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Democratic reforms and legitimacy in established Western democracies

Ziemann, K.

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Author: Ziemann, Kavita

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How Much Reform in Advanced Industrialized Democracies

3.1 Chains of Delegation

Policy processes in all established Western democracies begin with the voters and end with the civil servants who eventually implement public policy. Strøm (2000) calls this relationship a chain of delegation i.e. when the voter (the principal) delegates his or her authority to make political decisions to a representative (an agent). Consecutively, a representative becomes a principal when she delegates the authority she possesses to another agent and so forth. Delegation happens when principals do not possess the knowledge, the skills or the time to make the necessary decisions. This is the reasoning behind representative democracy.

In the chain of delegation an agent is accountable to the principal when he operates on behalf of the principal's interest and when the principal is able to punish or reward the agent in accordance to his or her performance. Constitutions and legal codes in representative democracies contain procedures of delegation and accountability so that voters can choose and control their representatives.

Although all representative democracies are based on delegation and accountability, a choice for a different constitutional design can bring about different delegatory systems. Elaborating on this idea, Strøm (2000) argues that the chain of delegation is inherently different in presidential and parliamentary systems. In parliamentary democracies, citizens choose members of parliament to represent them. In presidential systems on the contrary, voters vote for a president and various representatives in

different institutions. At the same time, the members of the two houses can also be principals of the various secretaries and administrators by having the power to approve or oppose their appointment and decisions. While parliamentary democracy has a single chain of delegation with a singularity of principals and agents, the presidential system has more complex relations of delegation and accountability appearing like a grid rather than a chain.

In recent decades authors (Hooghe and Marks, 2003, Gallagher and Mitchell, 2005, Bergman and Strøm, 2004, Dalton et al., 2006) have identified several changes in the different chains of delegation. This chapter aims to describe these changes across 21 advanced democracies and to describe the shifts within the chains of delegation.

3.2 Shifts in the Chains of Delegation

The actors, institutions, and organizations that are recognized as part of the shifts in the chain of delegation can have different forms and be of different importance. They can strengthen or weaken citizen control. Some may improve the amount of information principals possess. Others are able to control the agent in a way that is favorable to principals. Some shifts in the chain of delegation give competencies back to the principal, others shift competencies away from the agent and towards the expert, and there are those which shift powers among agents.

3.2.1 Shifts Within the Chain of Delegation

While countries have adopted their own style of representative democracy to suit their societal needs, representative institutions have undergone dramatic changes within many of these states. In the last twenty years, for instance, decentralization has been a dominant theme on governments' agendas (Suleiman, 2003). Scholars have pointed out the fact that the central state has been reallocating power upwards, downwards and sideways. Hooghe and Marks (2003), for instance, call this phenomenon multilevel governance, to describe how different authority structures interact with each other.

The last decade of the twentieth century has also seen a trend towards the strengthening of agents' accountability to principals. Reformed electoral systems increasingly allow for preference voting, and other changes in the electoral system have also been identified across established democracies (Gallagher & Mitchell 2005). While some countries have implemented reforms, others are still discussing them.

Linked to these changes in the electoral system, which make agents more responsive to their principal's interests, is also the increase in the number of directly elected leaders introduced in many parliamentary democracies. Some countries have introduced a

directly elected head of state or prime minister. Other countries have adopted laws for a directly elected mayor and a directly elected regional leader.

Party finance laws (Clift and Fisher, 2004) are other examples of ways in which agents have been made more or less accountable to their principals through increased monitoring. These examples of changes in representative democracy concern internal constraints of the system. Other ways for citizens to control their democratic agents is through constraints (such as for instance referendums) that are outside the chain of delegation (Bergman and Strøm, 2004).

3.2.2 Shifts to Direct Democracy

Increased direct citizen participation in policy making is one type of shift identified in the literature. Researchers acknowledge that implementation of and calls for more direct democracy have been increasing in the last twenty years. There are even those who conclude that we are now experiencing the most important renewal of democracy since the establishment of mass democracy in the beginning of the twentieth century (Dalton et al., 2006). This second wave of democratic reform is often seen as a consequence of modernization processes and the increased skills and resources of the average citizen in advanced industrial democracies.

Ansell and Gingrich (2003), for instance, describe the increase in various citizen consultations and initiatives at the national and local level. Scarrow (2001) finds an extensive development in which institutions are rearranged so that citizens can exercise more control over decision making. Furthermore, all these trends seem to be ongoing as various countries are still discussing the introduction of more direct democratic reforms. New opportunities for participation are on the agenda as a cure for the democratic malaise in many Western democracies. Countries have been installing various commissions to inquire how the citizen should be brought into the decision making process. In addition, advanced industrial democracies have also tabled reform initiatives to tackle the democratic deficit with more direct citizen participation, especially through the referendum.

3.2.3 Shifts to Non-Majoritarian Institutions

Scholars agree that democracies around the world have seen a dramatic growth in numbers of institutions in society that are not run by elected officials (Vibert, 2007). Braun and Gilardi (2006) consider these reforms as part of the chain of delegation, as the fifth step. The only difference is that in these cases accountability does not flow back to the principal. These institutions exercise a particular authority independently and they

have been isolated from elected democratic institutions on purpose to ensure policy stability and effectiveness. These bodies are often called Non Majoritarian Institutions (NMIs).

The need for regulation has led to the rise of different types of Non-Majoritarian Institutions (Majone, 1996, Levi-Faur, 2005). Although these institutions are not a new phenomenon in the US and Europe they have increased in number more rapidly since the end of the 1980s (Gilardi, 2008) both at the national and supranational levels (EU). Areas of regulation are diverse including telecommunication, energy, railways, post, food safety, health care, environment, pension, insurance etc. These organizations are legally cut off from government departments, are run by appointed officials that cannot be dismissed until their contract ends, and have their own rules, budget and staff. The rationale behind their creation is often the assurance that they increase the credibility of regulatory policies.

Another institution similar to the independent regulatory agencies described above is the independent central bank, which is often created to increase the reliability of monetary policy. Berger et al. (2001) assert that quite a number of countries have changed the laws of the central banks, so as to make them more independent. The motivation behind these reforms is that bankers are more opposed to inflation than governments, because they consider price stability more important than governments do.

