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## **Democratic reforms and legitimacy in established Western democracies**

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# Conclusion: Democratic Drift Across Industrialized Democracies

## 8.1 Introduction

The analysis of the relationship between legitimacy and reform is complex. This is because 'political reform' consists of an array of institutional reforms. As discussed in the previous chapters there is a discussion among scholars about which type of reform would have a favorable effect on legitimacy. There are those who argue that representative democracy has not responded to citizen demands for more participation. More participation would eventually mean more legitimacy (Barber, 2003). Others propose that the public is conflict-averse and would rather delegate decision-making to competent individuals because they themselves lack the time or will to participate (Hibbing and Theiss-Morse, 2005). This study attempted to shed some light on this broad debate and on the relationship between democratic reforms and legitimacy in general. The following questions were addressed (see Table 8.1 for an overview of the findings):

1. How many democratic reforms have taken place in the last two decades?
2. Under what circumstances do reforms occur?
3. What types of reforms have been introduced?
4. Does the introduction of certain types of reforms help boost the legitimacy of a democratic system?

## 5. Does the process of reform have an impact on legitimacy?

**Table 8.1:** *Results per Research Question*

Question	Findings
How Much	<p>Building on previous inventories of reform 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 institutional reform 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. The analysis in chapter 3 has shown that reforms occur regularly in established Western democracies. In the period of investigation reforms have occurred at a rate of approx. 21 reforms per year and roughly 18 reforms per country on average. The data has identified the United Kingdom, France and Austria as 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).</p>
Under what circumstances	<p>Although institutionalists often expect that a higher number of veto-players would limit the occurrence of reform, this expectation has not been supported in this analysis. Results suggest that the higher the number of parties the higher the chances of a reform occurring. Sociological institutionalists often see crisis as a cause for reform. Illustrative case studies from Israel and New-Zealand as well as a quantitative study of Western Democracies show how the crisis of government and economic downturn evolve into public dissatisfaction which is eventually funneled into calls for institutional reform. The analysis in this chapter concludes that contextual factors such as a crisis of legitimacy, manifesting itself through low economic performance or low quality of government, have a significant impact on the occurrence of reform.</p>

*(continued on next page...)*

**Table 8.1:** *Results per Research Question (continued)*

Question	Findings
Type and Mass Culture	<p>Elite reform choices are not based on mass level cultural changes. Overall, the results demonstrate that hierarchical inclinations are declining in most of the countries in the analysis. Despite this decline in hierarchical culture it seems that most reforms implemented in the 1990s fall under the integrative and indirect model. Such reforms include an increase in delegation to regulatory institutions, central banks, regional authorities, courts and other international organizations (mainly the European Union). Furthermore, many of these countries have taken measures to reduce the decline of political parties by guaranteeing them public funding. This trend shows the effort of elites to repair the slump of the hierarchical decline and with it the consensus democratic model.</p>
Impact of Reform Type	<p>1) The extension or introduction of referendum laws are negatively associated with satisfaction with democracy. Reforms that try to bring citizens into the policy making process through citizen charters and surveys have negative effects on trust in parliament and government. 2) The introduction of public consultation mechanisms has no impact on satisfaction with democracy and trust in government but it is negatively associated with trust in parliament. Furthermore, the introduction or extension of freedom of information laws have a positive impact on satisfaction with democracy and trust in institutions. 3) The introduction of direct elections of executives has no impact on satisfaction with democracy but it is negatively associated with trust in parliament and trust in government 4) Adjustments to the electoral system (towards more inclusion) have a positive impact on trust in parliament. Surprisingly, reforming parliament does not seem to have any effect on trust in parliament nor on satisfaction with democracy. Party subsidy reforms, on the other hand, seem to have a negative effect on trust in representative institutions. Introducing possibilities to participate on the sub-national level has a positive impact for the democratic regime as a whole but not for the national level executive. The introduction of regulatory institutions is negatively associated with satisfaction with democracy. Extensions of powers to the European Union too are negatively associated with satisfaction with democracy and trust in government. The extension of powers to national courts has a positive effect on all three indicators (satisfaction with democracy, trust in parliament and government).</p>

