experience, and the interests, of spokespersons for Canada's alienated West are quite different from those of Quebec nationalists, especially its pro-sovereignty forces. Rather than wanting out of Canada, they want to make sure that western voices are heard—"the West Wants In" was an early slogan of the Reform Party (see Flanagan 1995). In particular, westerners have wanted to ensure that policies like the Trudeau government's hated National Energy Program of 1980, which was perceived as eastern confiscation of western natural resources, is not repeated. For the most part, however, western spokespersons have not seen electoral reform for the House of Commons as an effective vehicle for these ends. Although proportional representation or its MMP variant might increase western representation in the governing party caucus, that caucus would likely still be dominated by eastern interests, and western legislators would be bound by party discipline to support the position of their party over the interests of the region. Moreover, electoral reform increasing proportionality would almost certainly (1) lower the number of MPs from parties with a strong western focus (the Progressive Conservatives prior to 1993, Reform since then) elected from the West, instead giving a boost to western Liberals, who have been discriminated against by SSD plurality election rules; and (2) lower the relative influence of western members of the House of Commons within the caucus of western-focused parties, since it would lead to the election of more members from those parties in the East. Therefore, western spokespersons (including the Reform Party) have focused primarily on another mechanism—creation of a more powerful Senate, which could serve as a check on the House of Commons—rather than on a change in electoral rules for the House.

A fourth scenario for getting electoral reform onto politicians' "action agenda" is its inclusion in one of the broad constitutional packages that have been developed over the past quarter-century in Canada. Even if it was not the preferred position of the federal government, it could be included as a provision either demanded by one of the other participants in the constitutional negotiations, or included to appease the public or other interests not included in the negotiations. Yet as noted at the beginning of this chapter, a move to a

more proportional election system for the House has never been included in such a package. To understand why, it is important to begin by recognizing that each of the constitutional reform packages that has been developed has emerged primarily through a process of what Canadians call "executive federalism": direct negotiations between the federal government and the leaders of all of the provincial governments (in the most recent round, leaders of the territorial governments and aboriginal groups were included as well).[350]Leaders of minor parties, the Official Opposition in Ottawa, and opposition parties in two-party provincial systems were not a party to the negotiations.[351]Thus, all the federal and provincial negotiators represented governing parties that had benefited from plurality electoral rules and therefore had very limited (if any) incentives to change them even at the federal level, if (for provincial leaders) they thought that such rules might spread to the provincial level as well.

Moreover, there is a second important reason why provincial negotiators might not wish to see more proportional electoral rules introduced in the confidence chamber (the House of Commons) in the federal parliament: the fact that the House of Commons is seen as possessing suspect legitimacy, because of its virtual exclusion of some regions from the governing party caucus and its suppression of regional interests through party discipline within the governing party caucus, has facilitated the emergence of provincial premiers as the dominant spokespersons for regional interests within the Canadian political system. It has given them added legitimacy to engage in policy-making at the federal level through executive federalism even where the federal government, in formal constitutional terms, has the authority to act unilaterally. A more proportional electoral system, by adding to the legitimacy of the House of Commons, might reduce the real political power of these provincial premiers.

A final scenario for the emergence of electoral reform issues in the political process is for political elites to lose control of the electoral reform agenda-setting (and policy adoption) process, most likely due to a major legitimacy crisis for the regime. Despite the many problems of the Canadian electoral process, such a legitimacy crisis has not occurred. Moreover, a succession of Canadian governments have been cautious not to repeat the "mistake" that New Zealand elites made in providing indirect openings for electoral reform. The Task Force on Canadian Unity (Canada, Task Force 1979) proposed a

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[350] On executive federalism, see Simeon (1972), Dupre (1987), and Brock (1995).

[351] Of course, leaders of other parties might demand the inclusion of electoral reform planks as a condition for their supporting a constitutional accord, but they would not have any power either to force its inclusion in a constitutional package or (except where the federal government or a provincial government held a minority of seats in its legislature) to refuse to ratify a package that did not include electoral reform. Moreover, such a demand would likely be perceived by the electorate as "special pleading" where "statecraft" was more appropriate.

modest form of mixed-member proportional representation for the House designed through a complex formula to give national parties more MPs in regions where they were weak, but that report was rejected by the Trudeau government for other reasons. More recently, the Royal Commission on Electoral Reform and Party Financing (the Lortie Commission) appointed by the Mulroney government studiously avoided the topic of increasing proportionality and the effects of the electoral system on regional alienation in its massive research effort and final report.

Prospects for Electoral Reform in the Future

The lack of electoral reform in Canada's House of Commons, I have argued above, has been the result not primarily of institutional arrangements that make such reforms difficult to adopt once they get on the agenda, but rather of a failure of the issue to get on politicians' agendas in a durable way. Problems with the electoral system, although persistent, have changed dramatically in nature over time. Policy proposals have been many in number, but that has been a hindrance to reform as well: no expert or political consensus has emerged around a specific proposal. Moreover, a debate on electoral reform has been "crowded out" by the debate over Senate reform. Most important, however, has been the absence of powerful institutional adherents for electoral reform that simultaneously have the motive, the opportunity, and the weapon to press for reform.

Although electoral reform in Canada remains unlikely in the near future, the conditions for reform are less negative than they might appear based on past experience. The least problematic element of getting electoral reform on the Canadian agenda concerns the development of appropriate policy proposals for Canadian circumstances. Cultural resistance to any alternatives to SSD plurality electoral rules is probably declining. Electoral reforms in New Zealand and the Jenkins Report in the UK have provided increased attention and awareness of the broad range of alternatives elsewhere in the Commonwealth and have given additional impetus to the development of options tailored to Canada's unique political circumstances. New mixed-member majoritarian options that do not preclude the creation of single-party majority governments in the future are more likely to be considered acceptable by Canada's political elite.

Even if British electoral reform does occur, however, leaving Canada as the last Westminster system within the OECD countries, the Canadian system will not be delegitimized among Canadian political elites or the citizenry. It is doubtful that electoral reform will get on the agenda of Canadian politicians without (1) increased perception that the electoral system causes major

governance problems, perhaps as the result of an election that is highly polarized on regional lines, (2) increased consensus on an alternative, and (3) increased perception of self-interest by politicians who have the power to bring about change.

Building support among self-interested politicians who are in a position to bring about reform remains highly problematic. Certainly the current governing party has limited incentives to revise electoral rules that are well suited to keeping them in power for ever. It seems especially unlikely that meaningful electoral reform will move forward under the current Liberal prime minister, Jean Chrétien, a politician well known for his caution and known not at all for his political imagination. But if Liberal political fortunes slip, the party would have some incentive to move to an Alternative Vote system, since the Liberal Party is the second choice of many Canadian voters who vote for another party. Indeed, a recent analysis of party preferences of voters in the 1997 federal election suggests that the Liberals would in fact have increased their seat total if an AV system had been in effect in that election (Bilodeau 1999).

Given the relative weakness of other political parties, the second political scenario (a party normally disadvantaged by plurality elections gains a temporary parliamentary majority and institutes reform) has merged into the third (a minor party using its leverage with a minority government to compel reform). This scenario has some modest plausibility: if the Liberal party stumbled badly in the next election, is it plausible—but not very likely—that a coalition of smaller parties (Reform, NDP, and PC) might unite long enough to demand new electoral rules that leveled the playing field for themselves versus the Liberals. But these parties would be strange political bedfellows, agreeing on little else.

Thus far, the current official opposition party, Reform, has shown little interest in electoral reform for the House of Commons. A Reform Party task-force in 1997 did recommend that the party adopt New Zealand's procedure for a two-referendum process for electoral reform, with an initial referendum asking whether the current plurality system should be replaced and, if that carried, a second referendum to choose among specific alternatives (Reform Party 1997). A resolution to that effect was endorsed by the Party's 1998 Assembly (Reform Party, 1998b). But the Party has focused instead on a package of populist proposals, including more votes free of party discipline in the House of Commons, an elected Senate, and increased use of referenda (Canada, Official Opposition 1998). Given the party's minority status in the House, these proposals have no chance of passage in the current Parliament in any case.

The Reform Party's leader, Preston Manning, has also pressed for a new "united alternative" party of Reformers and Progressive Conservatives, which would have a better chance of defeating the Liberals under the existing plurality electoral rules. Failing that, cooperation could be pursued between

the two parties at the individual constituency level. A narrow majority (60.5%) of Reform Party members endorsed the "united alternative" proposal in a June 1999 mail ballot (Alberts 1999; Laghi 1999a). A party merger has, however, been consistently rejected by the leader of the Progressive Conservative Party, who hopes to win Reformers (many of them former members of his party) back to their old party roots (Laghi 1999b). If both Reform's institutional reform package and its "United Alternative" initiative fail to make headway, as seems likely, it is possible that the party could in the future give increased emphasis to electoral reform in the House. But they would still need a Liberal faltering, and other party allies, to bring it about.

Scenario four is less likely. Constitutional negotiations are already so unpopular, and force deals on so many complex dimensions, that it is hard to imagine that an issue like electoral reform, which is not at the top of any negotiator's agenda, will make it into such a package.

Nor is it likely that current political elites will lose control of the electoral reform process (scenario five). The recent adoption of electoral reforms in several advanced industrial countries—most notably Italy, Japan, and New Zealand—should not be interpreted as meaning that electoral reforms are easily accomplished. Electoral reform in Italy and Japan occurred only when the existing political class and electoral system were heavily discredited. The sequence in New Zealand was more complex: two successive elections when the plurality winner in votes failed to win the most seats in Parliament, a quickly regretted pledge by Prime Minister Lange to hold a binding referendum on electoral reform, and a referendum that took place amidst widespread alienation caused by the free-market policies pursued by successive Labour and National governments. The Canadian political system has not been thoroughly discredited as in Japan and Italy, and Canadian politicians' aversion to any reform with the aura of proportional representation has probably been enhanced by New Zealand's difficulties in forming a government and the cabinet coup that overthrew Prime Minister Bolger after the first mixed-member proportional election in New Zealand.