A third group of non-majoritarian institutions of which the characters have been changing are the national and international courts, and various bodies of appeal. According to Stone Sweet (2002) parliamentary government has been transformed as a result of the creation of new bodies of appeal. Some of these include the national constitutional courts, the International Criminal Court of justice and new courts to deal with asylum issues. As their roles formally change, constitutional judges are increasingly interfering with policy outcomes. The introduction of national human rights laws, for instance, has also increased the decision making powers of courts.

3.3 The Inventory

To what extent have established Western democracies changed? Can patterns of change be identified in the last 20 years? Previous efforts to document shifts in democratic structures have concentrated on a single country or only on one type of reform - for instance how frequently referendums were introduced (Scarrow, 2001) or regulatory agencies created (Jorana et. al. 2011). Furthermore, many of the prior investigations tend to stop in the 1990s. Exceptions are Cain, Dalton and Scarrow (2006) and more

recently Bedock, Mair and Wilson (2012). In a similar way this analysis proposes an alternative way of investigating how established democracies have been changing by introducing a comprehensive inventory encompassing various types of reforms within the chain of delegation. Furthermore, just like the above mentioned studies, this study seeks to extend the analysis, in my case until 2007 (a year prior to the commencement of this project).

The year 1990 is chosen as a base line, because the fall of the Berlin Wall and the end of communism fuelled discussion about the need to improve democracy and experiment with different types of institutions. As mentioned in chapter 1, this study will therefore focus on countries that have democratized in the first and second wave of democratization (Doorenspleet, 2000) and those enjoying a high level of economic development (World-Bank, 2005). Similar selection criteria have been used by Cain et. al (2006) and Bedock et. al. (2012). Twenty-one democracies fulfill these selection criteria: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Ireland, Iceland, Israel, Italy, Japan, Luxembourg, the Netherlands, New Zealand, Norway, Sweden, Switzerland, the United Kingdom and the United States.

3.3.1 Coding Reforms

In this study political reform is conceptualized as any formal change in the core democratic rules of a country. What core is varies among authors - there are no absolute criteria. Anthony King, for instance, argues that the extension of the democratic franchise to women did not alter the relationship between governors and governed, and should therefore, not qualify as a constitutional reform (King, 2001). Unlike King, in this analysis my strategy is to include rather than exclude any possible core reform. In other words, I prefer the presence of type I errors (incorrect inclusion of a core reform) rather than type II errors (incorrect exclusion of a core reform). In this study I choose to include as many different core features of a democracy as possible following previous inventories of reform (specified in more detail below). The analysis will consider direct observations of institutional reforms: changes in the chain of delegation, changes that focus on the relationship between citizens and delegates, between delegate institutions and between delegate institutions and Non-Majoritarian Institutions. Focusing on formal rules is important because they are enforceable and create new possibilities for action¹.

¹Critics might argue that I am throwing reforms from different directions into one category. Once again, in this chapter I classify the reforms according to the chain of delegation framework (on the direct-indirect dimension). From citizens to representative bodies to non-majoritarian institutions). In the coming chapters (for instance in chapter 5) I will categorize the reforms according to two dimensions: 1) how direct/indirect they are and 2) how aggregative-integrative they are. In chapter 6 I make sure not to combine reforms

Shifts within Delegate Institutions

Scholars agree that *“recent decades have seen a wave of institutional changes of the core democratic rules in advanced democracies. These changes include reforms of electoral systems; decentralization of power to subnational governments; the creation or enhancement of direct democratic institutions; a rise in public subsidies to political parties and shifts in the balance of power between executive and legislature”* And *“since institutional change is a broad concept, sometimes used to encompass administrative reform or even changes in the process of government policy-making, we decided to focus our research on key type of changes of the core democratic rules, defined as changes that affect the direct relationship between elites, parties, citizens, governments and parliaments ”* (Bedock et al., 2012, p.1 and p.2). Some of the reforms that Bedock et. al. call *representative reforms* can be categorized as shifts within delegate institutions in the framework provided in this chapter. Reforms in this category include:

- Decentralizing/ centralizing reforms. For instance, introducing or changing the structures of federal, regional and local authorities. Changing the competencies of local, regional or federal authorities. Changing the number of local, regional or federal authorities
- Electoral reforms. For instance, changing electoral formulas, thresholds, gender quota's, regional magnitudes, preference voting, shifting the territorial balance. Introducing or reforming postal / electronic voting, extending (active and passive) voting rights. All this can occur at supranational, national, regional or local levels.
- Subsidies. For instance, introduction or reforming subsidies for campaign spending. Introducing or reforming public funding to political parties. Introduction or reform of laws regulating donations.
- Parliamentary reform. Changing the number of parliamentarians, creation of new chambers, merging of chambers, changing the procedures of parliament, changing duration of legislative terms, changing the powers of parliamentary committees, reducing veto or delaying powers of a chamber. Abolishing dual mandates of parliamentarians and introducing term limits.
- Executive Reforms. Introduction of direct elections of mayors, prime ministers and (national, regional or provincial) presidents. Introducing executive term

from different directions into one variable. For instance, I don't add proportional electoral reforms in the same variable as majoritarian electoral reforms. A more elaborate explanation is given in the corresponding chapters.

limits, changes to the executive mandate (of national, regional or local levels).

Shifts from Delegates to Citizens

Bedock et. al's (p.4) "*approach also seeks to extend and deepen an analysis conducted on the OECD politics [...] by Cain et. al.(2003)*". However, they do not incorporate all the reforms Cain et. al. (2003) identify in their *new wave of democratic reforms*. Following Cain et. al. (2003) the following reforms will be incorporated in the inventory. They are categorized as shifts from delegates to citizens:

- Introduction or extension of direct voting. For instance, through referendums or initiatives. Changing the amount of signatures necessary for referendums or initiative. All this at local, national and regional levels.
- Public access to information. Introduction or extension of laws allowing direct access to the policy process through public access to information.
- Consultation. For instance, introduction or revision of administrative processes to incorporate citizens: public consultation and laws on administrative procedures
- New Public Management type reforms: Citizen charters, one stop shops, satisfaction surveys, procedural simplification [does not include NMIs].

Shifts from Delegates to Non-Majoritarian Institutions

Bedock et al. exclude "*delegation to non-majoritarian institutions as a category in our analysis because of the current difficulty in obtaining complete and fully comparable data on this phenomena [...]. We recognise that this is an important aspect of institutional change and would be keen to incorporate this information into our dataset should it become publicly available at a later stage*"(page:13). Furthermore "*Beyond the difficulty of obtaining complete cross-national data on this, there is also the tricky question of defining exactly what constitutes a non-majoritarian institution for the purpose of our analysis*" (page:13).