*(continued on next page...)*

**Table 8.1:** *Results per Research Question (continued)*

Question	Findings
Impact of Reform Process	<p>Direct democratic theorists are convinced that participation improves the core elements of democracy. To begin with, it allows citizens to influence decision making directly. The AV referendum in the UK and the Burgerforum in the Netherlands illustrated the reverse of this expectation. In the UK, for instance, voters were asked to chose between the status quo and AV which was nobody's favorite. In the Netherlands the citizens' assembly was set up while the cabinet had no ambition to reform the electoral system irrespective of the assembly's advise. Both the AV referendum and the Dutch Burgerforum were a product of coalition bargaining and they were not necessarily intended to improve the core elements of the democratic system. By not giving citizens a real choice or the assembly any real decision making powers the process seemed doomed from the start. In New Zealand elites choose to keep silent and to not get involved in the referendum campaign. Aware of the fact that the average citizen lacks knowledge of electoral institutions and that citizens are in need of cues, this elite strategy eventually led to very little debate on the topic of reform and little understanding of new electoral systems. Without the involvement of elites, the yes and no campaigns failed to whip up public enthusiasm. Some would argue that this way nothing elites do is ever good enough: if they participate they manipulate public opinion and if they are absent they offer no cues. My argument is that there should be a middle way strategy between negativity and manipulation, and complete withdrawal of elites. Rather than using the direct—bottom up—reform process as an opportunity to link the public to the political system, elites chose to perpetuate political detachment and cynicism so as to achieve their desired outcome in the reform process. Ulbig (2008) finds that if people perceive that the voice they posses does not carry any authority, this actually decreases their satisfaction and trust in the system.</p>

## 8.2 Reforms Across 21 Democracies

In this study I argue that previous efforts to document changes in democratic structures have often concentrated on a single country or on a single type of reform. I contend that if researchers broaden their view to incorporate several established western democracies over a longer period of time, and to include both major and minor reforms of various types of democratic institutions, one must conclude that reforms of the democratic system are not rare events. To create an inventory of reforms, this research relied on annual expert country reports, existing studies, and country experts.

To begin with, in chapter three, I show that all established democracies had some kind of reform that changed the balance of power within their democratic regime. The results presented in this chapter show that the United Kingdom, France and Austria are the most active reformers amongst the twenty-one democracies in the study. The least

active reformers are Israel and the US. Moreover, the 1990s had higher levels of reforms than the 2000s. One explanation for this decline is the fact that many established democracies were occupied with the aftermath of the September 11 terrorist attacks and as a result no longer focused on democratic change. Furthermore, the findings clearly confirm the arguments of non-majoritarian theorists who point out the dramatic increase in expert organizations. Countries most active in giving powers to non-majoritarian institutions are: Ireland, Austria, Belgium, Sweden, the United Kingdom and France. Some countries have been busy readjusting their representative system: Such as, France, the United Kingdom, Austria and Belgium. The United Kingdom, the Netherlands, Italy, France and Belgium have also been active in introducing and reforming direct democratic mechanisms. The fact that established democracies introduce such a diverse array of reforms raises some questions about their effects on the cohesion of the constitution of established democracies. This is the focus of the next paragraph.

### 8.3 Democratic Drift Across Industrialized Democracies?

*“Democracies around the world exist in a constant process of adaptation and change. Although severe crises, such as war, disease, or natural disasters may provoke ‘mega-political’ change in the sense of a fundamental shift in the principles and institutional structures through which a country is governed, the general pattern of democratic evolution is based upon incremental shifts in the nature of a democracy. This stability is rooted in institutional and cultural path-dependencies that tend to ensure that reforms are designed and implemented within a fairly narrow-bounded rationality. Put slightly differently, most democracies possess, either implicitly or explicitly, a form of constitutional morality which define the key principles or values underlying the distribution of powers and political relationships within that country. This constitutional morality provides a form of socio-political roots or glue that, in turn, shape and mould not only institutional arrangements, but also reform proposals”* (Flinders, 2010, p. 3).