There are however three possible developments that could change politicians' political calculus and help electoral reform of the mixed-member type to reach politicians' "action agenda" in Canada. The first is another election like that of 1993, in which plurality electoral rules work strongly in favor of the Bloc Québécois, and leave the federal government with very weak representation in that province. Fears that exclusion of Quebec representatives from the governing party caucus in Ottawa would stimulate pro-sovereignty sentiment in Quebec might stimulate political elites to reconsider their interest-based opposition to moving away from single-seat district plurality electoral rules. In this situation, mixed-member majoritarian proposals that weaken the bias under current plurality rules toward regionally concentrated parties might be endorsed by existing political elites.

A second development that almost certainly would lead to a reconsideration of electoral reform would be a successful referendum on Quebec sovereignty culminating in that province's withdrawal from current Canadian political institutions. If Quebec left Canada, Ontario would be overwhelmingly dominant within the "Rest of Canada" (ROC). Ontario currently holds 103 of 226 non-Quebec seats in the House of Commons. If, as has been the case in the past two federal elections, Ontario votes almost solidly for a single party under plurality electoral rules, it could elect a majority government for the "Rest of Canada" almost by itself. This situation would almost certainly be intolerable to political leaders in other regions of the country, and fears that alienation of other regions would lead to a further split-up of the country would likely lead to a change in electoral rules for the House of Commons.

A third development that could increase the long-term prospects for adoption of electoral reform at the federal election is its successful introduction (or re-introduction) at the provincial level. "Contagion from the provinces" is an established pattern in Canadian politics and policy-making, most notably in the field of universal health insurance, which was pioneered by Saskatchewan. And moving to an electoral system that increases proportionality has been given increased salience by the fact that by 1999 two of Canada's largest provinces, Quebec and British Columbia, were experiencing what is widely considered to be the most perverse consequence of the plurality electoral system: single-party majority governments in which the governing party received not only a minority of the vote, but also fewer votes than another political party. In a third province, Saskatchewan, the NDP won exactly half of the seats in the legislature in the 1999 election despite being outpolled in the popular vote by an opposition party (the upstart Saskatchewan Party); it clung to power by forming a rare coalition with the provincial Liberal Party.

The idea of increasing proportionality in provincial elections is currently being debated most seriously in Quebec. The Parti Québécois (PQ), Quebec's pro-sovereignty party at the provincial level, endorsed a change to proportional representation for provincial elections in its early years, when plurality electoral rules worked against the party. But that was before the party won power for the first time in 1976—a majority of seats in Quebec's National Assembly won with a plurality of the popular vote. Since that time the Parti Québécois has won three more National Assembly majorities, but never a majority of the popular vote. Indeed, single-seat district plurality electoral rules particularly benefit the PQ, since under this system immense majorities for the Liberals in Montreal-area constituencies with many anglophone and allophone (persons whose first language is neither French nor English) voters are "wasted": in the 1994 provincial election, for example, the PQ won a comfortable majority in the Quebec National Assembly with a vote share less than one percentage point higher than that of the Liberals. The results were even more dramatic in the November 30, 1998, provincial election, when the Parti

Québécois won 76 of 125 seats in the Quebec National Assembly although the Quebec Liberal Party won 1% more of the popular vote. Indeed, political scientist Louis Massicotte has estimated that because of vote concentration and resulting "wasted votes," the Liberal Party now needs have an overall lead of 7% in popular vote over the PQ to win a majority of seats in Quebec's National Assembly (Massicotte 1999a, b; see also Massicotte and Bernard 1985; Massicotte 1995) It is thus not surprising that the PQ in power has not moved to implement proportional representation (Milner 1994; Studlar 1998).

In the aftermath of the 1998 election, there was widespread attention to electoral reform in the Quebec media. The leader of the Quebec Liberal Party, Jean Charest, called for some form of increased proportionality in elections (Authier 1999). The third party competing in Quebec provincial elections, L'Action démocratique du Québec (ADQ), which won 11.8% of the vote but only one National Assembly seat in the 1998 provincial election, adopted increased proportionality as an plank in its party platform (DeLisle 1999). The ADQ also introduced a motion in the National Assembly calling for an independent study of increased electoral proportionality which was, not surprisingly, backed by the Liberals, but defeated by the PQ majority in the Assembly (Dutrisac 1999).

The Reform Party of British Columbia (1998a: section 2.01), meanwhile, has called for the reintroduction of the Alternative Vote in BC provincial elections. Even if a move away from plurality electoral rules was introduced in one or more provinces in the near future, however, it would likely take a number of years for the "contagion" to spread to the federal level, and even then, only if it fit the political needs of the party or parties in power.

It would, in short, be a risky proposition to bet against the survival of single-seat district plurality electoral rules in Canada for another decade into the future at least. But just a decade ago, the idea that Canada's two-party duopoly would be blown apart by the elections of 1993 and 1997 would have seemed equally fantastic. Movement toward a mixed-member electoral system in Canada is still a long shot, but awareness of alternatives to the status quo is growing, and the political environment is becoming ever more unpredictable in its course.

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25 Conclusion: Are Mixed-Member Systems the Best of Both Worlds?

Matthew Soberg Shugart and Martin P. Wattenberg

This book began with the question of whether mixed-member electoral systems might prove to be *the* electoral reform of the twenty-first century. Whether or not they will depends to a large degree on how their performance is viewed in the numerous countries that have adopted them in recent years. In particular, it will be crucial to see if their promise of delivering the best of both the majoritarian and proportional worlds of electoral systems is realized. The prospects for the spread of mixed-member systems also depend on the presence elsewhere of the basic conditions that brought about the recent proliferation of mixed-member systems. Thus, this final chapter reviews the experiences of the several existing mixed-member systems in an effort to assess the likely prospects for the continued spread of this mode of electoral reform.

Inherent and Contingent Factors in Electoral Reform

Shugart suggests in Chapter 2 that there are both inherent and contingent factors that lead to electoral reform. Inherent factors include the perceived pathologies of pre-existing extreme systems, and the systemic failures that result; contingent factors are political events and interests that lead politicians to pass an electoral reform. Within the category of contingencies, Reed and Thies (Chapter 7) define two classes of contingencies. *Outcome-contingent* factors spur incumbents to vote for reform if they believe they will be better off under new rules, such as when PR was adopted by parties suffering electoral declines as new working-class parties emerged in Europe around the turn of the twentieth century (Rokkan 1970; Taagepera and Shugart 1989: 148–53). *Act-contingent* reasons are present when politicians do not actually

prefer the proposed new system, but fear electoral retribution if they are seen as blocking reform. We now review the inherent factors that led to electoral reform in each of the five cases of reform in established democracies, and then review the contingent factors that led to mixed-member systems being adopted in both established and new democracies.

Inherent Factors: Extreme Electoral Systems and Systemic Failure

Chapter 2 of this volume identified four ideal-type "extreme" systems, and suggested that they contain conditions that can, under certain circumstances, engender pressures for reform. The four types are: pluralitarian (New Zealand), hyper-representative (Israel and Italy), hyper-personalistic (Japan), and hyper-centralized (Venezuela). In each of the five cases of reform in established democracies that are covered in the chapters of this volume, a systemic failure grounded in the pathologies of an extreme electoral system was a precondition for electoral reform.[352]

In New Zealand, as Denemark notes, much of the voter anger that ultimately was channeled toward electoral reform stemmed from a pervasive feeling that governments had become unaccountable. Two consecutive governments from different parties had unleashed, and then deepened, neoliberal economic reforms which radically transformed the state's relationship to the economy and the provision of public services. Perhaps most galling to New Zealanders was that none of these reforms had appeared as manifesto commitments prior to the election. To make matters worse, the government that began these reforms had received only 43% of the vote in 1984, but won 60% of the seats owing to the extreme pluralitarian nature of the electoral system. Incredibly, this was one of the better performances of the electoral system in this period. In the 1978 and 1981 elections, the party that came in second place in votes had been handed full unchecked governmental power. Minor parties had grown in vote shares, yet were being virtually shut out of parliament by the electoral system. With this record of systemic unresponsiveness in their recent past, New Zealand voters opted for MMP when

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[352] This view is not universally shared by students of recent electoral reforms. For instance, Dunleavy and Margetts (1995) claim that these reform episodes challenge an "orthodoxy"—of which one of us (Taagepera and Shugart 1989) is said to be a primary perpetrator. The alleged orthodoxy holds that electoral systems do (and *should*) change only in extraordinary situations such as revolutions or after wars. Dunleavy and Margetts counter that recent reforms have occurred as part of what they call "normal politics." They then proceed to speak of corruption and a "citizens' revolt" in Italy and note that electoral systems are hard to change, notwithstanding recent events. We would argue that some sort of systemic failure has probably occurred well beyond the realm of normal politics when language like "citizens' revolt" is used to describe a process of change in an established democracy. Moreover, we would caution that, in spite of the recent movement toward MM systems, the great majority of the world's established democracies have not adopted electoral reform.

given the chance because it appeared to be a means of restraining political parties by forcing them to enter into coalitions in the event that no party received a majority of the popular vote. Electoral reform was thus an extra-constitutional means of placing a check on previously unrestrained governments.

To understand reform, it is also important to consider similar cases where reform has not (yet) occurred. Accordingly, we also review the experiences of Britain and Canada, which are cases that bear some similarities to New Zealand, but thus far have not changed their electoral systems. The British experience parallels that of New Zealand in that a government undertook radical economic reform after assuming power with far less than a majority of the popular vote. Thatcher's Conservatives reached their high point in votes in their first election, when they obtained about 44% of the vote in 1979. Despite declining vote shares in each of the next three elections, they continued to be re-elected. The radical behavior of these Conservative governments and their seemingly entrenched manufactured majority helped generate a constituency for proportional representation within the Labour Party, as well as among a segment of the public.

The fact that electoral reform remains merely on the agenda in Britain can be attributed to a key difference from the New Zealand case. Despite some similarities with New Zealand, Britain's experience with radical governments in the 1980s cannot be seen as emblematic of a systemic failure. Unlike in New Zealand, where two consecutive elections had given seat majorities to the party that came second in votes, no such reversal had occurred in Britain since 1951 (though in 1974 a short-lived minority government was formed by the party that was second in votes). In addition, minor parties, while severely under-represented, have not fared nearly as badly as in New Zealand. Perhaps most significantly, British voters came to view the radical policy innovations of the Conservative years as largely beneficial (Norpoth 1992), and they decisively rejected a clear alternative platform offered by Labour in 1983 in what became known as "the longest suicide note ever written". Whereas New Zealanders saw both major parties leading the country in a radically new direction that had not been foreshadowed in either party's campaign promises, British voters had clear choices and made a relatively clear decision. Although the Conservatives were re-elected with declining votes shares (42.4% and 42.3%, respectively, compared with 43.9% in 1979), Labour was far behind (27.6% in 1983, and 30.8% in 1987).