A literature review would suggest that there is some kind of notion of what Non-Majoritarian institutions are (as will be listed below) (Vibert, 2007, Jorana et al., 2011, Gilardi, 2008, Braun and Gilardi, 2006, Thatcher and Stone Sweet, 2002, Cichowski and Stone Sweet, 2003, Coen and Thatcher, 2005). Expert reports also provide information about the creation or reform of these institutions. Furthermore, I was able to find several Non-majoritarian experts datasets. These are the Non- Majoritarian Institutions I categorize:

- Delegating powers to a supranational or international organisation. Such as the WTO, EU (EEA / EMU), NATO.

- Creation of or further delegation of power to National Independent Regulatory Agencies. These are independent institutions which have the authority to regulate a certain sector in the market. Jorana et. al. (2011) identify several sectors: health, water, work safety, post services, environment, food safety, pharmaceuticals, pensions and social security, gas, competition, insurance, electricity, security and exchange, telecommunications, financial services and the central bank. To give an example, reference to the Independent Post and Telecommunications Authority in the Netherlands (in 1997) does not refer to the privatization of the PTT. It refers to the Onafhankelijke Post en Telecommunicatie Autoriteit, which is independent and has the authority to regulate the Post and Telecommunications Market in the Netherlands.
- Creation of or further delegation of powers to (international) courts of justice. Powers of the courts have also increased through the introduction or extension of rights in the constitution.

One reason civil service reforms are excluded from this list is because, in legal terms, they do not fall into the delegation structure but rather in the mandate structure. That is, civil servants are not independent of the ministers and ministries are not independent from the executive.

3.3.2 Reform Discussion

This study also attempts to identify how widespread ideas of national reform are by recording discussions about reforms. Such as, decentralization reforms, electoral reform, executive reform, parliamentary reform, role of MPs, direct election of executive, referendums, initiatives, citizen juries, procedural simplification, delegation of powers to supranational institutions, national regulatory bodies or courts of justice. There are often discussions about reforms but these deliberations do not always result in action. One reason discussions about reform should also be given attention is that they tend to have an educational effect on both policy makers and the public (March and Olson, 1983). Furthermore, when promises of reforms are not kept they can be a source of disappointment and disillusionment for the population.

3.3.3 Reform Failure

Besides reforming or talking about reforms, reforms can also fail or be repealed. Some reform attempts fail and others are turned back (such as the directly elected prime minister in Israel which I discuss in Chapter 4; I discuss the attempt to repeal MMP

in New-Zealand and the failed Burgerforum in the Netherlands in chapter 7). This study also analyses how widespread reform failures are by classifying failures. The coding does not include discussions that lost momentum, but only those proposals that were actively stopped by one actor or another before they could be implemented (for instance voted against by parliament, in a referendum or by courts). One reason I do not code discussion that lost momentum is because the expert reports do not systematically mention this. They do however, make a mentioning of a lost vote.

3.3.4 Country Reports and Datasets

To create an inventory of reforms this study relies on annual expert country reports in the *European Journal of Political Research's Data Yearbook* (1991-2008), *Keesing's Historical Archive* (1990-2008) and *The Annual Register* (1990-2008);. The Data Year book of the EJPR has a separate section for institutional change. One thing that can be noticed in these expert reports is that certain experts are more extensive in their institutional reform description than others. It could be that certain countries have introduced more reforms than others or that certain experts put more emphasis on institutional reform than others. To ensure the absence of such systematic errors additional sources were consulted. The findings in the expert reports were compared to other existing studies:

- To the Mair and Wilson (2010) and Bedock et al. (2012) data set of reforms
- To the expert dataset on the spread of autonomous regulatory agencies of Jorana et al. (2011) and to the dataset independent regulatory agencies in Western Europe by Gilardi (2008);
- To data on electoral system reforms in Gallagher and Mitchell (2005); And on-line dataset on alternative forms of voting collected by IDEA, as part of the ACE project <http://aceproject.org/>
- To the dataset of the Centre for Research on Direct Democracy dataset C2D (2010) and Scarrow (2001);
- To the Dataset on Regional Authority by Hooghe et al. (2010); and the Committee of Regions dataset on local and regional governments by Keating and Ziller (2008);
- To the direct elections of mayors dataset of Magre and Bertrana (2007)
- To the party financing IDEA dataset on <http://www.idea.int/political-finance/sources.cfm> and Nassmacher (2009).

- To the dataset on the enactment of national freedom of information laws in Cain et al. (2006) and Banisar (2006);
- To the Ansell and Gingrich (2003) dataset on New Public Management reforms aimed at public access;
- And to Participedia: an open global knowledge community for researchers and practitioners in the field of democratic innovation and public engagement <http://participedia.net/>.

Similar types of reforms which occurred in brief succession were double checked to ensure I did not code the same reform twice. Once the inventory was created it was also sent to country experts for corrections and further suggestions². The dataset has also been presented at various reform expert workshops and conferences. The dataset is included in appendix A. It is important to mention that despite the different efforts I have made to externally validate my dataset of reforms: 1) coding country reports 2) comparing the dataset with existing datasets 3) sending the dataset for an additional check to country experts 4) consulting experts in the field 5) presenting the dataset at conferences and 6) sending manuscripts to journals, there is still a chance that some reforms might be missing from the dataset. If there is any similar systematic bias in all my sources then there is a possibility that the same bias is also present in my dataset³.

3.3.5 Coding Examples

To reiterate, my dataset gathers data from three types of sources: 1) Expert reports (written text) 2) Pre-existing Datasets (based on country expert reports and validated by experts) and 3) Country experts. In this section I provide some examples of how I coded my dataset using reports. In the next sub-section I will discuss the suggestion that were made by country experts.

"In December 2007, the Chamber of Deputies voted on Luxembourg's first law on public financing of political parties. Luxembourg was the last Member State of the European Union (EU) to do so, although discussions on public financing of political parties started in the mid-1980s and all parliamentary groups had proposed bills on this matter". Source: DUMONT, P., KIES, R. and POIRIER, P., 2008, Luxembourg, *European Journal of Political Research*, 47:1060.