#### 8.3.1 Constitutional Morality and Anomie

In his book *Democratic Drift*, Flinders (2010) argues that for centuries the United Kingdom had a clear (power hoarding, majoritarian) constitutional morality. The New-Labour reforms of the twenty-first century ‘deconstructed’ and ‘vandalized’ this morality, bringing the UK into a state of constitutional anomie. Flinders describes constitutional anomie in the following way: *“a series of reforms were implemented with*

*little appreciation of (a) what (in the long run) the government was seeking to achieve (b) how reform in one sphere of the constitution would have obvious and far reaching consequences for other elements of the constitutional equilibrium; or (c) any detailed analysis of the nature or model of democracy that existed towards the end of the twentieth century” (Flinders, 2010, p. 5).*

The findings of this study would suggest that such a pattern is also apparent in the established democracies in this study. Looking at the one-dimensional distinction of reforms in chapter 3, my findings indicate that most countries in the analysis delegated powers to expert organizations or to citizens in one way or another. However, at the same time they were also busy introducing reforms to the representative system. Almost all the countries in the analysis shifted their institutions in different directions: They introduced shifts within representative institutions and shifts towards citizens, as well as shifts towards Non-Majoritarian Institutions concurrently. Introducing both direct and indirect reforms into a representative system waters down the impact of these adjustments. Flinders would diagnose this as a form of constitutional anomie: *“Its symptoms include the introduction of reforms in a manner bereft of any underlying logic or explicit principles combined with the inability to adopt a strategic approach which is sensitive to the inter-related nature of any constitutional configuration. Constitutional anomie is therefore an ailment of both mental and physical health vis-à-vis the body politic” (Flinders, 2008, p.1).*

A similar conclusion can be reached when using the fourfold typology developed in Chapter 5. Here, I use democratic theory to categorize the different reforms I collected in the inventory of reforms in chapter 3. The aggregative–integrative dimension focuses on how power is executed. The second dimension is the direct–indirect dimension which deals with who is executing power, either the people or the elite. Combining these two dimensions creates four types of democratic ideals which are often the sources of ideas for democratic reforms in established Western democracies: pendulum democracy, voter democracy, participatory democracy and consensus democracy.

The first type of reform, pendulum reforms are reforms that call for strong leadership, direct and decisive elections, and centralization of power. The second type of reforms, integrative-indirect, try to increase integration and power-sharing at the elite level in institutions such as parliament, cabinet, parties, judiciary and regulatory organizations. Third, voter reforms try to incorporate citizens in the decision-making process through initiatives, referendums and public opinion polls. Fourth, participatory reforms try to incorporate people in the decision-making process through deliberation. More information, more time and more opinions are vital for deliberation and should be encouraged by the system.

When the various reforms within this typology are categorized it is clear that most reforms fall under the integrative and indirect reform category. Nonetheless,

there is also evidence that some pendulum, voter and participatory reforms are being implemented as well. This reinforces the impression that many of the industrialized western democracies are suffering from institutional anomie and the watering down of the impact of those reforms that do not fit the dominant integrative and indirect dimension. The findings in chapter 5 show that different models of democracies are combined in the same way as Flinders describes in his UK case study *“not that it has shifted the nature of democracy (...) from one model to another, but that it has sought to apply different models at the periphery and core: bi-constitutionality. Revealing the existence of overlapping or intertwined models of democracy (...)”* (2010, p. 8).