When the Conservatives finally were voted out of office in 1997, the alternative was a party offering to perfect Britain's new direction, as symbolized by their slogan of "Britain Can Do Better". Transformed into what Tony Blair called "New Labour", the Labour Party moved closer to the median voter, just as the theory of party competition in plurality systems would predict. In short, there was no systemic failure of the party system in Britain.

Consistent with this interpretation, Chapter 2 showed that Britain was not an extreme case of pluralitarianism as was New Zealand, in part because the winning party has frequently come closer to a majority of the vote and the seat bonus for the plurality party has tended to be less. Thus, the inherent problems of pluralitarian systems have not been present in Britain to the same degree as in New Zealand.

Nevertheless, electoral reform is on the British political agenda, in no small part because the electoral system itself engendered the conditions for reform—fostering radical policy swings, entrenching one party in power even as its voter support declined, and under-representing smaller parties. Most important among the under-represented parties are the Liberal Democrats, which grew originally as a more moderate opposition party than Labour in the 1980s, yet was severely punished by the electoral system. Also noteworthy is the regional role of parties like the Scottish Nationals and the Plaid Cymru of Wales, which may become more important now that regional assemblies have been elected (under MMP rules). Thus, national electoral reform is on the agenda, although radical reform such as a shift to full proportionality is not contemplated. The system proposed by the Jenkins Commission is only a moderately proportional variant of MMP, an incremental rather than profound change.

In the Canadian case, the seeds for systemic failure are certainly present, as Weaver notes. The plurality system clearly exacerbates Canada's regional problems. Some parties are far more dominant in the seats elected from specific regions than they are in votes, thereby encouraging regional movements such as the Quebec separatists. Furthermore, sometimes a governing party in Ottawa has ended up with virtually no seats in the House of Commons from particular regions. Despite these problems, electoral reform has yet to gain serious consideration on the Canadian national agenda. A mixed-member system would be a logical choice, as it would retain SSDs while at the same time permitting national parties to win at least some seats in regions where they are currently weak. Interestingly, the lack of interest in electoral reform can largely be explained by the same regional patterns that threaten national unity. A regional concentration of the vote provides parties with rewards in the SSD electoral system, and these local strongholds—including control of provincial governments—could be threatened by a mixed-member system that increased proportionality. This salient feature of the Canadian political scene has been only a minor factor in Britain, and was not a factor at all in pre-reform New Zealand, where all the parties were of national scope and there are no regional governments. Like Britain, Canada lacks some of the inherent conditions that generated reform in New Zealand. Indeed, Chapter 2 showed Canada to be considerably less pluralitarian than New Zealand, in part because the regional strengths of third parties have generated minority governments in some cases instead of the regular manufactured majorities and back-to-back reversed pluralities of New Zealand.

In contrast to New Zealand and Britain, where electoral reform made it onto the agenda partly because governments did too much, in other cases it could be said that reform became an issue because governments did too little. Examples include the hyper-representative cases of Italy and Israel and the hyper-personalistic system of Japan. Corruption became a critical issue in both Italy and Japan, with governments seen as unable to reform themselves. In Italy, citizens of the industrialized and strongly pro-European north were particularly frustrated, as they increasingly blamed the political parties centered in Rome for funneling resources to fuel their clientelistic networks in the poorer south. A separatist party, the Lega Nord, hence grew spectacularly in the north. Still, the Christian Democratic Party held on to its position as the predominant party, partly through use of clientelism and patronage in the south. Through this system, successive Italian governments were blamed for being unable to address Italy's stark regional variations in development through provision of collective social programs (Bull and Newell 1993: 203). As Katz notes, the "clean hands" investigation by Italian prosecutors probing political corruption effectively delegitimized the existing system, revealing the corruption underlying the entire system. The highly proportional electoral system that had maintained the same Italian parties in power for decades came to be blamed for the inability to overcome corruption, for threats to national unity, and for mounting social and economic problems. As a hyper-representative system with a significant candidate-centered component (open-list PR), the Italian system was inherently incapable of generating governments with a mandate to weed out the pervasive corruption and clientelism and to make the difficult policy tradeoffs needed to assure the country's successful integration into the single European currency.

In the Japanese case, as described by Reed and Thies, corruption flourished alongside a regulatory process that favored the ruling Liberal Democratic Party's business constituencies. Dependent on business contributions to finance intraparty competition under the existing hyper-personalistic system, the LDP repaid its business contributors with policy favors in the form of cartels and other regulatory concessions and was unresponsive to consumer interests (Cox and Thies 1998). A series of high-profile corruption scandals were clearly linked to the needs of candidates to finance their individual campaigns (see Chapter 7). Corruption became a salient issue, and electoral reform was promoted by some LDP leaders as a solution.

In sum, reform made its way onto the Japanese and Italian political agendas in large part because it appeared to be the most likely way to shock the system. A primary goal in both cases was to weed out clientelism and corruption by enhancing the accountability of governments and eliminating intra-party competition. Aside from being an end in itself, reducing the incentives that led to corrupt behavior was believed likely to enhance the capacity of

governments to accomplish policy changes that had been stalled despite being desired by broad constituencies.

The failure of government to accomplish goals demanded by the broader electorate was also at the root of reform in Israel. As discussed by Rahat, the grand coalition ("Unity") governments of the 1980s established a system in which the two major parties checked each other and blocked progress on the critical issue of peace with the Palestinians. When the coalition broke down, the strange-bedfellows deals on policy cut between Labor and the ultra-Orthodox parties—deals of a sort than can be expected to be inherent to hyper-representative systems—catalyzed the reform movement.[353]

Perhaps the clearest case of systemic failure is that of Venezuela, where a previously stable democracy was in serious decay by the late 1980s. As in Italy and Japan, pervasive corruption had become a major issue, even leading to the impeachment of a president in 1992. Parties were failing to respond to new citizens' movements which demanded policy changes, such as environmental protection and better (i.e. non-clientelistic) public service provision (Chapter 8 above). Above all, there was a deepening sense that politicians were unconcerned with voters' needs, as the major decisions were being made by a small clique of national leaders who had only a tenuous accountability to the rank and file (Martz 1992; Coppedge 1994; Crisp 1998). As argued in Chapter 2, such lack of legislator–constituent links is inherent to hyper-centralized systems. Political reform was an issue in the 1983 and 1988 elections, but it was only after massive rioting in response to President Perez's neoliberal decrees that reform finally passed. By then it was, arguably, too late. The failures of successive Venezuelan governments to address the growing crisis led to two coup attempts in 1992, before the MMP system was even implemented, then to the presidential impeachment, and finally to the election of one of the coup

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[353] In the case of the majoritarian/pluralitarian systems, we have case studies in this volume on countries that have not adopted a mixed-member system thus far. Therefore, we have been able to consider what conditions were present uniquely in New Zealand that brought about reform. For hyper-representative systems, unfortunately, we do not have any cases of no reform represented in this volume, notwithstanding the fact that Chapter 2 showed that there are two cases—Belgium and Finland—that are actually more extreme than Italy. In Belgium there were severe threats to the country's unity from the 1960s on and there was a resulting political reform. However, that reform took the form of a new federal constitution in 1993, rather than reform of the electoral law. As a society divided by a deep linguistic–cultural cleavage as well as other issue dimensions (Lijphart 1998), Belgium probably could not afford the bipolar party system that a MM system would be likely to bring about. Thus, a MM system would be less likely to be placed on the reform agenda. Finland, like Belgium, has an ethnic dimension of high salience (Lijphart 1998: 80), though there is no obvious case of systemic failure. Nonetheless, a political reform has been adopted in Finland, in the form of direct election of the president since 1996. This reform may make the system "feel" less hyper-representative, even though it does not appear thus far to have had a noticeable effect on the legislative party system. See Shugart and Carey (1992: 266–8) on the prospects for a directly elected presidency to enhance identifiability of government choice in Finland.

plotters as president in 1998. In 1999 Venezuela adopted a new constitution in an effort by the new president to replace the old failed order with a new one. Tellingly, however, the MMP system was not blamed for the crisis; and indeed, Venezuela's 1999 constitution may be the first in the world that can be read as requiring a mixed-member system. Its chapter on the congress states that it shall be elected by a method that is both proportional and "personalized."

Act-Contingencies: Electoral Competition

Inherent conditions leading to systemic failure are not enough to bring about reform. A key contingency common to reform in established democracies is the act-contingent explanation of pressures to "do something" to address systemic failure. Parties in each case found themselves impelled to act by pressures arising out of interparty competition. The starkest example comes from New Zealand, where it is quite clear that most major party politicians did not favor electoral reform when the issue first came on to the agenda. Yet, as Denmark notes, in a campaign debate the Labour leader made an unscripted comment in favor of holding a referendum on electoral reform—most likely as an attempt to catch his opponent off guard. After his party shelved the idea once it came to power, the opposing National Party picked it up in the next campaign as an example of Labour's unresponsiveness, even though National was no more interested in actually adopting MMP. Given the rising level of public anger at politicians at the time owing to the unpopularity of drastic economic reforms, the issue became one that neither party dared be seen as squelching.

Similarly, Reed and Thies note that even groups that were in fact opposed to the idea of a MM system in Japan called their far more timid proposals "True Reform", which suggests that public support was so strong that even reform opponents felt compelled to portray themselves as in fact being reformers of a different stripe. In the Venezuelan case, all major presidential candidates in 1988 signed a document committing themselves to political reforms. As in Japan, there was no public outcry for a mixed-member electoral system in Venezuela, but election campaigns were driven by the quest for some sort of fix for a political system that was widely perceived to be broken.