²Responsibility for the content of the inventory rests with the author

³Recently, it has come to my attention that the expert reports for Luxembourg and other datasets coding reforms of subsidies to parties failed to report the party finance reform of 1999. See dataset on party law of Professor Ingrid van Biezen <http://www.partylaw.leidenuniv.nl/>

This was coded as: Luxembourg - 2007 - Reform - Public financing of political parties

"On 28 June, the National Assembly and the Senate held a Congress in order to modify the Constitution. Two topics were at stake. First, in order to ratify the treaty creating an International Criminal Court, the French Constitution had to be changed in order to allow the International Attorney to investigate in France without the assistance of French authorities and in the case of crimes possibly amnestied by French regulations (war crimes in particular). However, the main point was to change immunity from prosecution for the President of the Republic, ministers and members of parliament". Source: YSMAL, C., 2000, France, European Journal of Political Research, 38:387.

This was coded as: France - 2000 - Reform - Ratified international criminal court. Although the constitution was reformed in 1999 the actual ratification of the interational criminal court took place in 2000. In this case the actual ratification date is coded.

"In March 2007, the ruling coalition submitted its modified referendum bill to the HR. After fierce debates in the Diet, the national referendum bill was approved by the HR on 13 April and by the HC on 14 May". Source: MASUYAMA, M., 2008, Japan, European Journal of Political Research, 47:1033

This was coded as: Japan - 2007 - Reform - Referendum Law Passes (for constitutional amendments)

"The Conservatives introduced bills that would limit Senatorial terms to eight years and provide for electoral 'consultations' about who should be appointed – a scheme to introduce Senate elections by the backdoor ". Source: CARTY, R., 2007, Canada, European Journal of Political Research, 46:915

This was coded as: Canada - 2006 - Discussion - Limit senatorial terms to 8 years and electoral consultation

"In the same month, the term limits resolution failed in the House, with 40 Republicans, 163 Democrats, and the sole independent voting against it". Source: KATZ, R., 1996, United States, European Journal of Political Research, 30:490

This was coded as: United States - 1995 - Failure - Term limits

"Most of the voters assumed that the popular initiative Home ownership for all was the most important topic under discussion in February 1999". Source: HARDMEIER, S., 2000, Switzerland, European Journal of Political Research, 38:531

Home ownership was not coded - as it does not include core democratic features

"Until 1999 Switzerland had no federal law on transplantation medicine. Therefore the Federal Council submitted a constitutional amendment that put legal authority over these regulations in the hands of the Swiss Federation". Source: HARDMEIER, S., 2000, Switzerland, European Journal of Political Research, 38:531

Transplantation medicine was not coded - as it does not include core democratic features

"The voters who had cast a 'Yes' described their support as general approval for the formal modernization of the constitution". Source: HARDMEIER, S., 2000, Switzerland, European Journal of Political Research, 38:531

Formal modernization not coded - as it does not include core democratic features

"On 13 June 1999, the electorate confirmed the government's drug policy and gave their approval to proposals regarding the asylum policy, but rejected the government's social policy". Source: HARDMEIER, S., 2000, Switzerland, European Journal of Political Research, 38:531

Drug policy not coded - as it does not include core democratic features

3.3.6 Expert Advice

In this section I would like to discuss some of the comments, changes and suggestions made by the country experts and other experts on reforms (including those received in conferences and journal review processes).

To begin with, experts were invited to add reforms to list provided. Some of these reforms were specific to a certain country and were not always comparable to any of the other countries during the period of investigation.

- The creation of the Aboriginal commission (Australia -1993).
- Reform of the automatic presidential rotation (Austrian Bundesrat - 2005).
- Adding Neo-corporatism to the constitution (Austria - 2007).
- Allowing women to ascend to the throne (Belgium -1991).
- A limit to the number of ministers in the cabinet (Belgium 1993).

- The creation of the Ombudsman (Luxembourg in 2003)
- The reform of the magic formula in Switzerland in 1999 (changing the rules for cabinet composition).

Other reforms that were suggested were implemented at lower levels and at different moments in time. Assessing the impact of these reforms would only be possible if data was available on the regional level over time. To give some examples:

- The extension of direct elections of mayors in Germany in (1993, 1996, 1999)
- The introduction of referendums, initiatives and consultations at the state level in the US.

Second, experts pointed out that country reports tend to mention discussions and failures of large scale reforms. Failures and discussions of minor reforms are not systematically reported. Furthermore, experts also agreed that discussion and failure indicators would be more valid if they were constructed through a content analysis of news paper articles or minutes of parliamentary sessions and committee meetings ⁴. This method would also allow the researcher to quantify the intensity of a discussion. As a result of this argument it was decided not to include the discussion and failure variables in the proceeding statistical analyses.

Third, most country experts were not confident about their knowledge of national regulatory institutions. Given that the Jorana et. al. (2011) dataset was built by country experts in the field of non-majoritarian regulation I decided to keep it in the inventory.

Another suggestion made by country experts was the inclusion of intra-party competition reforms such as: primaries, party membership ballots, greater role for voters within parties and non-partisan elections in localities. There is considerable diversity amongst parties within one country, region and municipality. As I assess the impact of formal reform on the national level and not on the party level, I have decided not to include these reforms for this study.

3.4 Patterns of Institutional Change in the Last Two Decades

As discussed at the beginning of this chapter scholars have pointed out opposing strategies of institutional change. On the one hand, authors have recognized that the system is being opened up to citizens while at the same time others argue that more and more policy terrains are being closed off to citizens and their representatives.

⁴ A content analysis has not been attempted by the author as she is not proficient in many of the languages of the countries in the selection.