### 8.3.2 Gap between Elite Reform Choices and Societal Needs

Notwithstanding this lack of a coherent reform strategy I do notice that there is a convergence occurring amongst established western democracies on the indirect and integrative dimensions. The widespread occurrence of integrative and indirect reforms amongst the countries in the analysis indicates a process of integration of groups into the decision making process on the elite level. This is not in line with the findings of Hendriks and Michels (2011) who conclude that convergence has been limited on the national level. Convergence, in their view, happens when majoritarian systems move towards consensus systems and when consensus systems move towards majoritarian systems. The authors conclude that they find similarity in the Netherlands and United Kingdom in the fact that both countries are no longer examples of any pure type of democracy and that they both represent some middle option of democracy.

*“A clear polarization of opinion can be identified within the scholarly analysis between those who have interpreted New Labour’s impact on the constitution as fundamental and those more skeptical observers who view the very same reforms as involving a far less radical, even cosmetic effect on democracy in the UK. In this context Peter Mair observes, “New Labour is currently engaged in what amounts to a full-blooded constitutional revolution, dragging the political system away from an extreme version of majoritarian democracy towards a more institutionally consensual model” while Mark Evans rejects such an interpretation and argues that the “Third Way democracy is elite democracy in disguise”* (Flinders, 2010, p. 7).

In essence, both Mair and Evans are correct in their observation as mentioned in the quote above, if we agree that consensus democracy is an elitist form of democracy. As described in chapter 5, consensus democracy is integrative but at the elite level. What

is more interesting to observe, however, is the fact that elites do not choose reforms that are in line with the societal configurations.

The results in the second part of chapter 5 demonstrate that hierarchical inclinations are declining in most of the countries in the analysis. Despite a decline in hierarchical culture it seems that most reforms implemented in the 1990s can be classified as favouring the indirect and aggregative democratic model. This trend shows an effort of elites to address the decline of the hierarchical culture and with it the consensus democratic model. Introducing a few pendulum, voter or participatory reforms gives citizens the impression that their system is changing, and as a result expectations are aroused. When these expectations are not met this creates a gap. The idea of a legitimacy gap is related to the notion of constitutional anomie. As put by Flinders (2008, p.2): *“Constitutional anomie is therefore an ailment of both mental and physical health vis-à-vis the body politic. Social and political anxiety, confusion and frustration emerge with the result that reforms that were designed to enhance levels of public trust and confidence in politics, politicians and political institutions can actually have the opposite effect. The prognosis for constitutional anomie depends on a complex range of factors but not least the creation of specific anomalies and inconsistencies that are likely to augment to the point at which the pressure for more fundamental measures becomes inevitable”*.

### 8.3.3 Gap between Rhetorical Practices and Governing Practices

*“The focus of the explanation offered (...) rests on the distinction (or gap) between rhetorical principles and governing practice and combines to generate a clear thesis concerning what is termed ‘constitutional anomie’”*.

And there is

*“(...) a critical tension for the government between their pre-election rhetoric of ‘fundamental’ or ‘radical’ constitutional change, and their post election determination to retain the power of the strong state in order to protect their governing capacity in terms of driving through new policies and ensuring delivery”* (Flinders, 2010, p. 5).

The findings in chapter 7 would agree that there is a clear gap between elite rhetoric and elite action with regard to reforms. Renwick (2011) observes a shift in reform procedures, from top-down to bottom-up reform. In chapter 7 I describe how some democratic reforms do include direct citizen participation, as an instrument intended to decrease citizen disenchantment. However, based on case studies from the Netherlands, UK and New Zealand I conclude that elites do not use direct democratic instruments as they were initially intended to be used.