In Italy, the formal process of electoral reform began with a citizen-initiated referendum, which passed because of voter disgust with corruption. Thus, Italy presents the clearest example of the voters setting the agenda. In the other cases reviewed above citizens set the agenda indirectly, as politicians lost control of the issue and were pressured to respond to voter demands for reform. As Katz notes, Italian politicians were legally forced to respond because the referendum deleted certain phrases from the pre-existing electoral

law for one house and essentially left the two houses with incompatible electoral systems. Thus, one key contingency in each episode of reform was the act-contingent motivation of fear of the voters' wrath, thereby making politicians come to terms with an issue most of them would have preferred to let lie dormant.

Outcome-Contingencies: Political Compromise Leading to Mixed-Member Reform

Another theme running through nearly all the chapters in Part II is that mixed-member systems typically emerge as a product of political compromise. The bargaining that produces a mixed-member system as the specific political reform is an outcome-contingent factor because, once parties have (perhaps reluctantly) recognized that their political survival requires electoral reform, each party may have a different conception of the system that best suits it. Thus, parties tend to favor different specific electoral rules according to what systemic outcomes are most favorable to them. As systems that balance the tendencies of PR and majoritarian electoral systems, mixed-member (MM) systems in their myriad variations offer especially fertile terrain for political bargaining. Although voters may have been clamoring for reform, in no case was there a clamor specifically for a mixed-member system. The resulting MM systems were the product of cross-party compromise.

Political Compromise in Established Democracies

Most MM systems did not emerge as the experts' pick, but rather as a product of negotiation among parties with diverse preferences. An exception is New Zealand, where a Royal Commission weighed several options and settled on MMP because it came closest to meeting the Commission's criteria for what a good electoral system for New Zealand should look like (chapter 4 above). New Zealand is the only case thus far in which a proposal drafted by an independent commission was submitted to a referendum. Britain may soon follow a similar path, given the Labour Party's manifesto commitment to holding a referendum on electoral reform, but we suspect that there will first be some bargaining between Labour and the Liberal Democrats concerning the proposal made by the Jenkins Commission. In Italy, the referendum only triggered bargaining in parliament. In Israel, Japan, and Venezuela, there never was a public vote on the electoral system.

Thus, apart from New Zealand (and perhaps Britain in the future), we have mixed-member systems emerging as compromises among party leaders and legislators. Some parties preferred majoritarian systems, some PR; some preferred party-centered voting, others candidate-centered. MM systems, as noted in Chapter 2, offer the promise of balance between the pure types. However, the presence of mixed preferences is no doubt present in all electoral

law deliberations. Why have so many recent reforms produced a mixed-member system as the specific class of systems to be adopted?

A key reason that mixed-member systems so often have broad appeal is because they almost inevitably preserve some features of the pre-existing system while grafting on new features preferred by some parties. In a country starting with an all-SSD system, such as New Zealand, MMP is a convenient way to retain the familiar features of nominal voting in geographically defined constituencies while nonetheless adopting PR. In a PR system where reformers desire introducing more majoritarian characteristics, such as Italy, MMM is a logical way to retain some proportional element to appease minority parties while still crafting a fundamentally majoritarian system. If the preexisting system entails intraparty competition that reformers seek to curb, all mixed-member systems by definition have nominal voting, which continues to allow for some degree of personal vote seeking; for example, in Japan a personalistic system was replaced by a system that is not very personalistic, but nonetheless does not entirely abandon nominal voting. Finally, in a closed-list PR system in which it is seen as desirable to introduce nominal voting, as in Venezuela, MMP permits this while retaining both proportionality and the selection of some legislators via closed lists. In sum, a general feature of all the cases in which MM systems were adopted in established democracies is that the system emerged as a compromise which retained some familiar features of the old system while nonetheless altering the basic principle by which seats are allocated.

Political Compromise in New Democracies

New democracies do not present electoral system designers with a tabula rasa. There are usually parties—and always interests—that carry over from the pre-existing authoritarian regime. Some of these regimes will have staged elections—even if they lacked meaningful choice—and the pre-existing electoral system may even wind up serving as a point of departure for reformers, much as it does in established democracies.[354] Mixed-member systems have been adopted in those cases where a former "official" party remained strong enough to play a role in brokering the transition to democracy. For instance, among the former communist countries, Albania, Armenia, Bulgaria, Croatia, Georgia, and Hungary were all characterized by communist parties (or their successor organizations under a new name) that remained strong enough to bargain over their gradual exit from power. In the Russian Federation, the initial electoral law was adopted by presidential decree, but the incumbent legislators had all been elected in single-seat districts in the last election of the Soviet Union. As Moser and Thames show, the designers of the

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[354] Even where a non-democratic regime did not hold elections of any sort, as with some military governments, there is usually a prior democratic experience that might serve as a point of departure for a new system.

Russian system consciously sought to retain personal representation inherent in SSDs even as they sought to introduce a party-building feature through list PR. In most of the other former communist systems as well, incumbent legislators had been elected in SSDs. Thus, as in some ongoing democracies, a tier of SSDs established a familiar aspect of the electoral system to be maintained while the system was opened up to new contenders via a proportional tier.

All but one of the post-communist cases that adopted a mixed-member system chose MMM. The far greater likelihood of MMM over MMP in post-communist systems can be explained by the continued considerable strength of the communist party (or its successor), which generated a clear cleavage between the old and new forces. In Armenia, Bulgaria, Croatia, Georgia, and Hungary former communist parties retained bargaining power over the new laws and presumably expected a majoritarian system to be in their interests as a major party. In Russia, where the President controlled the writing of the new law, it was a desire to defeat the former communists that led his pro-market reformers to favor the more majoritarian system.[355] The one post-communist state that adopted MMP was Albania, where an initial election had been held under a pure SSD majority system, but the ex-communists were aware of their plummeting voter support and chose MMP for the second election.[356] The ascendant former opposition party, confident of its new-found majority status, then shifted the electoral system to MMM.[357]

In contrast to countries that began their democratic transitions with relatively strong holdover parties from the pre-existing regime are a set of cases in which the power of the communists quickly disintegrated. In each of these cases, including Czechoslovakia, Poland, and Romania, variants of purely list PR rather than mixed-member systems were adopted. Continuing the theme, in Bulgaria—perhaps the only case where a pure MM system was adopted and then abandoned[358]—the Communist Party's fortunes declined so precipitously after it won the 1990 election under MMM that it sought refuge in a pure PR system, apparently fearing that even MMP would prove an

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[355] A related consideration in Russia and also in Ukraine is that the parallel tiers of MMM are more favorable than the linked tiers of MMP to the survival of nonpartisan candidates, whom the presidents of both countries had found could be dealt with by trading patronage for votes (personal communication with Sarah Birch and Robert Moser).

[356] These observations on Albania—and, in the next paragraph, on Bulgaria—are based on Shugart's visits to these countries on consulting missions dealing with electoral-law drafting in 1991.

[357] Subsequently the former communists won again and were the party benefiting from the now more majoritarian features of the system. Such are the risks one takes when manipulating electoral systems for short-run advantage.

[358] Denmark in 1918 had a system that was very close to MMP, but it did not fully meet the defining criteria given in Chapter 1 because Copenhagen contained no SSDs. In the rest of the country, MMP rules prevailed (see Elklit 1992).

embarrassment because the party might not win any SSDs.[359]As for the non-party authoritarian regimes, it is noteworthy that not a single transition to democracy succeeding a purely military regime has yet resulted in a mixed-member system.[360]MM in new democracies is thus a product of transitions that feature a declining but still powerful ruling party and a rising opposition.

In some other cases of "new" democracies, MM was adopted after other electoral systems were tried. A series of often unstable or allegedly fraudulent elections preceded the adoption of a MM system in Bolivia, Mexico, and Thailand. Thus, these cases are a sort of hybrid: they are not really "established" democracies, but neither are they brand-new regimes. Such reforms more closely resembled those of the established democracies in that an existing legislature representing multiple parties was a central actor in the adoption of MM. Indeed, each of these three cases prior to reform may be seen as what was labeled in Chapter 2 an "extreme" system. Bolivia, and especially Mexico, were hyper-centralized systems, while Thailand was a hyper-personalistic system.

In the Bolivian case, as Mayorga shows, the adoption of a MM system was linked with the process of administrative decentralization as a means to infuse local accountability in a system of highly centralized parties. In Thailand, a multi-seat plurality system with exclusively nominal votes was characterized by highly factionalized parties that avoided campaigning on national policy themes. As in Japan and Russia, adopting a MM system was a means by which incentives for greater party cohesiveness could be injected (Hicken n.d.). In the case of Mexico's party-based authoritarian system, forms of mixed-member systems were already in use long before a transition to democracy was much more than a remote possibility (see Chapter 10). Although the Mexican system remains MMM, recent reforms have introduced greater proportionality, which is consistent with what we expect of democratization in which a declining, but still strong, party retains veto power over the electoral law.

The Best of Both Worlds?

The persistence and further spread of mixed-member systems will ultimately depend on whether this type of electoral system is perceived as having delivered on its promise of offering the best of both worlds. How then do we define

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[359] The recent experience of Hungary, where the Socialists won only one SSD, was very keenly on their minds.

[360] South Korea had a military-dominated regime prior to its adoption of a mixed-member majority-assuring system in its transition to democracy in 1987. However, there were both elections (under SNTV) and an official party, so it was not a pure military regime on the order of those in Argentina or Chile.

the best of both worlds? The answer must be broken down into the interparty and intraparty dimensions, as each pure type of system theoretically has advantages on each dimension. A balance between the pure types on either dimension maximizes electoral efficiency, as defined in Chapter 2.

On the interparty dimension, each of the basic types of electoral system is perceived as offering certain distinct advantages. The features of purely majoritarian systems that are most often positively regarded are:

1.   enhanced stability of governments (in parliamentary systems), as a result of their relative disproportionality; and
2.   clear choices for voters (identifiability), as a result of a two-party or two-bloc pattern of competition.

The interparty advantages of proportional systems are generally taken to be:

1.   their fair treatment of smaller parties, such that diverse views of the electorate are represented; and
2.   their encouragement of coalitions, such that a single party that fails to capture a majority (or very nearly so) of votes is not permitted to govern alone.

Therefore, the best of both worlds on the interparty dimension would be a multiparty system, but one in which most parties are aligned with one of two broad blocs such that voters can choose between potential center–left or center–right governments.