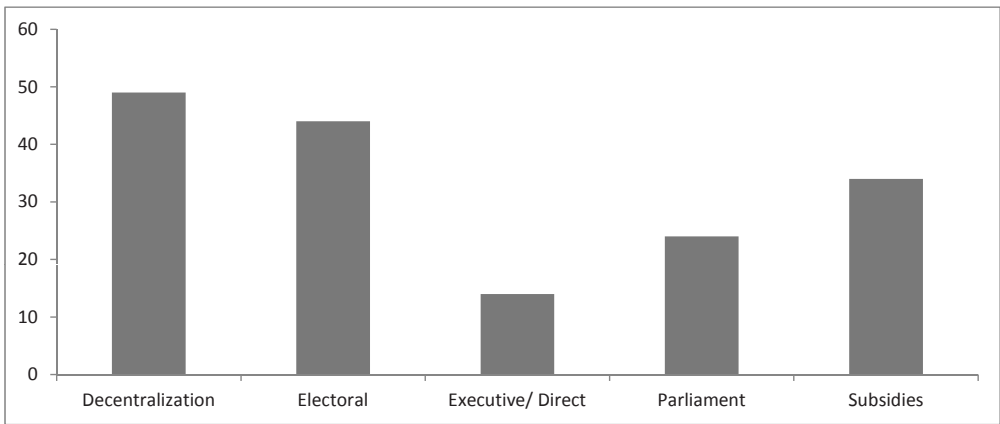


Figure 3.1: *Shifts Within Delegate Institutions*



Figure 3.2: *Shifts Within Delegate Institutions Per Year*

3.4.1 Shifts Within Delegate Institutions

Within the first category, shifts within delegate institutions, reforms leading to decentralization (49), followed by reforms of the electoral system (44) and subsidies to political parties (34) (figure 3.1). France (16), the United Kingdom (16), Austria (14) and Belgium (14) have been most active in reforming delegate institutions, followed by Finland, Italy and the Netherlands (figure 3.3). On average there have been 7.85 of these reforms per country in the years under study. The years 1993 (16), 1995 (12), 1999 (12) and 2001 (12) have seen highest level of reform in this category (figure 3.2). If we calculate the average, we get 9.16 of these reforms per year.

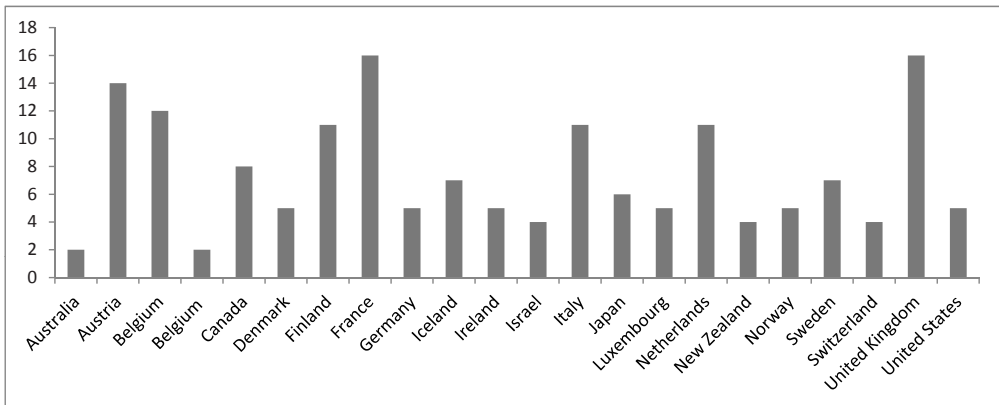


Figure 3.3: *Shifts Within Delegate Institutions Per Country*

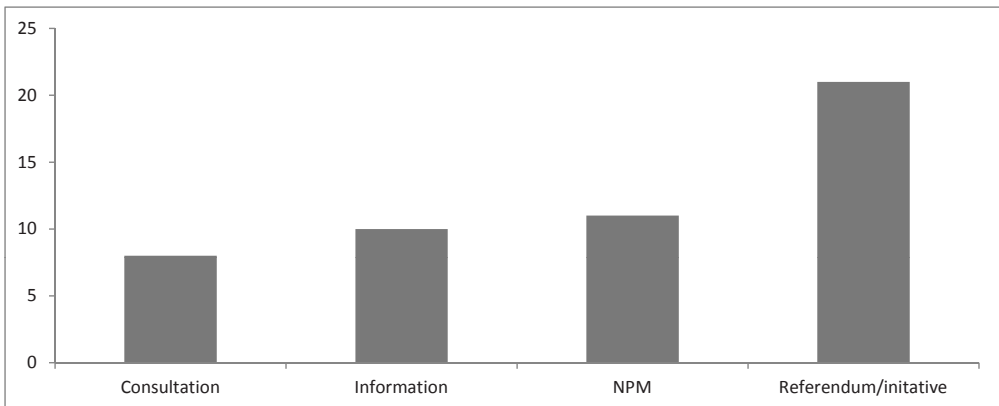


Figure 3.4: *Shifts from Delegates to Citizens*

3.4.2 Shifts towards Citizens

Within the second category, shifts from delegates to citizens, reform of referendum and initiative laws (21) stand out the most, followed by New Public Management type reforms (11) and reforms of the freedom of information laws (10) (figure 3.4). On average, there have been 2.38 of these reforms per country over the last two decades. The United Kingdom (5), the Netherlands (5), Italy (4), France (4) and Belgium (4) emerge as the biggest reformers in this category (figure 3.6). Furthermore, there have been approximately 2.77 of these reforms per year. The year 1998 (8) is most striking in the period of investigation (figure 3.5).