Direct democratic theorists argue that participation improves the core elements of democracy because it allows citizens to influence decision making directly. The AV referendum (UK) and Burgerforum (NL) cases indicated that this is not always the case. In the UK voters were asked to make a choice between the FPTP system or the Alternative Vote, while none of these options were any one's favorite. In the Netherlands, the cabinet had no intention to change the electoral system, but allowed the citizen assembly as a mechanism of appeasing the D66 party and rescuing the coalition. Both the AV referendum and the Dutch Burgerforum were a product of coalition bargaining and they were not necessarily intended to improve the core elements of the democratic system. By not giving citizens a real choice or the assembly any real decision making influence the process seemed somewhat redundant. In New Zealand elites chose to keep out of the referendum debate which eventually led to the retaining of the status quo system MMP. Without the involvement of elites the yes and no campaigns failed to whip up public enthusiasm towards democracy and the democratic process. Anomie does not only arise through inconsistency but also through misuse. Chapter 7 describes how confusion and disappointment appear when elites do not use voter and participatory methods as they were intended to. At the end of the day the system remains dominated by the indirect and integrative dimension.

## 8.4 Inability to Rebuild Satisfaction and Trust

*“New Labour responded to (...) tensions in a typically British manner: by ‘muddling through’ in the sense of ad hoc pragmatic responses to specific challenges, but without any clear statement of overall intent or principled foundation. ‘Muddling through’, however, can be interpreted as an inadequate response to the challenges of modern governance at the cusp of twenty-first century. Instead of reconnecting the governed and the governors or revitalizing politics, the available data and survey evidence suggest that trust in traditional politics, politicians, and political institutions appears to have declined during 1997-2007” (Flinders, 2010, p. 4).*

Not just New Labour, but many western governments failed to revitalize democracy, satisfaction and trust across established European democracies. Here we can link Flinder's findings with the legitimacy model presented in chapter 2. That is when things go wrong on the normative- institutional level (constitutional anomie) this has an effect on empirical legitimacy. The disappointment of the reform movement could be a result of anomie, the introduction of different types of reforms concurrently eventually cancels out the eventual individual effects.

The findings reported and discussed in chapter six confirm that most reforms do not show the expected impact on democratic legitimacy. The impact of reforms on legitimacy is complicated. To start with, these are reforms with no impact at all or a negative effect: Introduction of referendum reforms, new public management reforms, introducing administrative procedures for public consultation, direct elections of executive reforms, party subsidy reforms, regulatory institutions reform and extensions of powers of the European Union are all negatively correlated with one or more legitimacy indicators in the analysis. Parliamentary reforms have no effect at all. The only reforms with a positive effect on either trust in parliament, trust in government or satisfaction with democracy are freedom of information reforms, electoral system reforms, decentralization and extension of the powers of courts.

## 8.5 Implications for Theory: Do Institutions Matter?

To begin with New-Institutional theory often tends to argue that reforms are rare events. This study has shown that reforms are not exceptional events. Future research on democratic reforms should look at the bigger picture. If we focus on all democratic reforms, reforms that have an impact on the power relationship between institutions and citizens no matter their size, we see that democracies are fluid and ever changing entities.

Furthermore, it is difficult to conclude which direction a certain country is taking in terms of types of democracy if one does not incorporate all reforms. Focusing on direct reforms alone would lead one to mistakenly conclude that the system is being opened up to citizens. However, if we integrate non-majoritarian reforms we see that more and more policy areas are actually being insulated from the public.

One of the reasons why reforms are supposedly rare events is because of veto-players. The expectation that a higher number of veto-players in a system make institutional reform more difficult is not confirmed. The analysis showed that a higher number of parties actually increases the odds of a reform occurring. Furthermore, external factors seem to be more important than institutional actors in explaining the occurrence of reform: economic development and more importantly quality of government are associated with higher odds of reform.

This study also discussed how advocates of citizen involvement believe that by using information, consultation and active citizen participation, governments are expected to be able to improve their relations with the individual citizen, which will lead to a strengthening of legitimacy. Others suggest that voters themselves want to avoid conflict and interaction, and instead want decisions to be taken by experts.