On the intraparty dimension, again, each of the basic types of electoral system is perceived as offering certain distinct advantages. Majoritarian systems are based on nominal voting and are said to offer the advantages of:

1.   representation of local interests; and
2.   personal accountability of individual members.

Proportional systems are based on party-list voting and are admired for their ability to produce:

1.   parties of national scope; and
2.   coherent and disciplined parties that offer programmatic representation.

Thus, the best of both worlds could be summarized as disciplined national parties whose individual legislators can be held accountable for their articulation of local interests.

Criteria for Evaluation: The Interparty Dimension

On the interparty dimension, we assess whether each mixed-member electoral system has provided:

1. a multiparty system aggregated into two blocs; and
2. Effective representation of small parties, including parties that may not fit well into either principal bloc.

In addition to an impressionistic assessment of these two criteria, based on the case studies of this book, we also employ the method of estimating inter-party efficiency that was introduced in Chapter 2 to compare mixed-member systems to other electoral systems.

Two Blocs

Germany, the oldest mixed-member system, has provided a two-bloc system throughout much of its existence. The only clear exception would be during the three-year period of the Grand Coalition, when the two biggest parties governed together. At present, however, Germany clearly has two government alternatives: Christian Democrat–Free Democrat vs. Social Democrat–Greens. As Klingemann and Wessels note in Chapter 13, the German two-vote MMP system increases the likelihood that the junior coalition partner will remain large enough to maintain parliamentary representation while the larger party benefits from strong performance in the SSDs.[361]

Among the nine other mixed-member systems discussed in this book, five have developed what are essentially two-bloc party systems: Hungary, Israel, Italy, Japan, and New Zealand. Of course, the development of such systems cannot be fully attributed to the mixed-member system, but the electoral system may help bring about a two-bloc party system, or maintain one where it has already arisen. The achievement of such a two-bloc format and the possibility of alternation in government was an explicit goal of reformers in Italy and Japan. In several of the new MM systems, it is especially noteworthy that a two-bloc party system was unlikely to emerge under the pre-existing rules. Italy and Israel had fragmented multipolar party systems, Japan had a dominant-party system, and Hungary's first election exhibited a three-bloc format.[362] In each case, the mixed-member system may have contributed to the consolidation of the party system.

More specifically, where the pre-existing party system was fragmented and multidimensional, a mixed-member majoritarian system appears to have been particularly effective in facilitating two blocs of parties. In all probability, MMP would not have been as successful at bringing about consolidation under such conditions. The amalgamation that occurred—often taking the form of pre-election coalitions, such as in Italy and Hungary—would have been less likely under a mixed-member format that offered small parties the

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[361] It does so by facilitating coalition-based strategic voting, whereby many voters favor the larger party in SSDs and its coalition partner on the list, and by the provision for overhang seats for a party that outperforms its proportional vote in the SSDs.

[362] On Hungary's evolving party system and its policy consequences, see Haggard et al. (2000).

prospect of full proportional representation. Thus, we would posit that MMM is more likely than MMP to correct a pre-existing problem of excessive party system fragmentation. Bolivia is a case in point: Its pre-existing party system was extremley fragmented, and Bolivia remains a hyper-resentative system even under MMP.

Two of the MMP systems have nevertheless performed surprisingly well on this criterion. Germany has a two-bloc format, as noted, and New Zealand developed one by the time of its second MMP election (see Chapter 14). Bolivia does not appear as likely to develop such a party system, though its unique hybrid constitutional form may be a factor in retarding the growth of a two-bloc party system (as we discuss below). Venezuela's current political instability makes it impossible to predict.

Proportional Representation of Small Parties

Most of the mixed-member systems covered in this book perform reasonably well on this dimension. Naturally, all the MMP systems do so given that they are proportional systems. Even among the MMM systems, however, the PR tier has permitted smaller parties to carve out space for themselves if they are unwilling to line up behind one of the dominant blocs. Owing to the list tier, and especially where voters cast two votes, minor parties are able to survive without necessarily undermining the two-bloc party system. For example, the directly elected Israeli prime minister is freed from dependence on minor parties, though parties that represent significant social interests retain influence. Similarly, the Party of Democratic Socialism in Germany currently coexists within the two-bloc format of the larger party system.

Interparty Efficiency

As defined in detail in Chapter 2, the index of interparty efficiency is built out of three basic components:

1. Pre-election *identifiability* (ID), which is the tendency of elections to revolve around two competing blocs of parties, such that voters can determine the likely post-election government options.
2. Post-election *majority approximation* (MA), which is based on the seat share obtained by the largest party or pre-election coalition forming part of the initial post-election government; its share is divided by 0.5% to indicate how close it came to a majority of seats.
3. *Plurality enhancement* (P), which indicates the degree to which the electoral system over-represents the largest party or pre-election coalition.

The first two components are averaged to arrive at a value of *electoral linkage* (L), and then interparty efficiency (E_{inter}) is calculated as:

$$E_{inter} = L - 1 + P.$$

Table 25.1. Indicators of Electoral Efficiency in Mixed-Member Systems

Country	Pre-election identifiability (ID)	Post-election majority approximation (MA)	Electoral linkage (L)	Plurality enhancement (P)	Interparty efficiency (E_{inter})
MMM					
Hungary	0.83	0.90	0.86	0.34	0.20
Italy	1.00	1.00	1.00	0.22	0.21
Japan	1.00	0.96	0.98	0.18	0.16
Russian Federation	0.50	0.28	0.39	0.02	−0.59
MMP					
Bolivia	0	0.49	0.25	0.02	−0.74
Germany	0.67	0.97	0.82	0.03	−0.16
New Zealand	0.87	0.86	0.87	0.06	−0.07
Venezuela	0.75	0.60	0.68	0.05	−0.28
Other					
Israel	0.75	0.48	0.62	0.03	−0.35
Mexico	0.88	0.96	0.92	0.16	0.08

Values of all these components and the resulting efficiency index for twenty-one democracies that use electoral rules other than mixed-member systems were displayed in Chapter 2. Table 25.1 shows the values for the ten mixed-member systems covered in this book. Of course, these values should be viewed with caution, given that we have at most two elections under the MM format except for Germany and Hungary. Nonetheless, a consideration of how widely divergent countries have performed thus far under MM systems is valuable in assessing the promise of this class of electoral system.

In order to make comparisons between mixed-member and other types of electoral systems, we report mean values for several classes of electoral systems in Table 25.2. The first row of this table reports the indicators of all

Table 25.2. Mean Values of Indicators of Interparty Efficiency, by Category of Electoral System

Type of system	ID	MA	L	P	E_{inter}	Absolute value[a]
Non-MM systems	0.70	0.88	0.79	0.12	−0.09	0.25
Exclusively SSD systems	0.98	0.98	0.98	0.22	0.21	0.23
Exclusively list systems	0.54	0.81	0.68	0.08	−0.24	0.31
MM systems[b]	0.86	0.89	0.88	0.15	0.03	0.17
MMM (Hung., Italy, Japan)	0.94	0.95	0.95	0.25	0.19	0.19
MMP (Germany, NZ, Ven.)	0.77	0.81	0.79	0.05	−0.17	0.17

[a] Mean of the absolute values of the scores on E_{inter}.
[b] Excluding the unusual hybrid constitutional systems found in Bolivia (parliamentarized presidentialism), Israel (presidentialized parliamentarism), and the Russian Federation (president-parliamentary).

non-MM systems covered in Chapter 2, whereas the second and third rows show those for the pure-SSD and pure-list PR systems, respectively. The fourth row shows mean values for seven of the ten MM systems. The reason for the exclusion of three of the MM systems—Bolivia, Israel, and the Russian Federation—is that each of these employs a unique hybrid constitutional form not found among our set of non-MM cases. Bolivia is a system of parliamentarized presidentialism (see Chapters 9 and 19 by Mayorga), where congress selects the president if no candidate receives a majority of the popular vote. Israel has the opposite hybrid, presidentialized parliamentarism (see Chapter 6 by Rahat and Chapter 16 by Hazan), where the head of government is directly elected yet is dependent on parliamentary confidence. Both of these formats may undercut the two-bloc tendencies of the typical MM system because neither a direct vote nor elite bargaining among parliamentary parties is decisive in empowering governments.[363] The Russian system likewise does not establish either the presidential or parliamentary vote as decisive in the formation of governments, being what Shugart and Carey (1992) call a president-parliamentary system.[364] Moreover, Russia has a notoriously uninstitutionalized party system which makes it hard to analyze using conventional tools of electoral-system analysis (see Chapter 22 above).

The seven MM systems that are employed in straightforward parliamentary or presidential systems average 0.86 on identifiability (ID), which is an intermediate level compared with the pure-SSD (0.98) and pure-list (0.54) systems, but is much closer to the SSD systems. An ID score of 0.75 or better implies a two-bloc party system with some minor parties that can swing to either major bloc; the score can be 1.00 only when one of two major parties is likely to form a single-party government, or when every significant party is encompassed by one of two blocs. The considerably higher score for MM systems than for list PR systems reflects their greater tendency to generate clear choices of competing governments. The lower score relative to pure SSD systems reflects their tendency to have significant minor parties. In sum, this

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[363] The incentives that these systems provide for parties are different, but in the end neither is likely to be as conducive to the formation of a two-bloc party system as a pure parliamentary or presidential system with MM. The Bolivian format may increase the incentive of parties not to align with a major bloc before the election so as to play a role in the selection by the congress. Yet it does not make parties in parliament responsible for governing (via noconfidence votes) as does parliamentarism. The Israeli format has encouraged a bipolarity in the prime ministerial election, but this election is not decisive for government formation, and there has been a resulting centrifugal movement on subsidiary dimensions of partisan conflict and a great increase in the dispersion of the parliamentary vote (see Chapter 16 by Hazan).

[364] In such a system, the president may appoint cabinet ministers and may also dismiss them at will without regard for whether they enjoy parliamentary confidence. However, parliament also has the power to cast no-confidence votes. This system is different from other so-called hybrid systems, such as those of Finland, France, and Portugal, in which the parliamentary majority effectively determines the composition of the cabinet. Shugart and Carey (1992) consider these latter three cases to be "premier-presidential" systems.

intermediate placement on ID suggests that the best of both worlds is indeed being realized by MM systems on this performance indicator.