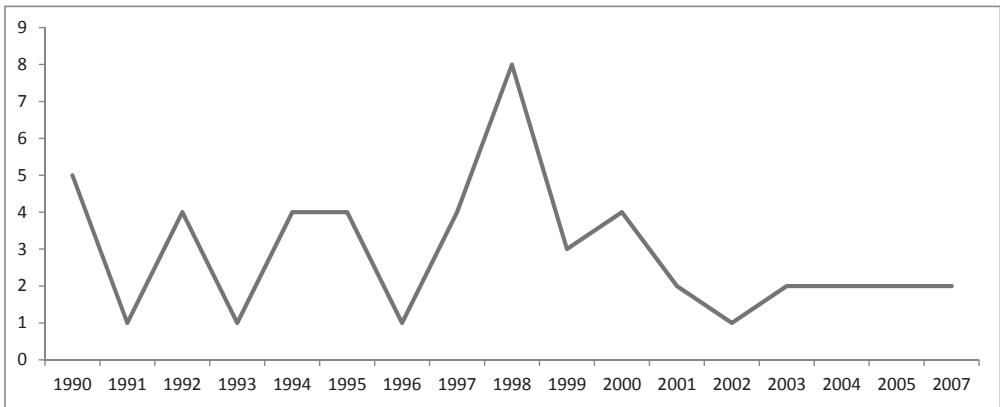


Figure 3.5: *Shifts from Delegates to Citizens Per Year*

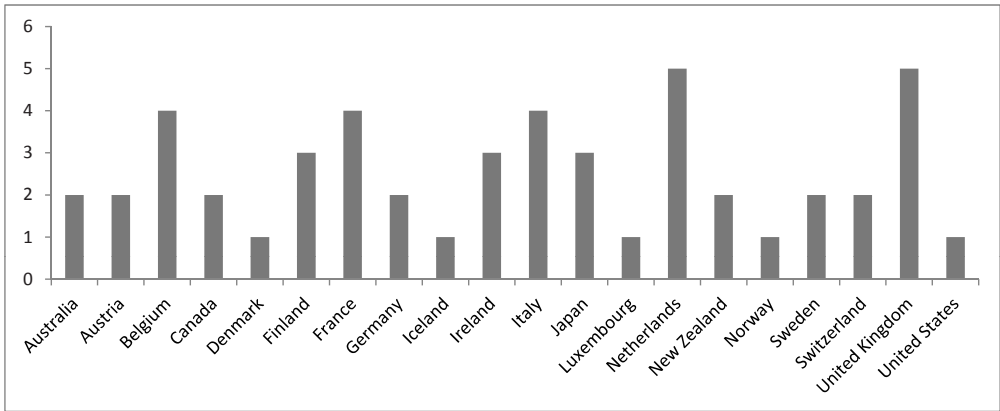


Figure 3.6: *Shifts from Delegates to Citizens Per Country*

3.4.3 Shifts towards Non-Majoritarian Institutions

The extension of powers to regulatory institutions and international institutions have been most important within the third category (figure 3.7). Ireland (13), Austria (12), Belgium (12), Sweden (11), the United Kingdom (11) and France (10) have been most active in this terrain (figure 3.9). On average there have been 8.09 of these reforms per country in the last 17 years. Reform peaks are visible in 1992 (16), 1996 (18) and 1998 (18). There are roughly 9.44 of these reforms each year (figure 3.8).

3.4.4 Reforms Across-Countries and Over-Time

New Institutional theory often tends to argue that institutions

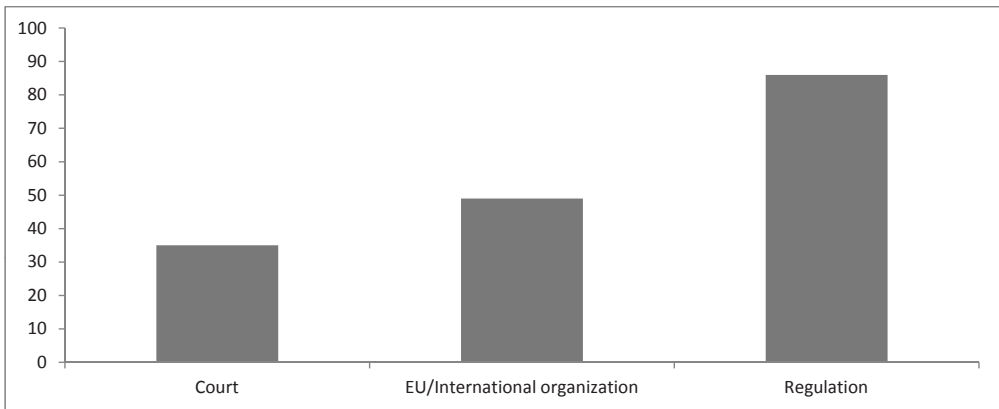


Figure 3.7: *Shifts from Delegates to Non-Majoritarian Institutions*

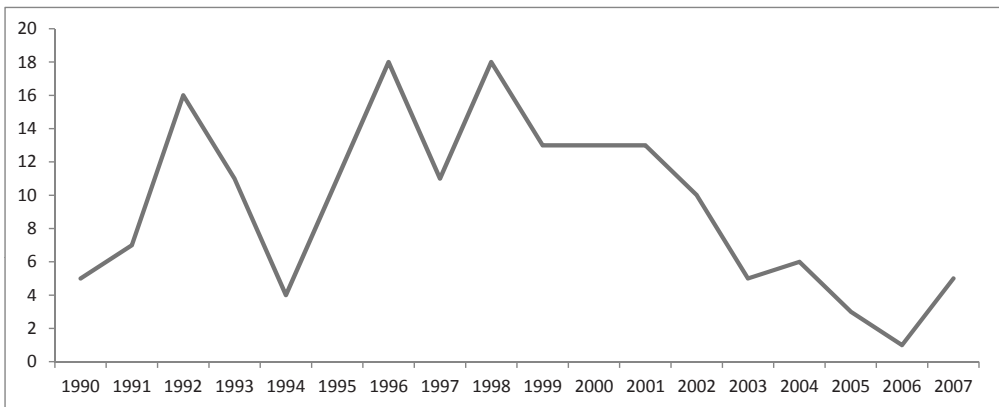


Figure 3.8: *Shifts from Delegates to Non-Majoritarian Institutions Per Year*

“are “sticky” or resistant to change, both because of the uncertainty associated with institutional design, and because national constitutions and international treaties can create significant transaction costs and set high institutional thresholds (such as a supermajority or unanimous agreement) to later reforms” (Pollack, 2008, p.3)

The literature on institutional reform often tends to argue that reforms of the democratic system are extraordinary occurrences (for instance: Shugart and Wattenberg 2001, March and Olson 1983). This is the case because authors tend to focus on either large-scale reforms, specific institutions or on one particular country (Bedock et al., 2012). However, if we widen our focus to include both large-scale and small-scale reforms of the core democratic system across countries and across time a different

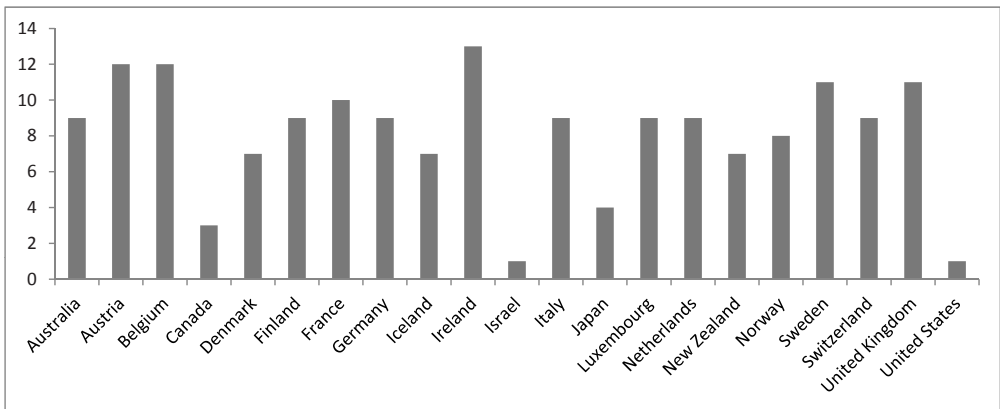


Figure 3.9: *Shifts from Delegates to Non-Majoritarian Institutions Per Year*

picture emerges.