Because experts are usually isolated from party politics, they are seen as being better able to make decisions favorable to the common good. The analysis in chapter six, however, found the impact of institutional reforms to be limited.

In sum this analysis has shown that reforms are not rare events, institutional veto-players (with the exception of the number of parties to a small extent) do not play a substantial role in reform occurrence and that the impact of institutional reform is limited. These results would indicate that institutions do not matter as much as institutional theory expects them to.

Acknowledging these shortcomings some researchers are trying to fill our knowledge gaps in this area by holding focus group sessions. In these sessions citizens are asked how they understand democracy and the functioning of democratic institutions, what they think should change about the system and which concrete reforms they would like to introduce -if any <sup>1</sup>.

## 8.6 Future Research

The impact of variables of the quality of government and economic performance indicators (from chapter 4) are expected to grow even further if we were to increase our cases to include reforms from 2008 onwards. The development of the global and European financial crisis and the emergence of protests in many major cities across established and non-established democracies have brought certain commentators to believe that we should expect a new wave of democratic reforms or democratic awakening. The current economic and social context can lead students of democratic reform to focus on the following questions:

- Whether the current economic crisis and urban protests (starting in 2007) increased the discussion and introduction of democratic reforms. Recently, some constitutional conventions were been set up in hard hit economies such as Iceland (Bergmann, 2013) and Ireland (Bedock, 2013).
- What the impact is of new forms of reform processes. Are elites consulting citizens more since the rise of the protests? Recently, Iceland used different social media sites such as Facebook, Twitter, Youtube, and Flickr to draft its new constitution and boost support (Bergmann, 2013). A recent referendum (October 2012) showed that two thirds of citizens accepted this *method* of constitutional building.

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<sup>1</sup>A recent example: Ganuza et al. 2013 who find that what people in Spain don't want more expert institutions

- What types of democratic reforms are being demanded by protestors and which changes are being discussed and/or implemented on the elite level. Do we see a reduction, increase or termination of powers of non-majoritarian regulatory institutions in light of their failures? Do we see more and more regions seeking succession due to the economic crisis, such as recently seen in Belgium, Scotland and Catalonia? Or do we see demands for other representative type reforms: such as a reduction of the number of politicians or the abolishment of 'redundant' upper houses?

## 8.7 Implications for Reformers: The Impact of Anomie on Legitimacy

*"The absence of any clear underlying logic or variables combined with evidence that the government was committed to a far reaching shift in the nature of democracy in principle but not in practice alienated large sections of the public and reinforced existing beliefs about the trustworthiness of politicians. Constitutional anomie therefore eviscerated the potential rewards of reform in terms of rebuilding trust because it confused the public in terms of the underlying logic or consequences of each specific measure as well as frequently cultivating an image of a government constantly devolving power with one hand, only to claw it back through the imposition of exemptions, opt-outs, or ministerial veto at the implementation stage" (Flinders, 2010, p. 11).*

Institutional anomie, that is the discrepancy between the principle and the practice of institutional reform, has an impact on empirical legitimacy. If reformers want to narrow the confidence gap between citizens and the state:

- To begin with, reformers should put their reform proposals in a broader *democratic context*. In other words, they should link their reforms to other (prior) reforms and to a particular model of democracy. This is important in order to understand where it is they are going and whether this is in line with their original plan or *constitutional morality* (that is if they had established one to begin with). Furthermore, it could also prevent systemic contradictions and confusion among the public about the motivations of the government.
- If reformers do not have a specific democratic model or structural level norm (constitutional morality) in mind there is another *underlying logic* they could follow. Mass level cultural dispositions could reveal which reforms would resonate most effectively among the public and which are bound to fail or face resistance.

- If governments do decide to introduce innovative democratic structures they should use them as they were intended. This also holds for the use of innovative instruments in reform processes. In other words, they should *follow the manual*. Misusing direct democratic instruments will be considered opportunistic political tactics and this could eventually have the opposite effect on legitimacy.