On majority approximation (MA), MM systems (0.89) have a slightly higher score than the PR systems (0.81), though not as high as the SSD systems (0.98). On plurality enhancement (P) the MM systems are intermediate again, as expected, with a score of 0.15. They do not enhance pluralities nearly as much as SSD systems (0.22), but as a class they do so more than PR systems (0.08).

Finally, on interparty efficiency, MM systems indeed fall in between the pure types, and indeed, at 0.03, score as almost ideally efficient as a class. If this sounds too good to be true, in a sense, of course, it is. This highly efficient mean score masks deviations from efficiency by individual systems. Thus, the last column of Table 25.2 indicates the absolute value of the efficiency scores. The typical MM system deviates, one way or the other, by 0.17, which is still less than found for either SSD or PR systems. Thus, MM systems are indeed between the two pure types, as expected.

The final two rows of Table 25.2 break the data for MM systems into MMM and MMP subtypes. Although doing so risks increasing the error inherent in a very small sample, it is worth doing this in order to assess the performance of the more specific sub-categories that we have oriented this book around. Each of the three MMM systems does indeed lean toward the majoritarian side of the scale, as indicated by the positive values on the efficiency index, and also by values on all the other indicators that are similar to the SSD systems. Each of the three MMP systems leans toward the "representative" side of the scale, as indicated by the negative values on the efficiency index.[365] The analysis of this section provides considerable support for the notion that mixed-member systems offer the best of both worlds on the inter-party dimension.

Criteria for Evaluation: The Intraparty Dimension

On the intraparty dimension, we can assess the effects of the mixed-member systems on two criteria:

1. local accountability of individual legislators; and
2. national, and presumably, programmatic representation.

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[365] Mexico is excluded here, as its limited MMM makes it an intermediate type between MMM and MMP; indeed it has the most efficient score of all the cases analyzed here. This result may be as much a product of the specific party-system context in which the system was adopted as of the electoral system itself. However, the limited MMM system in Mexico is unlikely to be as majoritarian as the parallel MMM systems or as proportional as the compensatory MMP systems, so it does seem as though Mexico has found the best of both worlds—at least on the interparty dimension, and at least under current political conditions.

Local Accountability

The existence of an SSD tier should engender the personal accountability of members elected from the nominal tier to local interests and issues. Germany is the most advanced example of this local representation in a mixed-member system (see Chapter 13 by Klingemann and Wessels). The only system reviewed here where such an outcome is not expected is Israel, as only the prime minister is elected nominally. Nonetheless, even in Israel we could say that the direct election of the PM has promoted his personal accountability (as he is a member of the Knesset as well as head of the government) to his constituency—the nation as a whole. All the remaining systems have achieved this criterion to some degree, with the possible exception of Italy.

In the New Zealand and Japanese cases, achievement of this criterion is hardly surprising, given that the previous system was one of nominal voting in geographically defined districts. Therefore, a tradition of constituent responsiveness was already well established—indeed, to a pathological extreme in the Japanese case. What is most striking in these cases is that some degree of personalization has also carried over into the list tier. In Japan this phenomenon is encouraged by electoral rules whereby the SSDs of the nominal tier effectively function simultaneously as nominating districts for the list tier. Not all Japanese parties or alliances take advantage of this option, because some seek to obscure the personal accountability of less popular candidates (see Chapter 17). However, to the extent that parties do take advantage of it, legislators elected from lists have an incentive to "shadow" the legislators elected in their SSD and thereby to enhance their party's representation of local interests. In New Zealand and Germany such practices are more informal, in that parties have tended to assign their list-tier MPs to one or more SSDs.

The cases where it is most difficult to infuse local accountability are those countries with no previous experience with nominal voting. Germany at the founding of the Federal Republic,[366] as well as Bolivia and Venezuela prior to their recent reforms, were all such systems. Bolivia provides evidence of an emerging local accountability, as Mayorga notes in Chapter 19 that legislators elected in SSDs have been asked to perform basic constituent services and obtain support for local improvements. Additionally, large parties have begun to select nominal-tier candidates from among leaders of prominent local organizations or locally based minor parties. Given the absence of any formal mechanism for local accountability in the pre-existing Bolivian closed-list PR system, this result is a clear testament to the role of nominal voting in facilitating the articulation of local interests. In Venezuela, Crisp and

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[366] Germany had a system of exclusively nominal voting before World War I (see Scarrow, Ch. 3), but the interwar Weimar Republic used a pure list-PR system.

Kulisheck find that legislators elected from the nominal tier are more likely to view their role as representing their constituents than are list-tier representatives (Chapter 18). That these legislators have begun to undertake even minimal responsiveness to their districts in the face of highly centralized nomination processes of the major parties again shows the power of the incentives offered by nominal voting.

In Italy, D'Alimonte found that the quality of individual candidates and their ties to localities do not seem to matter in elections (Chapter 15). However, this result is not an indictment of the mixed-member system per se, as it stems from the nature of multiparty alliances that negotiate their SSD nominations prior to elections. Unlike the German and New Zealand party systems, Italy's two-bloc system does not currently consist of two large parties that win the bulk of the SSDs. Rather, it consists of alliances of parties that must decide which candidate receives their endorsement in each SSD. Thus, D'Alimonte notes, party leaders effectively exercise more control over members than under the old (open-list) system. It is too early to say for certain whether this will remain a permanent feature of the system, or whether these alliances will be transformed into parties themselves.

Although local accountability of legislators is a desirable feature, it is possible to carry this too far. For example, a legislator elected from a SSD might behave as nothing more than a local delegate, even at the expense of the national interest. Cases of such extreme "localness" are frequently found in situations where members are elected without a party affiliation. Nonpartisan candidates may take seats whenever an electoral system employs exclusively nominal votes, as is the case in SSDs.[367] The drawback of nonpartisan or independent legislators is that they are likely to be more susceptible to trading votes with the executive or party leaders—offering their votes in exchange for patronage or pork that is distributed to their constituency. Such members are rarely held accountable for their votes on national policy issues; their local accountability typically revolves around their parochial defense of local interests and their distribution of goods to their districts (Cox and McCubbins 2000; also Carey and Shugart 1995).

The Russian case is particularly instructive on this point. As Moser notes, party identification is extremely weak in the Russian Federation. As a result, there has been a great potential for independent candidates in the nominal tier. Nonpartisan legislators in Russia have been more willing to engage in ad hoc deals with the president involving pork and patronage than have list deputies. Nonetheless, Moser notes that the number of nonpartisan candidates elected declined substantially from 1993 to 1995. Moreover, the prominence of nonpartisan candidates is more a product of the newness of

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[367] This is also the case in multi-seat (non-list) plurality and semi-proportional formulas, including SNTV. Indeed, there were always numerous independent candidates elected in each of Japan's postwar elections under SNTV.

democracy in Russia than of the MMM system. The presence of the list tier has encouraged parties to be much less parochial than they could have been in a purely nominal voting system. At the same time, the presence of SSDs has ensured against overly centralized parties that might have emerged in a setting of such new democratic experience under a pure list system.

In general, then, we can say that there is a high degree of personalization and local representation in mixed-member systems. With the possible exception of Italy, and allowing for the special case of Israel, local accountability exists via the nominal tier, as expected. Even more striking is that list-tier legislators in some cases—particularly Germany, Japan, and New Zealand—develop ties toward constituencies even though (closed-) list representation would normally work against such ties. The most likely reasons for this are that parties want to retain a high profile in the SSDs and thus encourage their list legislators to respond to local interests, and that the legislators themselves hope to win an SSD race in the next election. The best-loser provision such as that in Japan would only enhance this tendency for representation of local interests to spill over from the nominal to the list tier.

National Parties

All else being equal, list voting is more likely to promote parties of national scope than purely nominal voting because parties pool their votes over a broad multiseat district. If the lists are closed, parties must develop a reputation—usually policy-based—throughout the entire district and cannot get by on the strength of popular candidates. Thus, list voting is an antidote to the potential for legislative parochialism in purely nominal electoral systems.

The adoption of mixed-member systems in countries that previously used exclusively nominal voting in SSDs, such as New Zealand and Russia, offer the clearest examples of the effects of adding a list tier. In the case of New Zealand, there has been a great increase in the number of parties physically present in parliament, from an average of 2.6 in the 1969–93 period to 6 after the first MMP election in 1996. This increase primarily reflects the effect of the MMP system on the interparty dimension, but it has important consequences for the intraparty dimension as well. No longer must a party with national priorities carefully nominate its leaders in those few districts where a local plurality is within reach; it can now act as a genuinely national party by focusing its campaign on gaining votes throughout the country to maximize its list representation.[368]In Russia, Moser argues that the list tier has served

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[368]   There is, however, still the possibility, under the New Zealand law, of a party falling below the 5% threshold and yet gaining PR seats if it has managed to elect one candidate in an SSD. So targeting a favorable SSD remains one option for a small party in New Zealand. Our point is that a party that can attain 5% nationally (and thus be assured of representation) need not concern itself with finding a local constituency that particularly favors it. It can be represented exclusively as a minor national party, an option that was obviously not present before the reform.

its intended role of encouraging the development of national parties. Prominent regional politicians in Russia have seen it in their interests to place resources into developing a national partisan identity in order to obtain seats from the list tier.

A final noteworthy case is Italy. One of the challenges confronting Italian reformers was the growing regionalization of the party system. The new Italian MMM system increases the opportunities for parties to gain seats outside their principal region more so than a purely majoritarian system would have done. In other words, although a pure SSD system encourages the aggregation of multiple parties into two blocs—as in France after 1958 (Duverger 1986)—such a system only enhances the regionalization of a party system, compared with list PR.[369] The list tier—especially in the Italian lower house, where seats are allocated nationwide—permits parties to make use of votes outside of the regions in which they dominate regional competition. The ability of the list tier to promote greater nationalization of the party system than would be feasible for a pure SSD system is also a desirable feature of Mexico's electoral law, and could make a MM system beneficial for Canada as well.