The figures below show that reforms have been widespread in the twenty-one established democracies during the past two decades. There have been 18.33 reforms on average per country. Amongst the countries in this study the most active reformers have been the United Kingdom (32), France (30), Belgium (30) and Austria (28) (figure 3.10). The least active reformers are the US and Israel (less than 10). One reason the US scores low on reforms is because this study focuses on formal national reforms while many of the reforms in the US have taken place at the state level. Israel is a special case, for it is a country where themes such as national security and the peace process are usually given priority over institutional reform.

Reform spikes are visible in: 1992 (31), 1993 (28), 1996 (26) and 1998 (35) (figure 3.11). Low points are visible in: 1990 and 2006. The figure shows that there was clearly a time when most governments in Western democracies were experimenting with different types of reform. There are roughly 21.38 reforms each year. However, there have been more reforms in the 1990s than in the 2000s. A decline of reforms is evident at the end of the 1990s and an even sharper decline after 2001. Based on the expert reports from 2001 to 2007 it is likely that the terrorist attacks of September 2001 diverted the attention towards national and international terrorism, the wars in Afghanistan and Iraq and other security related issues such as asylum seeking and immigration.

3.5 Reform Discussions and Reform Failures

The figure below displays reform discussions and reform failures that took place in the selected countries between 1990 and 2007. To begin with reform discussions. There

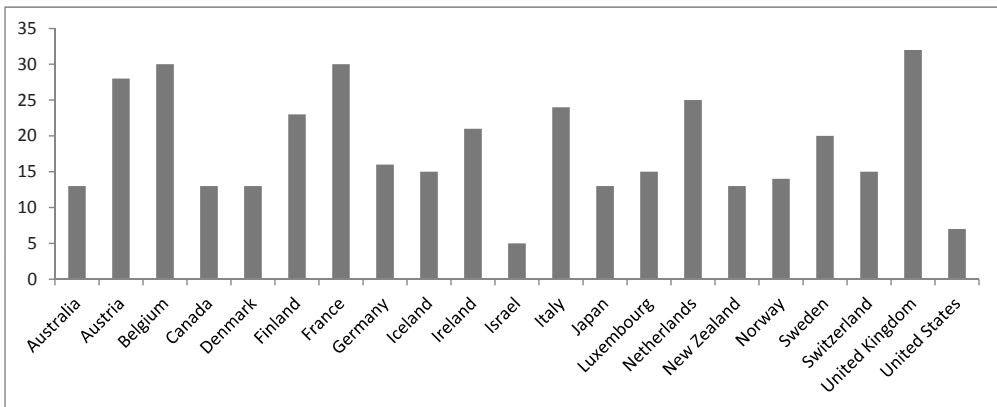


Figure 3.10: *Reforms Per Country*

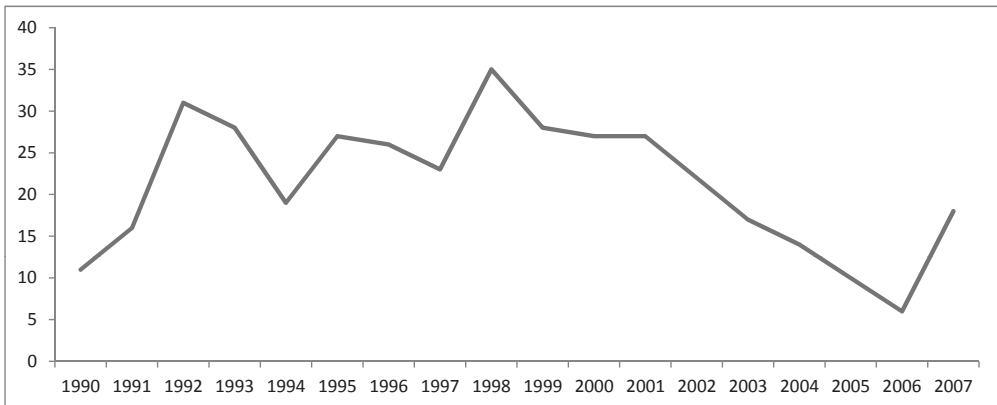


Figure 3.11: *Reforms Per Year*

are two discussion peaks in the 1990s: In 1991 with 38 discussions and 1996 with 22 discussions (figure 3.12). There are two peaks in the 2000s: In 2002 (14) and 2005 (18). What we see is that, just like reforms, reform discussions have been more frequent in the 1990s than in the 2000s.

The next figure displays the number of reform discussions per country between 1990 and 2007 (figure 3.13). It is clear that every country has discussed reforms to their core democratic system. Most discussion of reforms occur in the UK (44). This might have been the case because reforms have been an exceptionally important issue during election campaigns. Similar to the UK, Switzerland (22), Italy (17) and Belgium (17) too have high rates of reform discussions.

Reforms can be discussed and implemented but they can also fail and be repealed.