Assessing Mixed-Member Systems

In short, the material presented in this book suggests that mixed-member systems have been largely successful thus far. They appear to be more likely than most other electoral systems to generate two-bloc party systems, without in the process reducing minor parties to insignificance.[370] In addition, they are more likely than any other class of electoral system to simultaneously generate local accountability as well as a nationally oriented party system. Other electoral systems may generate a mix of these attributes, but generally not without introducing features that may be seen as undesirable, such as intra-party competition and factionalism, which frequently characterize STV or open-list PR.

Mixed-member systems simultaneously encourage divergent incentives that lead party systems to exhibit many of the features of the "efficient" and desirable balance. On the interparty dimension, they permit some parties to specialize in SSDs and others to specialize in lists. On the intraparty dimension, they permit some legislators to specialize in appealing to local interests while others attend to their party's national priorities.

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[369] Indeed, despite France's vaunted political centralization, its party system is rather decentralized, with different party labels often being used in different parts of the country (and in different elections) within the center–right alliance of parties.

[370] They are not the only electoral systems that can produce this balancing act—small-magnitude PR as in Greece and Spain or STV as in Ireland can do so as well—but MM systems are probably, as a class, more likely to do so than other types.

Achieving this balance of electoral features may well be more likely in MMM than MMP systems. Under MMP, parties need not perform well in nominal-tier voting to be assured their full proportional share of seats. In contrast, a party that fails to have attractive candidates or to articulate local interests under MMM will see its seat share significantly trail its national vote share. An obvious disadvantage of MMM, however, is found on the inter-party dimension, where such systems are less proportional than MMP and hence under-represent smaller parties. This conundrum can be averted by the use of vote transfers between tiers. As explained in Chapter 1 and practiced in Hungary and Italy, an MMM system can be made less majoritarian by transferring votes from the nominal tier to boost smaller parties' list-tier allocations. Alternatively, vote transfers for parties winning SSDs could be used in MMP systems to reward parties for success in the nominal tier without sacrificing a high degree of proportionality.[371] Such issues take us into the realm of fine-tuning mixed-member systems, to which we now turn.

No electoral system is free of disadvantages. Even if mixed-member systems did indeed provide the best of both worlds—as we think they often do—they nonetheless draw criticism on several accounts. Of all the criticisms of mixed-member electoral systems, perhaps the most serious is that they are too complex. Simplicity is usually held to be a virtue in electoral systems (Taagepera and Shugart 1989), and MM systems have been criticized as introducing unnecessary complexity. If the connection between voting behavior and seat outcomes is not readily apparent, the legitimacy of the electoral system may suffer. Some studies have noted that voters in Germany, the longest established MM system, do not really understand whether the nominal vote (*erstimme*) or the list vote (*zweitstimme*) is more important (Kaase 1984: 163). At the same time, as Klingemann and Wessels show in Chapter 13, German voters have managed to make good strategic use of their two votes over the years, even if they do not fully understand the mechanics of their MMP system.

Although some individual mixed-member systems are quite complex (e.g. Hungary), in general these systems are not necessarily more complex than many other frequently employed systems. Explaining the details of the d'Hondt divisor method of seat allocation or the two-stage allocation of remainders in many European PR systems takes some patience on the part of the student, as well as the teacher. None of these systems has the simplicity of an SSD plurality system, yet the manufactured majorities—and especially the occasional reversed pluralities—of SSD systems are themselves complex

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[371] Although no system currently practices vote transfers within MMP, one way of doing so would be to augment a party's list-tier votes when it wins an SSD with a candidate who outperforms his party's list vote in the district. For instance, if the party wins 42% of the list votes in an SSD in which its candidate wins 49%, the votes that put the candidate over 42% would be added to the party's list votes.

outcomes requiring explanation and justification. Against the experience of other countries with allegedly "simple" electoral systems, mixed-member systems are not so complex after all. Thus, we would argue that complexity is really a non-issue with respect to MM systems.

In addition to complexity, various other criticisms of these systems surface from time to time. Prominent among these are the absence of choice among candidates on the list tier, and the closely related problem of SSD losers being admitted into the legislature. Both criticisms are most likely to arise in countries with no prior history of closed-list voting, where it is taken for granted that only popular candidates enter parliament. We discuss each of these criticisms in turn, and then potential solutions.

There are currently no MM systems that provide voters a choice among candidates within their preferred party.[372] If the Jenkins Commission proposal for Britain were adopted, we would have a case of a MM system with a preference vote on the list. While intraparty competition has the drawback of encouraging factionalism and thus can undermine party cohesiveness, closed-list voting may be politically unpalatable in some countries. For example, it is clear that the Jenkins Commission proposed a preferential vote in the list because of criticisms from the Conservative Party and some of the media about the use of a closed list to select British members of the European Parliament. It is also likely that in countries with a history of relatively fluid parties—a feature found particularly in some presidential systems, such as Brazil, Colombia, or the United States—adopting closed lists would be politically difficult, even as part of a MM system that retained legislator–voter contact through the nominal tier.

Another factor of MM systems that is sometimes seen as undesirable is the likelihood that candidates who lose their SSD races can be "saved" by means of a favorable position on the party list. In Japan, for example, there were many complaints in the media about politicians who failed to win a constituency nevertheless ending up in the first Diet selected under MM electoral rules. Such results do not necessarily imply that the electoral system is flawed, as there are clearly benefits to keeping a party's leaders in parliament, even if they are not proven vote-getters. However, this feature of MM systems can be a public relations problem for party leaders who lose in their districts, and it may call into question the legitimacy of the electoral system in countries with no prior experience with list voting.

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[372] Israel has experimented with primary elections, but these have thus far been open only to party members (Hazan, Ch. 16). Thus, they offer a genuine choice over a party's candidates only to a subset of those voters who support the party's list in the general election. Some parties in Venezuela used primaries in connection with the MMP elections of 1993 and 1998 (Crisp and Kulisheck, Ch. 18). Primary elections are one potential way in which countries with mixed-member systems might enhance voter choice. However, further research is needed into how they would operate under different conditions than those found in the USA, such as under parliamentary government.

Fortunately, there are ways of dealing with the various criticisms of mixed-member electoral systems. For example, there is no reason why the list tier of a mixed-member system cannot operate under an open list or, preferably from our point of view, a quasi-list or flexible-list format.[373]Such a set-up may impair party cohesion compared with closed lists, but where creating cohesive parties is not necessarily a goal shared by reformers, or is politically unfeasible, an open-list MM system at least ensures proportionality beyond the norm of purely nominal-vote systems. In pre-existing open-list PR systems, on the other hand, adopting a MM system could actually increase party cohesion relative to the status quo, even if the open list is retained for the list tier. This is because the SSDs would be likely to encourage factions of parties to agree to common candidates in the nominal tier.

If there is concern about politicians who lose their district race getting into parliament, this can easily be dealt with by prohibiting double inclusion, i.e. simultaneous nominal- and list-tier nomination of a given candidate. Parties would thus have to decide which tier each candidate was most likely to win from, and candidates would not be able to hedge on a possible SSD loss through a high position on the party list. As far as we know, only Thailand has ever banned double inclusion, and Mexico is the only other system to have imposed any legal limits on it (see Chapter 20 by Weldon). The rarity of limits on double inclusion is probably attributable to elite preferences for maximum opportunities for the success of individual candidates.[374]Short of banning double inclusion, using a best-loser provision in the list tier (as in Japan and the Italian senate) ensures that the SSD losers who are elected are relatively more popular than other losers of their party. Such a provision has

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[373] Under an open list, voters have the option of casting a nominal (preference) vote, but only nominal votes count toward determining the order of election of a party's candidates. In a quasi-list system, the nominal vote is mandatory, and such votes again exclusively determine the order of election. Under flexible lists, there is a party-ordered list, but voters have the option of casting a preference vote. Voters who cast a party-list vote are assisting the election of candidates in the order they appear on the ballot (unlike voters who cast a party vote in an open-list system). However, in a flexible-list system, candidates who obtain an established quota of nominal votes can move up ahead of copartisans whom the party ranked higher. The preference vote proposed by the Jenkins Commission is understood to be a flexible list (personal communication with David Farrell), even though the Commission's report uses the term "open list".

[374] Another way of dealing with the criticisms launched against both closed lists and the "saving" of SSD losers via the list tier is a hybrid MM–quasi-list system. For instance, the ballot could list each candidate of a given list-tier district—save for the one who is nominated in the corresponding SSD—and require voters to cast their list vote by indicating a preference for one candidate within their preferred party. Candidates who lost in a SSD would thus be ranked by their party's voters outside their own district, rather than by party leaders or on the basis of how well they performed in their losing SSD effort (as in the Italian senate). Such a hybrid SSD–quasi-list system would not overcome the disadvantages of intraparty competition (e.g. factionalism and parochialism), but it might have appeal in settings where criticisms of both the closed list and the election of SSD losers prevent the adoption of a MM system with a closed-list tier.

the further benefit of reducing the number of SSDs that will be "safe" seats, as candidates will have an incentive to cultivate ties to districts even if they are unlikely to win the district plurality (see Chapter 17 by Reed and Thies).

We would not recommend any specific variant of the mixed-member format as a one-size-fits-all solution. In fact, one of the appeals of MM systems is that they lend themselves to an even greater range of fine-tuning than the various "pure" electoral systems. In general, a system should avoid excessive complexity, but some complications are inevitable when the goals themselves are complex, as in the case of trying to have the best of both worlds. The pure MMM and MMP systems are the most straightforward variants of this class of electoral system. Employing vote transfers within either of the primary types may be a justifiable further complication to balance the desired degree of proportionality with an incentive for major parties to commit resources to both tiers. Moving beyond the closed list for the list tier may be both unnecessary and undesirable in most cases. Yet it may be a necessary complication to move beyond an all-SSD or an open-list system that is perceived as in need of repair. Our general point is that MM systems permit myriad variations that can suit a specific political context, while still holding out the promise of providing the best of both worlds—i.e. the best of both identifiable governing blocs and proportionality, and the best of both local accountability and cohesive and programmatic national parties.

Prospects for Continued Spread of the Mixed-Member Idea

Although mixed-member electoral systems offer the best of both worlds, typically they completely satisfy almost no one. As MM systems invariably reflect a set of political compromises, this is hardly unexpected or undesirable. Thus, we should not be alarmed that many of the countries that have adopted MM systems are considering further change to their electoral law. Most of the discussion has assumed the nature of mid-course corrections rather than abandoning the mixed-member format entirely. This is true even in Venezuela, despite the drastic overhaul of the entire constitution that has taken place. Thus, if New Zealanders decide that their MMP system gives too much power to small parties, they can fairly easily reduce proportionality by adopting vote transfers to boost the representation of parties that win many SSDs, or by switching to MMM.[375] If Russians come to believe that too many

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[375] They could also increase their "loophole" threshold. For example, instead of allowing a single SSD victory to open up list representation for a party even if its list vote is below the national threshold, they could require two or more SSDs, or a combination of one SSD and some national vote total lower than the regular threshold. Or a party that wins one or more SSDs but not a sufficient list vote could simply be denied any seat other than its SSDs.

independents are being elected with small vote shares, they can reduce the ratio of members elected via SSDs or adopt a two-round majority system in the SSDs. In short, MM systems allow for continued flexibility in the design of electoral laws. We see this feature as an asset that countries ought to value: with an MM system the electoral laws of a country can be regularly updated to suit changing needs and political conditions.

It is our expectation that the advantages offered by mixed-member systems will lead more countries to follow this worldwide trend. Countries experiencing some sort of systemic failure should continue to be the most likely candidates. However, perhaps most significant will be whether there is a second wave of adoptions from countries not facing any particular crisis, but simply looking to improve their system of government. For example, in the fall of 1999 a new Portuguese administration came to power committed to political reform, pledging among other things to create single-seat constituencies to boost voter identification with politicians. We suspect that many Portuguese legislators will not want to totally abandon the list-based PR system that elected them, and hence a MM system should arise as the natural bargain. Britain is another country where a MM system might be adopted through the course of normal (i.e. non-crisis driven) political reform. As David Farrell suggests in Chapter 23, this process in Britain may well simply represent a desire to join the modern political world.

There comes a time in the diffusion of innovation, when various countries start to adopt new policies or laws because it is generally recognized that these represent an improvement over existing options. We may soon be at this juncture for the spread of MM systems. Regardless of whether mixed-member systems continue to proliferate, they have now joined majoritarian and proportional systems as basic options which must be considered whenever electoral systems are designed or redesigned. Such a development represents a fundamental change in thinking about electoral systems around the world.

Glossary

Items in italics indicate cross references.

Alternative vote. A form of *majoritarian allocation* in which voters may rank candidates in order of preference (see *transferable votes*). Uses *sequential elimination* to determine winners, usually in single-seat districts (*SSDs*). Used in most states for elections to the Australian House of Representatives.

Best loser. A provision in some *mixed-member* systems by which seats in the *list tier* are allocated to candidates who have failed to win their seats in the *nominal tier,* but have obtained higher vote totals or run closer races than other losing candidates of the same party (or other political organization). Less common than the *closed list*.

Closed list. A system in which the voter must cast a single vote for one list of candidates submitted by a party (or other political organization). No *nominal* or *preference* votes are permitted (contrast with *open list*). Candidates are elected in the order in which they are ranked on the list as submitted. Used in *proportional representation* systems in Argentina, Spain, and elsewhere, and for the list tier of most *mixed-member* systems.

Compensatory allocation. Distribution of seats in an upper tier of an electoral system so as to compensate parties for deviations from proportionality that result from the use of a small *district magnitude* or *majoritarian allocation* in a lower tier.

Cumulative vote. An electoral system in which each voter may cast a number of *nominal* and *nontransferable* votes up to the number of seats at stake, and may give more than one vote to any given candidate. Sometimes erroneously classified as a system of *proportional representation*. Used in some local elections in the US.

Deviation from proportionality (D). An index of the extent to which a given distribution of seats deviate from perfect proportionality to parties' vote shares. Calculated as:

$$D = (1/2) \quad \Sigma \left| (s_i - v_i) \right|,$$

where s_i is the seat share of the *i*-th party, v_i is its vote share, and Σ (sigma) stands for the summation over all parties involved.

District magnitude (M). The number of seats allocated in a given electoral district.

Effective number of parties (N). An index that indicates the number of hypothetical equal-sized parties that would have the same effect on the fractionalization of the party system as do the actual parties of varying sizes. Calculated as:

$$N = 1 / \Sigma \, pi^2,$$

where p_i is the fractional share (of votes or seats) of the *i*-th party and Σ (sigma) stands for the summation over all parties.

Flexible list. A form of list *proportional representation* in which a voter may cast either one or more *preference votes* or a single *list vote*. Candidates are ranked by the party

(or other political organization) on lists submitted before the election, but candidates who obtain a sufficient quota of preference votes may be elected ahead of other candidates who are ranked higher on the list as submitted. Used in Belgium, for example. Contrast with *open list* and *closed list*.

Limited vote. An electoral system in which each voter casts some number of *nominal* and *nontransferable* votes that is less than the *district magnitude,* and the winners are the M highest vote-getters, where M refers to the district magnitude. Used in the Spanish senate and in some local elections in the US.

List tier. That portion of a *mixed-member* system in which seats are allocated by list votes.

List vote. A vote that is counted as a vote for an entire list of candidates nominated by a party or other political organization in a multi-seat district (*MSD*). See also *closed list, flexible list, open list, preference vote,* and *quasi-list*.

Majoritarian allocation. Any of several allocation formulas that approximate the winner-take-all rule (in which all seats at stake in a given district go to the candidates or single list winning the most votes, as determined by the rule used). See *alternative vote, majority runoff, majority-plurality, plurality*.

Majority runoff. A *majoritarian* allocation process, usually in *SSDs,* in which a majority of votes is required; if a majority is not obtained in a first round, a second round (runoff) is held among only the top two candidates from the first round. Used for presidential elections in France and elsewhere, and for the *nominal tier* of the *mixed-member* system in Lithuania.

Majority-plurality. A *majoritarian* allocation process, usually in *SSDs,* in which a majority of votes is required in a first round; if a majority is not obtained in the first round, a second round (runoff) is held in which a *plurality* of votes suffices. Used in French National Assembly elections and in the *nominal tier* of the Hungarian *mixed-member* system.

Majority-assuring. A *mixed-member* system in which *list-tier* seats are allocated so as to assure the largest party a majority of seats.

Mixed-member (MM) system. An electoral system that consists of two (or more) overlapping tiers of electoral districts, with one tier employing *nominal votes,* and one (or more) tiers employing *list votes*.

Mixed-member majoritarian (MMM). A mixed-member system in which the *list-tier* seats are allocated in *parallel* to the nominal-tier seats, thereby usually preserving at least some of the disproportionality that arises from the use of *majoritarian allocation* in the *nominal tier*.

Mixed-member proportional (MMP). A mixed-member system in which the *list-tier* seats are allocated in a *compensatory* fashion. MMP thereby approximates proportionality of votes to seats within MSDs that overlay several *nominal-tier* districts.

MSD. Multi-seat district. We prefer this term to the more common multi-member district (MMD) in order to avoid confusion of 'multi-member' with '*mixed-member*.' Hence SSD for single-seat district, instead of the more common single-member district (SMD).

Nominal tier. That portion of a mixed-member system in which seats are allocated by *nominal votes*.

Nominal vote. A vote that is cast for a specific candidate by name.

Nontransferable vote. A *nominal vote* that cannot be transferred to any other candidate; that is, it contributes to the vote total of only the single candidate for which it is cast.

Open-list. A form of list *proportional representation* in which a voter has the option of casting either one or more *preference votes* or a single *list vote*. Candidates are elected from the list in order determined by their preference votes. Used in Brazil and Italy (before 1993), for example. The term is often applied also to systems that we define as *quasi-list*. Contrast with *flexible list* and with *closed list*.

Plurality. A *majoritarian* allocation process in which the candidates with the most votes win. As used in this book, it refers to a system of SSDs in which the candidate with the most votes in each district wins the seat, unless otherwise noted (for example, as in '*MSD* plurality'). Used in the UK and US; also for the *nominal tier* of most *mixed-member* systems.

Parallel allocation. Distribution of seats in an upper tier of an electoral system without regard for seats won in a lower tier. Contrast with *compensatory* allocation. **Preference vote.** A *nominal vote* cast for a specific candidate within a party list but which also serves as a *list vote*.

Proportional representation (PR). An allocation formula applied within an MSD that produces a distribution of seats approximately proportional to the distribution of *list votes* cast for parties or other political organizations (known as 'list PR'), or of *transferable votes* cast for candidates (known as *single transferable vote*).

Quasi-list. A form of list *proportional representation* in which a voter must cast a single *preference vote*. Candidates are elected from the list in order determined by their preference votes. Used in Chile and Finland, for example. Contrast with *open list*. **Semiproportional formula.** A term often applied to a family of systems based on *nominal votes* including the *cumulative vote, limited vote,* and *single nontransferable vote*. However, the degree of proportionality is affected more by the *district magnitude* (which tends to be small with this family of formulas) than by the formula itself. **Sequential elimination.** A vote-counting process used in systems employing *transferable votes* in which the candidate with the least votes at a given stage of the count is eliminated.

Single nontransferable vote (SNTV). An electoral system in which each voter casts one *nominal* and *nontransferable* vote in an *MSD,* and the winners are the M highest vote-getters, where M refers to the *district magnitude*. Used in Japan (before 1993), for example.

Single transferable vote (STV). An electoral method used in MSDs in which voters may rank candidates in order of preference (see *transferable votes*). Uses *sequential elimination* of lower-ranked candidates. Ensures that each elected candidate obtains a stipulated quota of votes; also transfers votes cast for any candidate above the quota. It is usually considered a form of *proportional representation* (PR), but is distinct from PR systems that employ a *list vote,* and is generally used with a small *district magnitude,* limiting its proportional effect. Used in Ireland, for example.

SSD. Single-seat district. See also *MSD*.

Transferable vote. A voting process based on *nominal votes* in which the voter ranks candidates in order of preference. Used, along with *sequential elimination,* in systems of *alternative vote* and *single transferable vote* in order to determine to what other candidate (or candidates, sequentially) the vote shall be transferred in the event that a candidate receiving a higher rank from the voter cannot use the vote to be elected.

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