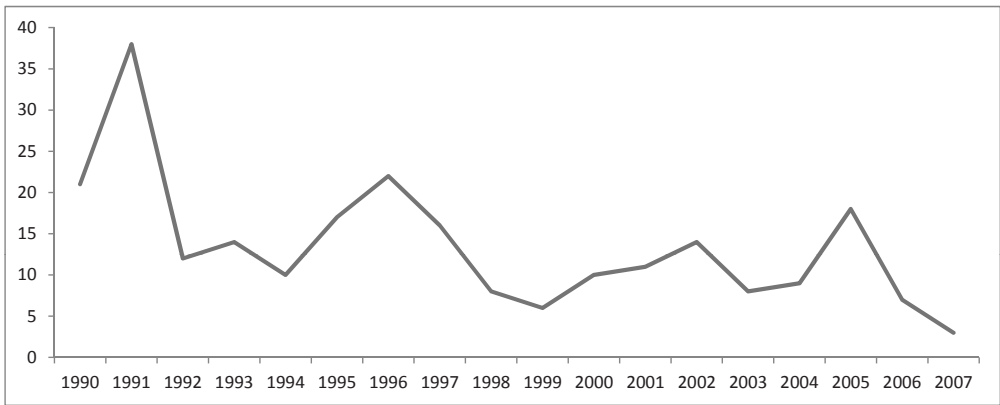


Figure 3.12: *Number of Discussions Per Year*

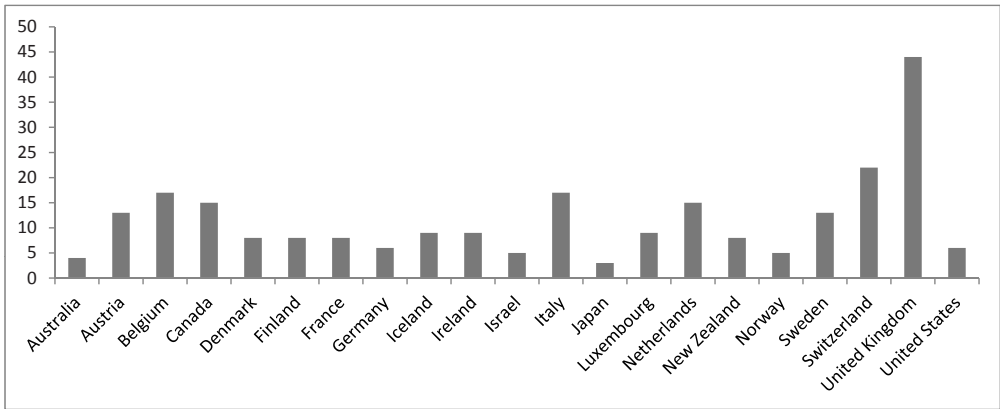


Figure 3.13: *Number of Discussions Per Country*

Preliminary findings of reform failures are depicted in the figures below. The totals for failure and abolishment of reforms in these figures do not include discussions that lost momentum, but only those proposals that were actively stopped by one actor or another before they could be implemented. It is not surprising that the failure peaks come after the discussion peaks. We see three failure peaks following the three discussion peaks: In 1993 (8), 1999 (5) and 2004 (5) (figure 3.14).

It might not be surprising to observers of Dutch politics (Most recently for instance: (Geurtz, 2012)) that the Netherlands scores high (12) on the number of failures of reforms and reform proposals such as the corrective referendum, the mixed electoral reform, and the directly elected mayor. These are recurring proposals for reform which were eventually defeated in parliament. The Netherlands is followed by Canada (for



Figure 3.14: Number of Failures Per Year

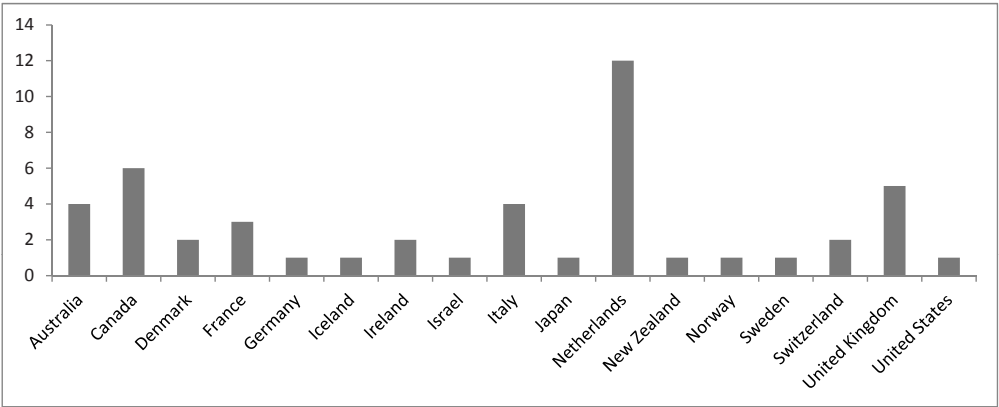


Figure 3.15: Number of Failures Per Country

instance, self determination of Quebec), the UK (for instance, electoral reform , the House of Lords, EU and further devolution in England), Australia (Federalism and the position of the Queen) (figure 3.15).

3.6 Conclusion

The literature on the chain of delegation has provided a useful framework within which authors (Braun and Gilardi, 2006, Bergman and Strøm, 2004) have identified changes in the core democratic structures of established Western democracies. The advantage of this model has been that it brings together different types of reforms into

one framework, such as shifts from delegates to non-majoritarian institutions (Braun and Gilardi, 2006) and shifts from delegates to citizens (Bergman and Strøm, 2004). The chain of delegation allows us to classify reforms according to one dimension: how direct-indirect a reform is. In chapter five I add more complexity to this classification of reforms by adding a second dimension: how aggregative-integrative reforms are.

Building on previous inventories of reform (Dalton et al., 2006, Jorana et al., 2011, Bedock et al., 2012) I list which reforms have been identified as reforms that change the core of the democratic system. These reforms included: reforms of the electoral system, reforms of the decentralised system, reforms of public subsidies to parties, reforms of parliament, introduction of direct elections of executives, introduction of referendums, initiatives, consultations, citizen charters, reforming public access to information, delegation of powers to supranational institutions, courts and regulatory institutions.

The literature on institutionalism has often regarded reform as uncommon. This has been the case because authors have often focused on single countries, one type of reform or major reforms (Bedock et al., 2012). The analysis in this chapter has shown that reforms occur regularly in established Western democracies. In the period of investigation reform have occurred at a rate of 21 reforms per year and roughly 18 reforms per country on average. The United Kingdom, France and Austria appear to be the biggest reformers in the selection of countries. The years 1998 and 1992 have been identified as the most active reform years, while 2006 has been the least active year. Most reforms have been reforms delegating powers to regulatory institutions (89) and supra-national organisations (49). As well as decentralization reforms (49) and electoral system reforms (34).

The reforms identified in this chapter will be used as independent as well as dependent variables in the coming chapters. In chapter 6 they will be used as independent variables to explain what their impact is on legitimacy. In the next chapter, chapter 4, reforms will be used as a dependent variable, when I will attempt to explain the factors influencing their occurrence. As explained by (Bedock et al., 2012, p.17): "Existing scholarship on the causes of institutional change has generally been limited to individual countries and/or individual dimension of analysis and so fail to incorporate the comparative picture". The following chapter will attempt to address this issue.